

Minister of Health



Ministre de la Santé

Ottawa, Canada K1A 0K9

Mr. John Williamson, M.P.
Chair, Standing Committee on Public Accounts
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Williamson,

On behalf of the Government of Canada and pursuant to Standing Order 109, I am pleased to present you with the Government Response to the 16th Report of the Standing Committee on Public Accounts, entitled "Enforcement of COVID-19 Quarantine and Testing Orders." I would like to thank you and the Committee for the report and recommendations, which illustrate the need to ensure that Canada's borders are able to respond efficiently to future COVID-19 variants and/or future pandemics.

As you are aware, the Government agreed to the recommendations made by the Auditor General and is pleased to fully accept all four of the Committee recommendations addressed to the Public Health Agency of Canada (PHAC) in the Report (i.e., improved program analysis and assessment; improved safety and security measures; improved follow-up and assessment; a consistent enforcement approach). Furthermore, PHAC is looking forward to providing the Committee with the requested progress reports outlined in the recommendations including the first set of progress reports that will be submitted in parallel with this Government Response.

The Government trusts that this response demonstrates its commitment to support Canada's potential future response to public health threats at the border and leveraging lessons learned for continuous improvement. The attached Government Response addresses the Report recommendations and provides a brief status update for each recommendation.

A handwritten signature in blue ink, reading "Jean-Yves Duclos".

The Honourable Jean-Yves Duclos
Minister of Health

Canada

Government Response to the 16th Report of the Standing Committee on Public Accounts Entitled: Enforcement of COVID-19 Quarantine and Testing Orders

Introduction

The Government of Canada has considered the 16th Report of the Standing Committee on Public Accounts (PACP) entitled, “Enforcement of COVID-19 Quarantine and Testing Orders” on the 2021 Report 15 of the Auditor General of Canada. The Government would like to thank the members of the Committee for their study, and its recommendations, and wishes to inform them that it is pleased to fully accept all four of the Committee recommendations addressed to the Public Health Agency of Canada (PHAC) in the Report (i.e., improved program analysis and assessment, improved safety and security measures, improved follow-up and assessment as well as, a consistent enforcement approach). The Government would also like to confirm that it will provide the first set of progress reports in parallel with the tabling of this Government Response and subsequent interim/final progress reports to PACP as per the recommendations by the requested dates.

On 5 April 2022, PHAC tabled a Management Response Action Plan (MRAP) in response to the Office of the Auditor General (OAG) Report 15 with the PACP. The progress reports requested by PACP will provide updates on the initiatives outlined in the MRAP, with the exception of Recommendation 2, that was added as a recommendation by PACP in their sixteenth report, tabled after the PHAC MRAP.

The nature and magnitude of the COVID-19 pandemic is something that Canada and the world has not seen in 100 years. It impacted all spheres of human activity and populations and also shed a light on the disproportionate impacts such events can have on under-represented or vulnerable groups. More than two years into this pandemic, it is possible to draw on lessons learned and increased knowledge to better inform future responses and preparedness posture across critical pandemic action areas like Canada’s border operations. The Government remains committed to incorporating these lessons learned in its continued work towards future preparedness, sustainable border management and economic recovery.

A response and status update for all of the PACP recommendations follows, as of September 2022.

Recommendations Response Progress

Recommendation 1 – Improved program analysis and assessment

Standing Committee on Public Accounts

That the Public Health Agency of Canada (PHAC) provide the House of Commons Standing Committee on Public Accounts with reports on A) improving its automated tracking and data quality so it can better follow up with travellers who are subject to border measures; and B) implementing GBA Plus considerations to mitigate any potential adverse effects of existing and future programs on diverse and vulnerable groups. An interim progress report should be provided by 30 September 2022 and a final report by 31 July 2023.

Response and Status Update

PHAC agrees with this recommendation and is committed to provide a progress report and final report on Parts A and B of the recommendation.

Part A

PHAC supports this recommendation. PHAC knows that access to timely and reliable data is a key component to successfully implementing border measures for mitigating the public health risks associated with international travel. PHAC is working to enhance existing system functionality in the short- and longer-term in order to improve data quality and tracking.

PHAC worked with test providers to improve overall data quality and increase the Agency's ability to reconcile test data with the traveller information received from the Canada Border Services Agency (through the ArriveCAN app and website and/or information entered by Border Services Officers directly in their desktop apps). These improvements helped PHAC improve data quality in the short-term.

In the long-term, PHAC is exploring options for an improved end-to-end system to increase automated tracking and improve overall data quality. Additionally, an assessment of IT systems and data requirements for future border measures is underway.

Progress in this area had been delayed by the need to move all testing offsite from Canada's international airports. The move to offsite testing had been a priority of the Government of Canada during the spring and summer of 2022. Limited human resource capacity meant that staff working on the needs assessment for the end-to-end border system were reallocated to the offsite testing projects. Despite these delays, PHAC is currently on track to meet the commitment it made in the MRAP developed in response to the Auditor General's fifteenth report.

Part B

Regarding GBA Plus considerations, while emergency orders issued under section 58 of the *Quarantine Act* were not subject to the Cabinet Directive on Regulation and the requirement for GBA Plus, PHAC nonetheless completed a GBA Plus assessment to inform the development of border measures. PHAC also provided specialized training on gender and diversity considerations to frontline staff at the border and at DQFs including training on bias (launched in September 2021), security awareness and de-

escalation. In November 2021, in the context of the ongoing renewal of the emergency orders, PHAC began updating its GBA Plus assessments and incorporated results in the implementation of future border measures.

Work on GBA Plus analysis and implementation of mitigation measures also continues to build on the initial analysis that has been done for all broader border control measures, which include DGQFs. These analyses focused on the impacts on travellers, who are the target population of quarantine measures. GBA Plus factors such as sex, gender, race/ethnicity, age, ability status, and socioeconomic/domestic status were taken into consideration when identifying appropriate and safe spaces to quarantine, or appropriate and safe means with which to travel home, where applicable.

Recommendation 2 – Improved Safety and Security Measures

Standing Committee on Public Accounts

That, by 30 June 2023, the Public Health Agency of Canada (PHAC) provide the House of Commons Standing Committee on Public Accounts with a report that outlines its comprehensive security considerations to ensure the safety and security of vulnerable populations during stays at designated quarantine facilities, including training and incident reporting.

Response and Status Update

PHAC agrees with this recommendation and is committed to ensuring the safety and security of vulnerable populations during stays at DQFs, including training and incident reporting and is committed to provide a report on comprehensive security considerations to this effect.

Effective October 1, 2022, the Government of Canada removed all COVID-19 border measures for all travellers entering Canada. All travellers arriving in Canada, on or after this date, will no longer have to be vaccinated against COVID-19 to enter Canada or meet COVID-19 testing, quarantine or isolation requirements. Accordingly, Designated Quarantine Facilities (DQF) will no longer be required on or after this date. The aforementioned report would be submitted as part of the final report on the border measures.

DQF Health, Security and Safety Operations

PHAC stationed both security personnel and PHAC employees at DQFs to ensure that DQFs were secure, controlled and monitored at all facility entry and exit points. PHAC had security contracts in place to provide security services 24 hours per day, 7 days a week at DQFs. PHAC ensured that employees and security personnel underwent enhanced screening, background checks and complete mandatory specialized training. Further, PHAC monitored contractors for private security firms, and ensured that appropriate gender ratios were maintained. These are just some of the security precautions that were in place to protect vulnerable populations during their stay at DQFs.

Security contracts also had built-in flexibility that allowed PHAC to control the number of employable security personnel and adjusted based on the unique operational needs of particular DQFs. Recognizing

jurisdictional capacities, in some areas, PHAC had also contracted paid duty police in certain DQFs to ensure the safety and security of travellers and staff.

Access to additional COVID-19 testing on-site was also made available to PHAC front line employees at POEs and DQFs.

Traveller Health, Security and Safety Information

All travellers who were required to stay in a DQF were provided with an information package that included details of the quarantine requirement, including a code of conduct for travellers and staff that were working in DQF, and potential consequences for non-compliant behaviour. They were also provided with information such as a 1-800 number for assistance should the traveller have need support, such as medical assistance. Further, the information package also outlined the rights of travellers with regard to legal counsel and consular assistance, as well as the privacy of their personal information. Travellers were also verbally informed of their right to legal counsel and consular assistance at the time they are directed to quarantine at a DQF. Additional public health guidance and training for proper N95 mask fitting had been provided to all DQFs.

Training

As of 10 March 2021, and up until elimination of border measures on October 1, 2022, all staff at DQFs were required to complete specialized, mandatory training to support the delivery of quarantine services. This training includes courses on cultural and gender sensitivity training, unconscious bias training, cultural bias and incident reporting, the *Quarantine Act*, tactical, and infection prevention and control. This enhanced training developed competencies such as de-escalation, improved communication between travellers and staff, and staff capacity to respond to the needs of diverse populations and ensured effective incident response and reporting.

Incident Response and Reporting

In February 2021, PHAC established a formalized 24/7 incident reporting process to report incidents that occurred in DQF either by email or by phone, to its Critical Incident Notification System (CINS). This system allowed PHAC to take immediate, corrective and unbiased action to ensure the safety and security of staff and travellers (i.e., call for local law enforcement, or an ambulance for medical treatment at a hospital, etc.). Once an employee or security personnel completed and filed a report to the CINS, the incident report was disseminated to the appropriate PHAC senior management delegate. This allowed for broad oversight of the incident report and coordination of a response. In response to an incident report, PHAC rapidly conducted a safety and security risk assessment and took the appropriate course of action, as was necessary.

A National Operations Committee (NOC) for DQFs, was established in summer 2021. The NOC was a management forum used to identify, discuss, and address operational issues at DQFs. Issues brought forward at NOC meetings included the safety and security at DQFs. The Committee developed a national operation manual with standard operating procedures which were being implemented across DQFs. They also facilitated strengthened strategic engagement sessions with Occupational Health and

Safety (OHS) and Security Services. As per OHS guidelines, PHAC completed a task and hazard analysis at all DQFs. PHAC had also established OHS committees or trained health safety representatives at 9 DQFs.

Recommendation 3 – Improved Follow-up and Assessment

Standing Committee on Public Accounts

The Public Health Agency of Canada (PHAC) should provide the Committee with progress reports improving its use of information on the outcomes of its referrals for follow-up to assess whether its enforcement approach is working to limit the importation of the virus that causes COVID-19 and its variants. Interim progress reports are requested by the following dates: 30 September 2022, 31 December 2022, and a final report on 31 July 2023.

Response and Status Update

PHAC agrees with this recommendation and is committed to implementing processes to continually assess and evaluate the efficacy of PHAC's enforcement approach to border measures and is committed to provide a report to this effect.

Despite the decision to end all border measures effective October 1, 2022, PHAC will continue to work with our law enforcement partners to find ways to reduce the administrative burden associated with reporting the outcome of referrals to follow-up for suspected non-compliance to quarantine measures, thereby making it easier for law enforcement partners to report outcomes to PHAC. This work will ensure that the Agency is well-prepared should border measures ever be required again in the future.

On January 19 and 21, 2022, PHAC held an initial meeting with a group of police partners (RCMP, Sûreté Québec and the Ontario Provincial Police) to discuss hurdles that police forces may be facing regarding the outcome of referrals and to brainstorm solutions to improve reporting. These meetings identified some issues as well as some potential solutions that included immediate actionable items and longer-term efforts.

During consultations, law enforcement partners indicated that they faced operational pressures, which were impacting their ability to conduct compliance follow up with travellers and / or report on the outcomes of the follow-up visits. Previously, PHAC sent police partners a daily list of all travellers required to quarantine or isolate, even those rated as low priority for follow-up compliance verification and enforcement activities. To help minimize any additional operational pressures, PHAC reduced the number of daily referrals to police and only referred travellers rated as high risk to police after June 2022. At the time, PHAC also continued to make urgent verification requests (UVRs).

Travellers rated as "high" risk were those who were suspected of non-compliance, following either a compliance verification call or during an in-person visit conducted by contracted security companies who had been screened to ensure the safety of the Canadian population. PHAC requested that police make at least one physical visit to these travellers as soon as possible. UVRs occurred when PHAC was seeking a time-sensitive physical verification on a traveller. Traveller history of non-compliance,

behaviour of the traveller, and nature of the suspected non-compliance were key factors in determining whether to send a UVR. This approach had the potential to lead to a higher rate of police reporting on referral outcomes; PHAC is committed to reviewing data to determine whether this action had positive impacts on reporting rates. Public health continues to be a top priority, as such possible changes in the epidemiological context may prompt for a return of certain referral actions.

Recommendation 4 – A Consistent Enforcement Approach

Standing Committee on Public Accounts

The Public Health Agency of Canada (PHAC) should provide the Committee with progress reports on achieving a consistent enforcement approach to border measures nationwide, including exploring other tools that could be used in all Canadian jurisdictions. Interim progress reports are requested by the following dates: 30 September 2022, 31 December 2022, and a final report on 31 July 2023.

Response and Status Update

PHAC agrees with this recommendation and will continue to explore mechanisms to make potential future enforcement of non-compliance with border measures more consistent in all jurisdictions across Canada and is committed to provide a report to this effect.

PHAC had a nationally consistent compliance and enforcement program, wherein all travellers, regardless of where they arrived in Canada, are subject to the same compliance and enforcement activities. The compliance and enforcement program ranged from compliance promotion and education, through warnings, ticketing, and possible criminal prosecution.

All travellers entering Canada, regardless of where they enter, received:

- Compliance promotion emails and robocalls;
- Compliance verification calls (including discussion of testing requirements);
- Referrals to security companies for in-person compliance verification visits; and
- Referrals to law enforcement for in-person verification visits if suspected of non-compliance.

The issue identified by the Auditor General relates to the fact that PHAC primarily used the ticketing regime set out in the *Contraventions Act* and regulations as its enforcement mechanism of last resort. Due to the nature of the Act, each provincial/territorial government must have had to agree to its application in their jurisdictions and, Alberta, Saskatchewan, and the three territories did not agree to the use of contraventions tickets in their jurisdictions.

Identifying and, if appropriate for other potential future border operations, introducing other enforcement mechanisms will require significant time and analysis to ensure that the Agency lands on the best approach. To that effect, PHAC is exploring a legislative review of the *Quarantine Act*, in which PHAC will welcome all findings and recommendations to develop a nationally consistent approach for the enforcement of the *Quarantine Act*. In addition, analysis will be conducted to ensure that the

enforcement of non-compliance is done in a fair and unbiased manner for all travellers.

However, while PHAC undertakes this longer-term exercise it had, in parallel, taken several steps to put in place processes and mechanisms that made its current enforcement approach more consistent across Canada.

For example, PHAC had developed standardized notebooks for use by staff. These notebooks provided PHAC officers with instructions to document enforcement actions (such as tickets issued) in a consistent and thorough manner, to improve the overall quality of the enforcement actions taken by helping ensure each action is documented appropriately. Notebooks included Standard Operating Procedures (SOPs) to provide consistency of operations and ensure a smooth workflow, leading to consistent performance with more efficient use of resources.

In addition, PHAC had been working with the Public Prosecution Service of Canada (PPSC) in various jurisdictions to determine the PPSC's evidentiary needs in each jurisdiction in order to successfully prosecute contested tickets. Similarly, in jurisdictions where PHAC could not issue tickets (i.e. Alberta, Saskatchewan, and the territories), PHAC was working with the PPSC to support prosecutions under the Criminal Code for violations of the *Quarantine Act*. In so doing, PHAC helped to ensure that outcomes of its current enforcement approach were consistent across the country by ensuring prosecutors had the information they needed for their prosecutions.