

**Special Measures Order
(Essential Worker Work-Isolation Order)**

**Made pursuant to Section 28 of the
Public Health Protection and Promotion Act**

April 23, 2021

TO: Essential workers arriving in Newfoundland and Labrador

WHEREAS:

- A.** While a declaration of a public health emergency is in effect, the Chief Medical Officer of Health may do one or more of the special measures authorized under section 28 of the **Public Health Protection and Promotion Act** for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency;
- B.** On March 18, 2020, the Minister of Health and Community Services, on the advice of the Chief Medical Officer of Health, declared:
 - (i) a public health emergency as a result of the COVID-19 pandemic;
 - (ii) the public health emergency is in effect for the entire province of Newfoundland and Labrador; and
 - (iii) the public health emergency is in effect for a period of 14 days effective immediately;
- C.** The public health emergency has been extended for 14-day intervals and is currently still in effect.
- D.** The Chief Medical Officer of Health made a Special Measures Order effective March 20, 2020, and updated on May 15, 2020, whereby all individuals arriving in Newfoundland and Labrador from outside the province, including those arriving from other provinces and territories in Canada, must self-isolate for 14 days;
- E.** In accordance with section 13 of the **Public Health Protection and Promotion Act**, restrictions to an individual's rights or freedoms must be no greater than is reasonably required in the circumstances to respond to the public health emergency;
- F.** The Chief Medical Officer of Health believes that it is appropriate for certain asymptomatic essential workers to be permitted to work-isolate while in Newfoundland and Labrador during the public health emergency while still maintaining measures to protect the health of the population;

Pursuant to section 28 of the **Public Health Protection and Promotion Act, I, Dr. Janice Fitzgerald, Chief Medical Officer of Health, HEREBY MAKE THE FOLLOWING EXEMPTION TO THE REQUIREMENT TO SELF-ISOLATE FOR 14 DAYS:**

1. Notwithstanding Special Measures Order (Updated Self-Isolation Exemption Order) effective November 27, 2020, asymptomatic workers subject to Order No.1 and Order No. 2 of that Special Measures Order who wish to avail of work-isolation while in Newfoundland and Labrador must:
 - a. Possess a letter from their employer confirming that they are essential and fall within Order No. 1 or Order No. 2 of the Special Measures Order (Updated Self-Isolation Exemption Order) effective November 27, 2020;
 - b. Comply with testing requirements as set out in Order No. 2 as set out below; and
 - c. Only present to work upon receipt of a negative COVID-19 test result, unless the nature of the work is urgent and critical and a delay in presenting to work is not possible and provided their employer has so indicated in the letter referred to in Order No. 1(a) above.

2. Essential workers who wish to avail of work-isolation must be tested for COVID-19 through public health at each of the following intervals:
 - a. Upon their arrival in the province or on day 1 or 2 after their arrival in the province;
 - b. On day 7, 8 or 9 after their arrival in the province; and
 - c. On day 11, 12 or 13 after their arrival in the province.

3. Orders No. 1(b) and 1(c) of this Special Measures Order (Essential Worker Work-Isolation Order) do not apply to:
 - a. Asymptomatic essential workers who are in the province for 2 days or less; and
 - b. Truck drivers who are not residents of Newfoundland and Labrador.

4. Order No. 1(a) of this Special Measures Order (Essential Worker Work-Isolation Order) does not apply to pilots or flight crew.

5. Notwithstanding Order No. 1, Order No. 2 and Order No. 3 above, truck drivers who are residents of Newfoundland and Labrador:
 - a. who are in the province for less than 7 days, must be tested for COVID-19 as soon as possible upon their return, unless they were tested in the province within the previous 7 days;
 - b. who are in the province for more than 7 days, may avail of modified self-isolation as set out in Special Measures Order (Rotational Workers Self-Isolation Order) effective March 12, 2021; and
 - c. are not required to self-isolate from immediate family members pending a negative COVID-19 test.
6. Subject to Order No. 3 and Order No. 5 above, if an asymptomatic essential worker does not get tested for COVID-19 as contemplated by Order No. 2 above, that worker is required to self-isolate for 14 days before presenting to work in the province.
7. All essential workers who avail of work-isolation must self-isolate when not working and must isolate away from others at their self-isolation accommodation.

IT IS FURTHER ORDERED THAT:

1. This Special Measures Order (Essential Worker Work-Isolation Order) is effective immediately and replaces the Special Measures Order (Essential Worker Work-Isolation Order) effective April 19, 2021.
2. All other Special Measures Orders and Exemption Orders remain in full force and effect.

TAKE NOTICE THAT:

1. Failure to comply with this order may result in an application to the Supreme Court, in accordance with section 42 of the **Public Health Protection and Promotion Act** to enforce the relevant provisions of this Order.
2. A person who is subject to an order made by the Chief Medical Officer of Health may request that the Chief Medical Officer of Health reconsider the order by filing a written request for reconsideration within 7 days after the day on which the order is served on a person. A written request for review or reconsideration of this order shall include:

- (i) the reasons for the request;
- (ii) a summary of the facts relevant to the request;
- (iii) whether the order should be revoked or how it should be varied; and
- (iv) the contact information of the person making the request and shall be sent to the following address:

The Chief Medical Officer of Health
Department of Health and Community Services
PO Box 8700
St. John's, NL A1B 4J6

- 3. The Chief Medical Officer of Health shall review this Order no less than once every 5 days while the Order is in effect.
- 4. This Order remains in effect during any review or reconsideration.
- 5. Failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 56 of the **Public Health Protection and Promotion Act**.
- 6. For greater certainty, compliance with this Order is required in addition to and not in substitution for any requirement imposed by or under any applicable law.

Signed at St. John's, Newfoundland and Labrador, this 23rd day of April, 2021.



Dr. Janice Fitzgerald
Chief Medical Officer of Health