



DELEGATION BY THE PROVINCIAL HEALTH OFFICER

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

Provincial Infection Prevention and Control Officers

WHEREAS:

- A. There are outbreaks of COVID-19 in many parts of the world and on March 11, 2020 the World Health Organization declared COVID-19 to be a pandemic;
- B. 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 and outbreaks of a serious illness 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*;
- C. A person who is infected with SARS-CoV-2 can infect other people with whom the infected persons is living in congregate accommodation, being transported in a vehicle or working at a worksite;
- D. On April 22, 2020 I made a Class Order with respect to *Industrial Camps* (the “Order”).
- E. The Province has identified to me the employees of the B.C. Public Service, described in Appendix A, who have the necessary knowledge, skill and abilities to carry out the powers and duties set out in this delegation (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 my authority under the following provisions of the *Public Health Act* to all persons in the Class for the purpose of enforcing the Order:

1. under section 24 (1) (b) to require the person to produce relevant records;
2. under section 24 (1) (e), to require a person to demonstrate a relevant skill, or operate a thing or carry out a procedure as directed;
3. under section 24 (1) (f) to make records in respect of a person;
4. under section 24 (1) (i), to question a person whom the delegate reasonably believes to have relevant information;
5. under section 25 to conduct an inspection;
6. under section 54(1) (k), to collect, use or disclose information, including personal information.
7. under section 90 (1) to call on the assistance of a peace officer for the purposes of taking an action for the purpose of carrying out an inspection or enforcing the Order.

I make this delegation subject to the following conditions:

1. This delegation is effective on April 23, 2020 and ends when rescinded by me.
2. The power to require a person to demonstrate a relevant skill or carry out a procedure is limited to requiring an employer of a worker (an “employer”) who provides accommodation to a worker, to demonstrate that the employer has the skill, ability and resources to develop and implement a COVID- 19 infection prevention and control protocol (“the Protocol”) for the purpose of protecting workers from the risk of the transmission of infection at their place of accommodation, while being transported and at their worksite.
3. The power to question a person whom the delegate reasonably believes to have relevant information is limited to questioning an employer, their staff, a co-ordinator and workers for the purpose of determining whether the employer is implementing or will be able to implement the Protocol, and whether the employer, co-ordinator and workers are complying with the Order.
4. The power to inspect is limited to the inspection of accommodation at which workers will be, or are living, vehicles in which workers will be, or are being, transported and of worksites at which workers will be, or are working, for the purpose of determining whether the employer will be able to implement, or is implementing, the Protocol and whether the employer, co-ordinator and workers are complying with the Order.



Bonnie Henry
MD, MPH, FRCPC
Provincial Health Officer

April 23, 2020
Date

APPENDIX A

PROVINCIAL INFECTION PREVENTION AND CONTROL OFFICERS

The following persons for the purpose of enforcing the Order:

1. A person appointed as a park ranger under s.4(2) of the Park Act;
2. A person designated a member of the Conservation Officer Service under s.106(3)(b)(i) of the Environmental Management Act;
3. A person designated as a natural resource officer under s. 2 of the Natural Resource Compliance Act;
4. A person employed by the Ministry of Transportation and Infrastructure as a Carrier Safety Inspector, a Commercial Transport Inspector, a Dangerous Goods Inspector, or a Motor Vehicle Inspector;
5. A person employed by the Ministry of Agriculture as a Regional Agrologist, Meat Hygiene and Agri-Food Inspector, Agri-Food Inspection Supervisor, Fisheries Inspector.
6. A person employed by the Ministry of Forests, Lands Natural Resource Operations and Rural Development
7. A person employed by the Ministry of Energy, Mines and Petroleum Resources.
8. A person employed in the B. C. public service.

*Excerpts of the PUBLIC HEALTH ACT and
Public Health Inspections and Orders Regulation*

Public Health Act, S.B.C. 2008, c. 28

Definitions

1 In this Act:

"exposed" means to have been

- (a) in contact with, or near, a person or thing that is or may be infected with an infectious agent or contaminated with a hazardous agent, or
- (b) in an environment contaminated with an infectious agent or a hazardous agent,

"infected person" or **"infected thing"** means a person who, or thing that,

- (a) is or is likely infected with, or has been or has likely been exposed to, a prescribed infectious agent, or
- (b) is or is likely contaminated with, or has been or has likely been exposed to, a prescribed hazardous agent

When inspection may be made

23 Subject to section 25 [*entering to inspect*], a health officer may stop a person or vehicle, enter a vehicle or place and inspect a vehicle or place for any of the following reasons:

- (a) for the purposes of determining whether
 - (i) the person is an infected person,
 - (ii) the person has custody or control of a person who is an infected person, or of a thing that is an infected thing,
 - (iii) the vehicle or place is an infected thing, or has an infected thing in it or on it,
 - (iv) a health hazard exists or likely exists in or on the vehicle or place, or in relation to the activities of the person, or
 - (v) a provision of this Act or a regulation made under it, a term or condition of a licence or permit issued under this Act or an order made under this Act may have been, is being or is likely about to be contravened;
- (b) if the person, vehicle or place is described in a report made under Division 3 [*Reporting Disease, Health Hazards and Other Matters*] of Part 2;
- (c) to determine whether

- (i) a licence or permit should be issued, or an order should be made, under this Act, or
- (ii) a term or condition of a licence or permit issued under this Act, or an order made under this Act, should be varied or rescinded;
- (d) to monitor or confirm compliance with
 - (i) a provision of this Act or a regulation made under it, or
 - (ii) a term or condition of a licence or permit issued under this Act, or an order made under this Act;
- (e) if a health officer has the power to monitor or confirm compliance with a provision of another enactment, to monitor or confirm compliance with that provision;
- (f) for any purpose for which an inspection by a health officer is expressly authorized under this or any other enactment;
- (g) for a prescribed purpose.

Inspection powers

- 24** (1) A health officer may do one or more of the following for the purposes of an inspection:
- (a) be accompanied or assisted by a person who has special, expert or professional knowledge of a matter relevant to the inspection;
 - (b) require a person to produce relevant records or things in the person's possession or control;
 - (c) inspect, copy or remove relevant records or things;
 - (d) require a person to stop engaging in an activity, or stop the operation of a thing;
 - (e) require a person to demonstrate a relevant skill, or operate a thing or carry out a procedure as directed by the health officer;
 - (f) make records in respect of a person, place or thing;
 - (g) take samples and perform analyses and tests, including tests in which a sample is destroyed;
 - (h) require that a place or thing not be altered or disturbed for a reasonable period of time;
 - (i) question a person whom the health officer reasonably believes to have relevant information;
 - (j) attend a relevant training program;
 - (k) make an order necessary for the purpose of exercising a power of inspection.
- (2) If a health officer removes records or things under subsection (1) (c), the health officer must
- (a) provide a receipt for the records or things to the person from whom they were taken, and

- (b) subject to a power under this or any other enactment to order a thing destroyed, promptly return the records or things
 - (i) when they have served the purposes for which they were taken, or
 - (ii) if an action or a proceeding is taken under this or any other enactment as a result of an inspection, and the records or things are relevant to the action or proceeding, no later than 3 months after the conclusion of the action or proceeding.
- (3) For the purposes of an order made under subsection (1) (k), the person who is subject to the order must comply with it.

General powers respecting infectious agents and hazardous agents

- 28** (1) If the circumstances described in section 27 [*when orders respecting infectious agents and hazardous agents may be made*] apply, a medical health officer may order a person to do anything that the medical health officer reasonably believes is necessary for either or both of the following purposes:
- (a) to determine whether an infectious agent or a hazardous agent exists, or likely exists;
 - (b) to prevent the transmission of an infectious agent or a hazardous agent.
- (2) A medical health officer may, in respect of an infected thing,
- (a) make any order, with any necessary modifications, that can be made under this Division as if the infected thing were an infected person, and
 - (b) direct the order to any person having custody or control of the infected thing.

Specific powers respecting infectious agents and hazardous agents

- 29** (1) An order may be made under this section only
- (a) if the circumstances described in section 27 [*when orders respecting infectious agents and hazardous agents may be made*] apply, and
 - (b) for the purposes set out in section 28 (1) [*general powers respecting infectious agents and hazardous agents*].
- (2) Without limiting section 28, a medical health officer may order a person to do one or more of the following:
- (a) remain in a specified place, or not enter a place;
 - (b) avoid physical contact with, or being near, a person or thing;
 - (c) be under the supervision or care of a specified person;
 - (d) provide to the medical health officer or a specified person information, records, samples or other matters relevant to the person'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 a hazardous agent by the person;
- (e) be examined by a specified person, including
 - (i) going to a specified facility for examination, and
 - (ii) being examined before a particular date or according to a schedule;
 - (f) submit to diagnostic examination, including going to a specified facility or providing the results to a specified person;
 - (g) take preventive measures, including
 - (i) going to a specified facility for preventive measures,
 - (ii) complying with preventive measures set out in the order, specified by a medical practitioner or nurse practitioner, or both, and
 - (iii) beginning preventive measures before a particular date, and continuing until a particular date or event;
 - (h) 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 medical health officer any relevant record;
 - (i) take a prescribed action.
 - (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.

(5) A reviewer must provide written reasons for an action taken under subsection (4) (b) or (c), and a person may not request further review of an order.

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.