

ORDER

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

and

AMENDED LETTER OF INSTRUCTION

Issued pursuant to Schedule 1, Section 2 (2) of Ontario Regulation 364/20: Rules for areas in Step 3 and at the Roadmap Exit Step under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020 c. 17

Issue Date: December 8, 2021

To: All Residents, Employers, Business Owners and Operators, and Person(s) responsible for organized gatherings in the Municipality of Chatham-Kent, served by the Chatham-Kent Public Health Unit.

RE: Chatham-Kent Public Health Instructions and Order regarding capacity limits and additional requirements.

Issued by: Dr. David Colby, Medical Officer of Health, Chatham-Kent Public Health Unit

The Reasons for this Order and Letter of Instruction are:

Under Section 22 of the Health Protection and Promotion Act, a medical officer of health may make an order requiring persons who reside or are present in the health unit served by the Medical Officer of Health to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.

Based on data available to the Chatham-Kent Public Health Unit, I, Dr. David Colby, Medical Officer of Health for the Municipality of Chatham-Kent, am of the opinion that:

- a) COVID-19 is present in the Municipality of Chatham-Kent and therefore poses a risk to the health of the residents of the Municipality of Chatham-Kent through community transmission. 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.
- b) In reaction to the health risk posed by high levels of transmissibility of COVID-19, the Province of Ontario amended Ontario Regulation 363/20 on July 16, 2021 with the amendment having the effect of placing the Chatham-Kent Health Unit under the Areas at Step 3 in accordance with Schedule 3, effective on July 16, 2021.

- c) Given the burden of COVID-19 on the area served by Chatham-Kent Public Unit, I believe that certain additional restrictions, including limiting the size of social gatherings, are necessary to control the spread of COVID-19.

I, Dr. David Colby, as the Medical Officer of Health for the Chatham-Kent Public Health Unit am:

- i. **issuing an order pursuant to Section 22 of the Health Protection and Promotion Act, R.S.O. 1990, c.H.7, as amended; and**
- ii. **issuing instructions pursuant to Schedule 1, Section 2 (2) of *Ontario Regulation 364/20: Rules for areas in Step 3 and at the Roadmap Exit Step under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020 c. 17.***

Where this Order and Letter of Instruction imposes an additional requirement not set out in the *Reopening Ontario Act*, the requirement under this Order and Letter of Instruction must be followed. Further, any requirements which are not the proper subject of a Letter of Instruction shall be deemed to be an Order.

Effective Friday December 10th, 2021, at 12:01 a.m. and until further notice, I am ordering and, where applicable, instructing:

1. Compliance for businesses and organizations that are open under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020:

- (1) Review workplace safety plans (as outlined in O.Reg. 364/20) with workers regularly, at least once per month and make adjustments as needed. These meetings must be documented and include the following data elements:
 - a. attendees
 - b. date of meeting
 - c. summary of discussion
- (2) Enable remote work for workers, where reasonably possible, to reduce the number of workers exposed to the risk of transmission at the workplace. Additionally, as much as possible limiting the gathering of employees by:
 - i. Utilizing virtual options for meetings;
 - ii. Ensuring physical distancing in lunchrooms/break rooms as well as other locations where workers may be eating and/or drinking, including staggering lunches or breaks where necessary.
- (3) Workplaces/businesses currently required under the Reopening Ontario Act 2020 (A Flexible Response to COVID-19) to keep a list of attendees (visitors, patrons, clients) to the workplace including name and contact information must provide the list to the CKPH immediately upon request from a CKPH official.

2. Compliance for all persons, businesses, and organizations with respect to gatherings:

- (1) The social gathering limit of 25 people for indoor events under section 1(1)(b)(i) of Schedule 3 of O. Reg 364/20 is hereby reduced to a limit of 10 people. All other provisions and exceptions set out in this schedule shall continue to apply.
 - (2) Gathering limits identified above (1) do not apply to social gatherings associated with a wedding, a funeral or a religious service rite or ceremony, such as a wedding reception, nor do they apply to long-term care homes.
- 2.1 Gatherings associated with a wedding, a funeral or a religious service rite or ceremony must:
- (a) Not permit the use of receiving lines;
 - (b) Must ensure assigned seating for all attendees;
 - (c) Ensure that all attendees wear a mask or face covering at all times, except when seated at their assigned seat and consuming food or drink; and
 - (d) Ensure that capacity is limited by the number of individuals that can maintain physical distancing.
- (3) Keep a list of all attendees of a social gathering including name and contact information and provide the list to the CKPH immediately upon request from a CKPH official.

For the purpose of these instructions and order, the following definitions apply:

“worker” means any employee, independent contractor, manager, director, officer, owner, partner, shareholder, volunteer, student or any other person engaged in the business or organizational activity at the workplace.

“workplace” means any land, premises, work vehicle, location or thing at, upon, in or near which a worker works.

“patron” means any member of the public that is not an employee or worker at the workplace.

Any reference to “mask” or “face covering” in this Letter of instruction is as per the Province of Ontario’s COVID-19 regulatory framework requirement, under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, which require a mask or face covering to be worn “in a manner that covers their mouth, nose and chin”.

Pursuant to section 22(5.0.3) of the *Health Protection and Promotion Act* and due to the delay that delivery of notice of this Order would cause, which would significantly increase the risk to health of residents, this order is delivered through publication on the Chatham-Kent Public Health website.

Take notice that each person to whom this Order is directed is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered 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 service of this Order or otherwise in accordance with applicable law.

And take further notice that although a hearing may be requested this Order takes effect when it is delivered to the person.

Failure to comply with the portions of this order regarding social gathering limits is an offence under 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 that \$25,000.00 (for a corporation) for every day or part of each day on which the offence occurs or continues.

Failure to comply with the requirements under Ontario Regulation (O. Reg. 364/20) and those identified under this letter of instruction pursuant to [O. Reg. 364/20](#) is an offence under the *Reopening Ontario Act* for which an individual and/or the business or organization may be liable. Set fines under Part 1 of the [Provincial Offences Act](#) (POA) is \$750 for individuals and \$1,000 for corporations. Maximum penalties based on prosecution under Part I or Part III of the POA includes fines of up to \$100,000 and up to one year in jail for an individual; up to \$500,000 and up to one year in jail for an individual who is a director or officer of a corporation; and up to \$10 million for a corporation.

These instructions, including any revisions to these instructions can be found on the Chatham-Kent Public Health website at www.CKPublicHealth.com/Newsroom. Inquires about these instructions should be directed to Chatham-Kent Public Health at: covid19@chatham-kent.ca

Sincerely,



Dr. W. David Colby

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