

Date: June 30, 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

**ATTENTION: All Employers, including farm owners, farm operators, and temporary help agencies, in Huron and Perth Counties who:**

- a. Employ migrant farm workers in any capacity;
- b. Participate in the federal Temporary Foreign Worker program (TFW);
- c. Operate any model of seasonal housing accommodations.

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 or are present in the health unit served by the Medical Officer of Health to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.

I, Dr. Miriam Klassen, Medical Officer of Health for Huron Perth Public Health, **ORDER YOU TO TAKE THE FOLLOWING ACTIONS**, effective **12:00pm on June 30, 2020**:

### **BEFORE A TFW OR MIGRANT WORKER BEGINS WORKING, YOU MUST:**

1. Ensure that all TFWs and migrant workers who have arrived in Canada and are employed by you are isolated for 14 days from the date of arrival in Canada, in accordance with the *Quarantine Act*;
2. Keep a list of names of all TFWs and migrant workers employed or to be employed by you and who are scheduled to arrive in Canada, their planned date of arrival and a plan for isolation of the workers;
3. Ensure TFWs and migrant workers employed by you are kept at a minimum of 2 metres apart from other workers or provide a separate room or alternative accommodation which requires approval from public health for the TFWs and migrant workers while in isolation;
4. Ensure that arrangements are made for the provision of food, water, laundry, and cleaning supplies for TFWs and migrant workers employed by you who are placed under isolation under the terms of this Order;
5. Ensure TFWs and migrant workers employed by you and in isolation notify the Huron Perth Public Health Unit ("PHU") if they have any COVID-19 symptoms;
6. During the isolation period, ensure that no TFW or migrant worker employed by you works on the farm (where they are under isolation), or in any other environment; and
7. If the TFW or migrant worker employed by you needs to leave the farm for **ANY** reason during this isolation period you **MUST** notify the PHU prior to them leaving unless the reason is due to an immediate emergency in which case you must notify the PHU as soon as reasonably possible.

### **AT ALL TIMES YOU MUST ALSO:**

1. Ensure that all current or future employees are exclusively working within one workplace. Individuals who are employed at more than one facility must immediately limit this to one premise;
2. Ensure that any current or future contracted employees are exclusively working for one workplace. Individuals who have been contracted by more than one facility at one time must immediately limit this to one premise;
3. Ensure that all individuals under PHU supervision for case and contact management have ongoing access to communication devices (cellular phone or landline) and this contact information is made available to the health unit at all times;;
4. Ensure that accurate and updated contact information for all employees is available to be produced to the PHU within 24 hours of request in support of case management and contact tracing requirements;

5. Ensure that workers comply with any testing orders made by Ontario Health and/or the Ministry of Health.
6. Conduct COVID-19 symptom assessment checks of employees daily (at a minimum).
7. Ensure that employees on farms are assigned to the same team/group/work pod/cohort and are separated from other individuals and teams;
  - a. Within the team/work pod, workers should maintain a two-metre physical distance from other workers as best as possible, including in their accommodations.
  - b. Where a two metre physical distance cannot be maintained, ensure face coverings are available to employees and that you are recommending the use of face coverings as per current and future provincial guidance.
8. Follow all legislative requirements to protect worker health and safety including but not limited to, any directions and guidance provided by the PHU, Government of Ontario and Federal Government pertaining to COVID-19;
9. Cooperate with all aspects of investigations and outbreak management related to communicable diseases, including COVID-19, conducted by the PHU; and
10. 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.

To contact Huron Perth Public Health:

Monday – Friday 8:30am to 4:30pm: 1-888-221-2133 x3267  
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. Based on data available to Huron Perth Public Health, I am of the opinion that there is a high risk of increased spread of COVID-19 within agricultural farms located in Huron and Perth Counties. 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
2. 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 in the farm and the community if it is not adequately treated.

#### **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 each and 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, so notice shall be provided through the public media and the internet via posting at: [www.hp-ph.ca/TFW](http://www.hp-ph.ca/TFW)

**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, 9<sup>th</sup> 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.

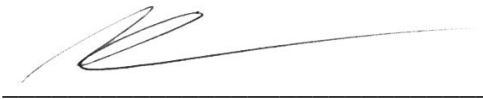
All requests for review, submissions, materials, and inquiries should be sent to the Health Services Appeal and Review Board by email to [hsarb@ontario.ca](mailto:hsarb@ontario.ca) or faxed to the Board at 416-327-8524.

**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.

If you have any questions about this Order, please contact the Huron Perth Public Health Unit by telephone at **1-888-221-2133 x3267**.



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Dr. Miriam Klassen  
Medical Officer of Health and CEO  
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