Sullivan, Michelle A HLTH:EX

From: custrel@translink.bc.ca <custrel@translink.ca>
Sent: August 14, 2020 2:19 PM
To: s.22 Desmond, Kevin; Henry, Bonnie HLTH:EX; Minister, AG AG:EX; mcu@justice.gc.ca; OfficeofthePremier, Office PREM:EX; Erinn.Pinkerton@bctransit.ca
Cc: s.22
Subject: RE: Feedback Number s.22

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Dear s.22

Thank you for your continued concern for the customers on our system. I appreciate and value the time you took to speak to this important issue.

The decision to require masks on transit is essential to ensuring customers are confident riding transit as British Columbia's economy continues to reopen. As more people commute around the region, physical distancing is not always going to be possible which is why this policy was enacted.

We understand that some customers are unable to wear masks. Customers with an underlying medical condition or disability will be exempt from this policy and can request a TransLink branded card to note the exemption.

Exemptions for the policy include:

- Anyone with an underlying medical condition or disability which inhibits the ability to wear a mask or face covering;
- Persons unable to place or remove a mask or face covering without assistance;
- Children under 5 years of age;
- Employees working behind a physical barrier or within areas designated for employees and not for public access;
- Police, employees, or first responders in an emergency.

Although Transit Police will be able to enforce a rule or signage requiring face coverings on transit, the initial focus of this policy will be on awareness and education. Frontline employees may inform or remind customers to wear a face covering when on-board transit vehicles.

We are basing all our policies, practices, and recommendations on the guidance of the BC CDC, WorkSafeBC, and the Office of the Provincial Health Officer. Dr. Henry, the Provincial Health Officer, recently commented the following on our new policy (August 6):

"Transit is an important service for many British Columbians. TransLink's decision to make masks mandatory on their vehicles will help make transit safer for passengers, and we can make it safer for our fellow passengers when we wear a mask. Find one that's comfortable and make time to get used to wearing them and taking them on and off as needed. Those of us who are able should be using masks on transit all the time. I do and I expect others to as well."

Our Safe Operating Action Plan, which outlines our mask/face covering policy is always under continual improvement and will be adjusted based on the developing knowledge and guidance from public health and safety authorities.

Thank you for taking the time to share your opinions with us as we continue to develop our plan to respond to the ongoing pandemic, and provide our service safely.

At this time, this is all the information we have to offer on this topic. I hope this answers your questions.

Kind regards,

Breanna

Customer Information Services at TransLink

From: s.22
Sent: August 10, 2020 12:21 PM
To: custrel@translink.bc.ca <custrel@translink.ca>; Desmond, Kevin <Kevin.Desmond@Translink.ca>; bonnie.henry@gov.bc.ca; AG.Minister@gov.bc.ca; mcu@justice.gc.ca; premier@gov.bc.ca; Erinn.Pinkerton@bctransit.ca
Cc: s.22
Subject: RE: Feedback Number s.22

Kevin.Desmond@translink.ca; bonnie.henry@gov.bc.ca; AG.Minister@gov.bc.ca; mcu@justice.gc.ca; premier@gov.bc.ca; Erinn.Pinkerton@bctransit.ca

Dear Breanna

Customer Information Services/**lawyer?**

Feedback Number is s.22

s.22

From: custrel@translink.bc.ca <custrel@translink.ca>
Sent: August 10, 2020 10:37 AM
To: s.22
Subject: RE: British Columbia is a common law jurisdiction

Dear s.22

Thank you for taking the time to contact TransLink CEO Kevin Desmond with your inquiry and concerns regarding our recently announced mandatory mask policy, we have been asked to respond on his behalf.

We understand that Transit Police has reached out to you separately to address the portion of your concerns as they relate to their team and enforcement processes, however we also wanted to reply to you in order to clarify how this policy relates to the Greater Vancouver Transit Conduct and Safety Regulation.

Please note, the Greater Vancouver Transit Conduct and Safety Regulation authorizes any transit employee to require customers to obey the signs or comply with the rules. If a customer refuses to obey the sign or comply with the rules, Transit Police can refuse that person permission to enter the transit vehicle or other transit property or order that person to leave the transit vehicle or other transit property. If a customer fails to comply with the restrictions imposed on them, they can be issued a ticket for a fine of up to $150.

For your reference, we have included a link to the regulation here:
<https://www.bclaws.ca/civix/document/id/complete/statreg/87_99>

We hope the above, as well as the reply you receive from Transit Police, address your concerns. Should you have further questions, please do not hesitate to contact us.

Sincerely,

Breanna

Customer Information Services at TransLink

Your reference Feedback Number is[s.22] If you would like to provide feedback on a different matter, please fill out a new feedback form at: https://www.translink.ca/feedback or call us at 604.953.3333

From: [s.22]
Sent: August 9, 2020 1:53 PM
To: infodesk@jibc.ca; Desmond, Kevin <Kevin.Desmond@Translink.ca>; bonnie.henry@gov.bc.ca; AG.Minister@gov.bc.ca; mcu@justice.gc.ca; premier@gov.bc.ca; Erinn.Pinkerton@bctransit.com
Subject: British Columbia is a common law jurisdiction

infodesk@jibc.ca; Kevin.Desmond@translink.ca; bonnie.henry@gov.bc.ca; AG.Minister@gov.bc.ca; mcu@justice.gc.ca; premier@gov.bc.ca; Erinn.Pinkerton@bctransit.com

s.22

Page 06 of 16

Withheld pursuant to/removed as

s.22

Sullivan, Michelle A HLTH:EX

From: Daly, Patty [VCH] <Patricia.Daly@vch.ca>
Sent: August 22, 2020 11:28 AM
To: kevin.desmond@translink.ca; Erinnpinkerton@bctransit.com; Henry, Bonnie HLTH:EX; drew@pivotlegal.org; XT:HLTH Brodkin, Elizabeth; Gustafson, Reka [BCCDC]
Cc: Bell, Erika [VCH]; XT:Lysyshyn, Mark Dr. HLTH:IN
Subject: TransLink Mask Policy
Attachments: TransLink Letter Aug 22 2020.pdf

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Dear Mr. Desmond,

Please find letter attached.

Sincerely,

Patricia Daly MD, FRCPC
Vice-President, Public Health and Chief Medical Health Officer
Vancouver Coastal Health
#800-601 West Broadway
Vancouver, BC V5Z 4C2
Phone: 604-675-3924
Fax: 604-731-2756
E-mail: Patricia.Daly@vch.ca

Assistant: Erika Bell
Phone: 604-675-3918
E-mail: Erika.Bell@vch.ca

Vancouver Coastal Health
Promoting wellness. Ensuring care.

Office of the Chief Medical Health Officer
8th Floor – 601 West Broadway
Vancouver, BC V5Z 4C2

Tel: 604-875-4379
Fax: 604-731-2756

August 22, 2020

Mr. Kevin Desmond
Chief Executive Officer
TransLink
400 - 287 Nelson's Court
New Westminster, BC V3L 0E7

Dear Mr. Desmond,

Re: TransLink Mask Policy

We would like to acknowledge the pressure that TransLink is under to protect the health of the public while maintaining essential public transit services during the pandemic, and commend you for taking a rigorous approach to COVID-19 safety planning. However, we are concerned with the recently announced policy requiring transit riders to wear non-medical masks. Typically, decisions regarding public health measures that impact the population of the Lower Mainland are made in consultation with public health experts responsible for the health of those populations. While our public health staff have consistently provided advice to TransLink since the declaration of the COVID-19 pandemic, our offices were not consulted on this new policy and have concerns about its potential unintended consequences.

There is no public health order in place requiring people to wear masks on public transit in our regions, nor does the current epidemiology of COVID-19 transmission warrant such an order. Making mask use mandatory creates barriers to transit ridership and creates stigma for those who cannot afford to purchase masks and for those who have legitimate health reasons for not wearing them. Because public transit is an essential service for accessing work, school, health care, and social services (including food banks) for many people, we are concerned about the impact of the new policy on population health inequities. For these reasons, we strongly recommend that:

- Free masks be made available to riders at all points of transit access, as long as the policy remains in effect. We understand that TransLink is planning promotional distribution of a certain number of masks but it is not clear if this will be ongoing and available at all points of access.

- Riders who cannot wear masks for medical or other reasons are not be required to apply for an exemption card or otherwise provide proof of their exemption. This would require passengers to share confidential health information with a transit authority, which is inappropriate, and could create an additional barrier to transit use by marginalized groups. Other jurisdictions with similar mask policies do not require proof of exemption.

- Implementation of this new policy focus only on education, not enforcement; transit police and TransLink staff can support education efforts by distributing free masks and providing hand sanitizer, and directing riders to credible sources of information on COVID-19. Violence has been associated with police enforcement of mandatory mask policies in other jurisdictions and it would be unfortunate if that were to occur as a result of this policy.

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Office of the Chief Medical Health Officer
8th Floor – 601 West Broadway
Vancouver, BC V5Z 4C2

Tel: 604-875-4379
Fax: 604-731-2756

Thank you for your attention to these important concerns, and for your commitment to ensuring that transit remains accessible and free of stigma for all users. Should you have any additional questions, please feel free to contact us.

Sincerely,

P Daly

Patricia Daly MD, FRCPC
Vice-President, Public Health and Chief Medical Health Officer
Vancouver Coastal Health

Cc: Erinn Pinkerton, President and Chief Executive Officer, BC Transit
Dr. Bonnie Henry, Provincial Health Officer
Dr. Reka Gustafson, Deputy Provincial Health Officer
Dr. Elizabeth Brodkin, Acting Vice President, Population Health and Chief Medical Health Officer, Fraser Health
Drew Dennis, Executive Director, Pivot Legal Society

Sullivan, Michelle A HLTH:EX

From:	Pearl, Kathleen <Kathleen.Pearl@Translink.ca> on behalf of Desmond, Kevin <Kevin.Desmond@Translink.ca>
Sent:	August 25, 2020 9:37 AM
To:	Daly, Patty [VCH
Cc:	Erinnpinkerton@bctransit.com; Henry, Bonnie HLTH:EX; Gustafson, Reka [BCCDC; XT:HLTH Brodkin, Elizabeth; drew@pivotlegal.org; Bell, Erika [VCH; XT:Lysyshyn, Mark Dr. HLTH:IN; XT:Youssef, Marten GCPE:IN
Subject:	TransLink Response ... FW: TransLink Mask Policy
Attachments:	TransLink Letter Aug 22 2020.pdf; Patricia Daly re Mask Policy 2020-08-25.pdf

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Dear Dr. Daly,

Thank you for contacting TransLink. Please find attached the response from Kevin Desmond, Chief Executive Officer.

Best regards,
Kathleen

Kathleen Pearl
Interim Executive Assistant to Chief Executive Officer
T: 778-375-**7780**
TransLink
400-287 Nelson's Court, New Westminster, BC, V3L 0E7, Canada

Together all the way | WEARING IS CARING

From: Daly, Patty [VCH] <Patricia.Daly@vch.ca>
Sent: August 22, 2020 11:28 AM
To: Desmond, Kevin <Kevin.Desmond@Translink.ca>; Erinnpinkerton@bctransit.com; Henry, Bonnie [EXT] <bonnie.henry@gov.bc.ca>; drew@pivotlegal.org; Brodkin, Elizabeth Dr. [FH] <Elizabeth.Brodkin@fraserhealth.ca>; Gustafson, Reka [BCCDC] <reka.gustafson@phsa.ca>
Cc: Bell, Erika [VCH] <Erika.Bell@vch.ca>; Lysyshyn, Mark [VCH] <Mark.Lysyshyn@vch.ca>
Subject: TransLink Mask Policy

Dear Mr. Desmond,

Please find letter attached.

Sincerely,

Patricia Daly MD, FRCPC
Vice-President, Public Health and Chief Medical Health Officer
Vancouver Coastal Health
#800-601 West Broadway
Vancouver, BC V5Z 4C2
Phone: 604-675-3924

Fax: 604-731-2756
E-mail: Patricia.Daly@vch.ca

Assistant: Erika Bell
Phone: 604-675-3918
E-mail: Erika.Bell@vch.ca

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Office of the Chief Medical Health Officer
8th Floor – 601 West Broadway
Vancouver, BC V5Z 4C2

Tel: 604-875-4379
Fax: 604-731-2756

August 22, 2020

Mr. Kevin Desmond
Chief Executive Officer
TransLink
400 - 287 Nelson's Court
New Westminster, BC V3L 0E7

Dear Mr. Desmond,

Re: TransLink Mask Policy

We would like to acknowledge the pressure that TransLink is under to protect the health of the public while maintaining essential public transit services during the pandemic, and commend you for taking a rigorous approach to COVID-19 safety planning. However, we are concerned with the recently announced policy requiring transit riders to wear non-medical masks. Typically, decisions regarding public health measures that impact the population of the Lower Mainland are made in consultation with public health experts responsible for the health of those populations. While our public health staff have consistently provided advice to TransLink since the declaration of the COVID-19 pandemic, our offices were not consulted on this new policy and have concerns about its potential unintended consequences.

There is no public health order in place requiring people to wear masks on public transit in our regions, nor does the current epidemiology of COVID-19 transmission warrant such an order. Making mask use mandatory creates barriers to transit ridership and creates stigma for those who cannot afford to purchase masks and for those who have legitimate health reasons for not wearing them. Because public transit is an essential service for accessing work, school, health care, and social services (including food banks) for many people, we are concerned about the impact of the new policy on population health inequities. For these reasons, we strongly recommend that:

- Free masks be made available to riders at all points of transit access, as long as the policy remains in effect. We understand that TransLink is planning promotional distribution of a certain number of masks but it is not clear if this will be ongoing and available at all points of access.

- Riders who cannot wear masks for medical or other reasons are not be required to apply for an exemption card or otherwise provide proof of their exemption. This would require passengers to share confidential health information with a transit authority, which is inappropriate, and could create an additional barrier to transit use by marginalized groups. Other jurisdictions with similar mask policies do not require proof of exemption.

- Implementation of this new policy focus only on education, not enforcement; transit police and TransLink staff can support education efforts by distributing free masks and providing hand sanitizer, and directing riders to credible sources of information on COVID-19. Violence has been associated with police enforcement of mandatory mask policies in other jurisdictions and it would be unfortunate if that were to occur as a result of this policy.

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Office of the Chief Medical Health Officer
8th Floor – 601 West Broadway
Vancouver, BC V5Z 4C2

Tel: 604-875-4379
Fax: 604-731-2756

Thank you for your attention to these important concerns, and for your commitment to ensuring that transit remains accessible and free of stigma for all users. Should you have any additional questions, please feel free to contact us.

Sincerely,

P Daly

Patricia Daly MD, FRCPC
Vice-President, Public Health and Chief Medical Health Officer
Vancouver Coastal Health

Cc: Erinn Pinkerton, President and Chief Executive Officer, BC Transit
Dr. Bonnie Henry, Provincial Health Officer
Dr. Reka Gustafson, Deputy Provincial Health Officer
Dr. Elizabeth Brodkin, Acting Vice President, Population Health and Chief Medical Health Officer, Fraser Health
Drew Dennis, Executive Director, Pivot Legal Society

TransLink
400 - 287 Nelson's Court
New Westminster, BC V3L 0E7
Canada
Tel 778.375.7500
translink.ca

South Coast British Columbia
Transportation Authority

August 25th, 2020

Patricia Daly, MD, FRCPC
Vice-President, Public Health and Chief Medical Health Officer
Vancouver Coastal Health
8th Floor – 601 West Broadway
Vancouver, BC V5Z 4C2

Via Email: *Patricia.Daly@vch.ca*

Dear Dr. Daly,

Re: TransLink Mask Policy

I am writing in response to your letter dated Saturday, August 22nd, regarding TransLink's new policy requiring transit riders to wear non-medical masks while on transit vehicles, which took effect on Monday, two and a half weeks after our announcement of the new policy.

The policy in question was publicly announced on August 5th after consultation with British Columbia's Provincial Health Officer, our counterparts at BC Transit, and dozens of other transit agencies across Canada and North America. Indeed, the Metro Vancouver region is one of the last to require masks on transit, a practice that is now a worldwide standard and has also been adopted by our counterparts at BC Ferries and airlines across the globe.

This new policy was introduced to help minimize the potential risk of exposure to our customers while on board transit vehicles, when physical distancing may not be possible. As indicated by the BC Centre for Disease Control, some people can spread the virus when they have very mild symptoms and may not know that they are infected and wearing a mask can help to protect others by containing the person's droplets. This is particularly important as British Columbia's economy re-opens, and more riders return to our transit system.

TransLink worked very closely with the Office of the Provincial Health Officer while developing this policy. At the time that the policy was announced on August 5th, Dr. Bonnie Henry said:

> *"Transit is an important service for many British Columbians. TransLink's decision to make masks mandatory on their vehicles will help make transit safer for passengers, and we can make it safer for our fellow passengers when we wear a mask. Find one that's comfortable and make time to get used to wearing them and taking them on and off as needed. Those of us who are able should be using masks on transit all the time. I do and I expect others to as well."*

Our organization appreciates the advice we have received from Vancouver Coastal Health since the declaration of the COVID-19 pandemic. On August 11th, 2020, TransLink provided an overview of our proposed mandatory mask policy during the roundtable portion of a conference call facilitated by Emergency Management BC, which was attended by representatives from both the Vancouver Coastal Health and Fraser Health Authorities. At that time, no comments were received on our proposed policy and no concerns were raised.

Regarding the concerns raised in your letter, I would first like to reassure you that our immediate focus will be on education and awareness. As we announced on August 5th, TransLink staff will not be asked to enforce the mandatory mask policy during the initial rollout. Instead, our focus will be on educating our customers, which will include the distribution of up to 30,000 free masks at transit hubs throughout our region. Our counterparts at the Toronto Transit Commission have informed us that they were able to achieve a 95 percent mask adoption rate on their system with a similar mandatory mask policy and no enforcement.

Likewise, I'd also like to reassure you, as was made clear in the August 11th call, that we have allowed for several exemptions and that we have no plans to require passengers to share their confidential health information with TransLink in order to be granted an exemption.

As we announced in early August, customers who are unable to wear face coverings due to an underlying medical condition or disability will be exempt from this policy and won't be asked to wear a mask or face covering. These customers will have the option to request a TransLink branded card which notes they are exempt from wearing a face covering. The cards will be made available at Compass Customer Service Centre's at Stadium-Chinatown and Waterfront Stations.

Exemptions for TransLink's mask policy include:

- Anyone with an underlying medical condition or disability which inhibits the ability to wear a mask or face covering;
- Persons unable to place or remove a mask or face covering without assistance;
- Children under 5 years of age;
- Employees working behind a physical barrier or within areas designated for employees and not for public access;
- Police, employees, or first responders in an emergency.

The mandatory mask policy is part of TransLink's Safe Operating Action Plan. This comprehensive plan focuses on the safety of customers and employees by increasing the cleaning and sanitizing of transit vehicles and hubs, increasing service levels, and creating space between customers where possible. We continue to promote the public health messages of staying home when sick, using proper cough etiquette, washing hands, and avoiding touching your face.

In recent months, we have received hundreds of formal requests from customers to mandate mask usage on transit vehicles. Many customers have told us that making masks mandatory is a critical step our organization can take to help restore their confidence in taking public transit. We believe this is crucial to ensure that we can rebuild our ridership levels, which were significantly impacted by COVID-19, and ensure that our region does not become inundated with congestion.

I appreciate the issues you raised, and I trust you will find our program is generally consistent with your advice. We are always looking for ways to partner with stakeholders and other organizations in our community and would like to invite Vancouver Coastal Health to help distribute free masks in partnership with TransLink in support of a healthy Vancouver.

If you have any additional comments or would like to follow-up on this conversation further, please do not hesitate to engage with our team by contacting Marten Youssef, Director of Communications, at Marten.Youssef@TransLink.ca.

Sincerely,

Kevin Desmond
Chief Executive Officer

cc: Erinn Pinkerton, President and Chief Executive Officer, BC Transit
Dr. Bonnie Henry, Provincial Health Officer
Dr. Reka Gustafson, Deputy Provincial Health Officer
Dr. Elizabeth Brodkin, Acting Vice President, Population Health and Chief Medical Health Officer, Fraser Health
Drew Dennis, Executive Director, Pivot Legal Society