

CLASS ORDER

Made pursuant to section 22(5.0.1) of the

Health Protection and Promotion Act, R.S.O. 1990, c.H.7, as amended

DATE: Updated **April 1st, 2021**

This order replaces the Class Action order issued to all owners and operators of agricultural farms in Windsor and Essex County on June 12, 2020.

TO: All owners and operators of agricultural farms in Windsor and Essex County who:

- a. Employ temporary foreign workers (TFWs) in any capacity
- b. **Employ local workers or temporary help agencies (THA)**
- c. Participate in the federal Temporary Foreign Worker (TFW) program
- d. Operate any model of seasonal housing accommodations

Under Section 22 (5.0.1) of the Health Protection and Promotion Act, a medical officer of health may make an order to a class of persons who reside or are present in the health unit served by the Medical Officer of Health to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.

Based on data available to the Windsor-Essex County Health Unit, I am of the opinion that there is a high risk of increasing spread of COVID-19 within agricultural farms in Windsor and Essex County. The measures specified in this order are necessary in order to decrease or eliminate the risks to health associated with the COVID-19.

I, Dr. Wajid Ahmed, Medical Officer of Health, for Windsor and Essex County, **ORDER YOU TO TAKE THE FOLLOWING ACTIONS, effective 12:01 a.m. on April 2nd, 2021:**

Pre-Arrival of Workers

1. **Submit Isolation/Quarantine Plans to the Windsor-Essex County Health Unit prior to any TFW arrival. The plan must include at a minimum the following information:**
 - a. **First/Last name, as it appears on passport, with contact number and date of birth of all workers**
 - b. **Date of arrival clearly indicated for each individual**
 - c. **Site address where 14 day quarantine will take place**
 - d. **Site address where self- isolation will occur**
 - e. **24/7 emergency contact for your organization**
 - f. **Transportation plans from port of entry and for medical care**

2. All living accommodations, including temporary isolation/quarantine housing for TFWs must be inspected and approved by the health unit prior to occupancy
 - a. At no point in time shall TFWs be moved without notifying the Windsor-Essex County Health Unit
 - b. Moves can only occur into an approved living accommodation
 - c. Growers are required to obtain approvals from local municipal fire, building and by-law agencies prior to contacting the Windsor-Essex County Health Unit

During the 14-day Quarantine Period or Self –Isolation

3. Ensure that all TFWs are quarantined for 14 full days from the date of arrival
4. During the 14-day quarantine period, TFWs are not permitted to work
5. Conduct **daily health checks** of all individuals under quarantine or self-isolation
 - a. Document all health checks and provide it to the health unit within 24 hours if requested
6. Accommodations for quarantine must allow for 2 metres at all times, if unachievable a separate room or alternate accommodation is required
7. Provide COVID-19 information and educational material to all new arrivals in their native language
 - a. Post information about preventing the spread of COVID-19 in all entry ways, common areas, bathrooms and kitchens
 - b. Post any information requested by the Windsor-Essex County Health Unit
8. Ensure that arrangements are made for the provision of food, water, laundry, cleaning supplies, hand soap, linens, personal protective equipment and alcohol based hand sanitizer
 - a. Provide all receipts within 24 hours when requested
9. Meals provided must be nutritious and well balanced
 - a. Employers must accommodate both cultural and dietary restrictions for workers
 - b. Workers must be able to store food in a safe manner
 - c. Potable water must be available at all times
10. Provide cleaning and disinfecting supplies for the purpose of cleaning and disinfecting the living space
 - a. Provide training on how to use cleaning and disinfecting supplies
 - b. A **cleaning log must be maintained** for all accommodations housing more than one (1) TFW
11. Ensure that there is a separate room or alternative accommodation available for isolation purposes
 - a. If a worker becomes symptomatic at any time, the employer is required to immediately provide accommodations that enable the worker to be fully isolated from others
12. Ensure TFWs under quarantine or self- isolation are able to notify the employer if they become symptomatic
 - a. Provide training on how to contact employer in the event of symptom onset

13. Ensure that all individuals that are under case and contact management have ongoing access to communication devices (cellular phone or landline) and this contact information is made available to the Windsor-Essex County Health Unit at all times.
 - a. Individuals should not be sharing the device with more than five (5) people and should be disinfected between uses.
14. Ensure that all employees understand their rights and entitlements, including access to healthcare services and other supports that may be available if a worker becomes sick
15. Notify the Windsor-Essex County Health Unit if the worker(s) needs to leave their accommodation for any reason, during their quarantine period, such as to seek medical attention
16. An accurate list of all TFWs (first/last name and isolation end date) is to be available upon request
17. Ensure that the health unit is contacted for approval if renovations within pre-existing and approved living accommodations that impact floor space, number of faucets, toilets, showers, and/or bathtubs.
18. Ensure that all known instances of non-compliance or violations with the Emergency Management and Civil Protections Act, Quarantine Act or isolation requirements are reported immediately to the appropriate agency

Additional Workplace Requirements

19. Ensure that updated Workplace Safety Plans are available at all times and provided upon request
20. Have sufficient signage, alcohol based hand sanitizer, hand wash stations and personal protective equipment available in the workplace
21. Ensure that all lunch rooms, break rooms, change rooms and outdoor areas are designed in a way to allow physical distancing and prevent the spread of COVID-19
22. Drinking water fountains should be cleaned regularly and should be used to fill bottles or cups only
23. Conduct daily (as a minimum) **active screening for symptoms** and exposure history of COVID-19, prior to the start of shift or start of day.
 - a. Have a record of all screening and make available upon request within 24 hours
 - b. Records are to be kept on file physically or virtually for a minimum of 30 days
24. Ensure that employees that work on farms are assigned to the same team/group/work pod (cohort) that is separated from other individuals and teams.
 - a. Within the team/work pod, workers should maintain a two-metre physical distance from other workers as best as possible. The need for PPE should be based on a risk assessment that may take into consideration factors such as local epidemiology and input from the Windsor-Essex County Health Unit;

- b. For greater clarity, employers are to group TFWs in the workplace based on their housing arrangements/residence. TFWs are to work with only the colleagues with whom they reside to the greatest extent possible
25. A complete and accurate list including first/last name, date of birth, address and phone number of all workers (TFW, local, permanent, temporary or contract) is to be made available to the Windsor-Essex County Health Unit upon request within 24 hours
26. Ensure that all employees current or future are exclusively working within one location
- a. All individuals who are employed with more than one employer must immediately limit this to one
 - b. Ensure that any contracted employees including THA, are exclusively working for one workplace
 - i. At no point in time shall THA or contract workers engage with TFWs
27. Maintain a list of all THA that are utilized both on and off farm. The list should include the following information and be made available within 24 hours of request from the Windsor-Essex County Health Unit or the Ministry of Labour, Training and Skills Development:
- a. Name of THA with contact and address
 - b. First/last name of all THA workers that entered your facility
 - c. Records of active screening logs from individuals that entered the workplace
28. Ensure full compliance with all legislative requirements to protect worker health and safety and any directions and guidance provided by the Windsor-Essex County Health Unit (health unit), Ministry of Labour, Training and Skills Development (MLTSD), Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) and the Federal Government pertaining to COVID-19 are followed

TAKE NOTICE THAT each member of the class to whom this Order is directed is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered notice in writing to me (at the address below) and to the Health Services Appeal and Review Board (at 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 1S4) requesting a hearing within 15 days after publication of this Order or otherwise in accordance with applicable law. In the context of the COVID-19 outbreak:

All requests for review, submissions, materials, and inquiries should be sent to the Health Services Appeal and Review Board by e-mail to hsarb@ontario.ca or faxed to the Board at 416-327-8524.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.

FAILURE TO COMPLY WITH THIS ORDER may result in further legal action being taken against you under sections 36(2), 35, 102 and other relevant provisions of the Health Protection and Promotion Act.

FAILURE TO COMPLY WITH THIS ORDER is an offence under section 101 of the Health Protection and Promotion Act for which you may be liable, on conviction, to a fine of not more than \$5,000.00 (for a person) or not more than that \$25,000.00 (for a corporation) for every day or part of each day on which the offence occurs or continues.

If you have any questions about this Order, please contact the Windsor-Essex County Health Unit by telephone at 519-258-2146 ext. 1421.



S. Wajid Ahmed, MBBS, MAS, MSc, FRCPC

Medical Officer of Health

The Windsor-Essex County Health Unit

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