



ORDER OF THE PROVINCIAL HEALTH OFFICER

(Pursuant to Sections, 30, 31, 32, 39 (3), 53, 54 and 67) *Public Health Act*, S.B.C. 2008)

INDUSTRIAL CAMPS – July 7, 2021

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 PROVIDE ACCOMMODATION FOR WORKERS IN THE AGRICULTURAL, AQUACULTURAL, FORESTRY AND RESOURCE SECTORS IN AN INDUSTRIAL CAMP OR OTHER CONGREGATE SETTING, INCLUDING A MOTEL, HOTEL, LODGE OR TENT (HEREINAFTER REFERRED TO AS “EMPLOYERS” AND “CAMPS”)**
- TO: PERSONS WHO ARE APPOINTED AS COMMUNICABLE DISEASE PREVENTION AND CONTROL CO-ORDINATORS BY EMPLOYERS (HEREINAFTER REFERRED TO AS “CO-ORDINATORS”)**
- TO: WORKERS IN THE AGRICULTURAL, AQUACULTURAL, FORESTRY AND RESOURCE SECTORS WHO RESIDE IN A CAMP (HEREINAFTER REFERRED TO AS “WORKERS”)**
- TO: MEDICAL HEALTH OFFICERS**

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, clusters 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 contact;
- C. The presence of virus variants of concern in the Province has heightened the risk to the population;

D. People living in close contact with one another can promote the transmission of communicable disease, including SARS-CoV-2, and increase the number of people who develop a communicable disease, including COVID-19;

E. It is challenging for public health officials to respond to cases, clusters and outbreaks of communicable disease, including COVID-19, at remote camps; and a high volume of cases taxes the capacity of the public health system to carry out contact tracing;

F. You belong to one of the classes of persons to whom this Order is addressed;

G. I have reason to believe and do believe that

(i) The risk of transmission of communicable disease, including SARS-CoV-2 and resulting outbreaks of communicable disease, including COVID-19 among workers living in congregate accommodation in the agricultural, aquacultural, forestry and resource sectors constitutes a health hazard under the *Public Health Act*;

(ii) because the risk of transmission of communicable disease, including 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 a communicable disease, including COVID-19, it is in the public interest for me to exercise the powers in sections 30, 31, 32, 39 (3), 54 (1) (k) and 67 (2) of the *Public Health Act* **TO ORDER** as follows:

THIS ORDER REPEALS AND REPLACES MY ORDER OF MAY 12, 2021

DEFINITIONS:

In this Order:

“**camp**” means a place provided by an employer for the accommodation of workers in a congregate setting, and includes an “**industrial camp**” as that term is defined in the Industrial Camps Regulation;

“**communicable disease**” means a “reportable communicable disease” as defined in the Reporting Information Affecting Public Health Regulation;

“**health officer**” has the same meaning as in the *Public Health Act*;

“**health professional**” has the same meaning as in the *Public Health Act*;

“**Provincial communicable disease prevention 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;

“worker” means a person who is being accommodated in a camp.

A. EMPLOYERS

MUST DO THE FOLLOWING:

1.
 - a. develop and implement a communicable disease prevention plan (the “Plan”) to
 - i. prevent and control the risk of transmission of communicable disease among workers at a camp,
 - ii. prevent and control the risk of transmission of communicable disease between a camp, the workplace and surrounding communities
 - iii. rapidly detect and isolate a worker who may be infected with a communicable disease,
 - b. post the Plan in a prominent place at a camp and communicate its contents to workers on their first arrival at the camp, and whenever the Plan is amended,
 - c. provide the Plan to a health officer or Provincial communicable disease prevention officer on request, or during the course of an inspection, and amend the plan as directed by a health officer or Provincial communicable disease prevention officer; and
 - d. review the Plan regularly to ensure that it effectively prevents and controls the risk of the transmission of communicable disease in a camp and incorporates updates, recommendations, guidance and best practices issued by the the Provincial Health Officer or the BC Centre for Disease Control;
2. appoint a person as a communicable disease prevention and control co-ordinator (“co-ordinator”) for a camp, and provide the co-ordinator with the training, resources and support necessary to enable the co-ordinator to implement the Plan;
3. design, modify or organize facilities, infrastructure and services for workers in such a way as to enable the workers to comply with their obligations under this Order and the Plan;
4. maintain high standards of camp hygiene;
5. have available, or have a plan for ready access to, the medical, nursing and allied professional support necessary to support the management by public health of cases, clusters and outbreaks of communicable diseases in a camp;

6. ensure that a worker with symptoms of a communicable disease has an opportunity to consult a health professional;
7. arrange for the testing of a worker with symptoms of a communicable diseases when testing is recommended by the medical health officer or another health professional;
8. not permit a worker to be at the workplace if the worker has symptoms of a communicable disease;
9. have procedures, including an identified appropriate place with no shared spaces, for the isolation of a worker exposed to, or with a confirmed or suspected of case of a communicable disease;
10. ensure that a worker in isolation either in a camp or away from a camp has the supplies, support and services the worker needs to isolate, including the supply of prepared meals or meal supplies, potable water, medication, toiletries, cleaning supplies, laundry services, communication systems, and internet facilities where feasible, and provide any other supplies, support or services which the worker does not have, so as to enable the worker to remain in isolation;
11. in the event that a worker in isolation does not remain in isolation, immediately notify a health officer;
12. in the event of the occurrence of a case, cluster or outbreak of communicable disease in workers,
 - a. work with the medical health officer to determine what measures may be necessary in order to reduce the risk of transmission of communicable disease;
 - b. put in place any measures recommended by the medical health officer;
 - c. report daily to the medical health officer, or a physician acting on behalf of the medical health officer, on
 - i. the measures being taken to control the spread of the communicable disease among workers,
 - ii. the condition of a worker exposed to, or with a confirmed or suspected case of communicable disease,
 - iii. the result of the tests of a worker for communicable disease,
 - iv. any other information, including personal information, relevant to the prevention and control of the transmission of communicable disease among workers and in surrounding communities, as requested by the medical health officer or physician;

- d. treat personal information collected from a worker for the purposes of the Order as confidential and store it securely and only use and disclose it for the purposes of the Order;
 - e. destroy personal information collected from a worker for the purposes of the Order after disclosing the information to the medical health officer or physician or within 30 days, whichever is the earlier.
13. facilitate access by workers to vaccination services for communicable diseases.

B. CO-ORDINATORS

MUST DO THE FOLLOWING:

1. act as a liaison between the employer and the health officer, or Provincial communicable disease prevention officer;
2. oversee the implementation of the Plan in a camp;
3. ensure that processes are in place to
 - a. inform a health officer, or a Provincial communicable disease prevention officer, if a worker exhibits symptoms of a communicable disease, and to assist the worker in seeking health care, if necessary;
 - b. monitor the compliance of workers with the requirements imposed upon them by this Order;
 - c. inform the health officer, or a Provincial communicable disease prevention officer, of any failure on the part of the employer to implement the Plan.

C. WORKERS

MUST DO THE FOLLOWING:

1. inform themselves about and follow their employer's Plan;
2. follow communicable disease prevention and control practices, including diligent hand hygiene, at all times;
3. if they exhibit symptoms of a communicable disease, inform the co-ordinator and self-isolate unless instructed otherwise by a health professional;
4. if the medical health officer is of the opinion that the risk to public health is too great, as a result of the presence of clusters or outbreaks of communicable diseases in a camp, or

an elevated rate of transmission of communicable diseases in surrounding communities, comply with a direction by the medical health officer that workers not leave their accommodation, when not required at the worksite, or the camp.

5. provide information, including personal information, requested by an employer in the course of fulfilling the responsibilities of the employer under Part A, or requested by a co-ordinator in the course of fulfilling the responsibilities of the co-ordinator under Part B.

D. MEDICAL HEALTH OFFICER ORDERS

Recognizing that the risk differs in different regions of the province, and that medical health officers are in the best position to assess local circumstances with respect to the risk of the transmission of communicable diseases in camps and surrounding communities, **I FURTHER ORDER:**

1. A medical health officer may make an order subsequent to this Order for the purpose of imposing more restrictive limitations or conditions with respect to camps in the whole or part of the geographic area of the province for which the medical health officer is designated, or with respect to a particular camp or class of camp.
2. While it is in force, a provision in an order made by a medical health officer subsequent to this Order, which imposes more restrictive limitations or requirements than this Order with respect to one or more camps, or one or more classes of camps, applies in the whole or part of the geographic area of the province for which the medical health officer is designated, according to the terms of the order, despite the provisions of this Order.

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.

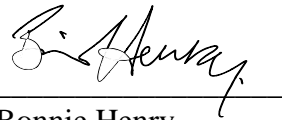
If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry
Provincial Health Officer
PO Box 9648 STN PROV GOVT
Victoria BC V8W 9P4
Fax: (250) 952-1570
Email: ProvHlthOffice@gov.bc.ca

DATED THIS: 7th day of July 2021

SIGNED:



Bonnie Henry
MD, MPH, FRCPC
Provincial Health Officer

DELIVERY BY posting on the BC Government and on the BC Centre for Disease Control websites.

Enclosure: Excerpts of *Public Health Act* and Regulations

ENCLOSURE

Excerpts of the PUBLIC HEALTH ACT

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.

Part applies despite other enactments

53 During an emergency, this Part applies despite any provision of this or any other enactment, including

- (a) in respect of the collection, use or disclosure of personal information, the Freedom of Information and Protection of Privacy Act and the Personal Information Protection Act, and
- (b) a provision that would impose a specific duty, limit or procedural requirement in respect of a specific person or thing, to the extent there is any inconsistency or conflict with the provision or other enactment.

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*];

Provincial health officer may act as health officer

67 (1) The provincial health officer may exercise a power or perform a duty of a medical health officer under this or any other enactment, if the provincial health officer

- (a) reasonably believes that it is in the public interest to do so because
 - (i) the matter extends beyond the authority of one or more medical health officers and coordinated action is needed, or
 - (ii) the actions of a medical health officer have not been adequate or appropriate in the circumstances, and
- (b) provides notice to each medical health officer who would otherwise have authority to act.

(2) During an emergency under Part 5 [Emergency Powers], the provincial health officer may exercise a power or perform a duty of a health officer under this or any other enactment, and, for this purpose, subsection (1) does not apply.

(3) If the provincial health officer acts under subsection (1), the provincial health officer may order a health authority to assist the provincial health officer, and the health authority must ensure that its employees and appointees comply with the order.

(4) For the purposes of exercising a power or performing a duty under this or any other enactment, the provincial health officer may exercise a power of inspection that a health officer may exercise under this Act, and, for this purpose, Division 1 [Inspections] of Part 4 applies.

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*];