

CLASS ORDER

Made pursuant to Section 22(5.01) of the
Health Protection and Promotion Act, R.S.O, 1990. c.H 7, as amended

Date: Updated December 18th, 2020

This order replaces the Class Action order issued to the Directors of Education for (a) Greater Essex County District School Board, (b) Windsor Essex Catholic District School Board, (c) Conseil Scolaire Catholique Providence, (d) Conseil Scolaire Viamonde, and (e) The Directors of Education, Headmasters or Heads of School of Private Schools in Windsor-Essex County on December 11, 2020.

To: The Directors of Education for (a) Greater Essex County District School Board, (b) Windsor Essex Catholic District School Board, (c) Conseil Scolaire Catholique Providence, (d) Conseil Scolaire Viamonde, and (e) The Directors of Education, Headmasters or Heads of School of Private Schools in Windsor-Essex County

Under Section 22(5) of the Health Protection and Promotion Act, a Medical Officer of Health may make an order directed to a person(s) who: (a) resides or is present, (b) owns or is the occupier of any premises, (c) owns or is charge of any thing, (d) is engaged in or administers any enterprise or activity in the health unit served by the Medical Officer of Health to take or refrain from taking any action that is specified in the order in respect of a communicable disease.

I, Dr. Wajid Ahmed, Medical Officer of Health, for Windsor and Essex County, ORDER YOU TO TAKE THE FOLLOWING ACTIONS, **effective 12:01 a.m. on December 14, 2020:**

- 1. Suspend all in-person student learning and before/after school programs until 12:01 a.m., January 2, 2021.**
- 2. During the length of this Order:**
 - a. Educators and Staff can attend schools for the purposes of: (i) conducting remote learning, (ii) attending meetings with school officials, and (iii) managing school facilities; and
 - b. Schools can remain open for the provision of full-time childcare services.

THE REASONS FOR THIS ORDER ARE:

- a. COVID-19 is a disease of public health significance and has been designated as communicable under Ontario Regulation 135/18 as amended. COVID-19 has been declared a pandemic by the World Health Organization. The Province of Ontario has declared an emergency under the Emergency Management and Civil Protection Act as a result of the pandemic.
- b. Based on data available to the Windsor -Essex County Health Unit, I am of the opinion upon reasonable and probable grounds that there is a high risk of increasing spread of COVID-19 within Windsor and Essex County and subsequently in the elementary and secondary schools in the region. The measures specified in this Order are necessary to decrease or eliminate the risks associated with the COVID-19.

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

- a. 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 in Windsor-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/>

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 an hearing within 15 days after the publication of this Order or otherwise in the accordance with applicable law. In the context of the COVID -10 outbreak:

{00397113 3}

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