COVID-19 Revised Class Order: December 7, 2020

Under what authority did Durham Region Health Department 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 class order to address the risks presented by the potential spread of COVID-19 to Temporary Foreign Workers (TFWs) residing and working in Durham Region.

Why did the Medical Officer of Health issue this class order?

Based on the increasing number of large COVID-19 outbreaks at agricultural workplaces employing TFWs in similar regions across Ontario, this is a targeted, proactive measure that will strengthen our ability to reduce the spread of COVID-19 and ensure the health of our essential agricultural workers.

While most people and employers have been compliant with instructions from public health authorities, there are individuals who do not take these measures seriously enough. 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 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 12:01 a.m. on December 8, 2020 and will remain in effect until the Medical Officer of Health determines it is no longer required.

What does the order entail?

Farm owners/operators who employ TFWs, are required to comply with any direction provided to them by Durham Region Health Department (DRHD) which may include ensuring adherence to self-isolation orders issued to employees, ensuring public health measures are followed, ensuring housing accommodations are inspected prior to worker arrival, and providing culturally appropriate and nutritious food to those in self-isolation. They are also to ensure that workers who are under the case and contact management of DRHD; are provided access to communication devices and that information is shared with DRHD upon request.

The order also requires anyone working in the agricultural sector to limit their employment to only one workplace.

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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, can be found in the document Migrant Farm Worker Operations during COVID-19.

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.asp

How does the Medical Officer’s 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, please call Durham Health Connection Line at 905-668-2020 or 1-800-841-2729.

If you require a health care assessment, call Telehealth Ontario at 1-866-797-0000.