

Special Measures Order (Updated Exemption Order)

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

April 22, 2020

TO: All Individuals and businesses operating 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 Chief Medical Officer of Health made a Special Measures Order effective March 20, 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;
- D. 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;
- E. The Chief Medical Officer of Health believes that it is appropriate for certain asymptomatic workers who are essential to the movement of goods and people, and protection of the food supply chain, certain asymptomatic workers who are essential to preserving life, delivering patient care and life-saving services and certain asymptomatic individuals to be exempted from the requirement to self-isolate for 14 days when arriving in Newfoundland and Labrador from another province or territory in Canada 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. Asymptomatic workers in the trade, transportation, mining, agriculture, hydro-electric and oil and gas sectors, including truck drivers and crew on any plane, helicopter, train, or marine vessel, including fish harvesting vessels, arriving in Newfoundland and Labrador from another province or territory in Canada are exempted from the requirement to self-isolate for 14 days only while these workers are travelling to and from their home and place of work in the province. When not working, these workers must otherwise self-isolate while in the province.
2. Asymptomatic workers who reside in the province but who work in another province or territory in Canada, including Alberta, are exempted from the requirement to self-isolate for 14 days only while these workers are travelling to and from their home and place of work. When in the province, these workers must otherwise self-isolate.
3. Asymptomatic workers essential to the critical maintenance of the province's infrastructure in the trade, transportation, health care, agriculture, fishing and aquaculture, hydro-electric, mining and oil and gas sectors are exempted from the requirement to self-isolate for 14 days only while these workers are travelling to and from their home and place of work in the province. When not working, these workers must otherwise self-isolate while in the province.
4. For greater certainty, workers traveling to and from the province to offshore oil installations off the coast of Newfoundland and Labrador are considered to not have left the province by travelling to the offshore. Thus, those workers are not subject to the requirement to self-isolate for 14 days as long as they remain asymptomatic.
5. Asymptomatic health care workers essential to the provision of critical health care in the province, including organ retrieval teams, medical flight specialists, crew on any plane serving as an air ambulance or medevac operation, are exempted from the requirement to self-isolate for 14 days only while these workers are travelling to and from their home and place of work in the province. When not working, these workers must otherwise self-isolate while in the province.
6. Due to the level of social and economic integration between towns and communities on the Newfoundland and Labrador-Quebec border, including the towns of Fermont and Blanc-Sablon, asymptomatic individuals who cross the border for work or health care reasons are exempted from the requirement to self-isolate for 14 days when arriving in Newfoundland and Labrador from Quebec.

7. All workers and individuals subject to this Exemption Order are to practice appropriate social distancing, closely self-monitor for symptoms of COVID-19, and self-isolate should symptoms develop. Please see: gov.nl.ca/covid-19 for more detailed information.

IT IS FURTHER ORDERED THAT:

1. This Exemption Order replaces the Exemption Order effective March 25, 2020.
2. This Exemption Order is in effect for the duration of the Special Measures Order.
3. 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 22nd day of April, 2020.



Dr. Janice Fitzgerald
Chief Medical Officer of Health