



TO: Chair and Members of the Board of Health

FROM: Christopher Mackie, Medical Officer of Health / CEO

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PUBLIC HEALTH INSPECTOR ENFORCEMENT ACTIONS – Q1 2019

Recommendation

It is recommended that the Board of Health receive Report No. 027-19 re: “Public Health Inspector Enforcement Actions” for information.

Key Points

- Public Health Inspectors (PHIs) on the Food Safety and Healthy Environments (FS&HE) team, the Safe Water, Rabies and Vector-Borne Disease (SWRVBD) team, and the Infectious Disease Control (IDC) team conduct inspections at a variety of facilities in the City of London and Middlesex County. Operators of facilities are required to achieve regulatory compliance
- Enforcement actions, such as the issuance of Provincial Offence Notices and Closure Orders, may be taken when other public health interventions have proven ineffective in achieving regulatory compliance.

Background

Public Health Inspectors (PHI) work to protect the public via delivery of compliance inspections at facilities within the City of London and Middlesex County. Regulatory compliance is usually obtained through inspection work that incorporates aspects of on-site education and awareness. In some instances, assisted compliance interventions are delivered to operators who may require additional support to achieve compliance, but have demonstrated the willingness to strive toward compliance. Such interventions may include the provision of food handler training materials in other languages or additional supports through practical, hands-on instruction. In instances where significant infractions exist and are not corrected at the time of the inspection, PHIs conduct follow up re-inspections in order to ensure that compliance has been attained.

Enforcement actions may be taken when recurring infractions continue to happen despite intervention measures advised by the inspector, and when sustained compliance does not appear likely on the part of the operator. PHIs may issue a Provincial Offence Notice (Part I or Part III) in such instances, as warranted. Regulations made under the authority of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 provide a schedule of set fines with corresponding short-form wording. In some circumstances, PHIs may need to implement a progressive enforcement approach that eventually results in a Part III Summons to appear in court.

When a PHI identifies a significant health hazard at a premises during an inspection, the PHI may take several actions under the authority of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, including the ordering of the premises to close and cease operation. In 99% of cases, infractions can be resolved at the time of inspection. For significant infractions that cannot be resolved immediately, a Closure Order is issued under Section 13 of the *Act*. Such an order remains in effect until the operator is able to eliminate the health hazard and demonstrate safe operation. An order under this section may also include, but is not limited to:

- requiring the vacating of premises;
- requiring the owner or occupier of premises to close the premises or a specific part of the premises;
- requiring the placarding of premises to give notice of an order requiring the closure of the premises;
- requiring the doing of work, specified in the order, in, on, or about the premises specified in the order;
- requiring the removal of anything that the order states is a health hazard from the premises or the environs of the premises specified in the order;
- requiring the cleaning or disinfecting, or both, of the premises or the thing specified in the order;
- requiring the destruction of the matter or thing specified in the order;
- prohibiting or regulating the manufacturing, processing, preparation, storage, handling, display, transportation, sale, or offering for sale or distribution of any food or thing; and
- prohibiting or regulating the use of any premises or thing.

Until recently, infractions in personal service settings (PSS) required enforcement under Section 13, as there was no corresponding schedule of fines under the regulation for these environments. This issue has since been rectified and has helped inspectors provide an added layer to progressive enforcement options. MLHU now discloses all enforcement actions on the MLHU inspection site:

<https://inspections.healthunit.com/Portal/Enforcements>.

Reported Actions

Inspection Type	Regular	Follow-up	Non-Critical Infractions	Critical Infractions	Enforcement Actions
Child Care	58	2	11	0	0
Institutional Food	87	1	11	4	0
Food Safety	717	72	835	428	3
Infection Control	1	0	0	0	0
Personal Service Settings	71	4	15	3	0
Recreational Water	114	14	134	1	7
Drinking Water	5	0	0	0	0

Next Steps

Enforcement actions shall be taken when interventions aimed at assisting compliance and educating operators have proven ineffective, and when operators have demonstrated an unwillingness to change unsafe behaviours. Additionally, actions may be taken to eliminate health hazards through the issuance of Closure Orders. PHIs work with operators to create safe and healthy environments. It is the goal of MLHU to establish good working relationships with operators and to achieve the common desire of having a safe and healthy environment.

This report was prepared by Environmental Health and Infectious Disease Division.



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