



## **DELEGATION BY THE PROVINCIAL HEALTH OFFICER**

(Under Sections, 69 of the *Public Health Act*, S.B.C. 2008 c.28)

### ***WorkSafeBC Prevention Officers – April 11, 2021***

#### **WHEREAS:**

- A. On March 17, 2020 I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases, clusters and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
- B. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
- C. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in direct contact through droplets in the air, or from fluid containing SARS-CoV-2 left on surfaces;
- D. Close contact resulting from the gathering of people including workers and patrons, in the workplace promotes the transmission of SARS-CoV-2 and increases the number of people who develop COVID-19 and become seriously ill;
- E. There has been an increase in the number of persons infected with COVID-19, particularly the more infectious B.1.1.7 variant and other virus variants of concern. Virus variants of concern have heightened the risk to the population if people gather together or come into close contact in a workplace;
- F. This increase has resulted in increased cases of COVID-19, clusters of people with COVID-19, outbreaks of COVID-19, the transmission of COVID-19 to surrounding communities, and in particular, an increase in younger populations who are not yet vaccinated, contracting more serious COVID-19 illness, all of which increases the risk of hospitalizations, intensive care admissions, and deaths;
- G. Given the recent increase in cases in combination with the need to implement large scale vaccination clinics, it is challenging for public health officials to respond to cases, clusters and outbreaks of COVID-19; and a high volume of cases taxes the capacity of the public health system to carry out contact tracing and taxes the capacity of the health care system to provide care to those who have been infected with COVID-19.

- H. If a medical health officer reasonably believes that one or more persons has been infected with COVID-19 while in a workplace and that it is necessary for the workplace or part of the workplace to stop operating to prevent further transmission of infection the medical health officer may make orders pursuant to sections 30, 31 and 32 of the *Public Health Act*,
- I. WorkSafeBC appoints prevention officers whose functions primarily involve conducting workplace inquiries, investigations and inspections under the Part 2 of the *Workers Compensation Act* and the regulations thereto (the “Class”);

**THEREFORE, having authority under section 69 of the *Public Health Act* to delegate powers and duties under the Act, I, Bonnie Henry, Provincial Health Officer, delegate the authority under the following provisions of the *Public Health Act* to all persons in the Class:**

- 1. The authority pursuant to section 3 (1) of the Public Health Inspections and Orders Regulation, to serve notice of a Workplace COVID-19 Cases, Cluster and Outbreak Closure Order made by a medical health officer on a person who is affected by an Order by:
  - a. personally serving it on the person who is affected;
  - b. by posting a copy of the Order at a conspicuous location at the workplace;

**I make this delegation subject to the following conditions:**

- A. This delegation is effective on April 12, 2021 and ends when rescinded by me.
- B. A WorksafeBC prevention officer who serves a Notice of Workplace COVID-19 Cases, Cluster and Outbreak Closure Order on a person must provide a copy of the Notice to the medical health officer who ordered the closure.
- C. A WorksafeBC prevention officer who serves a Notice of Workplace COVID-19 Cases, Cluster and Outbreak Closure Order on a person must provide the notice substantially in the form of the notice attached as Schedule 1 to this delegation.

**NOTE:** Nothing in this instrument derogates from or affects WorkSafeBC’s powers and authority under the *Workers Compensation Act* and regulations thereto, nor does it require an exercise of any power or authority under the *Workers Compensation Act* and regulations thereto.

**DATED THIS:** 11<sup>th</sup> day of April 2021

**SIGNED:**   
\_\_\_\_\_  
Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

## **SCHEDULE 1**

**Note:** Items in [square brackets] are to be filled in by the Medical Health Officer.

### ***WORKPLACE COVID-19 CASES, CLUSTERS AND OUTBREAK CLOSURE ORDER***

#### ***NOTICE TO OWNER OR OPERATOR OF A WORKPLACE***

The *Public Health Act* and Regulations are at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>

**TO:** [OWNER OR OPERATOR OF WORKPLACE]:

**ADDRESS OF WORKPLACE “the Workplace”:** [address]:

**WHEREAS** I am appointed by WorkSafeBC as a prevention officer and am a member of the Class of persons to whom Dr. Bonnie Henry, the Provincial Health Officer, has delegated the authority under section 3 (1) of Public Health Inspections and Orders Regulation made under the *Public Health Act* to serve an order of the medical health officer on an affected person where the medical health officer has ordered the closure of a workplace or part of a workplace due to infection of COVID-19 in the workplace;

**I THEREFORE NOTIFY YOU THAT:**

On [Date] a medical health officer for [Health Authority] made the attached order respecting the Workplace.

**DATE AND TIME OF SERVICE:** \_\_\_\_\_

**METHOD OF SERVICE:** \_\_\_\_\_

**NAME:** [WorksafeBC Prevention Officer]

**SIGNED:** \_\_\_\_\_

**CONTACT INFORMATION OF HEALTH AUTHORITY IF QUESTIONS:**

\_\_\_\_\_  
**NOTE:** The WorksafeBC prevention officer must provide a copy of this Notice, once served, to the medical health officer.

*Excerpts of the Public Health Act [SBC 2008] c. 28*

**Delegation by provincial health officer**

- 69** The provincial health officer may in writing delegate to a person or class of persons any of the provincial health officer's powers or duties under this Act, except the following:
- (a) a power to further delegate the power or duty;
  - (b) a duty to make a report under this Act.

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**Public Health Inspections and Orders Regulation, B.C. Reg 52/209**

**Service of orders**

- 3** (1) Orders and notices of variations of orders may be served on a person who is affected by the order or notice as follows:
- (a) personally;
  - (b) by registered mail sent to the person's last known address;
  - (c) by electronic mail sent to the person's last known electronic mail address;
  - (d) if the order is in respect of a place, by posting it at a conspicuous location on the place;
  - (e) if the order is in respect of a class of persons, by
    - (i) delivering it to each person in the class through one or more of the methods set out in paragraphs (a), (b) or (c), or
    - (ii) if, in the opinion of a medical health officer, delivery to each person would be impractical in the circumstances or would be likely to cause a delay that could significantly increase the risk to the health of any person, by both delivering the notice by any communications media and posting the order at the location where it is most likely to be brought to the attention of the members of the class.