

CLASS ORDER

FOR WORKPLACES WITH CASES OF SARS-CoV-2 (COVID-19)

Made pursuant to Section 22(5.0.1) of the

Health Protection and Promotion Act, R.S.O., 1990. C.H. 7, as amended

Date: **JUNE 21, 2021**

TO: All persons who own, operate, or occupy a workplace premises or are responsible for a business or organization within Windsor and Essex County where two or more persons connected with the premises who:

- a. Are identified as a person diagnosed with COVID-19; or
- b. Have the signs and symptoms of COVID-19, have been tested for COVID-19 and awaiting the results of their test; or
- c. Otherwise having reasonable grounds to believe they have symptoms of COVID-19; or
- d. Are a close contact of a person diagnosed with COVID-19.

AND TO: Persons working at a workplace premises including but not limited to employees, those hired under third party agencies, contractors, vendors, volunteers or students, or any other persons present at the workplace premises in Windsor and Essex County.

I, Dr. Wajid Ahmed, Medical Officer of Health, for Windsor and Essex County, ORDER TO TAKE THE FOLLOWING ACTIONS, **effective June 25, 2021 at 12:01am**:

1. **Comply with all requirements that apply to your workplace** as set out under applicable legislation, including the [Occupational Health and Safety Act, Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#), the earlier [Section 22 Class Isolation Order, as amended](#), and all applicable regulations including this Order.
2. **Immediately exclude** from the workplace premises individuals who identify as above in a., b., c., or d. These individuals are to confine themselves to their home or isolation facility as per [Section 22 Class Isolation Order, as amended](#), isolate away from others, and follow directions given by the Windsor-Essex County Health Unit (WECHU) staff around isolation and public health measures.
3. **Immediately notify the WECHU as soon as you are aware of two or more persons who tested positive for COVID-19 with a 14-day interval at your workplace premises** by calling 519-258-2146 ext. 4400. Be prepared to provide workplace relevant details for individual staff members affected.
4. An outbreak may be declared by the Medical Officer of Health of the WECHU where two or more people who tested positive for COVID-19 are identified in connection with your workplace within a 14-day interval. Please ensure the following steps are taken:
 - i. Maintain privacy when communicating to employees about a possible case or outbreak.
 - ii. Prepare a list of close contacts within the workplace of the positive persons, and provide the list to the WECHU within 24 hours of request.
 - (a) Ensure the employee list is accurate with updated contact information to support case management and contact tracing.
 - iii. Where facilities are required to maintain a log of patrons, clients, visitors and guests, the log must be made available to the WECHU within 24 hours of request.
 - (a) The log must hold records of every worker, client, patron, or essential visitor who attends the workplace for 30 days. The record must include name and contact information of each individual
 - iv. Notify the Ontario Ministry of Labour, Training and Skills Development and Workplace Safety Insurance Board or other relevant governmental authorities.

- v. Provide contact details of the designated individual at the workplace premises that can be reached as necessary to communicate with the WECHU, and implement any additional measures as required.
 - (a) The designate is readily available to communicate with the WECHU 7 days per week, from 8:30 am to 6:30 pm.
 - (b) This designate will also work with owners, operators, and occupiers of the workplace to follow all WECHU instructions pertaining to contact tracing and identifying workers who need to isolate, including ensuring that any instructions are communicated to workers.
 - (c) The WECHU will provide contact details to the designate for regular hours (Monday through Friday 8:30 am to 4:30 pm) and after-hours (evenings and weekends) communications. The designate must inform the WECHU of any new positive cases, and any known changes in operations related to infection prevention and control measures that would impact transmission.
- vi. Cooperate with infection prevention and control personnel, including allowing entry into the workplace premises for inspection, where deemed necessary.

5. Workplace Closures

Workplace closures or mass dismissals will be strongly considered by the WECHU based on evidence of workplace transmission of five (5) or more confirmed or probable COVID-19 cases for individuals who have attended a workplace with a 14-day period. **The notice will include instructions to close all or any part of your workplace premises for a period of 10 days, or until appropriate measures are in place as specified by the WECHU.**

- i. Workplace closures will be limited to when:
 - a. The Province of Ontario has enacted a Shutdown Zone or Step 1 under [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#), and applicable regulations, OR
 - b. Under similar provisions in successor legislation.
- ii. The Windsor-Essex County Health Unit may, in its judgement, by notice require:
 - a. Full workplace closure to immediately occur and continue for a period of 10 days or for a duration specified by the WECHU; or
 - b. Partial workplace closure or a shift or work area mass dismissal to immediately occur and continue for a period of 10 days or a duration specified by the WECHU; or
 - c. Other interventions necessary to control the outbreak and limit transmission. The Windsor-Essex County Health Unit may give notice verbally as an initial step to implement closure or a shift or work area mass dismissal, or other significant intervention of a workplace premises, following with a notice in writing when possible.

6. Access

Notwithstanding the above, temporary access to a closed place of business is authorized, unless otherwise prohibited by any applicable law, as per [Ontario Regulation 82/20](#) Schedule 1 & 6 s. 1 (6) under the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020, S.O. 2020, c. 17](#)

7. Remote Work

None of the above precludes a business from operating remotely, without persons attending at the workplace premises referred to in this Order.

8. Instruction of the Medical Officer of Health

The following instructions shall be communicated to all workers by the owners, occupiers of the workplace premises or persons responsible for a business or organization impacted by a workplace closure or mass dismissal notification:

- i. Workers are required to self-isolate as follows:

- (a) COVID-19 positive workers, workers who have been identified as a close contact by the WECHU, or workers who are or become symptomatic must self-isolation as set out in the [Section 22 Class Isolation Order, as amended](#).
 - (b) Workers of a workplace premises under closure order who are not symptomatic must self-isolate for a period of 10 days, or for such time as the workplace premises is closed.
 - ii. Workers of closed workplace premises shall not work in another workplace during their period of isolation.
 - iii. Testing Recommendations:
 - (a) Symptomatic workers should be tested as soon as possible from the date of onset of symptoms using the workplace premises outbreak number provided. Symptomatic individuals who decline testing will be treated as a probable case and shall follow all WECHU instruction on continued self-isolation.
 - (b) Workers who test positive for COVID-19, or determined to be a probable case, should notify their employer immediately.
 - (c) Asymptomatic workers are encouraged to seek testing.
 - iv. Testing is not required to reopen the workplace premises or for a worker to return to work if they are asymptomatic.
9. Owner, operators, or persons responsible for a workplace premises that has been closed by notice under this Order shall post the notice at the entrance in a manner that is conspicuous to the public in a form provided by the Windsor-Essex County Health Unit indicating the workplace premises is closed.
10. This Order comes into effect on the day it is made, June 25, 2021.

THE REASONS FOR THIS ORDER ARE:

1. COVID-19 is a disease of public health significance and has been designated as communicable under Ontario Regulation 135/18 as amended. The World Health Organization has declared COVID-19 pandemic. The Province of Ontario has declared an emergency under the Emergency Management and Civil Protection Act as a result of the pandemic.
 - a. On March 11, 2020, the spread of COVID-19 was declared a pandemic by the World Health Organization;
 - b. On March 20th, 2020, the first case of COVID-19 was reported in the jurisdiction of the Windsor-Essex County Health Unit;
 - c. On April 7, 2021, the spread of COVID-19 was declared an emergency in Ontario for the third time under the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, as amended, in the response to the rapid increase in COVID-19 transmission, the threat on the province's hospital system capacity, and the increasing risks posed to the public by COVID-19 variants.
 - d. As of the date of this Order, there is evidence of continued community transmission of COVID-19 in the jurisdiction of Windsor-Essex County Health Unit.
2. COVID-19 poses a risk to the health of residents of the City of Windsor and County of Essex through community transmission, which is presently approximately 30% of cases. The COVID-19 virus is spread from an infected person to a close contact by direct contact or from respiratory secretions from the infected person. The risk of transmission is the greatest in close contact environments, including workplace premises, where persons are within 2 meters (6 feet) of others, and/or without face coverings, and/or where there is poor ventilation.
3. To contain the spread of COVID-19, individuals experiencing symptoms consistent with COVID-19, or who are infected with COVID-19, as well as their close contacts, are required to isolate themselves from other people until they are no longer infectious or potentially infectious. Isolation ensures that these people will not spread their infection to others.

I AM OF THE OPINION, ON REASONABLE AND PROBABLE GROUNDS, THAT:

1. A communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit region served by me;
2. The communicable disease presents a risk to the health of persons in the health unit region served by me; and
3. The requirements specified in this Order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

I am also of the opinion that the delivery of notice of this Order to each and every member of the class is likely to cause delay that could significantly increase the risk to the health of any person residing or working in Windsor and Essex County, so notice shall be provided through the public media and the internet via posting on the Windsor-Essex County Health Unit website: <https://www.wechu.org/>

The following definitions apply to this Order:

“**Close contact**” is as defined in the Section 22 [Class Isolation Order](#), as amended, AND as outlined in the Ministry of Health’s [Management of Cases and Contacts of COVID-19 in Ontario, as updated](#).

“**COVID-19 Workplace Outbreak**” as defined in [COVID-19 Guidance: Workplace Outbreaks](#)

“**Probable case**” is as defined in [Management of Cases and Contacts of COVID-19 in Ontario, as updated](#).

“**Symptoms**” of COVID-19 listed on the Ministry of Health’s [COVID-19 Reference Document for Symptoms](#)

NOTICE

TAKE NOTICE THAT each member of the class is entitled to a hearing by the Health Services Appeal and Review Board if you deliver a notice in writing to me (at the address below) and to the Health Services Appeal and Review Board (at 151 Bloor Street West, 9th Floor, Toronto Ontario M5S 1S4) requesting a hearing within 15 days after the publication of this Order or otherwise in the accordance with applicable law. In the context of the COVID-19 outbreak:

All requests for review, submissions, materials, and inquiries should be sent to the Health Services and Appeal Board by email to hsarb@ontario.ca or faxed to the Board at 416-327-8524.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested this Order takes effect when it is delivered to you or brought to your attention.

FAILURE TO COMPLY WITH THIS ORDER may result in further legal action being taken against you under sections 36(2), 35, 102, and other relevant provisions of the Health Protection and Promotion Act.

FAILURE TO COMPLY WITH THIS ORDER is an offence under section 101 of the Health Protection and Promotion Act for which you may be liable, on conviction, to a fine of not more than \$5,000.00 (for a person) or not more than \$25,000.00 (for a corporation) for every day or part of each day on which the offence occurs or continues.

If you have any questions about this Order, please contact the Windsor-Essex County Health Unit by telephone at 519-258-2146 ext. 1421.

S. Wajid Ahmed, MBBS, MAS, MSc, FRCPC
Medical Officer of Health
The Windsor-Essex County Health Unit
1005 Ouellette Avenue

Windsor, Ontario N9A 4J8