



ORDER OF THE PROVINCIAL HEALTH OFFICER

(Pursuant to Sections, 30, 31, 32, 39 (3) and 54 (1) (k) *Public Health Act*, S.B.C. 2008)

RESOURCE SECTOR WORKSITES AND INDUSTRIAL CAMPS IN THE REGION OF THE NORTHERN HEALTH AUTHORITY

January 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 RESOURCE SECTORS OR WHO PROVIDE ACCOMMODATION FOR THEM IN AN INDUSTRIAL CAMP OR OTHER CONGREGATE SETTING, INCLUDING A MOTEL, HOTEL OR TENTS (HEREINAFTER REFERRED TO AS “EMPLOYERS” AND “ACCOMMODATION”) IN THE REGION OF THE NORTHERN HEALTH AUTHORITY**
- TO: PERSONS WHO ARE APPOINTED AS INFECTION PREVENTION AND CONTROL CO-ORDINATORS BY EMPLOYERS (HEREINAFTER REFERRED TO AS “CO-ORDINATORS”) IN THE REGION OF THE NORTHERN HEALTH AUTHORITY**
- TO: WORKERS IN THE RESOURCE SECTORS (HEREINAFTER REFERRED TO AS “WORKERS”) IN THE REGION OF THE NORTHERN HEALTH AUTHORITY**
- TO: DRIVERS WHO TRANSPORT WORKERS IN THE RESOURCE SECTORS BETWEEN THEIR ACCOMODATION AND WORKSITE IN THE REGION OF THE NORTHERN HEALTH AUTHORITY (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. 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;
- D. There has been a rapid increase in the number of persons infected with COVID-19 associated with industrial projects which are located within the Northern Health Authority region, as defined under the *Health Authorities Act*;
- E. 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, including Indigenous communities, and increases the risk of hospitalizations, intensive care admissions, and deaths in the Northern Health Authority region;
- F. It is challenging for public health officials to respond to cases, clusters and outbreaks of COVID-19 at remote worksites and industrial camps; and a high volume of cases taxes the capacity of the Northern Health Authority public health system to carry out contact tracing;
- G. Similarly, a high volume of illness related to COVID-19 taxes the capacity of the Northern Health Authority health care system to provide care;
- H. You belong to one of the classes of persons to whom this Order is addressed;
- I. 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 resource sectors on the region of the Northern Health Authority, constitutes a health hazard under the *Public Health Act*;
 - (ii) 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 SUPERSEDES MY ORDER OF JULY 2, 2020 WITH RESPECT TO RESOURCE SECTOR WORKSITES AND INDUSTRIAL CAMPS IN THE REGION OF THE NORTHERN HEALTH AUTHORITY, AS DESIGNATED UNDER THE *HEALTH AUTHORITIES ACT*, AND CONFIRMS MY ORDER OF JULY 2, 2020 WITH RESPECT TO OTHER SECTOR WORKSITES AND INDUSTRIAL CAMPS IN THE REGION OF THE NORTHERN HEALTH AUTHORITY, AND ALL SECTOR WORKSITES AND INDUSTRIAL CAMPS IN THE REMAINDER OF THE PROVINCE OF BRITISH COLUMBIA

DEFINITIONS:

In this Order:

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

“**industrial camp**” has the same meaning as in the Industrial Camps Regulation;

“**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”) to prevent and control the risk of transmission of SARS-CoV-2 among workers in their place of accommodation, at the worksite, and when travelling between the worksite and their accommodation;
 - b. post the Protocol in a prominent place at the accommodation and the worksite; and
 - c. provide the Protocol to a health officer or Provincial infection prevention and control officer on request, or during the course of an inspection;
 - d. review the Protocol regularly to ensure that it effectively prevents and controls the risk of the transmission of SARS-CoV-2 among workers, and incorporates updates, improvements, 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 workers to comply with their obligations under this Order and the Protocol;
4. provide facilities and services to workers in or on the site of their accommodation, including meal services, communication systems, internet facilities and laundry, so as to enable workers to remain in their accommodation when not at the worksite;
5. when transporting workers between their accommodation and the worksite, 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;
- c. 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; and

implement the following measures, if possible:

- d. have workers travel in the same cohorts;
 - e. 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;
 - f. provide a minimum of two metres between the seats available to passengers;
6. maintain high levels of accommodation, worksite, transport vehicle and worker hygiene;
 7. provide for a rapid response if a worker develops [symptoms of COVID-19](#), including procedures to isolate the worker, providing access to a health professional, and notifying a health officer or Provincial infection prevention and control officer;
 8. not permit a worker who has [symptoms of COVID-19](#) to be at the worksite;
 9. ensure that a worker with [symptoms of COVID-19](#) is self-isolating and provide the support the worker needs to self-isolate, including a place in which to isolate, if this is not possible in the place where the worker is living;
 10. in the event of the occurrence of a case, cluster or outbreak of COVID-19 in workers, work with the medical health officer to determine what further measures may need to be put in place to reduce the risk of transmission SARS-CoV-2, and put in place any measures recommended by the medical health officer;
 11. in the case of new accommodation or a new worksite, before placing workers in the accommodation or operating the worksite, arrange for a health officer or a Provincial infection prevention and control officer to review the Protocol, inspect the accommodation, worksite, vehicles used to transport workers, vehicles used by workers for work, and vehicles used by workers to transport themselves to and from the worksite, among other matters, in order to determine
 - a. if the accommodation, worksite and vehicles will support the prevention and control of transmission of SARS-CoV-2, and
 - b. if the employer has the ability to implement the Protocol in a manner that will prevent the risk of transmission of SARS-CoV-2 among workers and to other persons.

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 every worker carries out a daily health check and confirms with the co-ordinator that the worker has passed the health check;
4. if the co-ordinator is not satisfied that a worker has carried out and passed the daily health check, not permit the worker to be present at the worksite;
5. inform the health officer, or Provincial infection prevention and control officer, if any worker exhibits [symptoms of COVID-19](#) and assist the worker in seeking health care, if necessary;
6. to the extent practical, oversee the manner in which workers are transported between their accommodation and the worksite to ensure that workers are transported in such a way that it limits the risk of transmission of SARS-CoV-2 between the workers and the driver;
7. monitor the compliance of workers and drivers with the requirements imposed upon them by this Order;
8. 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, or if a worker or a driver fails to comply with the requirements imposed upon the worker or driver by this Order.

C. WORKERS

MUST

1. follow the Protocol of their employer to prevent the transmission of SARS-CoV-2 infection;
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, break rooms or meeting 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 their accommodation and the worksite, whether in a vehicle provided by the employer or 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

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](#), inform the co-ordinator and self-isolate for 10 days, unless instructed otherwise by a health professional;
9. remain in their accommodation when not required at the worksite, and only leave their accommodation
 - a. in the case of a medical emergency, or
 - b. to attend a critical appointment, if it cannot be postponed or cannot be held electronically;
10. in the event that a worker leaves their accommodation in the case of a medical emergency, or to attend a critical appointment, 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 the medical emergency makes it difficult or impossible for them to do so;
 - d. if they develop [symptoms of COVID-19](#) while away from their accommodation, 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, while avoiding contact with other people to the greatest extent possible, and notify the co-ordinator of their symptoms.

D. DRIVERS WHO TRANSPORT WORKERS BETWEEN THEIR ACCOMODATION AND THE WORKSITE

MUST

1. wear a face covering which covers the nose and mouth when transporting workers between their accommodation and the worksite.

E. FACE COVERINGS

1. Despite the face covering requirements above, 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;
 - b. the face covering is removed temporarily for the purpose of identifying the person;
 - c. the face covering is removed temporarily to communicate with a person who is hearing impaired;
 - d. the person is receiving health care which requires the person to remove the face covering.

This Order does not have an expiration date.

All persons to whom this order is directed are required under section 42 of the *Public Health Act* to comply with this Order. Under section 43 of the British Columbia *Public Health Act*, you may request me to reconsider this Order if you:

1. Have additional relevant information that was not reasonably available to me when this Order was issued.
2. Have a proposal that was not presented to me when this Order was issued but, if implemented, would
 - (a) meet the objective of the order, and
 - (b) be suitable as the basis of a written agreement under section 38 [may make written agreements]
3. Require more time to comply with the order.

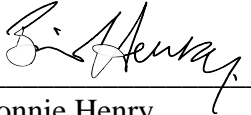
Under section 43 (6) an order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

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

DATED THIS: 12th day of January 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

Public Health Act [SBC 2008] c. 28

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.

Reconsideration of orders

43 (1) A person affected by an order, or the variance of an order, may request the health officer who issued the order or made the variance to reconsider the order or variance if the person

(a) has additional relevant information that was not reasonably available to the health officer when the order was issued or varied,

(b) has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would

(i) meet the objective of the order, and

(ii) be suitable as the basis of a written agreement under section 38 [*may make written agreements*], or

(c) requires more time to comply with the order.

(2) A request for reconsideration must be made in the form required by the health officer.

(3) After considering a request for reconsideration, a health officer may do one or more of the following:

(a) reject the request on the basis that the information submitted in support of the request

(i) is not relevant, or

(ii) was reasonably available at the time the order was issued;

(b) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;

(c) confirm, rescind or vary the order.

(4) A health officer must provide written reasons for a decision to reject the request under subsection (3) (a) or to confirm or vary the order under subsection (3) (c).

(5) Following a decision made under subsection (3) (a) or (c), no further request for reconsideration may be made.

(6) An order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

(7) For the purposes of this section,

(a) if an order is made that affects a class of persons, a request for reconsideration may be made by one person on behalf of the class, and

(b) if multiple orders are made that affect a class of persons, or address related matters or issues, a health officer may reconsider the orders separately or together.

(8) If a health officer is unable or unavailable to reconsider an order he or she made, a similarly designated health officer may act under this section in respect of the order as if the similarly designated health officer were reconsidering an order that he or she made.

Industrial Camps Regulation

Definitions

1 In this regulation:...

"industrial camp" means land or premises on which an employer, in connection with a logging, sawmill, mining, oil or gas operation, a railway construction project, a cannery, or a similar thing, owns, operates or maintains, or has established, permanent or temporary structures for use, with or without charge, by employees as living quarters....
