



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)

Industrial Camps

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 AND/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”).**
- TO: PERSONS WHO ARE APPOINTED AS INFECTION PREVENTION AND CONTROL CO-ORDINATORS BY EMPLOYERS (hereinafter referred to as “coordinators”).**
- TO: WORKERS IN THE AGRICULTURAL, AQUACULTURAL, FORESTRY AND RESOURCE SECTORS (hereinafter referred to as “workers”).**

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 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 and/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. You belong to one of the classes of persons to whom this Order is addressed;
- E. I have reason to believe and do believe that
- (i) the risk of transmission of SARS-CoV-2 and a resulting outbreak of COVID-19 among workers living in congregate accommodation or working closely together at a worksite 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:

DEFINITIONS:

In this Order:

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

“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.”

“medical emergency” means that the medical situation of a worker requires that the worker visit or be taken to a health care facility.

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 to and from the worksite from their accommodation; and
 - b. have the Protocol posted in a prominent place at the accommodation and the worksite and have it available to provide to a health officer or Provincial infection prevention and control officer on request or during the course of an inspection.
2. maintain high levels of accommodation, worksite and worker hygiene.
3. provide for a rapid response if a worker develops symptoms of COVID-19 (i.e. fever, sore throat, coughing, sneezing, or difficulty breathing), including procedures to isolate the worker, providing access to a health professional, and notifying a health officer or Provincial infection prevention and control officer;
4. not permit a worker who has symptoms of COVID-19 (i.e. fever, sore throat, coughing, sneezing, or difficulty breathing) to work;

5. must ensure that a worker with symptoms of COVID-19 (i.e. fever, sore throat, coughing, sneezing, or difficulty breathing) is self-isolating and provide the support the worker needs to self-isolate;
6. appoint a person as a co-ordinator.
7. in the case of accommodation which is in use and a worksite which is in operation on the date that this Order is issued, as soon as possible arrange for
 - a. a health officer or a Provincial infection prevention and control officer to inspect the accommodation, worksite, vehicles used to transport workers and vehicles used by workers for work and to transport themselves to and from the worksite in order to determine if the accommodation, worksite and vehicles will support the prevention and control of transmission of SARS-CoV-2 and if you have 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. in all other cases, must arrange for the inspection before placing workers in accommodation or operating a worksite.

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. monitor the health of workers daily for symptoms of COVID-19 (i.e. fever, sore throat, coughing, sneezing, or difficulty breathing) , keep a daily record of monitoring activities and inform the health officer or Provincial infection prevention and control officer if any worker exhibits symptoms of COVID-19 (i.e. fever, sore throat, coughing, sneezing, or difficulty breathing).
4. oversee the manner in which workers are transported between their accommodation and 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 to the driver to the extent practical;
5. monitor the compliance of workers with the requirements imposed upon them by this Order;
6. 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 fails to comply with the requirements imposed upon the worker by this Order.

WORKERS

MUST

1. follow the Protocol of your employer to prevent the transmission of SARS-CoV-2 infection;
2. follow infection prevention and control practices including diligent hand hygiene;
3. to the extent practical, reduce close contact with other persons by maintaining a two metre separation and avoiding shared spaces;
4. to the extent practical, limit the risk of transmission of SARS-CoV-2 between one another and to the driver when travelling to and from work and between shifts;
5. remain in your accommodation on days when you are not required at the worksite;
6. avoid any unnecessary visits to public establishments and only leave your accommodation if approved by the coordinator or in the case of a medical emergency or need to attend a critical appointment if it cannot be postponed or cannot be held electronically.
7. if you leave your accommodation in the case of a medical emergency or to attend a critical appointment,
 - a. you must maintain a distance of two metres from anyone with whom you are meeting, unless you are meeting with a health care provider.
 - b. you must carry a mask or tissues at all times.
 - c. if you develop symptoms of COVID-19 (i.e. fever, sore throat, coughing, sneezing, or difficulty breathing) while away from your accommodation, you must put on the mask or cover your nose and mouth with tissues and return immediately to your accommodation while avoiding contact with other people to the greatest extent possible, and phone a health professional for advice.
8. self-monitor daily for signs and symptoms of illness and,
9. if you exhibit symptoms COVID-19 (i.e. fever, sore throat, coughing, sneezing, or difficulty breathing), inform the coordinator and self-isolate for 10 days, unless instructed otherwise by a health professional.

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 the 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

DATED THIS: 23 day of April 2020

SIGNED: 

Bonnie Henry
MD, MPH, FRCPC
Provincial Health Officer

DELIVERY BY posting on the BC Government website, posting on the BC Centre for Disease Control website and by email.

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....
