

June 24, 2020

ORDER OF THE MEDICAL OFFICER OF HEALTH

Made pursuant to Section 22 (5.0.1) of the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended

TO: All employers of farm workers, including Temporary Foreign Workers (TFW), local workers and temporary help agency workers in Simcoe County and the District of Muskoka.

Under Section 22 (5.0.1) of the Health Protection and Promotion Act, a Medical Officer of Health may make an Order to a class of persons who reside in or are present in the geographic area served by the health unit and the Medical Officer of Health to take, or to refrain from taking, any action that is specified in the Order in respect to a communicable disease.

I, Dr. Colin Lee, Associate Medical Officer of Health for the Simcoe Muskoka District Health Unit (SMDHU), order you to take the following actions, effective 12:01 a.m. on June 24, 2020:

All Employers of farm workers should take the following actions before workers begin on farm. These are in addition to or consistent with the requirements under the Federal Quarantine Act:

1. Ensure that all TFWs who have arrived in Canada are isolated for 14 days from the date of arrival in Canada;
2. Keep a list of names of all TFWs scheduled to arrive in Canada, their planned date of arrival and a plan for isolation of the workers;
3. Ensure TFWs in isolation are kept at a minimum of 2 metres apart from other TFWs in isolation and provide a separate room or alternative accommodation for the TFWs in isolation, apart from other workers;
4. Ensure that arrangements are made for the provision of food, water, laundry, and cleaning supplies for TFWs who are placed under isolation under the terms of the Class Order;
5. Ensure TFWs that are under self-isolation for 14 days notify the SMDHU if they have any COVID-19 symptoms;
6. During the 14-day isolation period, ensure that no TFW works on the farm (where they are under isolation), or any other farm;
7. Notify SMDHU if the worker(s) need(s) to leave the farm for **ANY** reason during this isolation period, such as to seek medical attention;

All employers of farm workers including TFWs, local workers and temporary help agency workers should take the following actions:

8. Ensure that accurate and updated contact information for all employees (permanent, temporary or contract) is available to be produced to SMDHU within 24 hours of request in support of case management and contact tracing requirements;
9. Conduct daily (at a minimum) active screening of all employees (permanent, temporary or contract) by asking a standard set of health questions upon the commencement of their shifts and ensuring that anyone failing a COVID-19 screen is excluded from work and recommended for testing;
10. Ensure that all unplanned absences are investigated;
11. Ensure employees that work on farms are assigned to the same team/group/work pod (cohort) that is separated from other individuals and teams. Where possible, shared living accommodations should be restricted to individuals from the same team/work pod. Within the team/work pod, workers should maintain a two-metre physical distance from other workers as best as possible. The need for Personal Protective Equipment (PPE) should be based on a risk assessment that may take into consideration factors such as local epidemiology and input from SMDHU;
12. Follow all legislative requirements to protect worker health and safety (Occupational Health and Safety Act), any directions and guidance provided by SMDHU, the Government of Ontario and Federal Government pertaining to COVID-19 and the terms of this Section 22 Class Order. This may include ensuring adherence to isolation orders issued to employees, ensuring the required public health measures such as active screening and physical distancing are always maintained within a workplace and supporting all aspects of investigations and outbreak management related to communicable diseases, including COVID-19, conducted by SMDHU;
13. Ensure that all employees understand their rights and entitlements, including access to healthcare services and other supports that may be available if a worker becomes sick;
14. Ensure that all employees, current or future, are exclusively working within one workplace. Individuals who are employed at more than one facility must immediately limit this to one premises;

15. Ensure that any contracted employees, current or future, are exclusively working for one workplace. Individuals who have been contracted by more than one facility at a time must immediately limit this to one premises;
16. No TFWs can be moved into a non-inspected living accommodation;
17. Ensure SMDHU is contacted for approval if renovations within pre-existing and approved living accommodations are required that impact floor space, number of faucets, toilets, showers, and/or bathtubs;
18. Ensure that all individuals that are under SMDHU supervision for case and contact management have ongoing access to communication devices (cellular phone or landline) and this contact information is made available to SMDHU at all times. Individuals should not be sharing the device with more than five (5) people and should be cleaned and disinfected between use;
19. Ensure that all known instances of non-compliance with the Emergency Management and Civil Protections Act, Quarantine Act or isolation requirements are reported immediately to the appropriate agency;
20. Follow any other directions provided to you by the SMDHU pertaining to COVID-19 and the terms of this Order; and
21. Ensure that potable water is available at all times to TFWs and all employees.

REASONS FOR THIS ORDER ARE THAT:

1. The Simcoe Muskoka District Health Unit (SMDHU) has identified, based on data available, that there is a high risk of spread of COVID-19 within agricultural farms in Simcoe County and The District of Muskoka; and
2. COVID-19, a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to the Health Protection and Promotion Act, 1990, R.S.O., c.H.7, which poses a serious risk to the health of others in the farm and the community.

As a result I am of the opinion, based on reasonable and probable grounds, that:

1. A communicable disease exists, or may exist, or that 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 SMDHU geographic area served by me; and
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 in accordance with section 44 of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, if you deliver to the Medical Officer of Health for Simcoe Muskoka District Health Unit at 15 Sperling Drive, Barrie, Ontario L4M 6K9 and to the Health Services Department Appeal and Review Board at 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 1S4 notice in writing, requesting a hearing within fifteen (15) days after service of this Order.

In the context of the COVID-19 outbreak:

All requests for review, submissions, materials, and inquiries should be sent to the Health Services Appeal and Review Board by e-mail 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 delivered to a member of the Class or brought to the attention of a member of the Class.

FAILURE TO COMPLY WITH THIS ORDER 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 \$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 Simcoe Muskoka District Health Unit by telephone at 705-721-7520.

Original Signed

Colin Q-T Lee MD, MSc, CCFP(EM), FRCPC
Associate Medical Officer of Health