



ORDER OF THE PROVINCIAL HEALTH OFFICER

(Pursuant to Sections 27, 28, 29, 57 and 67 *Public Health Act*, S.B.C. 2008)

AGRICULTURAL TEMPORARY FOREIGN WORKERS – June 20, 2021

The *Public Health Act* is at:

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

(excerpts enclosed)

TO: MINISTRY OF AGRICULTURE, FOOD AND FISHERIES

TO: THIRD PARTIES FROM WHOM THE MINISTRY OF AGRICULTURE, FOOD AND FISHERIES REQUESTS INFORMATION ABOUT AGRICULTURAL TEMPORARY FOREIGN WORKERS

TO: LIFELABS

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 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*;
- C. COVID-19 is caused by the infectious agent SARS-CoV-2 and is a reportable communicable disease under the *Public Health Act*;
- D. A person who comes into Canada as an agricultural temporary foreign worker is at risk of having been, or having likely been, infected with SARS-CoV-2 and, in consequence, is an “infected person” within the meaning of the *Public Health Act*;
- E. The Ministry of Agriculture, Food and Fisheries provides support for the quarantine and testing of agricultural temporary foreign workers for COVID-19 on their arrival in British

Columbia and while they are in quarantine, and for this purpose requires information, including the following information, from a third party:

- i. the name of the employer of the agricultural temporary foreign worker;
 - ii. the full name of the agricultural temporary foreign worker;
 - iii. the country of origin of the agricultural temporary foreign worker;
 - iv. the flight number for the agricultural temporary foreign worker;
 - v. the flight departure and arrival times of the agricultural temporary foreign worker;
 - vi. health information about the agricultural temporary foreign worker, including allergies, dietary restrictions, and whether or not the worker has a two week supply of any and all medications;
 - vii. the hotel name and room number for the agricultural temporary foreign worker;
 - viii. the name of the [Temporary Foreign Worker Program](#) through which the agricultural temporary foreign worker is being brought into Canada.
- F. 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;
- G. Agricultural temporary foreign workers live and work in close contact with one another, which puts them at risk of becoming infected with COVID-19;
- H. WorkSafeBC inspects agricultural worksites, including but not limited to farms, greenhouses, nurseries, and food processing facilities, to ensure that
- a. employers have COVID-19 safety plans which protect the health of workers by mitigating the risks of transmission of COVID-19;
 - b. employers are implementing these plans, including providing orientation and training to workers; and
 - c. workers are provided with information about the WorkSafeBC claim process in the event that they become infected with COVID-19.
- I. Vaccination against COVID-19 reduces the risk of a person becoming ill with COVID-19 and of transmitting COVID-19;
- J. The Provincial Health Services Authority and the regional health authorities are responsible for the administration of COVID-19 vaccines. In order to ensure that agricultural temporary foreign workers receive COVID-19 vaccines, they require information about agricultural foreign workers, including for the purpose of assigning a Personal Health Number to, and creating a health record for, each agricultural temporary foreign worker.
- K. I have reason to believe, and do believe that
- i. quarantining and testing agricultural temporary foreign workers for COVID-19 is necessary for the purpose of determining whether they are infected with an infectious agent;

- ii. it is necessary for the medical health officer to have information about an agricultural temporary foreign worker in order to facilitate their vaccination against COVID-19 for the purpose of preventing the transmission of an infectious agent;
- iii. the risk of transmission of SARS-CoV-2, and resulting outbreaks of COVID-19, among agricultural temporary foreign workers living together and working closely at worksites constitutes a health hazard under the *Public Health Act*, and it is necessary to prevent or mitigate the harm this poses;

for these reasons it is necessary for me to exercise my authority under sections 27, 28, 29, 30, 31, 32, 39, 54, 57 and 67 of the *Public Health Act* **TO ORDER**

THIS ORDER REPEALS AND REPLACES MY ORDER OF MARCH 14, 2021 WITH RESPECT TO AGRICULTURAL TEMPORARY FOREIGN WORKERS

In this Order

“**information**” includes personal information as that term is defined in the *Freedom of Information and Protection of Privacy Act*.

1. The Ministry of Agriculture, Food and Fisheries may collect information, including the following information, necessary to facilitate the quarantine, wellness during quarantine, and testing of an agricultural temporary foreign worker on and after their arrival in British Columbia, and a third party from whom the Ministry of Agriculture, Food and Fisheries requests information about an agricultural temporary foreign worker must provide this information to the Ministry of Agriculture, Food and Fisheries:
 - a. the name of the employer of the agricultural temporary foreign worker;
 - b. the name of the agricultural temporary foreign worker;
 - c. the country of origin of the agricultural temporary foreign worker;
 - d. the flight number for the agricultural temporary foreign worker;
 - e. the flight departure and arrival times of the agricultural temporary foreign worker;
 - f. health information about the agricultural temporary foreign worker, including allergies, dietary restrictions, and whether or not the worker has a two week supply of any and all medications;
 - g. the hotel name and room number for the agricultural temporary foreign worker;
 - h. the name of the [Temporary Foreign Worker Program](#) through which the agricultural temporary foreign worker is being brought into Canada.
2. The Ministry of Agriculture, Food and Fisheries may disclose the name of an agricultural temporary foreign worker, the arrival and departure information of their flights, and the location at which the agricultural temporary foreign worker will be in quarantine to LifeLabs for the purpose of arranging for the agricultural temporary foreign worker to be tested for COVID-19 on arrival in British Columbia, and while the agricultural temporary foreign worker is in quarantine.

3. This information must be disclosed to LifeLabs via secure file transfer, and original versions and all copies of this information must be destroyed by LifeLabs within 14 days of receipt.
4. The Ministry of Agriculture, Food and Fisheries may disclose information about agricultural temporary foreign workers to the operator of a hotel, or other place of accommodation, and to the organization named S.U.C.C.E.S.S., and any other third party, for the purposes of facilitating the quarantine, and health and wellness during quarantine, of agricultural temporary foreign workers.
5. The Ministry of Agriculture, Food and Fisheries must disclose to Dr. Reka Gustafson, Vice President, Population and Public Health, Provincial Health Services Authority, and to the medical health officer for the Vancouver Coastal Health Authority, the following information for the purposes described in paragraph J of the recitals:
 - a. the birthdate of an agricultural temporary foreign worker;
 - b. the unique client identifier assigned by Immigration, Refugees and Citizenship Canada to a particular agricultural temporary foreign worker; and
 - c. the passport number of an agricultural temporary foreign worker in the event the unique client identifier is not available prior to arrival.
6. The Ministry of Agriculture, Food and Fisheries may disclose the following information to WorkSafeBC for the purposes described in paragraph H of the recitals:
 - a. the name, address and telephone number of the agricultural temporary foreign worker and their employer;
 - b. the date that an agricultural temporary foreign worker completes quarantine and is scheduled to arrive at a farm, and the name and address of the farm;
 - c. the total number of agricultural temporary foreign workers who have completed quarantine and arrived at a particular farm, and the names of the agricultural foreign workers and the name and address of the farm;
 - d. the country of origin of an agricultural worker who has arrived at a farm;
 - e. the name of the [Temporary Foreign Worker Program](#) through which an agricultural temporary foreign worker has been brought into Canada.

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.

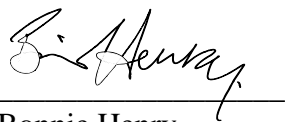
All persons to whom this order is directed are required under section 42 of the *Public Health Act* to comply with this Order.

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
4th Floor, 1515 Blanshard Street
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4
Fax: (250) 952-1570
Email: ProvHlthOffice@gov.bc.ca

DATED THIS: 20th day of June 2021

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

DELIVERY BY: Posting to the BC Government and the BC Centre for Disease Control websites and by email and to:

- Ministry of Agriculture, Food and Fisheries:
 - Shannon Tucker, Labour Project Lead, Agriculture Science and Policy Division
- LifeLabs:
 - Romina Reyes, BC Medical Director
 - Trevor McLean, Director Client Services
- WorkSafeBC:
 - Tom Brocklehurst, Director, OHS Practices & Engineering,
- Provincial Health Services Authority:
 - Dr. Reka Gustafson, Vice President, Public Health and Wellness
- Vancouver Coastal Health Authority:
 - Dr. Patricia Daly, Chief Medical Health Officer

Enclosure: Excerpts of *Public Health Act*.

Enclosure

Excerpts of the *Public Health Act*

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 orders respecting infectious agents and hazardous agents may be made

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

- (a) a person
 - (i) is an infected person, or
 - (ii) has custody or control of an infected person or an infected thing, and
- (b) the order is necessary to protect public health.

(2) An order may be issued based on clinical findings or a person's or thing's circumstances or medical history, even if the person or thing has been examined and the examination did not reveal the presence of an infectious agent or a hazardous agent.

(3) For greater certainty, this section 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 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.

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];

(2) An order that may be made under this Part may be made in respect of a class of persons or things, and may make different requirements for different persons or things or classes of persons or things or for different geographic areas.

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].