

September 17, 2021

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 (TFWs), or employers of farm workers intending to employ TFWs and/or house TFWs, 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. Charles Gardner, 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 Monday, September 20, 2021:

All employers of farm workers, including TFWs, or employers of farm workers intending to employ TFWs and/or house TFWs, local workers and temporary help agency workers in Simcoe County and the District of Muskoka are to take the following actions before TFWs commence work on a farm. The following are in addition to or consistent with the requirements under the *Federal Quarantine Act*:

1. A safety plan must be written and available on request. A copy of the safety plan must be posted in a conspicuous location where it is most likely to come to the attention of individuals working in or attending a facility. The safety plan shall describe the implementation of public health measures in the location, including but not limited to: screening, physical distancing, masks or face coverings, cleaning or disinfecting of surfaces and objects, and the wearing of personal protective equipment.
2. Ensure that all TFWs who have arrived in Canada are adequately quarantined for 14 days from the date of arrival in Canada, unless exempt from quarantine as directed via the Government of Canada. Travellers are exempt upon meeting all entry requirements and are fully vaccinated with an accepted vaccine as stipulated by the Government of Canada.
3. Maintain a list of names of all TFWs scheduled to arrive in Canada, their planned date of arrival and a plan for the mandatory quarantine requirements of workers subject to the 14-day quarantine period.
4. For TFWs that are not exempt from the quarantine requirements, ensure TFWs are quarantined in a separate dwelling or accommodation, apart from other workers, and in numbers not greater than what is permitted by the spacing of individual beds 2-metres from their edges. TFWs in quarantine must also maintain a physical separation of 2-metres from one another at all times, including in the common areas of the dwelling.
5. Ensure that arrangements are made for the provision of food, potable water, masks (non-medical or medical), laundry, and cleaning supplies for TFWs who are placed under quarantine under the terms of the Class Order.
6. Conduct daily active screening of their employees for the duration of the quarantine period and notify the SMDHU should a TFW develop any COVID-19 symptoms. Ensure that TFWs who develop symptoms of COVID-19 immediately self-isolate in a location where they have access to a private bedroom and to a dedicated washroom and also notify SMDHU.
7. For TFWs who are placed under quarantine for 14-days, ensure that they do not work on the farm where they are under quarantine, or any other farm.
8. Ensure that any TFW that you intend to employ and/or house within SMDHU complies with the Government of Canada's testing requirements prior to departure and after arrival into Canada. Employers must ensure that TFWs are provided with means to be supported through testing, including access to their results.
9. Notify SMDHU if the worker(s) need(s) to leave the farm for **ANY** reason during the quarantine period, such as to seek medical attention.

All employers of farm workers, including TFWs, or all employers of farm workers intending to employ TFWs and/or house TFWs, local workers and temporary help agency workers in Simcoe County and the District of Muskoka are to take the following actions:

1. Ensure that upon request from SMDHU, that information requested is provided to SMDHU within 24 hours as it relates to information required for case and contact management as well as outbreak management. This may include, but is not limited to, accurate and updated contact information for all workers (and clients if prescribed in the *Reopening Ontario (A Flexible Response to COVID-19) Act* and/or its Regulations, as amended), site plans and staff schedules.
2. 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.

3. Ensure that all unplanned absences are investigated.
4. Ensure employees that work on farms are assigned to the same team/group/work pod (cohort) that is separated from other individuals and teams. Shared living accommodations should be restricted to not more than 15 occupants who form the same team/work pod, and cohorts must otherwise be kept as small as possible. Within the cohort, workers should maintain a two-metre physical distance from other workers as best as possible.
5. Follow all legislative requirements to protect worker health and safety (e.g. *Occupational Health and Safety Act*), any directions and guidance provided by SMDHU including any [letter of instruction](#), the Government of Ontario, and the federal government pertaining to COVID-19 and the terms of this Section 22 Class Order. This may include ensuring adherence to stay-at-home orders, isolation orders issued to employees, that the required public health measures, such as active screening and physical distancing, are always maintained within a workplace and supporting all aspects of investigations as well as outbreak management related to communicable diseases, including COVID-19, conducted by SMDHU.
6. Ensure that all employees understand and are supported in their rights and entitlements, including access to healthcare services and other supports that may be available, if a worker becomes sick.
7. Ensure that all employees, current or future, are exclusively working within one farm workplace. Individuals who are employed at more than one facility must immediately limit this to one farm location.
8. Ensure that local temporary agency workers are grouped/cohorted separately from other existing groups of workers, including TFWs.
9. Employers must ensure that farm workers in transit or occupying a vehicle are wearing an appropriate face covering in a manner that covers their mouth, nose and chin, sitting as far apart as possible, and where weather permits, keeping the windows down in order to increase ventilation.
10. No TFWs can be moved into a non-inspected living accommodation unless approved by SMDHU.
11. Ensure SMDHU that any other applicable fire, building and municipal authority, is contacted for written approval, if renovations within pre-existing and approved living accommodations are required that impact ventilation, floor space, number of faucets, toilets, showers, and/or bathtubs.
12. In shared bedrooms, separate beds shall be no less than 2-metres from their edges. Alternative configurations may be considered, subject to approval by SMDHU.
13. 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. The device may not be shared among more than five (5) people and should be cleaned and disinfected between uses.
14. 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.
15. Follow any other directions provided to you by the SMDHU pertaining to COVID-19 and the terms of this Order.
16. Ensure that potable water is available at all times to TFWs and all employees.

REASONS FOR THIS ORDER ARE THAT:

1. The SMDHU has identified, based on data available, that there is a high risk of spread of COVID-19 within agricultural farms, particularly among household contacts in seasonal farm housing, in Simcoe County and the District of Muskoka.
2. COVID-19, a novel coronavirus of multiple and highly transmissible variants, is designated as a disease of public health significance and a communicable disease pursuant to the *Health Protection and Promotion Act*, R.S.O. 1990, 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.
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 By:

Charles Gardner, MD, CCFP, MHSc, FRCPC
Medical Officer of Health