



ORDER OF THE PROVINCIAL HEALTH OFFICER
(Pursuant to Sections 27, 28, 29, and 67 *Public Health Act*, S.B.C. 2008)

Travellers and Employers Order

The *Public Health Act* and Regulations are at:

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

(excerpts enclosed)

THIS ORDER AMENDS MY ORDER OF APRIL 10, 2020, WHICH REPLACES MY ORDER WITH RESPECT TO PEOPLE WHO HAVE BEEN OR HAVE LIKELY BEEN EXPOSED TO SARS-CoV-2 (CLASS) MADE ON MARCH 17, 2020

TO: ALL PERSONS ENTERING CANADA THROUGH BRITISH COLUMBIA OR COMING INTO BRITISH COLUMBIA AFTER ENTERING CANADA AFTER APRIL 8, 2020 (“TRAVELLERS”)

TO: EMPLOYERS WHO PROVIDE ACCOMODATION FOR TEMPORARY FOREIGN WORKERS

TO: EMPLOYERS OF TRAVELLERS WHO ARE ESSENTIAL WORKERS

TO: TRAVELLERS WHO ARE ESSENTIAL WORKERS WHO ARE PERMITTED TO WORK BY THEIR EMPLOYERS

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. COVID-19 is caused by the infectious agent SARS-CoV-2 and is a reportable communicable disease under the *Public Health Act*, S.B.C. 2008, c28;
- C. 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*;
- D. A person who is infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;

- E. All persons entering Canada from another country (hereinafter referred to as “a traveller” or “travellers”) are at risk of having been infected with SARS-CoV-2 and in consequence are “infected persons” within the meaning of the *Public Health Act*;
- F. Because the risk of transmission of SARS-CoV-2 and COVID-19 outbreaks extends beyond the authority of one or more medical health officers and coordinated action is needed to respond to the risk, it is in the public interest for me to exercise the powers in sections 27, 28 and 29 of the *Public Health Act*;
- G. I have reason to believe, and do believe, that in consequence of travel outside Canada all travellers are in a Class of infected persons on the basis that all persons in the Class have been or have likely been exposed to SARS-CoV-2;
- H. I have reason to believe, and do believe, that in consequence of their employment of travellers, employers comprise a Class of persons on whom it is necessary for me to impose requirements to prevent the transmission of SARS-CoV-2; and
- I. That in order to protect the public health it is necessary for me to exercise my authority under sections 27, 28 and 29 of the *Public Health Act* to **ORDER** as follows:

DEFINITIONS:

In this Order:

“essential worker” includes an exempted person.

“exempted person” means a person

- (a) described in section 3(a) to (i) of the Order Entitled Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation) made pursuant to the *Quarantine Act*, March 24, 2020 and
- (b) who provides an “Essential Service” as defined in the Order of Dr. Theresa Tam, Chief Public Health Officer, March 25, 2020 made pursuant to the *Quarantine Act*, R.S.C. For clarity, with respect to the category of “asymptomatic person who cross the border to provide or receive essential services...” in this Order, means a person who is coming into Canada solely for the purpose of providing an essential service.

“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 Part B of this Order.

“Provincial information and support 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, other than Part B.

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

A. TRAVELLERS

1. Unless you are an exempted person, upon arrival at Vancouver International Airport or at a Canada/U.S. land border crossing, if staffed by an information and support officer, before going to your home, hotel or similar place you must present yourself to a provincial information and support officer and submit the following to the provincial information and support officer:
 - (a) your personal information (e.g. name, date of birth, travel information);
 - (b) personal information about other persons who are travelling with you including whether persons have symptoms of COVID-19;
 - (c) either that you are a temporary foreign worker or the specifics of your plan and procedures for complying with the requirements of this Order and the procedures issued by the British Columbia Centre for Disease Control (BCCDC) to self-isolate for 14 days after arriving in Canada; and
 - (d) any other information requested by the provincial information and support officer relating to your arrival in Canada and your plans for self-isolation.
2. If a border crossing is not staffed by a provincial information and support officer or if a person is not required by a provincial information and support officer to immediately provide the information set out in section 1 (a) to (d) to the provincial information and support officer, a person, other than a temporary foreign worker, who arrives in Canada must immediately after arriving at the person's home, hotel or similar place, provide the information by completing the form found on line at: www.gov.bc.ca/returningtravellers
3. Subject to the need to leave in the case of a medical emergency, you must remain at your home, hotel or a similar place in which you will stay and self-isolate for 14 days from the date of your arrival in Canada during which time you must follow all of the recommended procedures provided to you by an information and support officer including procedures issued by the British Columbia Centre for Disease Control.
4. Provided you are asymptomatic you may leave your home, hotel or a similar place during the period of 14 days self-isolation for the following reasons and on the following conditions only:
 - (a) to obtain medication and groceries if it is not possible for you to make arrangements to have them delivered to you.
 - (b) to attend critical appointments if they cannot be postponed or cannot be held electronically. If you do attend a critical appointment you must inform any person with whom you are meeting of your status, and you must maintain a distance two metres from anyone with whom you are meeting, unless you are meeting with a health care provider.
 - (c) that you carry a mask or tissues at all times. If you develop symptoms of COVID-19 (i.e. fever, sore throat, coughing, sneezing, or difficulty breathing) while away from your home, hotel or a similar place you must put on the mask or cover your nose and mouth with tissues and return immediately to your home, hotel or similar place while avoiding contact with other people to the greatest extent possible, and phone a health care practitioner for advice.

5. During the 14 day period of self-isolation, you must:

- (a) Self-monitor daily for signs and symptoms of illness according to procedures issued by the British Columbia Centre for Disease Control;
- (b) In the event that you experience symptoms call a health care practitioner, or other number provided to you by a provincial information and support officer;
- (c) Submit to such medical tests and provide such specimens as are, from time to time, considered necessary by your attending health professional for the purpose of identifying or controlling the transmission of SARS-CoV-2.

B. EMPLOYERS WHO PROVIDE ACCOMMODATION TO TRAVELLERS WHO ARE TEMPORARY FOREIGN WORKERS

1. If you are an employer, you must:

- (a) unless the worker is an exempted person, ensure that your worker self-isolates for 14 days after entering Canada;
- (b) develop a COVID-19 infection prevention and control protocol (the “Protocol”) to prevent and control the risk of transmission of infection among workers in their place of accommodation and while working;
- (c) submit the Protocol in electronic format following the instructions www.gov.bc.ca/safeworksites;
- (d) provide for a rapid medical response if a worker develops symptoms of illness while at work; and
- (e) maintain high levels of accommodation, worksite and worker hygiene.

2. You must not employ a temporary foreign worker unless

- (a) the Protocol has been approved by a health officer or an infection prevention and control officer; and
- (b) a health officer or an infection prevention and control officer has inspected the accommodation and worksite and is satisfied of your ability to implement the Protocol in a manner that will prevent the risk of transmission of infection among workers.

C. EMPLOYERS OF TRAVELLERS WHO ARE ESSENTIAL WORKERS

An essential worker is a person who provides services that are considered critical to preserving life, health, public safety and basic societal functioning AND who has been determined by the leadership of their organization, on an individual basis, **to be critical** to delivering these essential services according to the following principles:

- Preventing new introductions of SARS-CoV-2, the virus that causes COVID-19, into British Columbia is of paramount importance to limiting the spread of the virus.
- As a baseline, ALL travellers from outside Canada are considered potential carriers of the virus and should self-isolate at home or a similar place in which to stay.
- To preserve essential services, it is key to consider the risk that a returning worker could pose by endangering the health of multiple other essential service workers, which could jeopardize an organization's ability to provide essential services.

Employers should establish thresholds beyond which it would be difficult to deliver essential services and should only permit a worker who has travelled to Canada in the past 14 days to work if this threshold has been reached. The decision to permit the worker to work must be based on an overall risk assessment which takes into consideration:

- Where the person travelled, recognizing that many countries in the world are experiencing significant community transmission of the virus
- Duration and type of activity while away (family visit rather than attending an event involving a large gathering of people)
- Whether the worker or any member of the worker's household is displaying symptoms of illness. If a worker or any member of the worker's household is displaying symptoms of illness, the worker or member of the household must be assessed by a health professional, and infection with SARS-CoV-2 ruled out before the worker may be considered for return to work.
- The work environment of the individual e.g. whether they work independently, outside or in a group setting, and the risk of the worker transmitting infection to co-workers

A traveller who is permitted to work may do so, despite the provisions of Part A.

D. TRAVELLERS WHO ARE ESSENTIAL WORKERS WHO ARE PERMITTED TO WORK

1. If you are a traveller who is an essential worker who is permitted to work, you must:
 - (a) follow the COVID-19 infection control protocol of your employer to prevent the transmission of SARS-CoV-2 infection;
 - (b) self-monitor daily for signs and symptoms of illness;
 - (c) follow infection prevention and control protocols including diligent hand hygiene;
 - (d) avoid standard greetings that require physical contact, such as shaking hands;
 - (e) to the extent practical, reduce close contact with other workers by maintaining a two metre separation and avoiding shared spaces;
 - (f) avoid close contact with others when travelling to and from work and between shifts;
 - (g) self-isolate at home on days when you are not required at the workplace as described

[at this website](#) and in procedures issued by the British Columbia Centre for Disease Control and you must follow all the recommended procedures provided to you by a provincial information and support officer;

- (h) avoid any unnecessary visits to public establishments;
- (i) call a health care practitioner if you have come in contact with anyone who has tested positive for COVID-19 and who is self-isolating as instructed to do so by a health professional;
- (j) if you exhibit symptoms of illness call a health practitioner and self-isolate for 14 days unless instructed otherwise by a health practitioner; and
- (k) submit to such medical tests and provide such specimens as are, from time to time, considered necessary by your health professional for the purpose of identifying or controlling the transmission of SARS-CoV-2.

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.

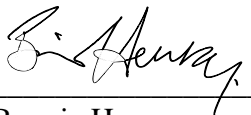
Under section 45 of the British Columbia *Public Health Act* you may request reassessment of this Order, pursuant to section 4 of the Public Health Inspections and Orders Regulation.

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: 14 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
Public Health Inspections and Orders Regulation***

Public Health Act [SBC 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 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.

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.

Mandatory reassessment of orders

- 45** (1) Subject to the regulations, a person affected by an order may request the health officer who issued the order to re-assess the circumstances relevant to the order to determine whether the order should be terminated or varied.
- (2) On receiving a request under subsection (1), the health officer must re-assess the order in accordance with the regulations.
- (3) If, following a reassessment, a health officer reasonably believes that the order is, or conditions within the order are, no longer necessary to protect public health, the health officer must immediately terminate the order, or vary or remove the conditions, as applicable.

Public Health Act - Public Health Inspections and Orders Regulation

Reassessment of orders

- 4** (1) A person may request reassessment of an order under section 45 of the Act only if the person is affected by an order made under section 29 (2) (a) [*to remain in a place or not enter a place*] or (g) [*to take preventive measures*] of the Act.
- (2) The request must be made in writing to the medical health officer who issued the order, stating the reasons why the order should be reassessed.
- (3) Within 72 hours of receiving a request for reassessment, a medical health officer must consider whether the order is, or conditions within the order are, no longer necessary to protect public health.
- (4) On reassessment, a medical health officer must take into account any comments made
- (a) by a person specified in the order under section 29 (2) (c) to (f) of the Act, and

(b) respecting the clinical condition of the person affected by the order, by a health care professional having the supervision or care of that person.

(5) A second request for reassessment may be made in accordance with subsection (2) not earlier than 7 days following the first request.

(6) A third or subsequent request for reassessment may be made in accordance with subsection (2) not earlier than 14 days following the previous request.