

COVID-19 FAQ

SECTION 22 CLASS ORDER – Issued March 24, 2021

Last revised: March 29, 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 (TFW), local workers and temporary help agency workers, take actions to protect their labour force.

The [Section 22 Class Order issued March 24, 2021](#) replaces the order issued June 24, 2020.

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 continue to be 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 Order will strengthen our resolve and efforts to prevent and control current and future outbreaks. This class order is a legal tool to help us ensure that agricultural farm owners/operators and staff complies with the directions set out in the order.

Who is required to comply with this order?

The 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 order effective? How long must people comply with the order?

The order is effective from 12 a.m. on Thursday March 25, 2021 and will remain in effect until the Medical Officer of Health determines it is no longer required. This order replaces the order issued June 24, 2020.

What does the order entail?

Farm owners/operators who employ TFWs, are required to comply with any direction provided to them by the Simcoe Muskoka District Health Unit 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. They are also to ensure that workers who are under the case and contact management of SMDHU are provided access to communication devices and that information is shared with SMDHU upon request. The order also requires anyone working in the agricultural sector to limit their employment to only one workplace.

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The order also 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 isolation accommodations for all TFWs that ensure physical distancing for the required 14-day quarantine period after arrival in Canada. Workers are housed in hotels or inspected housing accommodations. Employers are provided with resources prior to worker arrival which are to be shared with all workers. Information to reduce the risk of COVID transmission, as well as contact information of whom to call in the event that a worker becomes symptomatic

How could the 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 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 order?

Individuals identified in the class order may challenge the order by appealing to the Health Services Appeal and Review Board. Contact information for the Health Services Appeal and Review Board can be found at: <http://www.hsarb.on.ca/scripts/english/contact.aspx>

How does the Medical Officer of Health 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 Simcoe Muskoka District Health Unit questions at 1-877-721-7520, Monday to Friday from 8:30 a.m. to 4:30 p.m.