



Public Health  
Agency of Canada

Agence de la santé  
publique du Canada

President

Président

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

October 18, 2022

Dear Mr. Williamson:

On behalf of the responding Departments and Agencies, we are pleased to provide electronically, in both official languages, progress reports requested by the Standing Committee on Public Accounts pursuant to the Committee's Sixteenth Report on Enforcement of COVID-19 Quarantine and Testing Orders of June 2020.

### **Recommendation 1:**

The Public Health Agency of Canada (PHAC) recognizes that access to timely and reliable data is a key component of successful implementation of border measures to mitigate public health risks associated with international travel. PHAC is working to enhance existing system functionality in the near-term, while also working to establish the human and financial resources to improve data quality and tracking capabilities for the longer-term. While the COVID-19-related border measures ended on October 1, 2022, PHAC remains committed to achieving its objectives and improving data quality to ensure that it has agile and fit for purpose platforms as the developments in the current pandemic or future public health emergencies warrant.

Prior to October 1, 2022, PHAC was on a continuous improvement cycle with test providers to improve overall data quality and increase our ability to reconcile test data with traveller information received from the Canada Border Services Agency (CBSA), through the ArriveCAN app and website and/or information entered by Border Services Officers directly in their desktop apps. These improvements enhanced PHAC's data quality in the short-term.

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Looking at the longer term, PHAC has established a governance committee to oversee the development of requirements for an improved end-to-end system to increase automated tracking and improve overall data quality. These requirements will be based on experiences from the past two years and will be informed by international best practices in pandemic management. An assessment of IT systems and data requirements for border measures is underway.

PHAC is currently on track to meet its commitment captured in the Managerial Response and Action Plan developed in response to the Auditor General's fifteenth report, *Enforcement of Quarantine and COVID-19 Testing Orders- Public Health Agency of Canada*.

With respect to implementing sex and gender-based analysis plus (SGBA plus) considerations to mitigate any potential adverse effects of existing and future programs on diverse and vulnerable groups, PHAC notes that, notwithstanding the fact that emergency orders issued under section 58 of the Quarantine Act are not subject to the Cabinet Directive on Regulation and the requirement for an SGBA Plus, the Government of Canada's COVID-19 border measures have been informed by SGBA Plus considerations. Key impacts for which focused border measure exemptions that have been legally enabled at various points during the existence of COVID-19 border measures, include disparate impacts due to sex and gender, age, ability/dependency and geographical location, as well as due to social, cultural or economic status.

- **Sex and Gender** — For example, security vulnerability in Designated Quarantine Facilities (DQF) is mitigated by controlled and monitored entry/exit, enhanced security in hallways and public areas, as well as private secured spaces with landline telephones for accommodated travellers; and, nursing assessments in DQF include consideration of sex and gender determinants of health.
- **Age** — For example, an exemption for travellers less than five years of age from border testing; and, an exemption for unaccompanied minors from the former requirement stay in a government-authorized accommodation (GAA) pending receipt of a negative on-arrival test.
- **Ability/Dependency** — For example, an exemption for dependent adults from the former requirement to stay in a GAA pending receipt of a negative on-arrival test; exemptions from prohibition of entry and for limited release from quarantine for travellers who must provide support/care to another person; and, exemptions from the requirement to use the ArriveCAN mobile application due to cognitive or physical impairments.

- **Geographical Location** — For example, exemptions for persons in certain remote locations from the prohibitions of entry and/or from quarantine and other obligations who need to cross the Canada-U.S. land border in order to access essential services/necessities life, or to fulfill child custody obligations.
- **Social, Cultural or Economic Status** — For example, self-administered testing instructions available in multiple languages (written and video); alternative border testing protocols for seasonal agricultural temporary foreign workers; and, to the extent possible, tailored accommodations for families/caregivers who were subject to the former requirement to stay in a GAA or DQF.

### **Recommendation 3:**

PHAC is committed to implementing processes to assess PHAC's enforcement approach to border measures.

PHAC will work collaboratively with our law enforcement partners to reduce the administrative burden associated with reporting to facilitate timely reporting of outcomes by law enforcement partners to PHAC. This work will ensure that PHAC is well-prepared should the enforcement of border measures 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 face regarding the outcome of referrals and to brainstorm solutions to improve reporting.

In June 2022, PHAC began reducing the number of daily referrals to police. Previously, PHAC sent police partners a daily list of all travellers required to quarantine or isolate, including those rated as low priority for follow-up compliance verification and enforcement activities. As of July 1, 2022, PHAC discontinued the practice of sending daily lists and only sent referrals for high risk travellers to police as urgent verification requests (UVRs). PHAC requested that the officer conducting the visit submit a Traveller Visit Report form to provide information on the outcome of the visit.

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 were 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 the nature of 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. Although data regarding the impact of this change on reporting rates is still preliminary, early indications do not show the anticipated positive impact on reporting rates. Notwithstanding the reduction of total referrals, the percentage of reports received by PHAC remains comparable to the rate before the July 2022 changes. PHAC will continue collaborating with police partners to identify and implement other changes that may improve reporting rates, if the epidemiological context makes it necessary for the Government of Canada to reinstitute quarantine requirements.

#### **Recommendation 4:**

PHAC will continue exploring mechanisms to make the potential future enforcement of non-compliance with border measures more consistent across all jurisdictions in Canada.

PHAC had a nationally consistent compliance and enforcement program, wherein all travellers, regardless of where they arrived in Canada, were 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 government must agree to its application in their jurisdictions and Alberta, Saskatchewan, and the three territories have not agreed to the use of this contraventions regime in their jurisdictions.

Identifying and, if appropriate, introducing other enforcement mechanisms that can be utilized to support potential future public health-related border measures will require significant time and analysis to ensure that PHAC lands on the best approach. In addition, this analysis will ensure that the enforcement of non-compliance is done in a fair and unbiased manner for all travellers.

While PHAC undertakes this longer-term exercise, in parallel, it had taken several steps to put in place processes and mechanisms that made its enforcement approach more consistent across Canada. For example, PHAC developed standardized notebooks for PHAC officers with instructions on the documentation of enforcement actions (e.g., tickets issued) in a consistent and thorough manner, to improve the overall quality of the enforcement actions taken. Notebooks were developed to include Standard Operating Procedures to provide consistency of operations and ensure a smooth workflow.

In addition, PHAC has been working with the Public Prosecution Service of Canada (PPSC) in various jurisdictions to determine the PPSC's evidentiary needs in each jurisdiction to successfully support the prosecution of travellers who contest their tickets. Similarly, in jurisdictions where PHAC could not issue tickets (i.e., Alberta, Saskatchewan, and the territories), the Agency has been working with the PPSC to support prosecutions under the Criminal Code for violations of the *Quarantine Act*. In doing so, PHAC has helped ensure that the outcomes of its enforcement approach were consistent across the country by ensuring prosecutors had the tools they needed to make enforcement actions stand up to legal challenges.

We trust that the Committee finds this useful for their work.

Sincerely,



Dr. Harpreet S. Kochhar