



## Novel Coronavirus (COVID-19)

### Employment & Labour

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# Business Closure Order for Peel and Toronto

By Shreya Patel

Toronto Public Health and Peel Public Health have issued an order under Section 22 of the *Health Protection and Promotion Act* requiring businesses in Peel and Toronto with five or more confirmed cases of COVID-19 within 14 days to close for 10 calendar days effective Friday, April 23, 2021 at 12:01am (the "Order").

During a closure under the Order, workers at the affected workplace will generally be required to self-isolate. Workers who are self-isolating are not permitted to work in any other workplace. Public health units may exercise its discretion to order a full closure or partial closure of the workplace.

Certain workplaces, such as health care facilities, pharmacies, shelters, first respondent emergency services, critical infrastructure, government services, schools, child care centres, and workplaces providing critical services may be exempt from full closure requirements.

Employers currently do not have an obligation to pay employees while they are self-isolating under the Order. Employees may be eligible to participate in and obtain benefits under the federal sick days program. When self-isolating, employees will be deemed to be on an infectious disease emergency leave under the Ontario *Employment Standards Act, 2000*.

Given the rampant spread of COVID-19 in workplaces and in the community, employers that continue to be open should ensure they have a safety plan, re-evaluate their operations to permit employees to work remotely when possible and comply with screening requirements and physical distancing in the workplace.

Workplaces that fail to comply with the Order may be liable for a fine of up to \$5,000 and a corporation may be liable, on conviction, for a fine of no more than \$25,000, for every day or part of each day on which the offence occurs or continues. Employers may also be subject to additional orders for breach of health and safety provisions under the Ontario *Occupational Health and Safety Act*.

Our Labour Relations and Employment Law Group continues to monitor changes to workplace legislation. Should you have any questions, please reach out to a member of our team.

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