



PUBLIC HEALTH AND EMERGENCY SERVICES
Health Protection and Investigation

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CLASS ORDER

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

DATE: June 29, 2020

TO: All owners and operators of agricultural farms in the Waterloo Health Unit /
The Regional Municipality of Waterloo who:

- a. Employ migrant farm workers in any capacity.
- b. Participate in the federal Temporary Foreign Worker program and/or
- 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 own, are engaged in or administer an enterprise or activity, 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.

For the purposes of this Order,

1. "Employee" means any employee or worker who carries out farm related duties, and includes any permanent, temporary and contract employee or worker, any migrant farm worker and non-migrant farm worker, and any Temporary Foreign Worker and non-Temporary Foreign Worker;
2. "Migrant farm worker" means a farm worker who travels from his or her normal residence outside of Canada or the Province of Ontario to work in the Waterloo Health Unit / The Regional Municipality of Waterloo; and
3. "ROWPHES" means the Region of Waterloo Public Health and Emergency Services;

I, Dr. Hsiu-Li Wang, Associate Medical Officer of Health, for Waterloo Health Unit / The Regional Municipality of Waterloo, ORDER YOU TO TAKE THE FOLLOWING ACTIONS, effective 12:01 a.m. on June 29, 2020:

1. Ensure that all Temporary Foreign Workers for your agricultural farm who have arrived in Canada are isolated for 14 days from the date of arrival in Canada.

2. Keep a list of names of all Temporary Foreign Workers for your agricultural farm scheduled to arrive in Canada, their date of arrival and a plan for isolation of workers.
3. Ensure that accurate and updated contact information for all employees for your agricultural farm is available to be produced to ROWPHES within 24 hours of request in support of case management and contact tracing requirements.
4. Ensure Temporary Foreign Workers under self-isolation for 14 days notify ROWPHES if they have any COVID-19 symptoms.
5. During the 14-day isolation period, ensure that no Temporary Foreign Worker works on your agricultural farm (where they are under isolation), or any other agricultural farm.
6. Notify ROWPHES if any Temporary Foreign Worker needs to leave your agricultural farm for any reason, during this isolation period, such as to seek medical attention.
7. Follow any directions provided to you by the ROWPHES 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 ROWPHES.
8. Ensure that meals are provided on your agricultural farm to Temporary Foreign Workers completing isolation requirements. Meals must be nutritious and well balanced. You must accommodate dietary restrictions for Temporary Foreign Workers under isolation. Temporary Foreign Workers under isolation must also be able to store food in a safe manner.
9. Ensure that potable water is available at all times on your agricultural farm to Temporary Foreign Workers under isolation.
10. Ensure that employees arriving to work on your agricultural farm from any area where there is community transmission have tested negative for COVID-19 within 48 hours prior to entering or beginning to work on your agricultural farm.
11. Conduct daily (as a minimum) active screening for employees of your agricultural farm.
12. Ensure that employees that work on your agricultural farm are assigned to the same team/group/work pod (cohort) that is separated from other individuals, employees and teams. Within such team/work pod, employees should maintain a two-metre physical distance from other employees as best as possible. The need for personal protective equipment should be based on a risk assessment that may take into consideration factors such as local epidemiology and input from the ROWPHES.

13. No Temporary Foreign Workers for your agricultural farm can be moved into a living accommodation unless the living accommodation has been inspected and approved in writing by ROWPHES.
14. Ensure that ROWPHES is contacted for written approval if renovations are planned within pre-existing and approved living accommodations that impact floor space, number of faucets, toilets, showers, and/or bathtubs.
15. Ensure that all employees on your agricultural farm that are under ROWPHES supervision for case and contact management have ongoing access to communication devices (cellular phone or landline) and this contact information is made available to ROWPHES at all times. Individuals and employees should not be sharing the device with more than 5 people and the device should be disinfected between uses.
16. Ensure that all known instances of non-compliance with the Emergency Management and Civil Protections Act, Quarantine Act or isolation requirements in relation to your agricultural farm are reported immediately to the appropriate agency.
17. Ensure that surfaces in the employee accommodations for your agricultural farm are cleaned and disinfected regularly including surfaces in bathrooms, kitchens and common areas on a daily basis, or more often as required, and that a log be maintained. Employees can do this or you can hire the services of a professional cleaner. Regardless, you are required to provide the cleaning materials (e.g. paper towels, household cleaning and disinfection products, dish soap and laundry soap).
18. If an employee for your agricultural farm develops symptoms of COVID-19 at any time, you must contact ROWPHES and you are required to immediately provide accommodations that enables the worker to be isolated from others, including a private bedroom and private bathroom.

THE REASONS for this ORDER are that:

1. COVID-19, a disease caused by a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to Ontario Regulation 135/18 under the Health Protection and Promotion Act.
2. COVID-19 can cause acute and severe respiratory illness and death in humans.
3. The spread of COVID-19 is of immediate and compelling public health importance in the jurisdiction of the Waterloo Health Unit:
 - a. On March 11, 2020, the spread of COVID-19 was declared a pandemic by the World Health Organization;
 - b. On March 15, 2020 the first case of COVID-19 was reported in the jurisdiction of the Waterloo Health Unit.

- c. On March 17, 2020 the spread of COVID-19 was declared an emergency in Ontario pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, as amended, on the basis that COVID-19 constitutes a danger of major proportions;
 - d. States of Emergency were subsequently declared by The Regional Municipality of Waterloo in response to COVID-19; and
 - e. There is evidence of continued community transmission of COVID-19 in the jurisdiction of the Waterloo Health Unit / The Regional Municipality of Waterloo, as evidenced by newly identified cases not connected to facility outbreaks or travel.
4. COVID-19 is transmitted from person to person predominantly through respiratory droplets that are released from the nose and mouth, through contact with contaminated surfaces, and through poor hand hygiene.
5. COVID-19 may be transmitted from persons who have minimal or no signs or symptoms of illness.
6. Temporary Foreign Workers and/or employees living in seasonal accommodations at agricultural farms have a greater risk of COVID-19 infections because communal housing accommodations can lead to a greater risk of COVID-19 infection.
7. Between May 2020 and June 2020, outbreaks of COVID-19 occurred at agricultural farms in the Haldimand-Norfolk and Windsor-Essex Health Units jurisdictions where Temporary Foreign Workers and employees living in seasonal accommodations were infected with three deaths as a result.
8. As a result of these outbreaks and the high risks, the Chief Medical Officer of Health for the Province of Ontario has strongly recommended that all Medical Officers of Health issue orders with such terms as contained herein relating to agricultural farms within their health units.
9. There are 15 agricultural farms known to ROWPHES within the Waterloo Health Unit / The Regional Municipality of Waterloo, with the potential of more, that employ Temporary Foreign Workers and/or employees living in seasonal accommodations.

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, although there are 15 agricultural farms known to ROWPHES within the Waterloo Health Unit that employ Temporary Foreign Workers and/or employees living in seasonal accommodations, there is the potential of more. Therefore, notice shall be provided by personal delivery and/ or delivery by ordinary mail to the known class members in the Waterloo Health Unit / The Regional Municipality of Waterloo and through the public media and the internet via posting at: <https://www.regionofwaterloo.ca/en/public-health-and-emergency-services.aspx> for any unknown or other class members.

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 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 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 \$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 Waterloo Health Unit by telephone at 519-575-4400.



Dr. Hsiu-Li Wang
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