

Date: July 27 2021

CLASS 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*

This order replaces the Class Order issued on March 23, 2021 to all farm owners, farm operators and temporary help agencies who employ temporary foreign workers (TFW) on agricultural farms in Huron and Perth counties.

To: All owners and operators of agricultural farms in Huron and Perth counties, owners and operators of agri-food businesses outside Huron and Perth counties and temporary help agencies who

1. Operate any model of housing accommodations (for domestic and/or temporary foreign workers) in Huron-Perth
AND/OR
2. Employ temporary foreign workers in any capacity or participate in the federal temporary foreign worker program in Huron-Perth.

Notwithstanding what is listed in this Order, employers must comply with all relevant and applicable provincial legislation, requirements and guidance from, but not limited to, the Ministry of Labour, Training and Skills Development (MLTSD), Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and Provincial government to prevent the transmission of COVID-19 in agricultural settings.

I, Dr. Miriam Klassen, Medical Officer of Health, for Huron Perth Public Health (HPPH), **ORDER YOU TO TAKE THE FOLLOWING ACTIONS**, effective **12:01 a.m. on July 27, 2021:**

A. DEVELOP AND SUBMIT THE FOLLOWING PLANS TO HPPH NO LESS THAN FOUR WEEKS IN ADVANCE OF TFW ARRIVAL:

1. COVID-19 Workplace Safety Plan

The plan must include, but is not limited to, the items noted below as well as those outlined within the following resource: [Develop your COVID-19 Workplace Safety Plan](#). You must provide a description of how the following will be addressed and implemented:

- Daily active screening of all workers at the beginning of the day/shift, including any other persons on the farm
- Regular wellness checks of workers
- Cohorting of workers to individual worksites to the greatest extent possible (in instances where multiple locations are operated by one employer) and separating contract and/or temporary help agency workers (if utilized) from other existing cohorts of workers on the farm
- Maintenance of a list of all workers and essential visitors (e.g. contractors, guests of employees) to the farm during the 2021 operating season, including names, telephone numbers, cohort details, housing location(s) (bunkhouse or off-site address) that can be made available to HPPH within 24 hours upon request to support case and outbreak management

- Education for TFW to ensure they understand their responsibility to follow public health guidelines including how you will provide COVID-19 information and educational material to all TFWs in a language and medium (e.g. visual representations) they understand
- A notification plan for TFW on how they will notify you as soon as possible should they become symptomatic
- An isolation/quarantine plan for TFW (and their on-farm close contacts) should they become symptomatic or test positive for COVID-19 including how TFWs that are under health unit supervision for case and contact management will have ongoing access to communication devices (e.g. cellphone or landline) and that contact information associated with a communication device is always available to HPPH. Shared communication devices must be disinfected between uses.
- Public health COVID-19 prevention requirements, including, but not limited to, physical distancing, mask/face covering use, cleaning and disinfection of high touch surfaces and how TFW will travel safely in vehicles during off-farm shopping trips etc.

2. Arrival/Quarantine Plan that includes, but is not limited to, the following:

- Location of quarantine site
- Transportation plans from port of entry to quarantine location (which includes considerations on appropriate use of PPE and physical distancing of workers during transportation)
- Details to ensure the health and safety of workers during the 14-day quarantine period and implementation of public health measures to prevent the potential transmission of COVID-19.
- Submit worker arrival form and quarantine plan to HPPH 24 hours prior to worker arriving in Canada.

B. FOLLOW ALL REQUIRED PUBLIC HEALTH MEASURES DURING 14 DAY QUARANTINE AND/OR ISOLATION OF TFWs:

- Farm owners/operators and TFWs must adhere to all applicable Federal legislation (including the *Quarantine Act*) and requirements.
 - It is recognized that a fully vaccinated TFW may receive a quarantine exemption from the federal government
- All TFWs who have arrived in Canada must quarantine for 14 days from date of arrival in Canada before work begins.
- Where active cases have been identified, farm owners/operators and TFW must adhere to all provincial requirements on the management of cases and contacts of COVID-19 isolation as directed by HPPH.
- New TFW arrivals must not be placed in a congregate living setting that have active COVID-19 cases.
- During any isolation or quarantine period, ensure that no TFW works on the farm or any other farm location.
- Submit worker wellness checklist to HPPH on Day 7 and Day 14 of the isolation
- Notify HPPH if the worker(s) needs to leave the farm or offsite accommodation for ANY reason, during their quarantine or isolation period, such as to seek medical attention.
- Provide quarantine or isolation information and educational material to all new workers in their native language.
- Ensure that all workers understand their rights and entitlements, including access to healthcare

services and other supports that may be available if they become sick.

- While TFWs are quarantined or isolated, employers must ensure:
 - arrangements are made for the sufficient provision of food, water, masks (non-medical or medical), linens, a means of communication (internet, phone), personal cleaning and disinfectant supplies (e.g., soap, shampoo, sanitizers with 60-90% alcohol concentration, etc.) and access to laundry. Note: shared communication devices must be cleaned and disinfected between uses
 - nutritious and well-balanced meals are provided and that employers attempt to accommodate any cultural and/or dietary restrictions for TFWs under quarantine or isolation
 - food is stored in a safe manner
 - potable water is available at all times to migrant workers under isolation
- Notify Huron Perth Public Health immediately if a TFW who is quarantining or isolating exhibits symptoms of COVID-19.

C. FOLLOW PUBLIC HEALTH MEASURES. AT ALL TIMES YOU MUST:

1. Follow any directions provided by HPPH pertaining to COVID-19 and the terms of this Order. More specifically, ensure that public health requirements and guidance is followed to prevent the transmission of COVID-19 on your farm.
2. Inform public health of the arrival date and number of all TFW once known.
3. Notify HPPH of symptomatic workers or workers tested for COVID-19. Note: Employers are not required to inform HPPH of day 8 testing required due to federal quarantine requirements.
4. Notify HPPH of any positive COVID-19 test result.
5. Maintain a list of all workers and essential visitors (e.g. contractors, guests of employees) to the farm during the 2021 operating season, including names, telephone numbers, cohort details, housing location(s) (bunkhouse or off-site address), that can be made available to HPPH within 24 hours upon request to support case and outbreak management.
6. With their consent, maintain a list of vaccination status of TFW and/or other workers that live in a congregate setting.
7. Conduct active screening daily (at a minimum) for symptoms and exposure history of COVID-19. Keep a record of individual worker screening and ensure it is available upon public health request.
8. Ensure a variety of control measures are implemented on your farm and in congregate living settings to reduce the potential exposure to COVID-19, such as:
 - a. physical distancing and barriers
 - b. increased ventilation
 - c. frequent cleaning and disinfecting of high touch surfaces
 - d. source control masking
 - e. provision of personal protective equipment
 - f. cohorting
 - g. limiting work to one location at all times
 - h. access to COVID-19 vaccination for TFWs

9. Ensure that, in shared sleeping accommodations, beds are spaced two (2) metres apart from each other (frame-to-frame). If two (2) metres cannot be achieved, alternative strategies to separate beds may be approved. If barriers are being used as an alternative strategy, approval for such barriers must be obtained by a municipal fire inspector.
10. Provide cleaning and disinfecting supplies to all TFWs for the purpose of cleaning and disinfecting their living space(s).
11. Ensure that there is a separate room(s) or alternative accommodations available for the isolation/quarantine of symptomatic or confirmed cases of COVID-19, and/or high-risk close contacts as determined by HPPH.
12. Ensure all aspects of investigations and/or outbreak management related to communicable diseases, including COVID-19 conducted by HPPH are supported. This includes directions on isolation noted above.
13. Ensure that all individuals under HPPH supervision for case and contact management have ongoing access to communication devices (cellular phone or landline) and contact information is made available to the Health Unit at all times. Any shared communications devices must be cleaned and disinfected following each use.
14. Immediately report all known instances of non-compliance with the Emergency Management and Civil Protection Act, Quarantine Act, Reopening Ontario Act or public health isolation requirements to the most appropriate agency.
15. Ensure that all workers understand their rights and entitlements, including access to healthcare services and other supports that may be available if they become sick and are required to isolate.

To contact Huron Perth Public Health:

Monday – Friday 8:30am to 4:30pm: 1-888-221-2133
For after hours and Weekends (including Statutory Holidays):
in Huron County: call 519-482-7077
in Perth County: call 1-800-431-2054

REASONS FOR THIS ORDER ARE THAT:

1. The risk of transmission of COVID-19 is greatest in close contact environments, including congregate living settings and workplace premises, where persons are within two metres of others and/or without face coverings and/or without eye protection and/or where there is poor ventilation. Persons may be infected with COVID-19 without showing symptoms and may spread COVID-19 to coworkers, patrons and other persons within workplace premise facilities, to their households after being in the workplace, and to others they come into contact with;
2. Mutations of the COVID-19 virus (SARS-CoV-2) have been observed globally. Viruses, in particular RNA viruses such as coronaviruses, constantly evolve through mutations, and while most will not have a significant impact, some mutations may provide the virus with a select advantage such as increased transmissibility and severity of illness. Such mutations are cause for concern and need to be monitored closely. New COVID-19 variants of concern are more transmissible and are now circulating across the province of Ontario and within Huron and Perth Counties. COVID-19 variants of concern have been identified in workplaces and many other settings.

3. Based on data and information available to Huron Perth Public Health, I am of the opinion that there is an increased risk of COVID-19 transmission in your workplace. With a higher risk in the workplace where agency workers are employed and in employer provided accommodations. The measures specified in this order are necessary in order to decrease or eliminate the risk to health associated with the spread and transmission of COVID-19; and
4. COVID-19 is a reportable, communicable disease under the *Health Protection and Promotion Act*, 1990, R.S.O., c.H.7, which poses a serious risk to the health of others on the farm and in the community if it is not adequately managed.

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 PHU 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.

I AM ALSO OF THE OPINION THAT the delivery of this Order to every member of the class to whom it is directed, is likely to cause a delay that could significantly increase the risk to the health of any person residing in Huron and Perth Counties. Notice shall be provided through the public media and the internet via posting at: www.hpph.ca/TFW.

The following definitions apply to this order:

Isolation: Separates people with a contagious disease (lab-confirmed symptomatic or asymptomatic) from people who are not infected with disease. Isolation for the purposes of this order means remaining in your home, provided accommodations or alternative isolation location. Do not go outside, unless on to a private balcony or enclosed yard where you can avoid close contact with others. You must not have any visitors into your home except as permitted by Huron Perth Public Health.

Quarantine: Separates and restricts the movement of people who were or may have been exposed to a contagious disease to see if they become positive cases (asymptomatic or symptomatic)-

Worker: includes but is not limited to individuals who fall into the following categories:

- domestic (Canadian),
- foreign (temporary foreign worker (“TFW”))
- contract (supplied by a temporary employment agency)

Farm: is considered a workplace and includes any congregate living accommodations provided by the owner/operator.

See Ministry of Health guidelines for further detail, a copy of which can be accessed online at:

https://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/contact_mngmt/management_cases_contacts.pdf.

TAKE NOTICE THAT each member of the class to whom this Order is directed is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered notice in writing to me (at the address below) and to the Health Services Appeal and Review Board (at 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 1S4) requesting a hearing within 15 days after publication of this Order or otherwise in accordance with applicable law in the context of the COVID-19 outbreak.

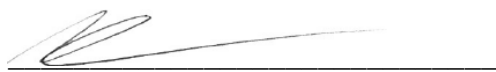
All requests for review, submissions, materials, and inquiries should be sent to the Health Services Appeal and Review Board by email to hsarb@ontario.ca or faxed to the Board at 416-327-8524.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested, this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.

FAILURE TO COMPLY WITH THIS ORDER may result in further legal action being taken against you under sections 36(2), 35, 102 and other relevant provisions of the Health Protection and Promotion Act.

FAILURE TO COMPLY WITH THIS ORDER is an offence under section 101 of 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 that \$25,000.00 (for a corporation) for every day or part of each day on which the offence occurs or continues. Further, pursuant to the terms of the HPPA, an Order of the Court may be obtained to enforce the terms of this Order, including but not limited to an Order calling for the location of, and detainment for the quarantine or isolation period of, individuals failing to quarantine/or isolate as required by HPPA.

If you have any questions about this Order, please contact Huron Perth Public Health by telephone at **1-888-221-2133**.



Dr. Miriam Klassen
Medical Officer of Health and CEO
Huron Perth Public Health Unit
653 West Gore Street
Stratford, Ontario N5A 1L4

This Order shall be posted on the Huron Perth Public Health website: www.hpph.ca. Inquiries about this Order should be directed to Huron Perth Public Health at 1-888-221-2133.