

Chapter 7: Authority and Legislation

During a pandemic, individuals and institutions responsible for managing the health sector emergency response will need the legal authority to implement pandemic plans. Most of this legislation is already in place (e.g. *Health Protection and Promotion Act* and *Emergency Management and Civil Protection Act*), while other legislation is currently under development.

The *Ontario Health Pandemic Influenza Plan* provides a good description of the relevant provincial legislation that will govern the pandemic response, including specifics for hospitals and other facilities and health services. Readers in the health sector should ensure they are familiar with their legislated responsibilities.

Declaration of an Emergency

It is the responsibility of the Head of Council to declare an emergency; thus, the Mayor will declare an emergency for a lower-tier municipality and the Regional Chair will declare an emergency for the entire region. There are certain benefits to declaring an emergency. For example, a declaration allows the Head of Council, or the Regional Chair, to seek financial and other assistance from the province and it provides protection to emergency management personnel and volunteers.

The provincial government may also declare a provincial emergency, either for the entire province or in a particular jurisdiction. The Premier, and the Commissioner of Community Safety (formerly known as the Commissioner of Emergency Management), have this authority under the *Emergency Management and Civil Protection Act*.

Health Protection and Promotion Act

In Ontario, the *Health Protection and Promotion Act* (HPPA) requires Boards of Health to provide or ensure the provision of minimum levels of public health programs and services, including communicable disease control. Under the Act, physicians, labs, school principals, and others must report certain diseases, including influenza, to the local Medical Officer of Health (MOH).

Under Section 22 of the HPPA, an MOH is authorized to issue orders, under prescribed conditions, to control communicable diseases in his or her jurisdiction by requiring a person to take, or not take, any action specified in the order. Such orders may include requiring an individual to be isolated, quarantined, or to submit to an examination by a physician. Section 24 permits the MOH to issue directions to others, such as police, to ensure that orders are enforced.

Sections 83 and 86 of the HPPA permit the Minister of Health and Long Term Care and Chief Medical Officer of Health to provide direction to the local Board of Health and its staff. Section 87 also permits the Minister of Health and Long Term Care to require the

occupier of any premises to deliver possession of all, or any specified part of, the premises to the Minister to be used as a temporary isolation facility or as part of a temporary isolation facility.