



The Regional
Municipality
of Durham

Health Department

605 ROSSLAND ROAD EAST
LEVEL 2
PO BOX 730
WHITBY, ON L1N 0B2
CANADA

905-668-7711
1-800-841-2729
Fax: 905-666-6214

durham.ca

An Accredited
Public Health Agency

 [facebook.com/
DurhamRegionHealth](https://www.facebook.com/DurhamRegionHealth)

 [twitter.com/
DurhamHealth](https://twitter.com/DurhamHealth)

CLASS ORDER

Made pursuant to section 22(5.0.1) of the *Health Protection and Promotion Act* (HPPA), R.S.O. 1990, c.H.7, as amended

DATE: June 24, 2020

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

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

WHEREAS under Section 22 (5.0.1) of the HPPA, 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 to a communicable disease;

AND HAVING REGARD TO data available to the Durham Region Health Department (DRHD), indicating that there is a high risk of increasing spread of COVID-19 within agricultural farms in the Regional Municipality of Durham.

I AM THEREFORE OF THE OPINION that there exists or may exist a risk to the health of persons residing in the Regional Municipality of Durham arising from the arrival of migrant farm workers and that the measures specified in this Order are necessary to decrease or eliminate the risks to health associated with the arrival of migrant farm workers and COVID-19.

THEREFORE I, Dr. Robert Kyle, Medical Officer of Health, for the Regional Municipality of Durham, ORDER YOU TO TAKE THE FOLLOWING ACTIONS, effective 12:00 p.m. (noon) on June 24, 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 premise.
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. 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.
10. 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 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.
11. No TFW can be moved into a non-inspected living accommodation without notification and approval from the DRHD.
12. 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.
13. 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.
14. 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.
15. 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.
16. Ensure that all known instances of non-compliance with the *Emergency Management and Civil Protection Act*, *Quarantine Act* or isolation requirements are reported immediately to the appropriate agency.

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.

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 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 HPPA.

FAILURE TO COMPLY WITH THIS ORDER is an offence under section 101 of the HPPA 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.

Original signed by

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

This Order shall be posted on the Durham Region Health Department website at www.durham.ca/novelcoronavirus.

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