



CHIPPEWAS OF RAMA FIRST NATION
Being a Band within the meaning of the *Indian Act*

**RAMA FIRST NATION
Emergency Response Bylaw**

By-Law No 21-01

**Being a By-Law to ENSURE EXPEDIENT PUBLIC HEALTH RESPONSES TO
HEALTH EMERGENCIES.**

This By-Law shall come into force and effect on January 11, 2021.

WHEREAS the Chippewas of Rama First Nation has and recognizes its inherent right of self-government, and its jurisdiction to pass laws and powers within the First Nation;

AND WHEREAS the aforementioned rights of the Chippewas of Rama First Nation have been recognized and affirmed in the domestic laws of Canada, including the *Constitution Act, 1982* and other federal and provincial legislation;

AND WHEREAS Bill C-262 requires the Government of Canada to take all measures necessary to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples;

AND WHEREAS, the By-Laws enacted by Rama First Nation remain in accordance with section 81(1) of the *Indian Act* which empowers the First Nation to create Laws providing for the health and safety of the residents on and visitors to Rama First Nation;

AND WHEREAS, across the globe, countries have been devastated by the novel Coronavirus (COVID-19);

AND WHEREAS, the COVID-19 pandemic poses additional risks to First Nations communities due to the impacts of colonialism;

AND WHEREAS, Chief and Council wish to ensure that the public community health response to COVID-19 or any subsequent public health emergency is timely, efficient and effective to provide the best protection possible for Chippewas of Rama First Nation band members, authorized persons and visitors;



NOW THEREFORE the Chief and Council of the Chippewas of Rama First Nation hereby make the following Law:

1. SHORT TITLE

1.1. This law may be cited as the “Emergency Response Bylaw”.

2. APPLICATION

2.1. This Law applies to:

- (a) All Band Members, Employees of Rama First Nation, and Authorized Persons within the boundaries of the Chippewas of Rama First Nation;
- (b) All businesses located within the boundaries of the Chippewas of Rama First Nation;
- (c) All public spaces and buildings within the boundaries of the Chippewas of Rama First Nation; and
- (d) All visitors to the Chippewas of Rama First Nation.

3. DEFINITIONS

3.1. In this law:

- (a) “**Authorized Person**”, means any person who is not a Rama First Nation Band member but who resides in the First Nation;
- (b) “**Band**”, means the Chippewas of Rama First Nation, as represented by its duly elected Chief and Council;
- (c) “**Band Member**”, means a member of the Band, having the same meaning as “member of the Band” under the *Indian Act*;
- (d) “**Chief and Council**”, means the Chief and Council of the Chippewas of Rama First Nation;
- (e) “**Employee of Rama First Nation**”, means a person employed by the Chippewas of Rama First Nation or its affiliated corporations;
- (f) “**Essential Service Provider**”, means any person employed by the Rama Police Service, Rama First Nation Emergency Services, or Rama Fire Service;
- (g) “**First Nation**”, means the lands contained within Rama First Nation Reserve no.32 which are vested in Her Majesty and have been set apart by Her Majesty for the use and benefit of the



Chippewas of Rama First Nation, Rama First Nation treaty territory, and Rama First Nation traditional territory;

- (h) **“Getsidjig Endaawaad”**, means the Rama First Nation Seniors Complex, located at 4150 York Place, Rama, Ontario L3V 6H6.
- (i) **“Indian Act”**, means the *Indian Act*, RSC 1985, c I-5, a statute of the Federal Crown governing registered Indians, bands and reserves;
- (j) **“Officer”**, means a constable or officer of the Rama Police Service, a police officer or constable of the Ontario Provincial Police, and a by-law officer of Rama First Nation;
- (k) **“Reserve”**, means all those lands defined as a “Reserve” within the *Indian Act* and set apart for the use and benefit of the Chippewas of Rama First Nation;
- (l) **“Record”** means information/documentation related to communicable diseases such as COVID 19;
- (m) **“Visitor”**, means any person within the Chippewas of Rama First Nation at any time who is not a:
 - i. Band Member;
 - ii. Authorized Person;
 - iii. Essential Service Provider; or
 - iv. Employee of Rama First Nation.

4. PURPOSE

4.1. The purpose of this By-Law is to:

- (a) Consider the health and safety of the members of Rama First Nation and other persons found within the First Nation and, in particular to protect the health and safety of persons vulnerable to severe complications as the result of the COVID-19 virus, any future pandemic, or any other public health emergency;
- (b) Protect the security of band members, Employees of Rama First Nation, and other authorized users of Rama First Nation public spaces and buildings; and



- (c) Ensure a timely and effective response to imminent health threats to Rama First Nation Members, Authorized Persons, Employees of Rama First Nation, and visitors.

5. PUBLIC HEALTH OFFICER

5.1. The Director of the Chippewas of Rama Health and Social Services department,

- (a) shall serve as the RFN Public Health Officer ("PHO"); and

- (b) may appoint one Associate Public Health Officer ("APHO")

5.2. If the position of Public Health Officer becomes vacant, Chief and Council shall work expeditiously towards filling the position with a full-time Director and Public Health Officer.

6. USE OF TITLE

6.1. The PHO, APHO, or any other person or entity, shall not describe the position of the Public Health Officer as a "medical officer of health" or of "associate medical officer of health", or use the designation "MOH" or "AMOH" or other designation representing the title.

7. ELIGIBILITY FOR APPOINTMENT

7.1. Chief and Council by appointment as PHO and renewal as needed from time to time.

8. PUBLIC HEALTH OFFICIAL'S RESPONSIBILITIES

8.1. The PHO and APHO are responsible for:

- (a) Providing advice to Chief and Council on health issues;

- (b) Briefing Chief and Council and provincial and regional health officers, as appropriate;

- (c) Working with other governments, jurisdictions, agencies, and organizations, on health matters;

- (d) Speaking to the RFN community, health professionals, and stakeholders about issues affecting the population's health and about how to protect themselves and their families;

- (e) Providing direction to the Health and Social Services Department as they plan and respond to a health emergency;

- (f) Providing recommendations to Chief and Council with regard to necessary regulations to respond to public health threats; and



- (g) Coordinating with jurisdictions through regular communication with regional, provincial and federal Medical Officers of Health and others, as appropriate.

9. ORDER BY PUBLIC HEALTH OFFICER RE COMMUNICABLE DISEASE

- 9.1. The PHO, in the circumstances mentioned in subsection (9.2), by a written order, may require a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.
- 9.2. The public health officer may make an order under this section where he or she is of the opinion, upon reasonable and probable grounds,
 - (a) that a communicable disease exists or may exist or that there is an immediate risk of an outbreak of a communicable disease in the Chippewas of Rama First Nation;
 - (b) that the communicable disease presents a risk to the health of persons in the Chippewas of Rama First Nation; and
 - (c) that the requirements specified in the order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.
- 9.3. In an order under this section, the PHO may specify the time or times when, or the period or periods of time within which, the person to whom the order is directed must comply with the order.
- 9.4. An order under this section may include, but is not limited to,
 - (a) requiring the owner or occupier of premises to close the premises or a specific part of the premises;
 - (b) requiring the premises to post, in a conspicuous location, notice of an order requiring its closure;
 - (c) requiring any person that the order states has or may have a communicable disease or is or may be infected with an agent of a communicable disease to isolate himself or herself and remain in isolation from other persons;
 - (d) requiring the cleaning or disinfecting, or both, of the premises or the thing specified in the order;



(e) requiring the person to whom the order is directed to conduct himself or herself in such a manner as not to expose another person to infection.

9.5. An order under this section may be directed to,

(a) a band member;

(b) an employee of Rama First Nation;

(c) a person that owns or is the occupier of any premises;

(d) a person who is engaged in or administers an enterprise or activity,
or

(e) an authorized person

in the First Nation.

9.6. An order under this section may be directed to a class of persons who reside or are present in the Chippewas of Rama First Nation.

10. NOTICE FOR ORDERS TO A CLASS OF PERSONS

10.1. If a class of persons is the subject of an order under subsection (9.1), notice of the order shall be delivered to each member of the class where it is practicable to do so in a reasonable amount of time.

10.2. If delivery of the notice to each member of a class of persons is likely to cause a delay that could, in the opinion of the PHO or APHO, significantly increase the risk to the health of any person, the PHO or APHO may deliver a general notice to the class through any communications media that seem appropriate to him or her, and he or she shall post the order at an address or at addresses that is or are most likely to bring the notice to the attention of the members of the class.

10.3. A notice under subsection (10.2) shall contain sufficient information to allow members of the class to understand to whom the order is directed, the terms of the order, and where to direct inquiries.

11. DUTY OF MANAGER OF GETSIDJIG ENDAAWAAD TO REPORT REGARDING DISEASE

11.1. The Manager of Getsidjig Endaawaad shall report to the PHO if an entry in the records of the residence in respect of a resident lodged in the institution states that the person has or may have a disease of public health significance or is or may be infected with an agent of a communicable disease.



- 11.2. The Manager of Getsidjig Endaawaad shall report to the PHO as soon as possible after the entry is made in the records.
- 12. DUTY OF HEALTH PROFESSIONALS AT HEALTH CENTER TO REPORT REGARDING DISEASE**
- 12.1. For the purposes of this section, "Health Professional or Visiting Health Professional" means any person engaged in providing health services to band members of the Chippewas of Rama First Nation, including, but not limited to, nutritionists, dieticians, chiropodists, chiropractors, medical doctors, naturopaths, Registered Nurses, and Community Health Nurses.
- 12.2. Any Health Professional or Visiting Health Professional engaged in providing health services at the Rama First Nation Health Center shall report to the PHO if an entry in the records of the health center in respect of a person engaged in health services states that the person has or may have a disease of public health significance or is or may be infected with an agent of a communicable disease.
- 12.3. All Health Professionals and Visiting Health Professionals shall report to the PHO as soon as possible after the entry is made in the records.
- 12.4. All visiting professionals are required to follow Rama First Nation protocols.
- 13. DUTY OF SCHOOL PRINCIPAL TO REPORT DISEASE**
- 13.1. The principal of Mnjikaning Kendaaswin Elementary School, should he or she be of the opinion that a pupil in the school has or may have a communicable disease shall, as soon as possible after forming the opinion, report thereon to the PHO.
- 14. ORDERS RE COMMUNICABLE DISEASE OUTBREAKS**
- 14.1. Subject to subsection (14.2), the PHO may make an order requiring the Manager of Getsidjig Endaawaad to take any actions specified in the order for the purposes of monitoring, investigating and responding to an outbreak of communicable disease at the building.
- 14.2. The PHO may make an order under subsection (14.1) if he or she is of the opinion, upon reasonable and probable grounds, that an outbreak of a communicable disease exists or may exist at the building, and that the communicable disease presents a risk to the health of persons in the public hospital or institution, and that the measures specified in the order are necessary in order to decrease or eliminate the risks to health associated with the outbreak.



- 14.3.** In an order under this section, the PHO may specify the time or times when or the period or periods of time within which the order must be complied with.
- 14.4.** An order under this section may be directed to the Manager of Getsidjig Endaawaad, and the Manager shall ensure that the actions provided for in the order are taken.
- 14.5.** An order under this section is not effective unless the reasons for the order are set out in the order.
- 15. COMMUNICATION WITH MEDICAL OFFICERS OF HEALTH**
- 15.1.** The PHO may transmit to a medical officer of health or to public health officials in another jurisdiction any information in respect of a person in relation to whom a report in respect of a disease of public health significance has been made under this Act.
- 16. PUBLIC HEALTH OFFICER MAY ACT WHERE RISK TO HEALTH**
- 16.1.** If the PHO is of the opinion that a situation exists anywhere in the Chippewas of Rama First Nation that constitutes or may constitute a risk to the health of Chippewas of Rama First Nation band members, authorized persons or Employees of the Rama First Nation, he or she may investigate the situation and take such action as he or she considers appropriate to prevent, eliminate or decrease the risk.
- 17. DIRECTIVES TO HEALTH CARE PROVIDERS**
- 17.1.** Where the PHO is of the opinion that there exists or there may exist an immediate risk to the health of Band members, authorized persons, or Employees of Rama First Nation, he or she may issue a directive to any health care provider or health care entity respecting precautions and procedures to be followed to protect the health of persons in the Chippewas of Rama First Nation.
- 17.2.** In issuing a directive under subsection (17.1), the PHO shall consider the precautionary principle where,
- (a)** in the opinion of the PHO there exists or may exist an outbreak of an infectious or communicable disease; and
 - (b)** the proposed directive relates to worker health and safety in the use of any protective clothing, equipment or device.
- 17.3.** For the purpose of subsection (17.1), the PHO, may direct a person whose services are engaged by the Chippewas of Rama First Nation Health Centre to do any act,



- (a) that the person has power to do, and
 - (b) that the PHO has authority to direct the person to do.
- 17.4. If the PHO gives a direction under subsection 17.3 to a person whose services are engaged by the Health Centre,
 - (a) the person has authority to act, to the same extent as if the direction had been given by the medical officer of health of a board of health of the Province of Ontario or the Simcoe-Muskoka District Health Unit and the act had been done in the health unit; and
 - (b) the person shall carry out the direction as soon as practicable.
- 17.5. A health care provider or health care entity that is served with a directive under subsection (17.1) shall comply with it.
- 17.6. For greater certainty, a directive under subsection (17.1) may not be used to compel regulated health professionals to provide services without their consent.
- 17.7. Despite subsection (17.1), in the event of a conflict between this section and the *Occupational Health and Safety Act* or a regulation made under it, the *Occupational Health and Safety Act* or the regulation made under it prevails.
- 17.8. The PHO may only make a directive under this section with respect to measures or policies concerning,
 - (a) infectious diseases;
 - (b) health hazards; or
 - (c) public health emergency preparedness.
- 17.9. Subject to subsections (17.10) and (17.11), a directive under this section is in force for the period set out in the directive, which shall not exceed six months.
- 17.10. The PHO may terminate a directive under this section, or renew it for one or more additional periods of not more than six months each.
- 17.11. The PHO shall consult with every affected institution or health care provider within the Chippewas of Rama First Nation and may consult with provincial or regional medical officers of health, before



(a) renewing a directive under this section so that it is in force more than six months; or

(b) issuing a directive identical or substantially similar to one or more directives already issued, where the effect would be that identical or substantially similar directives would be in force for a total period of more than six months, whether or not they are in force for consecutive periods.

18. OFFENCE

18.1. Any person who fails to obey an order made under this Act is guilty of an offence.

19. PENALTY

19.1. Every person who is guilty of an offence under this Act is liable on conviction to a fine of not more than \$1,000 for every day or part of a day on which the offence occurs or continues.

20. ENFORCEMENT

20.1. This By-law may be enforced by:

- (a) a police officer or constable of the Rama Police Service or Ontario Provincial Police; and/or
- (b) a Rama First Nation By-Law enforcement officer.

21. EMERGENCY TASK FORCE

21.1. The PHO shall convene an Emergency Task Force where a public health threat is deemed by the PHO to exist.

21.2. The Emergency Task Force shall consist of the following members:

- (a) Rama First Nation Chief Administration Officer
- (b) Rama First Nation Chief Operating Officer
- (c) PHO
- (d) Rama Police Service Chief of Police
- (e) Rama First Nation Fire Chief
- (f) Rama First Nation Paramedic Chief
- (g) Rama First Nation Communications Manager



(h) Other temporary or permanent members who, at the PHO's discretion, possess specialized knowledge which would be of assistance in managing the public health threat.

- 21.3.** The mandate of the Emergency Task Force shall be:
- (a) to provide necessary information and advice to the PHO in response to a public health threat in RFN; and
 - (b) To assist in developing recommendations for the PHO to present to Chief and Council to respond to a public health threat.

21.4. Notwithstanding this section 18, it shall remain the responsibility of the PHO to make final recommendations to Chief and Council regarding responses to public health threats.

22. REGULATIONS

- 22.1.** Chief and Council may provide for and make regulations with respect to emergency response measures including, but not limited to such measures as:
- (a) Business closures and/or re-openings;
 - (b) Public building and space closures and/or re-openings;
 - (c) Mandatory public health safety measure such as the requirement to wear masks, make sanitation stations available, and increase general cleaning requirements;
 - (d) Mandatory social distancing;
 - (e) Limiting visitors to Getsidjig Endaawaad;
 - (f) Limiting Visitors to the RFN community; or
 - (g) other related public health related measures.

23. SEVERABILITY

- 23.1.** If any section or part of this By-Law is found to be invalid for any reason, such section or part or item shall be deemed to be severable and all other sections or parts of this By-Law shall be deemed to be separate and independent therefrom and to be enacted as such.

24. FORCE AND EFFECT

- 24.1.** This By-Law shall come into effect on January 11, 2021 and shall apply on all Rama First Nation Reserve Lands, Reserve No. 32, as defined in the *Indian Act*.

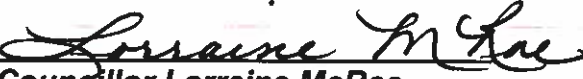


THIS BY-LAW IS HEREBY made at a duly convened meeting of the Chief and Council of the Chippewas of Rama First Nation this day of January 11, 2021.
Voting in favour of the By-Law are the following members of Chief and Council:

Chief and Council Signatures of Approval



Chief Ted Williams



Councillor Lorraine McRae



Councillor Ted Snache



Councillor Rodney Noganosh



Councillor Anne Harrigan



Councillor Jeremy St. Germain



Councillor Dillon Bickell

being the majority of those members of the Council of the Chippewas of Rama First Nation present at the aforesaid meeting of Chief and Council.

The quorum of Chief and Council is four members.

Number of members of Chief and Council present at the meeting: 7.