



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 October 6, 2020

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 migrant farm workers in any capacity.
- b. Participate in the federal Temporary Foreign Worker (TFW) program.
- c. 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 October 7, 2020:

1. Ensure that all employees current or future are exclusively working within one location. Individuals who are employed at more than one location must immediately limit this to one location.
2. Ensure that any contracted employees current or future are exclusively working for one workplace. Individuals who have been contracted by more than one workplace at a time must immediately limit this to one workplace. Contract employees must always work separately from everyone else in the farm.
3. Ensure that accurate and updated contact information for all employees (TFW, locals, permanent, temporary, or contract) is available and provided to the Windsor-Essex County Health Unit within 24 hours of request in support of case management and contact tracing requirements.
4. Follow any directions provided to you by the Windsor-Essex County Health Unit pertaining to COVID-19 and the terms of this Order. More specifically ensuring that public health guidance is always followed to prevent any transmission of COVID-19.
5. Conduct daily (as a minimum) active screening for symptoms and exposure history of COVID-19. Keep record and make sure it is available on public health request.
6. 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
7. Ensure that all legislative requirements to protect worker health and safety (Occupational Health and Safety Act), any directions and guidance provided by the Windsor-Essex County Health Unit, Government of Ontario and the Federal Government pertaining to COVID-19 and the terms of the Section 22 class Order are adhered to at all times.
8. 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 and are required to isolate. Provide COVID-19 information and educational material to all new employees in their native language
9. Ensure that the following actions are taken before workers begin on the farm. These are in addition to requirements under the Quarantine Act:
 - Ensure that all TFWs who have arrived in Canada are isolated for 14 days from the date of arrival in Canada. COVID testing is not required for these workers unless they develop any COVID symptoms.
 - Maintain a list of names of all TFWs scheduled to arrive in Canada, their planned date of arrival and a plan for isolation of the workers;
 - Ensure TFWs in isolation are kept at a minimum of 2 metres apart from other workers or provide a separate room or alternative accommodation for the TFWs in isolation;
 - Ensure that arrangements are made for the provision of food, water, laundry, and cleaning supplies for TFWs who are placed under isolation under the terms of the class Order;
 - Ensure TFWs under self-isolation for 14 days notify the Windsor-Essex County Health Unit if they have any COVID-19 symptoms.
10. During the 14-day isolation period, ensure that no TFW works on the farm (where they are under isolation), or any other farm.
 - Notify the Windsor-Essex County Health Unit if the worker(s) needs to leave the farm for ANY reason, during this isolation period, such as to seek medical attention.
11. All living accommodations, including temporary isolation housing for TFWs must be inspected by a Public Health Inspector prior to occupancy to ensure all requirements are being met. Workers are not to be moved without notifying the Health Unit. Growers are required to get approvals from local municipal fire, building and by-law agencies prior to contacting the Health Unit. Non-compliance may result in closures that may require you to relocate your workers.
12. Ensure that meals are provided to Temporary Foreign Workers completing isolation requirements. Meals must be nutritious and well balanced.
 - a. Employers must accommodate dietary restrictions for workers under isolation.
 - b. Workers under isolation must also be able to store food in a safe manner.
 - c. Ensure that potable water is available at all times to migrant employees under isolation.
13. 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.
14. Provide cleaning and disinfecting supplies to all TFWs for the purpose of cleaning and disinfecting their living space.
15. Ensure that there is a separate room or alternative accommodation available for isolation.
16. Ensure that all individuals that are under Health Unit supervision for case and contact management have ongoing access to communication devices (cellular phone or landline) and this contact information is made

available to the Health Unit at all times. Individuals should not be sharing the device with more than five (5) people and should be disinfected between uses.

17. Ensure that all known instances of non-compliance with the Emergency Management and Civil Protections Act, Quarantine Act or isolation requirements are reported immediately to the appropriate agency.

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
1005 Ouellette Avenue
Windsor, Ontario N9A 4J8