



## **ORDER OF THE PROVINCIAL HEALTH OFFICER**

(Pursuant to Sections, 30, 31, 32, 39 (3) and 54 *Public Health Act*, S.B.C. 2008)

### ***INDUSTRIAL CAMPS – May 12, 2021***

The *Public Health Act* and Regulations are at:

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

(excerpts enclosed)

- TO: PERSONS WHO EMPLOY WORKERS IN THE AGRICULTURAL, AQUACULTURAL, FORESTRY AND RESOURCE SECTORS OR WHO PROVIDE ACCOMMODATION FOR THEM IN AN INDUSTRIAL CAMP OR OTHER CONGREGATE SETTING, INCLUDING A MOTEL, HOTEL, LODGE OR TENTS (HEREINAFTER REFERRED TO AS “EMPLOYERS” AND “CAMPS”)**
- TO: PERSONS WHO ARE APPOINTED AS INFECTION PREVENTION AND CONTROL CO-ORDINATORS BY EMPLOYERS (HEREINAFTER REFERRED TO AS “CO-ORDINATORS”)**
- TO: WORKERS IN THE AGRICULTURAL, AQUACULTURAL, FORESTRY AND RESOURCE SECTORS (HEREINAFTER REFERRED TO AS “WORKERS”)**
- TO: DRIVERS WHO TRANSPORT WORKERS IN THE AGRICULTURAL, AQUACULTURAL, FORESTRY AND RESOURCE SECTORS (HEREINAFTER REFERRED TO AS “DRIVERS”)**

#### **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. 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;
- C. The presence of virus variants of concern in the Province has heightened the risk to the population;

- D. People living or working in close contact with one another can promote the transmission of SARS-CoV-2 and increase the number of people who develop COVID-19;
- E. It is challenging for public health officials to respond to cases, clusters and outbreaks of COVID-19 at remote worksites and camps; and a high volume of cases taxes the capacity of the public health system to carry out contact tracing;
- F. Once a camp for silviculture workers is established, the camp provides a self-contained environment with no uncontrolled contact from outside, and the workers form a stable cohort;
- G. You belong to one of the classes of persons to whom this Order is addressed;
- H. I have reason to believe and do believe that
  - (i) The risk of transmission of SARS-CoV-2, and resulting outbreaks of COVID-19, among workers living in congregate accommodation, or working closely together at worksites, in the agricultural, aquacultural, forestry and resource sectors constitutes a health hazard under the *Public Health Act*;
  - (ii) because the risk of transmission of SARS-CoV-2 and control of outbreaks extends beyond the authority of one or more medical health officers and coordinated action is needed to protect the public from contracting COVID-19, it is in the public interest for me to exercise the powers in sections 30, 31, 32, 39 (3) and 54 (1) (k) of the *Public Health Act* **TO ORDER** as follows:

## **THIS ORDER REPEALS AND REPLACES MY ORDER OF APRIL 13, 2021**

### **DEFINITIONS:**

In this Order:

“**camp**” means a place provided by an employer for the accommodation of workers and includes an “**industrial camp**” as that term is defined in the Industrial Camps Regulation;

“**driver**” means a person employed by an employer to transport workers, or a person under contract to an employer to transport workers;

“**face covering**” means either of the following that covers the nose and mouth of a person:

- (a) a medical or non-medical mask;
- (b) a tightly woven fabric;

“**health check**” means reviewing the entry requirement and key questions at <https://www.worksafebc.com/en/about-us/covid-19-updates/health-and-safety/health-checks> and which are on the poster at <https://www.worksafebc.com/en/resources/health-safety/posters/help-prevent-spread-covid-19-entry-check-workers?lang=en> or in accordance with an assessment tool developed by an employer

“**health officer**” has the same meaning as in the *Public Health Act*;

**“physical barrier”** means a barrier which is designed, installed and maintained in accordance with WorkSafeBC guidelines at <https://www.worksafebc.com/en/resources/healthsafety/information-sheets/covid-19-health-safety-designing-effective-barriers?lang=en>;

**“Provincial infection prevention and control officer”** means a person to whom I have delegated in writing my powers under the *Public Health Act* for the purpose of ensuring compliance with this Order.

## **A. EMPLOYERS**

### **MUST**

1.
  - a. develop a COVID-19 infection prevention and control protocol (the “Protocol”)
    - i. to prevent and control the risk of transmission of COVID-19 among workers at a camp and at the worksite, and when travelling between a worksite and a camp;
    - ii. to prevent and control the risk of transmission of COVID-19 between a camp and surrounding communities,
    - iii. to ensure, to the greatest extent possible, that new workers, or workers returning after a break, are not infected with COVID-19, and
    - iv. to rapidly detect and isolate a worker who may be infected with COVID-19
  - b. post the Protocol in a prominent place at a camp and a worksite;
  - c. provide the Protocol to a health officer or Provincial infection prevention and control officer on request, or during the course of an inspection; and
  - d. review the Protocol regularly to ensure that it effectively prevents and controls the risk of the transmission of COVID-19 among workers, and incorporates updates, recommendations, guidance and best practices issued by me or the BC Centre for Disease Control;
2. appoint a person as an infection prevention and control co-ordinator (“co-ordinator”), and provide the co-ordinator with the training, resources and support necessary to enable the co-ordinator to implement the Protocol;
3. design, modify or organize facilities, infrastructure and services for workers in such a way as to enable the workers to comply with their obligations under this Order and the Protocol;
4. provide facilities for and services to workers in or on the site of a camp to the extent practical, such as meal services, communication systems, internet facilities and laundry, so as to enable workers to remain in their individual accommodation and at the camp when not at the worksite;
5. when transporting workers put the following measures in place:

- a. require the passengers and the driver to wear face coverings which cover the nose and mouth;
  - b. ensure that there is sufficient ventilation to permit fresh air to circulate in the vehicle; and
  - c. to the extent feasible, ensure that there is sufficient time and space available for passengers to maintain a distance of two metres from one another when entering or exiting a vehicle.
6. in addition to the measures in section 5, to the extent feasible, put in place the following measures:
- a. have workers travel in the same cohorts;
  - b. install a physical barrier between the driver and the passengers, or mark off a space of two metres between the driver and the passengers to which the passengers do not have access;
  - c. provide a minimum of two metres between the seats available to passengers;
7. maintain high levels of camp, worksite, transport vehicle and worker hygiene;
8. have available, or have a plan for ready access to, the medical, nursing and allied professional support necessary to support the management by public health of cases, clusters and outbreaks of COVID-19 among workers;
9. arrange for the testing of a worker with [symptoms of COVID-19 that require testing](#) or when recommended by an MHO or another health professional;
10. not permit a worker who has [symptoms of COVID-19 that require testing](#) to be at the worksite
11. have procedures, including an identified place, for the isolation of a worker exposed to COVID-19, or with a confirmed or suspected case of COVID-19, or with [symptoms of COVID-19 that require testing](#);
12. ensure that a worker in isolation has the supplies, support and services the worker needs to isolate, including, food, potable water, medication, toiletries, cleaning supplies and a means of communication with health care providers, and provide any supplies, support or services which the worker does not have;
13. in the event that a worker in isolation does not remain in isolation, immediately notify a health officer.
14. in the event of the occurrence of a case, cluster or outbreak of COVID-19 in workers, report daily to the medical health officer, or a physician acting on behalf of the medical health officer, on

- a. the measures being taken to control the spread of COVID-19 among workers,
  - b. the condition of a worker exposed to, or with a confirmed or suspected case of COVID-19,
  - c. the result of the test of a worker for COVID-19,
  - d. any other information, including personal information, relevant to the prevention and control of the transmission of COVID-19 among workers and in surrounding communities, as requested by the medical health officer or physician, and
  - e. work with the medical health officer to determine what further measures may need to be put in place to reduce the risk of transmission of COVID-19, and put in place any measures recommended by the medical health officer.
15. for a new camp, and annually for an existing camp, arrange for a health officer, or a Provincial infection prevention and control officer, to review the Protocol, inspect the camp, vehicles used to transport workers together, vehicles used by workers together for work, and vehicles used by workers to transport themselves with others to and from the worksite or between worksites, in order to determine
- a. if the camp and vehicles will support the prevention and control of the transmission of COVID-19, and
  - b. if the employer has the ability to implement the Protocol in a manner that will prevent the risk of transmission of COVID-19 among workers, and to other persons who may come in contact with workers.

## **B. CO-ORDINATORS**

### **MUST**

- 1. act as a liaison between the employer and the health officer, or Provincial infection prevention and control officer;
- 2. oversee the implementation of the Protocol;
- 3. ensure that processes are in place
  - a. to support workers in carrying out a daily health check and confirming with the co-ordinator that the worker has passed the health check;
  - b. to ensure that if the co-ordinator is not satisfied that a worker has carried out and passed the daily health check, the worker is not present at the worksite;
  - c. to inform a health officer, or Provincial infection prevention and control officer, if a worker exhibits [symptoms of COVID-19 that require testing](#), and to assist the worker in seeking health care, if necessary;

- d. to monitor the manner in which workers are transported between their accommodation and the worksite, and between worksites, in order to ensure that workers are transported in a manner that limits the risk of transmission of COVID-19 between workers, and between workers and a driver;
- e. to monitor the compliance of workers and drivers with the requirements imposed upon them by this Order;
- f. to inform the health officer, or the Provincial infection prevention and control officer, of any failure to implement the Protocol on the part of the employer.

## C. WORKERS

### MUST

1. follow the Protocol of their employer to prevent the transmission of COVID-19;
2. follow infection prevention and control practices, including diligent hand hygiene, at all times;
3. to the extent practical, reduce close contact with other persons by maintaining a two metre distance from other people;
4. wear a face covering over the nose and mouth when in indoor common areas, including elevators, lobbies, hallways, stairwells, bathrooms, kitchens, or break rooms, or when in a vehicle with another person for the purpose of work;
5. when in a vehicle with another person for the purpose of transport between a camp and the worksite, or between worksites, whether the vehicle is provided by the employer or is a private vehicle, wear a face covering over the nose and mouth and, if practical, be seated a distance of two metres from every other passenger and from the driver, unless there is a physical barrier between the driver and the passengers, and between the passengers;
6. carry out a daily health check and inform the co-ordinator whether they have passed;
7. if they have not carried out or passed the daily health check, or have not advised the co-ordinator that they have carried out and passed the daily health check, not be present at the worksite;
8. if they exhibit [symptoms of COVID-19 that require testing](#), inform the co-ordinator and self-isolate for 10 days, unless instructed otherwise by a health professional.
9. Subject to section 12, upon a worker's initial arrival at or return to camp, a worker must remain at their accommodation in camp for two weeks when not required at the worksite, or the length of their work rotation if it is less than two weeks, and only leave their accommodation
  - a. for the purpose of meals, if they do not have kitchen facilities available to them in their accommodation;

- b. in the case of a medical emergency, or
  - c. to attend a critical appointment, if it cannot be postponed or cannot be held electronically.
10. Subject to section 12, in the event that a worker leaves a camp during the first two weeks, or during their work rotation if it is less than two weeks, after their arrival at or return to the camp after a break, a worker must comply with the following conditions:
- a. notify the co-ordinator before they leave their accommodation unless this is not possible due to the nature of the medical emergency.
  - b. maintain a distance of two metres from any person with whom they are meeting, unless the person is a health care provider who is providing them with care;
  - c. wear a face covering which covers their nose and mouth, whenever in an interior setting or in a vehicle, unless the nature of a medical emergency makes it difficult or impossible for them to do so;
  - d. if they develop [symptoms of COVID-19 that require testing](#), other than in the case of a medical emergency for which they are receiving care, put a face covering over their nose and mouth, return immediately to their accommodation at camp, while avoiding contact with other people to the greatest extent possible, and notify the co-ordinator of their symptoms.
11. Sections 9 and 10 do not apply to an agricultural temporary foreign worker who has completed a two week period of quarantine managed and overseen by the Ministry of Agriculture, Food and Fisheries.
12. Unless directed otherwise by a medical health officer as provided for in section 13, or they are exhibiting [symptoms of COVID-19 that require testing](#), following the first two weeks after their arrival at a camp, or the end of their work rotation if it is less than two weeks, subject to the approval of the employer, a worker may leave the camp, but must comply with the conditions in section 10.
13. If a medical health officer is of the opinion that the risk to public health is too great, as a result of the presence of clusters or outbreaks of COVID-19 in a camp, or an elevated rate of transmission of COVID-19 in surrounding communities, a medical health officer may direct that workers not leave their accommodation, when not required at the worksite, or the camp.
14. The provisions of this Part do not prevent a worker, other than a worker residing at a silviculture camp described in Part F section 1 a., from residing in accommodation not provided by an employer, either full-time or on their days off.
15. A worker must provide information, including personal information, requested by an employer in the course of fulfilling the responsibilities of the employer under Part A section 14 or requested by a co-ordinator in the course of fulfilling the responsibilities of the co-ordinator under Part B section 3 c.

## **D. DRIVERS**

### **MUST**

1. wear a face covering over their nose and mouth, when transporting workers.

## **E. FACE COVERINGS**

1. Despite the face covering requirements in this Order, a person is not required to wear a face covering, if any of the following applies:
  - a. the person is unable to put on or remove a face covering without the assistance of another person;
  - b. the person is unable to wear a face covering because of
    - i. a psychological, behavioural or health condition, or
    - ii. a physical, cognitive or mental impairment;
  - c. the face covering is removed temporarily for the purpose of identifying the person;
  - d. the face covering is removed temporarily to communicate with a person with a disability or diverse ability, where visual cues, facial expressions and/or lip reading/movements are important;
  - e. the person is receiving health care which requires the person to remove the face covering;
  - f. the person is eating or drinking, but if the person is in a vehicle provided by an employer, only if there is two metres between the person, other passengers and the driver, or there are physical barriers between them;
  - g. when in a courtroom, unless required by other regulations or policies.

## **F. SILVICULTURE WORKERS**

1. Subject to the approval of the employer, a silviculture worker who has complied with section 9 of Part C, is not required to comply with section 3, 4 or 5 in Part C, if
  - a. all the workers reside at the camp which provides for all the workers daily needs onsite,
  - b. any services provided to the camp by a person who does not reside at the camp are provided when there are as few workers as feasible at the camp, and the person providing the services follows precautions to avoid the risk of transmission of COVID 19 to the residents of the camp,

- c. the worker does not leave and return to the camp during the worker's rotation, unless as a result of a medical emergency, or as designated by the employer for the purpose of shopping for necessary supplies, such as food, hygiene products and medication;
- d. the worker is not exhibiting [symptoms of COVID-19 that require testing](#), and
- e. the worker has not been directed by a medical health officer to comply with section 3, 4 or 5 of Part C.

## G. MEDICAL HEALTH OFFICER ORDERS

Recognizing that the risk differs in different regions of the province, and that medical health officers are in the best position to assess local circumstances with respect to the risk of the transmission of COVID19 in camps and surrounding communities, **I FURTHER ORDER:**

1. A medical health officer may make an order subsequent to this Order for the purpose of imposing more restrictive limitations or conditions with respect to camps in the whole or part of the geographic area of the province for which the medical health officer is designated, or with respect to a particular camp or class of camp.
2. While it is in force, a provision in an order made by a medical health officer subsequent to this Order, which imposes more restrictive limitations or requirements than this Order with respect to one or more camps, or one or more classes of camps, applies in the whole or part of the geographic area of the province for which the medical health officer is designated, according to the terms of the order, despite the provisions of this Order.

This Order does not have an expiration date.

Pursuant to section 54 (1) (h) of the *Public Health Act*, and in accordance with the emergency powers set out in Part 5 of the *Public Health Act*, I will not be accepting requests for reconsideration of this Order.

All persons to whom this order is directed are required under section 42 of the *Public Health Act* to comply with this Order.

If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry  
Provincial Health Officer  
PO Box 9648 STN PROV GOVT  
Victoria BC V8W 9P4  
Fax: (250) 952-1570  
Email: [ProvHlthOffice@gov.bc.ca](mailto:ProvHlthOffice@gov.bc.ca)

DATED THIS: 12<sup>th</sup> day of May 2021

SIGNED:   
Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

DELIVERY BY posting on the BC Government and on the BC Centre for Disease Control websites.

Enclosure: Excerpts of *Public Health Act* and Regulations

## ENCLOSURE

### *Excerpts of the PUBLIC HEALTH ACT and Industrial Camps Regulation*

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#### ***Definitions***

##### ***1 In this Act:***

**"health hazard"** means

- (a) a condition, a thing or an activity that
  - (i) endangers, or is likely to endanger, public health, or
  - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
  - (i) is associated with injury or illness, or
  - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

#### **When orders respecting health hazards and contraventions may be made**

**30** (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

#### **General powers respecting health hazards and contraventions**

**31** (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;
- (b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;
- (c) to bring the person into compliance with the Act or a regulation made under it;

(d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

(2) A health officer may issue an order under subsection (1) to any of the following persons:

(a) a person whose action or omission

(i) is causing or has caused a health hazard, or

(ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;

(b) a person who has custody or control of a thing, or control of a condition, that

(i) is a health hazard or is causing or has caused a health hazard, or

(ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;

(c) the owner or occupier of a place where

(i) a health hazard is located, or

(ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

### **Specific powers respecting health hazards and contraventions**

**32** (1) An order may be made under this section only

(a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and

(b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].

(2) Without limiting section 31, a health officer may order a person to do one or more of the following:

(a) have a thing examined, disinfected, decontaminated, altered or destroyed, including

(i) by a specified person, or under the supervision or instructions of a specified person,

(ii) moving the thing to a specified place, and

(iii) taking samples of the thing, or permitting samples of the thing to be taken;

(b) in respect of a place,

(i) leave the place,

(ii) not enter the place,

(iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,

(iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and

(v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;

- (c) stop operating, or not operate, a thing;
- (d) keep a thing in a specified place or in accordance with a specified procedure;
- (e) prevent persons from accessing a thing;
- (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;
- (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
- (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;
- (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
- (j) provide evidence of complying with the order, including
  - (i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and
  - (ii) providing to a health officer any relevant record;
- (k) take a prescribed action.

(3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless

- (a) the person consents in writing to the destruction of the thing, or
- (b) Part 5 [*Emergency Powers*] applies.

### **Contents of orders**

**39** (3) An order may be made in respect of a class of persons.

### **Duty to comply with orders**

**42** (1) A person named or described in an order made under this Part must comply with the order.  
 (2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

### **General emergency powers**

**54** (1) A health officer may, in an emergency, do one or more of the following:

- (h) not reconsider an order under section 43 [*reconsideration of orders*], not review an order under section 44 [*review of orders*] or not reassess an order under section 45 [*mandatory reassessment of orders*];

## Offences

**99** (1) A person who contravenes any of the following provisions commits an offence:

...

(k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];