



The Regional
Municipality
of Durham

Health Department

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CLASS ORDER

made pursuant to **Section 22 (5.0.1) of the Health Protection and Promotion Act**

Date: June 24, 2020 **Revised Date:** December 7, 2020

TO: All owners and operators of agricultural farms in the Regional Municipality of Durham who:

- a) Employ migrant farm workers in any capacity and/or participate in the federal Temporary Foreign Workers program (collectively the "TFWs"); or
- b) Operate any model of seasonal housing accommodations

I, Dr. Robert Kyle, Medical Officer of Health for the Regional Municipality of Durham, pursuant to section 22(5.01) of the *Health Protection and Promotion Act* ("HPPA"), ORDER you to take the following actions, **effective 12:01 am on December 8, 2020:**

- 1) Ensure that all employees current or future are exclusively working within one workplace. Employees who are employed at more than one agricultural farm operation must immediately limit this to one agricultural farm.
- 2) Ensure that any contracted employees current or future are exclusively working for one agricultural farm operation. Individuals who have been contracted by more than one farm operation at a time must immediately limit this to one premises.
- 3) Ensure that all TFWs who have arrived in Canada are isolated for 14 days from the date of arrival in Canada, as per the Quarantine Act.
- 4) Keep a list of names of all TFWs scheduled to arrive in Canada, their planned date of arrival and a plan for isolation of the TFWs.
- 5) Ensure TFWs in isolation are kept at a minimum of 2 metres apart from other employees or provide a separate room or alternative accommodation for the TFWs in isolation.
- 6) Ensure that no TFW works on any farm until after the completion of their 14-day isolation period.
- 7) Ensure that grocery supplies and/or meals are provided to TFWs completing isolation requirements. Meals must be nutritious and well balanced. Employers must accommodate cultural and dietary

restrictions for TFWs under isolation. TFWs under isolation must also be able to store food in a safe manner.

- 8) Ensure that TFWs in isolation have access to adequate laundry and cleaning supplies.
- 9) No TFW can be moved into a non-inspected living accommodation without notification and approval from Durham Region Health Department (DRHD).
- 10) Ensure that DRHD is contacted for approval if renovations occur within pre-existing and approved living accommodations that impact floor space, number of faucets, toilets, showers, and/or bathtubs.
- 11) Notify DRHD if any TFW needs to leave the farm/isolation location for ANY reason during the 14-day isolation period, such as to seek medical attention.
- 12) Ensure that all known instances of non-compliance with the *Reopening Ontario (A Flexible Response to COVID-19) Act 2020*, *Quarantine Act* or isolation requirements are reported immediately to the appropriate agency.
- 13) Conduct daily (as a minimum) active screening for symptoms and exposure history of COVID-19 for all employees and visitors. Keep records of screening for at least one month and ensure those records are available to DRHD on request.
- 14) Ensure that all employees that work on farms are assigned to the same team/group/work pod (the “cohort”) and are separated from other individuals and teams.
- 15) Within the cohort, employees should maintain a two metre physical distance from other workers. The need for PPE should be based on a risk assessment that may take into consideration factors such as local epidemiology and input from the DRHD.
- 16) For greater clarity, employers are to group TFWs in the workplace based on their housing arrangements/residence. TFWs are to work with only the colleagues with whom they reside to the greatest extent possible.
- 17) Ensure that all TFWs understand their rights and entitlements, including access to healthcare services and other supports that may be available if a worker becomes sick and is required to isolate. Provide COVID-19 information and educational material to all new TFWs in their native language.

- 18) Provide continuous cleaning and disinfecting supplies to all TFWs for the purpose of cleaning and disinfecting their living space.
- 19) Ensure that there is an alternative accommodation available for isolation.
- 20) Ensure that accurate and updated contact information for all employees (permanent, temporary, or contract) is available to be produced to DRHD within 24 hours of request in support of case management and contact tracing requirements.
- 21) Follow any directions provided to you by DRHD pertaining to COVID-19 and the terms of this Order. This may include ensuring adherence to self-isolation orders issued to any employees, ensuring that required public health measures such as active screening and physical distancing are maintained at all times within your workplace, and supporting all aspects of investigations related to communicable diseases, including COVID-19, conducted by the DRHD.
- 22) Ensure that all individuals present to DRHD for case and contact management as required and that any individuals under DRHD supervision for case and contact management have ongoing access to communication devices (cellular phone or landline) and this contact information is made available to DRHD at all times.
- 23) Ensure cooperation and compliance with DRHD with regards to prevention of COVID-19 outbreaks on your premises and ensure prompt communication and compliance with all DRHD imposed outbreak measures as required.
- 24) Comply with any further instructions from DRHD pertaining to this Order as it relates to an investigation and/or an outbreak at the premises.

THE REASONS for this ORDER are that:

1. COVID-19 has been designated as communicable under Ontario Regulation 135/18 as amended. COVID-19 has been declared a pandemic by the World Health Organization.
2. COVID-19 is present in the Region and therefore poses a risk to the health of the residents of the Region through community transmission. The COVID-19 virus (SARS CoV-2) is spread from an infected person to a close contact by direct contact or when

respiratory secretions from the infected person enter the eyes, nose or mouth of another person.

3. The risk of transmission of COVID-19 is greatest in close contact environments where persons are within 2 m and/or without face coverings. Persons may be infected with COVID-19 without showing symptoms, and may spread COVID-19 to other persons, their families, and others with whom they come into contact.
4. Cases of COVID-19 and percent positivity of tests for COVID-19 continue to increase in the Region.
5. Agricultural farms that employ TFWs have been the site of many large outbreaks of COVID-19 in Ontario as well as elsewhere in Canada.
6. TFWs experience multiple social barriers, including language and cultural barriers, that lessen their access to health care and prevention, increasing the risk that COVID-19 infections may not be diagnosed in a timely manner, and outbreaks may occur.
7. The need for a precautionary approach to public health interventions is a recognized principle that applies to Orders issued under the HPPA.

I am of the opinion, on reasonable and probable grounds that:

- a) a communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b) the communicable disease presents a risk to the health of persons in the health unit served by me; and
- c) 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 notice of this Order to each and every member of the class is likely to cause a delay that could significantly increase the risk to the health of any person residing in the health unit, so notice shall be provided through the public media and the internet via posting on the DRHD website:

<https://www.durham.ca/en/health-and-wellness/novel-coronavirus-update.aspx>.

NOTICE

TAKE NOTICE THAT each member of the class is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered notice to me and to the Health Services Appeal and Review Board, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 2T5, notice in writing, requesting a hearing within 15 days after service of this Order.

*At the time of this Order, all requests for appeals and reviews, submissions, materials, and inquiries must be sent to the Health Services Appeal and Review Board by e-mail to hsarb@ontario.ca or faxed at 416-327-8524. See: <http://www.hsarb.on.ca/> for current information.

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 is an offence in accordance with section 100 of the *Health Protection and Promotion Act* for which you may be liable, on conviction, to a fine of not more than \$5,000 (for a person) or \$25,000 (for a corporation) for every day or part of each day on which the offence occurs or continues.

Original signed by

Robert Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Medical Officer of Health
Durham Region Health Department
605 Rossland Road East
Whitby, Ontario L1N 0B2

This Order shall be posted on the Durham Region Health Department website: <https://www.durham.ca/en/health-and-wellness/novel-coronavirus-update.aspx>.

Inquiries about this Order should be directed to the Durham Region Health Department at (905) 668-2020 or 1-800-841-2729.