

CLASS ORDER

**made pursuant to Section 22 of the Health Protection
and Promotion Act, R.S.O. 1990, c.H.7**

February 18, 2021

TO: All owners/operators of food premises, including bars, restaurants, banquet halls, wineries, or breweries, including ones where only beverages are served, within the Niagara Regional Area

I, Dr. M. Mustafa Hirji, Medical Officer of Health (Acting) for the Niagara Regional Area, order you under section 22 of the *Health Protection and Promotion Act* to take the following action(s) effective 00:01 February 22, 2021, until further notice:

1. Record the following information from every patron who is 16 years of age or older that enters an indoor or outdoor dining area in the establishment, other than patrons who briefly enter the area to place, pick up, or pay for a takeout order:
 - a. Name
 - b. One form of contact information (phone number, electronic mail address, physical address)
 - c. Time of arrival
 - d. Time of departure
 - e. Table number or location
 - f. Attestation that the patron does not suffer any of the following symptoms (excluding from a chronic non-contagious existing diagnosis):
 - i. Fever / chills
 - ii. New cough or a cough that is getting worse
 - iii. Loss of, or change in, taste or smell
 - iv. Shortness of breath (while sitting or walking at a regular pace)
 - v. Sore throat
 - vi. Runny nose / nasal congestion
 - vii. Unusual level of fatigue
 - viii. Unusual headache
 - ix. Nausea / vomiting, diarrhea, or loss of appetite
 - x. Feeling unwell for an unknown reason
 - g. Attestation that the patron is joining a table with only household members, and/or a maximum of two persons who are essential to maintaining physical and mental health (e.g. caregivers, social supports to someone who lives alone).
2. Do not serve patrons for indoor or outdoor dining on the premises if they do not provide information for the above records.
3. Retain the above records for a period of at least one month, and ensure the records are maintained and stored in a secure manner to preserve privacy of patrons, and appropriately and securely destroyed after the one month retention of those records has elapsed.

4. Disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request, or as otherwise required by law.
5. Conduct daily interactive screening of all employees for symptoms of COVID-19, using the Ministry of Health's "COVID-19 Screening Tool for Workplaces"; or another tool with the same minimum set of questions, such as the "COVID-19 Screening Tool" developed by Niagara Region Public Health. Answers to daily screens must be collected and retained for at least one month.
6. Ensure the workplace is arranged (e.g. spacing of stations, visual cues) to facilitate the likelihood that employees will keep two metres distance from each other and from patrons at all times. For emphasis, employees on breaks should be facilitated to keep 2 metres distance from each other.
7. Ensure that patrons are seated at all times except
 - a. while entering the area and while moving to their table,
 - b. while placing or picking up an order,
 - c. while paying for an order,
 - d. while exiting the area,
 - e. while going to or returning from a washroom,
 - f. while lining up to do anything described in sub-paragraphs a to e, or
 - g. where necessary for the purposes of health and safety.
8. Ensure that patrons seated at different tables are separated by
 - a. a distance of at least two metres, or
 - b. plexiglass or some other impermeable barrier.
9. Provide sufficient alcohol-based hand rub (minimum alcohol concentration of 70%) at every table, and at the entrance and exit of the establishment, with prompting to use it upon entry and exit.
10. In order to encourage honest and forthright reporting of COVID-19 symptoms and/or contact amongst employees, ensure that all employees are aware of any benefits and/or pay to which they may be entitled in the event that they must isolate due to having symptoms of COVID-19, being tested for COVID-19, or being a contact of COVID-19.

THE REASONS for this ORDER are that

1. COVID-19 is a potentially fatal infectious disease, currently constituting a worldwide pandemic.
2. COVID-19 is a communicable disease that can spread readily to others through respiratory droplets that are released from the nose and mouth, contact with contaminated surfaces, and poor hand hygiene.
3. COVID-19 may be transmitted from persons who have minimal or no signs or symptoms of illness.
4. The risk of transmission of COVID-19 is greater in close contact environments where persons are within two metres and/or without face coverings.
5. The socializing of persons in food premises has been associated with significant spread of COVID-19 in Niagara amongst non-household members.

6. Persons infected with COVID-19 in food premises in Niagara have subsequently spread COVID-19 more widely, and is one of the factors leading to large numbers of cases of infection, including in congregate care settings with vulnerable residents at greatest risk of dying.
7. Employees of food premises in Niagara have in some circumstances continued to work while COVID-19 symptomatic and infectious, putting others at risk in the workplace.
8. Ongoing widespread disease transmission of COVID-19 will lead to outbreaks in congregate settings with vulnerable residents, and to increased morbidity and mortality of COVID-19 within the population of Niagara.

I am therefore 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 served by me;
2. The communicable disease presents a risk to the health of persons in the health unit served by me;
3. The requirements specified in this order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

NOTICE

TAKE NOTICE THAT you are entitled to a hearing by the Health Services Appeal and Review Board if you deliver to me and to the Health Services Appeal and Review Board, Health Boards Secretariat, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 2T5, notice in writing, requesting a hearing within 15 days after service of this Order.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested this Order takes effect when it is served upon you.

FAILURE to comply with this Order is an offence for which you may be liable, on conviction, to a fine of not more than \$5,000.00 for every day or part of each day on which the offence occurs or continues.



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