

# COVID-19 FAQ

## SECTION 22 CLASS ORDER – SEPTEMBER 17, 2021

### BACKGROUND

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. To protect the health of farm workers SMDHU has issued a Section 22 Class Order under the *Health Protection and Promotion Act*. The Section 22 Class Order requires that all owners and operators of farms in the region who employ farm workers, including Temporary Foreign Workers (TFWs), local workers and temporary help agency workers, take actions to protect their labour force.

[Section 22 Class Order-issued September 17, 2021](#)

### **Under what authority did Simcoe Muskoka District Health Unit issue a Class Order related to the COVID-19 outbreak?**

The *Health Protection and Promotion Act* authorizes the Medical Officer of Health to make a Section 22 Class Order to address the risks presented by the potential spread of COVID-19 to farm workers residing and working in Simcoe and Muskoka.

### **Why did the Medical Officer of Health issue this Class Order?**

Although public health guidelines have been provided to protect migrant farm workers, the spread of COVID-19 in this group in our region and Ontario tells us that they are vulnerable, due to the nature of their working and living conditions. Temporary migrant and local farm workers are essential workers and vital to our farming industry and food system, and we need to protect them and the broader community from COVID-19 transmission. The Class Order reiterates our resolve and efforts to prevent and control outbreaks. This Class Order is a legal tool to help us ensure that agricultural farm owners/operators and staff comply with the directions set out in the Class Order.

### **Who is required to comply with this Class Order?**

The Class Order applies to all owners/operators of agricultural farm operations who employ migrant workers, including TFWs, and who operate any model of seasonal housing accommodations.

### **When is the Class Order effective? How long must people comply with the Class Order?**

The Class Order is effective from 12 a.m. on Monday September 20, 2021 and will remain in effect until the Medical Officer of Health determines it is no longer required. This Class Order replaces the Class Order issued on March 24, 2021.

### **What does the Class Order entail?**

Farm owners/operators who employ TFWs are required to comply with any direction provided to them by the SMDHU, which may include ensuring adherence to self-isolation orders issued to employees, ensuring public health measures are followed, and ensuring housing accommodations are inspected prior to worker arrival. Farm owners/operators who employ TFWs are also to ensure that workers who are under the case and contact management of the SMDHU are provided access to communication devices and that information is shared with the SMDHU upon request within 24 hours. The Class Order also requires anyone working in the agricultural sector to limit their employment to only one workplace.

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The Class Order outlines requirements for precautions to reduce the risk of COVID-19 transmission among workers in the workplace and in worker accommodations. These precautions are based on the information we have learned locally about the challenges of preventing COVID-19 transmission in shared housing.

### How do temporary foreign workers self-isolate?

Employers are required to provide accommodations to ensure physical distancing for all TFWs who are required to quarantine on arrival to Canada. Workers must be housed in hotels or inspected housing accommodations.

### How could the Class Order be enforced if a person or employer fails to comply?

Individuals and employers who are working on agricultural farms are required to follow the requirements under this Class Order, and those who do not do so can be charged and fined up to \$5,000 per day. Corporations who are found in violation of the order can be charged and fined up to \$25,000 per day.

### Can a person challenge the Class Order?

Individuals identified in the Class Order may challenge the Class Order by appealing to the Health Services Appeal and Review Board. Contact information for the Health Services Appeal and Review Board can be found [here](#).

### How does the Medical Officer of Health's Class Order under the *Health Protection and Promotion Act* differ from the federal order under the *Quarantine Act*?

The federal government's quarantine order was aimed at all travellers entering Canada, effective March 25, 2020. That order also imposes a 14-day home quarantine on travellers; including TFWs regardless of whether they have symptoms of COVID-19.

### More Information

If you have questions about the Class Order, contact the SMDHU at 1-877-721-7520, Monday to Friday from 8:30 a.m. to 4:30 p.m.