

**Fish Harvesting and Processing, and COVID-19 Safety
Questions and Answers
April 2020**

Q: Have the fishery and fish processing plants been designated an essential service?

The fishery and fish processing plants have not been required to close as a result of COVID-19. The Chief Medical Officer of Health has recognized the essential role of food production.

Q: What does this recognition of the essential role of food production mean for fish harvesters and processors?

The fishery and fish processing plants are not required to close as a result of COVID-19. However, all businesses who remain operational during this pandemic are responsible for ensuring the health and safety of workers, by following the guidance and directives of the Chief Medical Officer of Health: <https://www.gov.nl.ca/covid-19/public-health-orders/>

Q: Are all fisheries planned to open this year?

The Government of Canada through the Department of Fisheries and Oceans Canada is responsible for the opening of the commercial fishery.

Q: Why is the provincial government allowing fish plants to open this year?

Fish plants are part of the global food supply chain. They are permitted to operate, provided they can provide a safe operating environment for all employees.

Q: Are fish harvesting and fish processing employees required to report to work?

Fish harvesting and fish plant employers should make every effort to communicate to employees the measures that are being taken to keep work places safe. Employees of fishing enterprises and fish processing plants, like all other employees, have the right to refuse unsafe work. Employees should not report to work if they feel ill, have returned to Newfoundland and Labrador in the previous 14 days, or if they have been directed to self-isolate for any other reason.

Q: If an employee refuses to come to work due to COVID-19 will they still be paid?

Employers are not required to pay an employee who refuses to work due to COVID-19. Employees that are unable to work may qualify for the Government of Canada's Canada Emergency Response Benefit.

Q: Who is responsible for enforcing worker safety on a fishing vessel?

The Occupational Health and Safety Division of Service NL is responsible for enforcing standards of safety in all workplaces in the province of Newfoundland and Labrador, including fishing vessels owned by Newfoundland and Labrador fishing enterprises. Individuals with concerns about workplace safety may contact the Occupational Health and Safety Division at 1-800-563-5471 or 709-729-2706.

Q: Who is responsible for enforcing worker safety in fish plants?

The Occupational Health and Safety Division of Service NL is responsible for enforcing standards of safety in all workplaces in the province of Newfoundland and Labrador, including fish processing plants. Individuals with concerns about workplace safety may contact the Occupational Health and Safety Division at 1-800-563-5471 or 709-729-2706.

Q: How can fish processors and fish harvesters ensure a safe work environment during COVID-19?

All employers are encouraged to undertake a risk assessment within their work place to identify the work practices, and controls necessary to prevent the transmission of COVID-19.

Fish processors and fish harvesters can help to ensure a safe workplace by:

- Requiring employees to stay home if they are sick;
- Requiring employees to stay home if they are mandated to self-isolate for 14 days, following returning to the province or at the direction of public health;
- Restricting visitors and limiting non-essential personnel;
- Implementing physical distancing or where physical distancing cannot be maintained, physical barriers should be installed, shifts should be alternated, or production levels should be lowered (in order to achieve physical distancing);
- Ensuring employees are frequently washing their hands and providing access to soap and hand washing stations or hand sanitizer for employees;
- Practicing proper respiratory etiquette (such as coughing into one's elbow or a tissue and immediately disposing of the tissue);
- Staggering start, break and end times for employees; and,
- Increasing the cleaning frequency of high touch areas, washrooms and lunch rooms (e.g., cleaning twice daily).

Fishing vessel operators should also not switch out crews mid-trip and maintain physical distancing of two meters when unloading fish. Fish plant operators with more than one shift may ensure that those shifts have fixed personnel, to avoid spread and enable easier contact tracing, if an employee was to contract COVID-19.

Medical masks should not be worn by healthy individuals in workplaces when other control measures (e.g., physical distancing/barriers) are put in place. Consider wearing a non-medical mask when physical distancing or barriers are not possible. Care must be

taken when putting on and taking off masks to prevent contamination. The use of personal protective equipment as a control measure to mitigate against the inability to maintain physical distancing should only be considered as a measure of last resort.

The Government of Newfoundland and Labrador has released a resource for businesses and employers regarding risk-informed decision making: <https://www.gov.nl.ca/covid-19/files/Risk-Informed-Decision-Making-Guidance-for-Employers-Operating-During-COVID-19.pdf>

Q: Are employees working on fishing vessels and in fish plants required to wear a mask to protect against COVID-19?

Medical masks should not be worn by healthy individuals in workplaces when other control measures (e.g., physical distancing/barriers) are put in place. Masks, and other forms of personal protective equipment, are measures of last resort. Physical distancing, good hand hygiene and staying home if you sick are the best measures of defense. Where it is not possible to place six feet of space between employees, physical partitions, made of material such as plexiglass, are preferred. Wearing a non-medical mask can help people prevent transmission to others and protect others.

Q: COVID-19 is known to be more serious in older people. Considering the age of workers in the fishing sector in Newfoundland and Labrador, is opening the fishery putting people at unnecessary risk?

The Government of Canada has identified that there is an increased risk of more severe outcomes from COVID-19 for individuals that are aged 65 and over with compromised immune systems or with underlying medical conditions. Fishery sector employers are required to ensure that work places are safe for employees by implementing measures to help prevent the spread of COVID-19. Everyone has a right to refuse work that they consider unsafe.

Q: How can social distancing be implemented on a fishing vessel or a fish plant? What are the safe alternatives?

While physical distancing, good hand hygiene and staying home if you are sick are the best measures of defense, there are instances where it is not possible for social distancing to occur. Where it is not possible to place six feet of space between employees, physical partitions, made of material such as plexiglass, are preferred. Masks and gloves should not be worn by healthy individuals in workplaces when other control measures (e.g., physical distancing/barriers) are put in place, as masks and gloves can give a false sense of security and there is a risk of infection due to improper use and disposal. Masks, and other forms of personal protective equipment, are measures of last resort.

Q: What options does a fishing vessel owner or a fish plant operator have if employees refuse to come to work?

Employers are responsible for ensuring that workplaces are safe for employees. Employees are not required to come to work if they feel it is unsafe to do so and should report their safety concerns to their employer. Employers should make every effort to communicate to employees the measures that are being taken to keep work places safe.

Q: If a fishing vessel employs individuals from outside Newfoundland and Labrador, do the self-isolation requirements apply?

Asymptomatic workers in the fish harvesting sector travelling to this province from another province or territory in Canada are exempted from the requirement to isolate for 14 days when they are travelling from their home to and from their place of work in Newfoundland and Labrador. When not working, out of province workers must self-isolate while they are in the province.

Q: If a fish plant or fishing vessel avails of temporary foreign workers, how does COVID-19 impact the availability of these individuals to take on these roles?

Temporary foreign workers are permitted to enter Canada during the pandemic. If a temporary foreign worker travels to Canada by air, they will need to pass a health check conducted by airlines before being allowed to board their flight. Travelers must wear a non-medical mask or face-covering prior to boarding the plane in their country of origin, on the plane ride, when deplaning, and in transit to their quarantine destination. Anyone who shows symptoms of COVID-19 will not be allowed to enter Canada by air.

Upon arrival in Canada, workers will be screened for COVID-19 symptoms and should ensure that they have the following information handy: (1) their final destination, (2) employer contact information, and (3) quarantine plan. The quarantine plan includes providing details on how the worker will get to their quarantine location, how they will obtain food and basic supplies, and assurance that they are not quarantining with anyone over the age of 65 or in a high-risk category. Workers are encouraged to get in contact with their employer prior to departure to finalize the quarantine plan details as may be asked to provide responses to these questions to the officer. If they are deemed to be asymptomatic (no symptoms), and meet entry requirements, they will be permitted to travel onwards, including via a connecting flight, to their housing where they must quarantine for 14 days.

Only after these 14 days, if they remain asymptomatic, can a temporary foreign worker report to a work site. The employer must pay the temporary foreign worker regular pay and benefits for the self-isolation period. In addition to the responsibility of paying the workers for the two weeks during which time they cannot work, many employers are also responsible for providing workers with transportation and accommodations, as well as access to food and basic supplies needed to meet all of the conditions imposed by public health authorities.

Recognizing the importance of this responsibility, the federal government will provide support of \$1,500 for each temporary foreign worker, to employers or those working with

them to ensure requirements are fully met. The funding is conditional on employers not being found in violation of the mandatory 14-day isolation protocols or any other public health order. This program will be available as long as the Quarantine Act is in force and the isolation protocol is followed.

As of April 27, 2020, fishing vessels employing individuals from outside of Canada must submit a self-isolation plan to Service NL Occupational Health and Safety representatives that describes the travel plans, accommodations, health monitoring, and illness response plans for these workers. Guidelines for these plans are on the COVID-19 website: <https://www.gov.nl.ca/covid-19/files/Guidelines-for-Employers-of-Workers-from-Out-of-Country-April-27.pdf>.