



NOTICE

TO: LICENSEES OF LONG TERM CARE FACILITIES AND PRIVATE HOSPITALS, AND REGISTRANTS OF ASSISTED LIVING RESIDENCES WHICH PROVIDE REGULAR ASSISTANCE WITH ACTIVITIES OF DAILY LIVING, INCLUDING EATING, MOBILITY, DRESSING, GROOMING, BATHING OR PERSONAL HYGIENE

TO: REGIONAL HEALTH BOARDS, THE PROVINCIAL HEALTH SERVICES AUTHORITY, PROVIDENCE HEALTH CARE AND OTHER OPERATORS OF HOSPITALS DESIGNATED UNDER THE HOSPITAL ACT (HEREINAFTER REFERRED TO AS “OPERATORS OF HOSPITALS” AND “DESIGNATED HOSPITALS”) AND OPERATORS OF PROVINCIAL MENTAL HEALTH FACILITIES

TO: CONTRACTORS AND SUB-CONTRACTORS WHO PROVIDE STAFFING FOR DESIGNATED HOSPITALS, PROVINCIAL MENTAL HEALTH FACILITIES, LICENSED LONG TERM CARE FACILITIES, PRIVATE HOSPITALS, AND REGISTERED ASSISTED LIVING RESIDENCES WHICH PROVIDE REGULAR ASSISTANCE WITH ACTIVITIES OF DAILY LIVING, INCLUDING EATING, MOBILITY, DRESSING, GROOMING, BATHING OR PERSONAL HYGIENE

(LONG TERM CARE FACILITIES, PRIVATE HOSPITALS, ASSISTED LIVING RESIDENCES AND DESIGNATED HOSPITALS HEREINAFTER REFERRED TO COLLECTIVELY AS “FACILITIES”)

(Pursuant to Sections 30, 31, 32, 39 (3), 54 (1) (k), 67 and Part 5 *Public Health Act*, S.B.C. 2008)

The *Public Health Act* is at:

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

(excerpts enclosed)

RE: Information Collection to Allocate Staff WORKING IN FACILITIES

WHEREAS:

- A. A serious communicable disease known as COVID-19 has emerged in British Columbia;
- B. SARS-CoV-2, an infectious agent, can cause outbreaks of COVID-19 among the public;
- C. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;
- D. The movement of people such as employees and contracted workers (hereinafter referred to collectively as “staff”) who are routinely present at facilities where health care and/or personal care

is provided can promote the transmission of SARS-CoV-2 and increase the risk of infection with SARS-CoV-2 of persons in care, patients, residents and staff;

E. You belong to one of the classes of persons to whom this notice is addressed;

In order to mitigate the risk of the transmission of SARS-CoV-2 among persons in care, patients, residents and staff, it is necessary to obtain personal and employment related information about staff to support decisions about the allocation of staff among facilities in accordance with the principles set out in Appendix A.

F. I have reason to believe and do believe that

- (i) the risk of an outbreak of COVID-19 among persons in care, patients, residents and staff constitutes a health hazard under the *Public Health Act*;
- (ii) because the risk of an outbreak extends beyond the authority of one or more medical health officers and coordinated action is needed to protect persons in care, patients, residents and staff from contracting COVID-19, it is in the public interest for me to exercise the powers in sections 30, 31, 32 39(3), 54(1) (k), 67 and Part 5 *Public Health Act* **TO ORDER** as follows:

LICENSEES OF LONG TERM CARE FACILITIES AND PRIVATE HOSPITALS,

OPERATORS OF HOSPITALS WITH RESPECT TO STAFF WORKING IN AREAS PROVIDING FOR THE RECEPTION AND TREATMENT OF PERSONS CONVALESCING FROM OR BEING REHABILITATED AFTER ACUTE ILLNESS OR INJURY, OR REQUIRING EXTENDED CARE AT A HIGHER LEVEL THAN THAT GENERALLY PROVIDED IN A PRIVATE HOSPITAL,

REGISTRANTS OF ASSISTED LIVING RESIDENCES WHICH PROVIDE REGULAR ASSISTANCE WITH ACTIVITIES OF DAILY LIVING, INCLUDING EATING, MOBILITY, DRESSING, GROOMING, BATHING OR PERSONAL HYGIENE,

OPERATORS OF HOSPITALS WITH RESPECT TO STAFF WORKING IN AREAS PROVIDING FOR THE RECEPTION AND TREATMENT OF PERSONS SUFFERING FROM ACUTE PHASES OF ILLNESS OR DISABILITY,

OPERATORS OF PROVINCIAL MENTAL HEALTH FACILITIES

MUST

1. Provide personal and employment related information of staff including their name, contact information, Social Insurance Number and other information, to me in the electronic format and following the instructions at <https://bchealthstaffing.ca/upload>, as soon as possible but no later than midnight, Saturday, March 28. This is not to include information about physicians, resident physicians, nurse practitioners, paramedics, delivery persons, trades people, visitors or any other class of person exempted by me.

CONTRACTORS AND SUB-CONTRACTORS WHO PROVIDE STAFFING FOR FACILITIES

MUST

1. Provide personal and employment related information of staff, including their name, contact information, Social Insurance Number and other information, to me in the electronic format and following the instructions at <https://bchealthstaffing.ca/upload>, as soon as possible but no later than midnight, Saturday, March 28. This is not to include information about physicians, resident physicians, nurse practitioners, paramedics, delivery persons, trades people, visitors or any other class of person exempted by me.
2. immediately contact help@bchealthstaffing.ca and work expeditiously to make the information available to me, if you are unable to provide the information required to be provided under this Order for technological reasons.

This Order is in effect until rescinded by me.

You are required under section 42 of the *Public Health Act* to comply with this Order. Failure to comply with this Order is an offence under section 99 (1) (k) of the *Public Health Act*.

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
P O Box 9648 STN PROV GOVT, Victoria BC V8W 9P4
Fax: (250) 952-1570

DATED THIS: 26 day of March 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 electronic mail.

Enclosure: Excerpts of *Public Health Act*

ENCLOSURE

Excerpts of the *PUBLIC HEALTH ACT*

Public Health Act [SBC 2008] c. 28

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.

General emergency powers

54 (1) A health officer may, in an emergency, do one or more of the following:

- (k) collect, use or disclose information, including personal information,
 - (i) that could not otherwise be collected, used or disclosed, or
 - (ii) in a form or manner other than the form or manner required.

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*];

APPENDIX A

Principles and Process for Allocation of Staff to a Facility

Principles

1. Prevention of transmission of the SARS-CoV-2 virus to prevent COVID-19 is of paramount importance.
2. Staffing decisions will be supported by ongoing dialogue and problem solving among the Provincial Health Officer (PHO), Ministry of Health, Health Employers Association of BC (HEABC), Bargaining Associations and unions representing employees at non-HEABC employers.
3. Each staff will for the most part only be allowed to work at one site. If for operational reasons it is not feasible for all staff in all settings and/or geographies to work only at one site, exceptions may be made by the PHO.
4. It is critical to ensure there is sufficient staff at every worksite to safely meet patient care needs.
5. Where practicable worker preference regarding site selection will be considered.
6. The goal is to maintain at least the current maximum hours in the health care system. All employees will be encouraged to maximize their hours regardless of status.
7. Regular part-time and casual employees will have access to and be encouraged to work regularly scheduled full-time hours, subject to the operational needs of the facility.
8. In order to maintain site-specific knowledge and ensure continuity of care, as many employees as possible will remain at sites where they hold a regular position.
9. Employers will prioritize safety, training and support for staff to protect against spread of COVID-19. This includes training on infection control, administrative and engineering controls and providing access to appropriate PPE.
10. No employee shall be subjected to any adverse treatment as a result of expressing preference to work at another facility.
11. The principle of seniority must be adhered to in the application of this order wherever practicable.
12. Data protection: All data collected will only be used for the purposes of allocation of staff to lessen the risk of the transmission of SARS-CoV-2 between worksites in the context of the response to the COVID-19 outbreak, and will be transferred and stored using reasonable security measures.

Process

1. The PHO will review staffing requirements and available staff resources for each worksite, in accordance with the principles set out above and in accordance with any further Orders of the PHO, to determine the staff cohort for each worksite.