

**CLASS ORDER**

**Made pursuant to section 22(5.0.1) of  
the Health Protection and Promotion Act,  
R.S.O. 1990**

**DATE: February 16, 2021**

- TO: All owners and operators of agricultural farms and businesses in the City of Brantford and the County of Brant 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.

Based on data available to the Brant County Health Unit, I am of the opinion that there is a high risk of increasing spread of COVID-19 within agricultural farms and businesses in the City of Brantford and the County of Brant. The measures specified in this order are necessary in order to decrease or eliminate the risks to health associated with the COVID-19.

I, Dr. Elizabeth Urbantke, Acting Medical Officer of Health, for Brant County Health Unit, **ORDER YOU TO TAKE THE FOLLOWING ACTIONS**, effective 12:01 p.m. on February 16, 2021:

Farm owners and temporary foreign workers should adhere to all applicable Federal legislation, including the Quarantine Act.

All Employers of workers should take the following actions before workers begin on farm.

### Arrival/Quarantine Plan: For Pre-Arrival of TFWs and During the 14-Day Quarantine

1. Develop and submit to Brant County Health Unit, an Arrival/ Quarantine plan, that includes a list of names and contact information of all TFWs scheduled to arrive in Canada; their planned date of arrival, location of quarantine site and transportation plans from port of entry to quarantine location.

#### During the 14-day Quarantine Period

2. Ensure that all TFWs who have arrived in Canada are isolated for 14 days from the date of arrival in Canada;
3. Employers should ensure new arrivals are not placed in a congregate setting that has active COVID-19 cases and that upon arrival, TFWs are quarantined individually or in cohorts and separated from existing cohorts already in quarantine. Employers should manage positive cases as determined and directed by the Brant County Health Unit.
4. Ensure TFWs in quarantine are kept at a minimum of two (2) metres apart or provide a separate room or alternative accommodation. Cohorts of workers may be considered under certain conditions (i.e., arrival date, number of workers, structure of facility etc.) and upon approval by the Brant County Health Unit.
5. Ensure that arrangements are made for sufficient provision of food, water, masks (non-medical or medical), laundry, linens, a means of communication (internet, phone, television), and personal cleaning and disinfectant supplies (e.g., soap, shampoo, sanitizers with 70-90% alcohol concentration, etc.) for TFWs who are placed under quarantine as per the order. Meals should be nutritious and well-balanced. Employers should try to accommodate any cultural and dietary restrictions for TFWs under quarantine or isolation and ensure food is stored in a safe manner.
6. Ensure all TFWs understand their responsibility to follow public health guidelines and provide COVID-19 information and educational material to all new TFWs in a language and medium (e.g., visual representations) they understand.
7. Ensure TFWs who are under 14-day quarantine are able to notify the employer if they have any COVID-19 symptoms.
8. Ensure TFWs that are under health unit supervision for case and contact management have ongoing access to communication devices (cellphone or landline) and that this contact information is always available to Brant County Health Unit. Shared communication devices should be disinfected between uses.

9. Employers be advised to ensure any TFW under quarantine are not working on the farm or any other farm until they complete their 14-day quarantine or as instructed by the Brant County Health Unit.
10. Notify the Brant County Health Unit of any reason the worker may need to leave the farm during the isolation period, such as to seek medical attention.
11. Ensure 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 self-isolate.
12. Ensure that if any TFWs under self-isolation for 14 days develop any COVID-19 symptoms, the Brant County Health Unit is notified immediately;

All employers of farm workers must submit a Workplace Safety Plan to the Brant County Health Unit which should include, but is not limited to, the following additional information:

13. Contact information of all employees (permanent, temporary or contract) who are be working on the farm, including names, telephone numbers, cohort details, housing location (bunkhouse or off-site address), etc. and should be available to Brant County Health Unit's within 24 hours when requested to support case and outbreak management.
14. Ensure that all employees current or future are exclusively working within one workplace/farm. Individuals who are employed at more than one workplace/farm must immediately limit this to one premise.
15. Ensure that any contract employees current or future are exclusively working for one workplace/farm. Individuals who have been contracted by more than one facility at a time must immediately limit this to one premise.
16. Develop and implement a plan to conduct daily active screening of all workers at the beginning of the day/shift, including any other persons on the farm.
17. Ensure workplace safety plan includes all recommended components as outlined by the following resource: [Develop your COVID-19 Workplace Safety Plan](#).
18. Ensure that the Workplace Safety Plan is printed in a language familiar to any employee and posted in the workplace and any living quarters.
19. Ensure that employees that work on farms are assigned to the same team/group/work pod (cohort) that is separated from other individuals and teams. Group all temporary foreign workers in the workplace based on their housing arrangements/residence. All such workers are to work only with the colleagues with whom they reside to the greatest extent possible.

20. Within the team/work pod, workers should maintain a two-metre physical distance from other workers as best as possible. Where physically distancing cannot be maintained, employers should make available the use of face coverings as source control (e.g., non-medical masks or cloth masks).
21. Employers must comply with all relevant Ministry of Labour, Training and Skills Development (MLTSD)/Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFARA) laws, regulations and requirements, including the *Reopening Ontario Act* and/or the *Emergency Management and Civil Protection Act*, for the health and safety of all persons on the farm (e.g., TFWs, temporary agency workers, visitors, buyers, etc.).
22. Ensure that all employees (including all temporary foreign workers) have received any fact sheets provided by Brant County Health Unit, Ontario Ministry of Agriculture Food and Rural Affairs and Ministry of Labour Training and Skills Development
23. Ensure that all employees (including temporary foreign workers) understand that they are to monitor for signs and symptoms of COVID-19.
24. Report any signs and symptoms suggestive of a possible COVID-19 infection in an employee (including temporary foreign workers) working at the farm to Brant County Health Unit.
25. Provide alcohol based hand rub with a minimum concentration of 70% alcohol in multiple locations (entrances, dining areas) of each temporary foreign workers residence and in the workplace;
26. Ensure that all washrooms in all residences and workplaces are supplied with hand hygiene supplies;
27. Provide and maintain a supply of disinfectant to each temporary foreign worker's residence and workplace; and ensure cleaning and disinfecting high touch surfaces in the workplace and temporary foreign workers' residences at minimum twice daily and record/log the date, time and name of staff member completing the task.
28. Follow all legislative requirements to protect worker health and safety (Occupational Health and Safety Act), any directions and guidance provided by the Brant County Health Unit, Government of Ontario and Federal Government pertaining to COVID-19 and the terms of the Section 22 class Order. This may include ensuring adherence to isolation orders issued to employees, ensuring that the required public health measures such as active screening and physical distancing are always maintained within a workplace and supporting all aspects of investigations and outbreak management related to communicable diseases, including COVID-19 conducted by the PHU.

29. 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.
30. Ensure that all individuals that are under health unit 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. Shared communication devices should be disinfected between uses.
31. Ensure that all known instances of non-compliance with the Emergency Management and Civil Protections Act, the Reopening Ontario Act, the Quarantine Act or isolation requirements are reported immediately to the appropriate agency.
32. Comply with testing for COVID-19 for all employees as directed by Brant County Health Unit
33. Ensure that the any additional measures required in the Brant County Health Unit Instructions for Workplaces made under the Reopening Ontario Act, issued February 16, 2021 are taken which includes:

#### **34.1 Immediate Notification to Brant County Health Unit**

Immediately notify Brant County Health Unit at **519-753-4937 ext. 440** as soon as you become aware of **two or more people** who test positive for COVID-19 within a 14-day interval in connection with your workplace premises.

#### **34.2 If two or more people test positive for COVID-19 within a 14-day interval in connection with your workplace premises, employers must:**

- i. Provide contact information for a designated contact person at the workplace and ensure that person is readily available to communicate with Brant County Health Unit and implement any additional measures immediately as required by Brant County Health Unit.
- ii. Ensure that accurate and updated contact information for all workers is available to be given to Brant County Health Unit in the case that Brant County Health Unit requires this in support of case management and contact tracing requirements.
- iii. Notify the Ontario Ministry of Labour, Training and Skills Development and/or other relevant government authorities.
- iv. Cooperate with Infection Prevention and Control personnel from Brant County Health Unit if it becomes necessary for a workplace inspection to occur.

- 34.3 Screen all employees before entering the workplace. Refer to the [Ministry of Health COVID-19 Reference Document for Symptoms](#) to see both typical and atypical symptoms of COVID-19. An employee who has any typical or atypical symptoms of COVID-19 should not be permitted to enter the workplace and needs to have COVID-19 testing completed.
- 34.4 If an employee has symptoms and refuses COVID-19 testing, the employee must stay home and self-isolate for 10 days from symptom onset.
- 34.5 Ensure **hand sanitizer** and **hand-washing facilities** are provided in work and rest areas. Hand sanitizer with 70-90% alcohol content is recommended.
- 34.6 Perform cleaning and disinfecting of all high-touch areas and surfaces and those areas accessible to the public, including washrooms, check-out counters, concession stands, and other high-touch surfaces, such as doorknobs and elevator buttons.
- 34.7 Conduct or have the property owner or landlord conduct a **regular review of heating, ventilation, and air conditioning (HVAC) systems** to ensure they are functioning well.
- 34.8 **Minimize instances of more than one individual in a vehicle** for driving associated with work. If unavoidable, ensure face coverings are worn in the vehicle (preferably medical masks) and drive with the windows open.
- 34.9 Ensure that **physical distancing of workers takes place by at least two (2) metres** throughout the workplace and during eating and rest periods (e.g., lunchrooms, change rooms, washrooms). Install one-way walkways to reduce close physical interactions.
- 34.10 **Implement physical barriers**, such as plexiglass, when physical distancing is not possible. Physical distancing is always preferable to the use of barriers.
- 34.11 In order to encourage forthright reporting of COVID-19 symptoms or contact among employees, **ensure that all employees are aware of income replacement and workplace-related benefits they are entitled to** if they have to isolate due to symptoms of COVID-19, being tested for COVID-19 or being a close contact of someone with COVID-19.

**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](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 Brant County Health Unit by telephone at 519-753-4937, Ext. 470.



Dr. Elizabeth Urbantke, MD, CCFP(EM), FCFP  
Acting Medical Officer of Health