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From: Lipp, Jamie M PSSG:EX
Sent: Tuesday, November 24, 2020 5:37 PM
To: Brown, Matthew G PSSG:EX; XT:Manak, Del LCRB:IN; 'Paul Burkart'; 'Jason Laidman'; 'Derren Lench'; 'David Fleugel'; 'Norm Lipinski'; XT:Flamand, Marcie CITZ:IN; 'Adam Palmer'; 'Dave Jansen'; 'Lisa Byrne'; 'Andrew Chan'; 'S. Green'; 'Howard Chow'; 'Dean Duthie'; 'Dave Jones'; 'Brett Crosby Jones'; 'Eric Stubbs'; 'Deborah Doss Cody'; 'Gary Schenk'; 'M. Serr'; 'N. Dubord'; 'Dave Attfield'; 'Len Goerke'; 'colin.watson@vicpd.ca'; Waldron, Fraser PSSG:EX; Barker, Amy PSSG:EX
Cc: XT:Rude, Jason CITZ:IN; 'Paul HYLAND'; 'Fiona Wilson'; 'Martin Bruce'; 'RANKIN, Laurence'; 'Barry Kross'; Lymburner, Ward C PSSG:EX; 'Paulette Freill'; 'Ray Bernoties'; 'Steve Eely'; 'Cita Airth'; 'Paul Burkart'; 'Ian Lawson'; 'Steve Rai'; 'Lench, Derren'; 'DAVEY, Michelle'; 'Tom Chesley'; 'Cumberworth, Mike'; 'Luwanda Davies'; 'Tom Chesley'; 'Shane Archibald'; 'Robert BOYD'; 'Kimberly TREMBLAY'; 'Peter TSUI'; 'hsidhu@deltapolice.ca'; Montgomery, Philip GPEB:EX; Winegarden, Cole PSSG:EX
Subject: Use of Face Coverings in Indoor Public Spaces (COVID-19) Order - now in effect
Attachments: Face Coverings in Indoor Public Spaces - Guidance Document.docx

Good afternoon,

As you are aware, on November 19, 2020, in addition to new provincial health orders, Dr. Bonnie Henry requested the Minister of Public Safety and Solicitor General issue a mandatory face covering Order under the *Emergency Program Act* to address the continued spread of COVID-19.

Since that time, work has been underway to draft the Order and I am writing to advise that the *Use of Face Coverings in Indoor Public Spaces (COVID-19) Order* is now in effect and violation tickets can be issued. The following news released was issued a short time ago <https://news.gov.bc.ca/releases/2020EMBC0061-001960>.

In summary, the Order allows for violation tickets to be issued for the following:

- Failure to wear a face covering in an indoor public space (\$230 Fine)
- Abusive or belligerent behavior regarding a face covering requirement or policy towards an operator or visitor of an indoor public space (\$230 Fine)
- Failure to comply with the direction from an enforcement officer (\$230 Fine)

I have attached a compliance and enforcement guidance document to provide advice and guidance on this Order. If you have any questions with respect to the guidance document, please contact Matt Brown at Matthew.G.Brown@gov.bc.ca or if urgent, at (250) 480-8865.

I am mindful that this information is being shared with you at the end of normal business hours; however, we wanted to ensure that guidance materials were provided without delay to police and compliance and enforcement officers across the province in support of B.C.'s COVID-19 response.

Sincerely,

Jamie

Jamie Lipp



Executive Director, Community Safety Unit and
A/Associate Director, Policing and Security Branch
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Where ideas work





**Compliance and Enforcement Guidance for Use of Face Coverings in Indoors
Public Spaces (COVID-19) Order – November 24, 2020**

Effective November 24, 2020, new province-wide measures enforceable under the *COVID-19 Related Measures Act* require all British Columbians to wear face coverings when in indoor public spaces.

The Order is in effect immediately and news release can be found here:

<https://news.gov.bc.ca/releases/2020EMBC0061-001960>

Indoor public space is a defined term in the Order. It captures a range of locations including:

- retail stores such as malls and grocery stores,
- service businesses such as banks and the offices of insurance companies and tradespersons,
- bars and restaurants,
- churches, mosques, temples and other places of public worship,
- gyms, arenas, yoga studios and other sport and fitness facilities,
- hair salons, tattoo parlours, nails salons and other personal service locations,
- the offices of doctors, dentists, physiotherapists and other health professionals,
- non-profit locations,
- a place that provides cultural, entertainment and recreational services such as libraries, theater, museums, and arcades,
- indoor common areas of office buildings, hotels, hospitals courthouses, colleges, universities and trade schools,
- public transportation such as the bus, ferry, SkyTrain and SeaBus including terminals and associated shelters,
- for hire transportations such as taxis, Ubers, limousines, party bus and shuttles, and
- airports, heliports and seaplane terminals.

This order does not apply to areas that are generally not accessible to the public. Examples of places that are not included are:

- K-12 schools, because school districts have the ability to manage access to common areas and set visitor policies,
- Courtrooms, where mask policies will be determined by the presiding judge, justice, master or registrar, in keeping with judicial independence, and
- On private property

The requirement to wear a face covering does not apply to everyone. Exempted persons include:

- a person who owns or operates the public indoor space and their employees as obligations to provide for a safe workplace are the responsibility of WorkSafeBC,
- children under the age of 12,
- psychological or behavioral issue that affects their ability to wear a face covering (i.e. anxiety disorder, claustrophobia)
- a person with a medical condition that prevents the wearing of a face covering,
- a person with a physical impairment that affects their ability to wear a face covering,
- a person with a mental or cognitive impairment,
- a person who is eating or drinking at a table or other assigned location in a bar or restaurant,
- a person who is participating in a sport or fitness activity at a sport or fitness facility, and
- a person who is receiving a personal or health service if removal of the face covering is required.

Under this Order, violation tickets can be issued for the following contraventions:

- Failure to wear a face covering in an indoor public space (Item 23.6 of Schedule 2, *Use of Face Coverings in Indoor Public Spaces Order*; Section 3 (1) - \$230 Ticket Amount)
 - This includes the wearing of a face covering that does not cover a person's mouth and nose (i.e. face covering worn around a chin or just a mouth) and wearing of face coverings made of material insufficient to provide coverage of the mouth and nose (i.e. lace and macramé)
 - Note: Face shields alone are not considered to be face coverings.
- Abusive or belligerent behavior regarding a face covering requirement or policy towards an operator or visitor of an indoor public space (Item 23.6 of Schedule 2, *Use of Face Coverings in Indoor Public Spaces Order*; Section 5(2) - \$230 Ticket Amount)
- Failure to comply with the direction from an enforcement officer (i.e. when asked to leave an indoor space) (Item 23.6 of Schedule 2, *Use of Face Coverings in Indoor Public Spaces Order*; Section 6 - \$230 Ticket Amount)

In addition to the ability to issue violation tickets, compliance and enforcement officers can recommend charges by long form information to the BC Prosecution Service in relation to offences against the *COVID-19 Related Measures Act*. Upon conviction, a fine of up to \$2000 and/or 6 months imprisonment can be imposed as per section 4 of the *Offence Act*.

As some of the mandatory face covering exemptions are broadly defined, compliance and enforcement officers are recommended to approach these situations with caution and compassion. If a ticket is issued to a person who claims to be exempt it will be their responsibility to dispute the ticket (as per normal dispute processes) and prove how they meet one of the listed exemptions.

Please note that while businesses and other operators of public indoor spaces are able to set additional policies in relation to face coverings, these policies are not enforceable under this

Order. In addition, businesses and other operators of public indoor spaces not required to refuse service to persons who are not wearing a face covering or to report persons who are unmasked to the police. As described above there are valid reasons why a person may not be wearing a face covering and the expectation is that reasonable accommodations will be made for these persons.

The following table outlines *COVID-19 Related Measures Act* contraventions and suggested violation ticket information:

COVID-19 Related Measures Act Contravention	Provision	Fine	Victim Surcharge Levy	Ticketed Amount
Item 23.6. Failure to wear face covering in indoor public space	Section 3(1)	\$200	\$30	\$230
Item 23.6. Abusive or belligerent behavior	Section 5 (2)	\$200	\$30	\$230
Item 23.6. Fail to comply with direction from an enforcement officer	Section 6	\$200	\$30	\$230

Please also find attached the Ministerial Order No. M425 *Use of Face Coverings in Indoor Public Spaces (COVID-19) Order* of the Minister of Public Safety and Solicitor General and Order in Council No. 593 reflecting amendment to the *COVID-19 Related Measures Act*.



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M425-2020.pdf

Sincerely,

Policing and Security Branch
Ministry of Public Safety and Solicitor General.

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