INSTRUCTIONS FROM THE MEDICAL OFFICER OF HEALTH

Subject: Medical Officer of Health Instructions requiring remote work for workers where reasonably possible

Date: December 16, 2021

To: Persons responsible for a business or organization that is permitted to open under Step 3 of O. Regulation 364/20 in the Wellington-Dufferin-Guelph region.

From: Dr. Nicola Mercer, Medical Officer of Health and CEO

Effective Date of Implementation: Monday December 20, 2021

On December 10, 2021, Wellington-Dufferin-Guelph Public Health (WDGPH) reported the first local case of the Omicron variant of COVID-19. Since that first case multiple cases of Omicron have been confirmed in WDGPH resulting in schools closing and moving to online learning and isolation of youth hockey teams. Public Health Ontario estimates that Omicron has already become the dominant strain of the virus in Ontario. While our understanding of this new variant is evolving, we do know that Omicron is highly transmissible; early estimates suggest that each new Omicron case infects 7.7 times as many people as the Delta variant in Ontario. Locally, cases of COVID-19 have increased rapidly and as of December 15 are at 70.2 cases per 100,000 per week.

The residents, businesses and organizations of Wellington-Dufferin-Guelph have, time and time again, chosen to fight this pandemic with all the resources available to us. With the growing presence of the Omicron variant, now is the time to protect our progress. As we enter the holiday season with a rising case count, we must take action and utilize proven public health measures such as limiting social interactions to ensure our schools remain open and we limit the strain on our local businesses during one of their most important times of the year.

In response to persistently high and growing COVID-19 case counts in our region, I issue these instructions with continued support from Ontario’s Chief Medical Officer of Health, Dr. Kieran Moore, who recognizes the need for urgent public health measures to protect all those who reside and are otherwise present in the City of Guelph and the counties of Wellington and Dufferin.
AS MEDICAL OFFICER OF HEALTH FOR THE WELLINGTON-DUFFERIN-GUELPH HEALTH UNIT, I AM ISSUING THE FOLLOWING INSTRUCTIONS PURSUANT TO ONTARIO’S REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020 (ROA) AND EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT (EMCPA) WHICH REQUIRES ALL PERSONS RESPONSIBLE FOR A BUSINESS OR ORGANIZATION THAT IS OPEN TO OPERATE IN COMPLIANCE WITH THE INSTRUCTIONS OF PUBLIC HEALTH OFFICIALS. THAT INCLUDES THESE INSTRUCTIONS ISSUED BY ME, RENDERED MANDATORY BY SECTIONS 2(2) AND (2.1), SCHEDULES 1 AND 4 OF O. REG. 364/20 AS AMENDED (STEP 3 RULES), ISSUED UNDER THE ROA.

Effective Monday December 20, 2021, and until further notice unless otherwise specified, I, Dr. Nicola Mercer, Medical Officer of Health for Wellington-Dufferin-Guelph Public Health, in consultation with Ontario’s Chief Medical Officer of Health, instruct all owners, operators and persons responsible for a business or organization to:

Enable remote work for workers
Each person responsible for a business or organization that is open shall ensure that any person who performs work for the business or organization conducts their work remotely, unless the nature of their work requires them to be on-site at the workplace.

This instruction does not apply to a business or organization described below:

a. Operations or delivery of services by any government in Ontario; and

b. Any person or publicly-funded agency or organization that delivers or supports government operations and services, including operations and services of the health care sector.

For those workers who cannot work remotely, limit the gathering of workers as much as possible by:

(a) Utilizing virtual options for meetings;

(b) Ensuring physical distancing in lunch rooms/break rooms as well as other locations where workers may be eating and/or drinking; and

(c) Staggering lunches or breaks;

Further, it is expected that all Owners, Operators and Persons Responsible for facilities will encourage and facilitate vaccination where feasible and continue to comply with all
other public health measures including, but not limited to screening, physical distancing and use of personal protective equipment, as outlined in O.Reg. 364/20.

For the purpose of these Instructions, the following definitions apply:

**Screening** means the process of answering a set of screening questions to identify COVID-19 risk factors. Screening questions can be answered using a paper or electronic tool or questions may be asked directly by a designated screener. At a minimum, this process must include the questions found in the Ontario COVID-19 Worker and Employee Screening Tool found here: https://covid-19.ontario.ca/screening/worker/.

**Worker** means any employee, independent contractor (including temporary agencies, manager, director, owner, partner, shareholder, volunteer, student or any other person engaged in the business or organizational activity in the workplace).

Where this Letter of Instruction imposes additional requirements to those set out in the *Reopening Ontario Act* or other applicable Provincial legislation or directives, the requirements in this Letter of Instruction must be followed.

These Instructions will be enforced by public health officials and by provincial offences officers under one or more of the Health Protection and Promotion Act (sections 100, 101 and 102), ROA (sections 9, 9.1, 10 and 10.1) and/or EMCPA (sections 7.0.5 and 7.0.11). Failure to comply with these instructions is an offence. Among the enforcement actions that may be taken, you may be charged, and penalties imposed including significant fines, imprisonment and/or closure of premises.

A failure to comply with regulations issued under the ROA is an offence punishable by set fines of $750 for individuals and $1,000 for corporations under Part I of the Provincial Offences Act (POA). Maximum penalties for this offence if prosecuted under Part III of the POA include: for individuals, a fine of up to $100,000 and imprisonment for not more than one year; for an individual who is an officer or director of a corporation, a fine of up to $500,000 and imprisonment for not more than one year; and for a corporation, a fine of up to $10,000,000. A person is guilty of a separate offence on each day that the offence occurs or continues.

At this time I cannot provide you with an “end-date” for these Instructions. My current expectation, in consultation with the Chief Medical Officer of Health, is that they will be in place over the holiday season. It is not possible at this time to account for the potential impact of the Omicron variant of concern, about which much is currently being learned. I may amend these instructions (if and as required) and will rescind them as soon I determine they are no longer necessary.
These Instructions, including any revisions to these Instructions, are available on Wellington-Dufferin-Guelph Public Health website at wdgpublichealth.ca/your-health/covid-19-information-public/current-public-health-measures-and-restrictions/section-22

Questions about these Instructions can be directed to the Wellington-Dufferin-Guelph Public Health COVID-19 Call Centre at 519-822-2715 ext. 7006.

Original signed by

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