

Coronavirus COVID-19

BC Centre for Disease Control | BC Ministry of Health



**HOW YOU CAN
SLOW THE SPREAD
OF COVID-19**

**Take care of others by
taking care of yourself.**

**Wash your hands, don't touch
your face, and stay home if
you are sick.**

**Stay at Home and
Physically Distance**

**Stay at home whenever you can.
Maintain 2 meters distance from
those outside of your household.**

Compliance and Enforcement Guidance about Public Health Orders with respect to Physical Distancing

This document is accurate as of March 31, 2020 and is subject to change.

Purpose

This document is to provide guidance to compliance and enforcement officials (C&EOs) such as bylaw enforcement officers and other provincial compliance officers i.e. liquor and cannabis control and licencing inspectors, gambling enforcement and investigations officers, and community safety personnel with respect to the implementation of COVID-19 public health orders.

NOTE: Police officers and C&EOs are not empowered to enforce (i.e. ticket or detain) with respect to public health orders. Their role is to provide assistance only when called upon by a health officer pursuant to section 90 of the *Public Health Act* (see Appendix 1)

Introduction

The transmission of the SARS-CoV-2 virus, the coronavirus which is causes COVID-19, is a serious threat to life, health, wellbeing and society.

The SARS-CoV-2 virus is transmitted via liquid droplets when an infected person coughs or sneezes. The droplets fall on people and objects close to the sneezing or coughing person.

Direct transmission happens when the virus is carried in these droplets and deposits on the eyes, nose or mouth if someone is in close contact with an infected person. It can also be transmitted by personal contact, such as touching or shaking contaminated hands such as happens when someone uses their hands to cover their mouth or nose when they cough or sneeze. Hence the recommendation that people cough or sneeze into their arm and wash their hands regularly.

Indirect transmission (via objects/surfaces) can also occur by touching something with the virus on it, then touching your mouth, nose or eyes before washing your hands.

Airborne transmission of the virus (i.e. transmitted through the particles floating in the air) is not a factor in spread through the population and it is not something that enters through the skin.

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Promoting physical distancing of people from one another to prevent droplet and personal contact transmission is a key tactic to preventing infections with the virus. Physical distancing of 2 metres between people is recommended to reduce the risk of these modes of transmission.

Context

On March 25, 2020 the Minister of Public Safety and Solicitor General made the Bylaw Enforcement Officer (COVID-19) Order, and on March 31, 2020 made the Provincial Compliance Officer (COVID-19) Order), both pursuant to the *Emergency Program Act* (Appendix 1).

These Orders enable C&EOs to provide assistance for compliance and enforcement of public health through monitoring and providing warnings, information and advice.

The province has adopted and implemented a graduated compliance and enforcement approach that generally starts with providing information, education and advice as the first step, with escalating measured enforcement only as required.

Role of Compliance and Enforcement Officers

- In assisting with the compliance and enforcement of public health orders, C&EOs are to be guided by policy direction from the Provincial Health Officer.
- C&EOs officers are not authorized to detain an individual as a result of a contravention or suspected contravention of a public health order.
- C&EOs are also not authorised to exercise any authority to issue a fine or penalty.
- Nothing in the Minister's Orders or this guide limit any powers or duties of a C&EOs.

Provincial Health Officer Orders

In addition to frequent public statements, interviews and other communications by the Provincial Health Officer (PHO), actions by PHO under the *Public Health Act* to control the impact of the pandemic include issuing PHO Class Orders i.e. Orders to a class of people or organizations. It is important to refer to the published Orders and guidance documents for additional detail ([Provincial Health Officer Orders](#)). In addition, it is important to note that oral Orders are in force pursuant to health officer powers under the *Public Health Act* and may also be subject to compliance and enforcement measures. The documents related to oral PHO Orders will be posted to the PHO website once available. The PHO Orders are:

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- *Mass gatherings Order* prohibiting **events** that would result in the gathering of more than 50 people in close contact with one another to promote physical distancing and limit the number of people who could be infected at a single event. This Order does not apply to worksites unless a mass gathering event is held at a worksite, or public places such as grocery stores or malls, unless an event is held in those spaces; does not apply to food banks and homeless shelters. (March 16, 2020).
- *Public health emergency declared* by providing notice under the *Public Health Act* to enable the exercise of the emergency powers in Part 5 of the Act (March 17, 2020).
- *Order to travellers returning to Canada* requiring self-isolation for 14 days (March 17, 2020).
- *Order to Owners, Operators of places at which food and/or drink are prepared and served:* holders of liquor licences who do not provide meal service are ordered to close; places where food and drink are prepared and served are required to restrict themselves to take out or delivery and limit the number of people present to 50 as long as sufficient space available to enable them to maintain a physical distance of 2 metres from one another (March 20, 2020 - the "Food and Drink Order")
- *Oral Order to personal service establishments* to close until further notice. These include but are not limited to barbershops, nail salons, tattoo parlours, beauty parlours, health spas and massage parlours. These services require direct, personal contact with other people. (March 21, 2020 - the "Personal Services Establishment Order- <https://news.gov.bc.ca/releases/2020HLTH0102-000540>).
- *Oral Order to episodic vending markets:* All episodic vending markets (also known as "farmers markets" or "community markets") must only allow vendors to sell food at these events. Vendors of all other merchandise are prohibited at these events. (March 27, 2020 - <https://news.gov.bc.ca/releases/2020EMBC0014-000582>).

A summary of the Orders is in Appendix 2 and copies of the Orders documents in force are at the following link:

[*Provincial Health Officer Orders and Notices*](#)



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General Expectations of Compliance and Enforcement Officers in Supporting Implementation of Public Health Orders

The aim of public health orders is to manage and reduce the spread of COVID-19 by encouraging physical distancing.

C&EOs are to provide assistance with *Public Health Act* orders with the following principles in mind:

- Public education and voluntary compliance without the need for law enforcement interventions.
- A balanced approach to maintain public trust to ensure essential services can operate while following public health Orders.

Following these principles support people coming forward for testing and treatment and to enable COVID-19 case monitoring and contact tracing.

A. Individuals and self-isolation

There are **no** public health Orders addressed to the general public requiring them to maintain physical distancing outside their own homes, with the exception of inside food premises. The public has been provided with strong recommendations and guidance in this regard.

Expected C&EO actions (none of which prevents the exercise of existing powers and authorities):

Vigilance and awareness

- In general, C&EOs are not expected to monitor individual behaviour or have a role when it comes to individuals and self-isolation measures.
- This failure to follow self-isolation measures may be:
 - intentional (i.e. a preference for individualistic behaviour no matter the risk to self or others or other reasons)



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- due to limitations or external barriers which do not enable the individual to comply, even if they would like to. These include for example, the surrounding environment such as physical space of the premises, the way that services are designed or offered, or some other assistance is required.
- inadvertent – the failure to follow is temporary and the individual self corrects

Issuing Information, Advice (Public education efforts)

- C&EOs you may receive information or complaints from individuals, based on their beliefs, worries or knowledge of others not practicing self-isolation. This may be in part, based on lack of understanding or information on the difference between self-isolation, quarantine and who should be self-isolating. To the extent that it is feasible, share the resources below on self-isolation. In addition, conveying the following messaging to the complainant may be helpful. It is not necessary to refer these situations to a health officer:

“Thank you for notifying us of your concerns. It is our strong expectation that people who are required to self-isolate will do so. Compliance is very important to reduce the spread of COVID-19. If the person you are concerned about is unwell, call 8-1-1 and they will provide advice about helping the person get assistance and they can ensure your family can stay safe and well during this time. Or call 9-1-1 if the person is in distress. If the person you are calling about appears well do not engage or interact with that person. We appreciate you letting us know about your concerns. If you have additional questions that are not health related you can call 1-888 COVID19.”

Self-isolation information is available at:

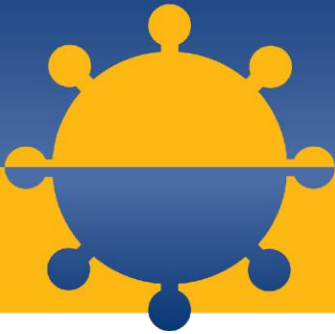
<http://www.bccdc.ca/health-info/diseases-conditions/covid-19/self-isolation>

Note that federal legislation and orders may also apply to returning travellers:

<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/canadas-reponse.html#acb>

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B. Businesses, facilities, that have been ordered to close

The businesses and facilities that have been ordered to close are bars and nightclubs that do not provide meal services, and personal service establishments which include businesses such as barbershops, salons, tattoo parlours, tanning salons etc. In some area of the province health officers have connected with their bylaw enforcement departments and established protocols for dealing regulated facilities.

Expected C&EO actions (none of which prevents the exercise of existing powers and authorities):

Vigilance and awareness

- Further to orders that are currently in force, be aware of what facilities or businesses should be closed

Assistance with Issuing Information, Advice and Warnings (Interventions)

- On receipt of information or notice that a business is open that should not be:
 - Ensure that a responsible person for the business or business premises receives information about the Order
 - Provide information on what the Order is and why it needs to be complied with
 - Provide information that the situation could be escalated for enforcement if the Order is ignored or not followed
 - A warning may also be given which outlines next steps with an expected timeline, i.e. that you will monitor the business further for compliance with the Order, and in the event of further non-compliance escalated action may be warranted.
- A “responsible person” includes a store manager, an operator, a business owner, a director of the company, or any person that is able to close the business in compliance with the Order

Assistance with Monitoring for compliance with the Order after interventions

- Monitor whether the business has complied with the Order, after receiving your information and advice and based on the timeline of expectations
- If there is ongoing non-compliance with the Order, contact the relevant health officer and provide information on non-compliance, and actions taken.



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C. Businesses, facilities that may remain open

In some area of the province health officers have connected with their bylaw enforcement departments and have established protocols for dealing regulated facilities.

Expected C&EO actions (none of which prevents the exercise of existing powers and authorities):

Vigilance and awareness

- Further to orders that are currently in force, be aware of what facilities or businesses in your areas may remain open.

Different tactics will be required to monitor food establishments. This may include:

- Attending premises as part of other duties or monitoring activities
- Attendance may be prioritised based on a preliminary risk analysis (e.g. a high potential for non-compliance and existing, known barriers that do not facilitate physical distancing)
- Receiving and acting on information from the public on a specific establishment

Assistance with Issuing Information, Advice and Warnings (Interventions)

- If you receive information or notice that a business is not adhering to the take-out or delivery provisions and physical distancing requirements applicable to restaurants or food serving establishments, ensure that a responsible person for the business or business premises receives information about the Order. A "responsible person" includes a store manager, an operator, a business owner, a director of the company, or any person that is able to close the business in compliance with the Order
- A warning may also be given which outlines next steps with an expected timeline, i.e. that you will monitor the business further for compliance with the Order, and in the event of further non-compliance that you may notify a health officer.

Assistance with Monitoring for compliance with the Order after interventions

- Monitor whether the business has complied with the Order, after receiving your information and advice and based on the timeline of expectations
- If there is ongoing non-compliance with the Order, contact the relevant health officer and provide information on non-compliance, and actions taken.

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- D. Mass Gatherings (events): Gathering in groups of over 50 people close together at events** (does **not** apply to worksites unless there is an event at a worksite, or public places such as grocery stores or malls unless an event is held in those spaces; does **not** apply food banks, homeless shelters)

The Mass Gathering Order is intended to prevent periodic (episodic) or regular events where groups of people gather in close quarters with one another. These gatherings may be unplanned or unstructured, but usually involve people gathering for a common purpose. This Order prohibits gathering in groups of over 50 people close together at events, to prevent transmission of the virus by increasing physical distancing.

The Order applies to indoor and outdoor sporting events, conferences, meetings, religious gatherings and other similar events on public and private property. The Mass Gatherings Order does not apply to customers of businesses waiting for services, however the physical distancing required under the Food and Beverage Order does apply.

Those who are responsible for indoor and outdoor gathering sites to whom this Order applies includes individuals, societies, corporations, municipalities, regional districts, school boards, universities, colleges and religious organizations.

Expected C&EOs (none of which prevents the exercise of existing powers and authorities):

Vigilance and awareness

- Different tactics will be required according to the type of entity and associated public gathering. Likely actions will entail completing a risk analysis and or conducting site visits based on:
 - information from the public and others on public gatherings taking place or scheduled to take place
 - Reliance on existing knowledge of facilities or premises with physical spaces that have a capacity of more than 50 people
 - Existing knowledge of potential sites likely to engender groups of more than 50 and a lack of physical distancing practices (does not include worksites unless there is an event at a worksite, or public places such as grocery stores or malls, unless an event is held in those spaces; does not apply to food banks, homeless shelters)
 - Observations made as an ancillary action in the course of other duties

Assistance with Issuing Information, Advice and Warnings (Interventions)

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- The focus is on knowledge and information sharing and actions needed to be tailored based on whether the non-compliance is:
 - A unique instance of that has occurred and is unlikely to be repeated, or
 - Whether there is a likelihood that the non-compliance could be repeated multiple times.
- When more than 50 people have gathered closely together, information, advice, and warnings can be utilised. Information, advice as to expectations of the timelines for compliance, and warnings if needed, can all be directed to the persons responsible for the facility and premises.
- While gatherings of groups of people in excess of two or three people are strongly discouraged at this time, it is not unlawful for an entity to hold an event of fewer than 50 people. For organisers of public gatherings of less than 50 people– determine whether information sharing or advice would reduce the risk of the gathering. For example, sharing advice, information warnings to encourage physical distancing practices.
- For all other ad-hoc public gatherings of groups more than 50 people that may be self-organised or unplanned – consider whether general announcements may be made to the group.

Assistance with Monitoring for compliance with the Order after your interventions

- For the businesses, institutions, facilities that have not changed their practices based on any information, advice, notify the local health officer.



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APPENDIX 1 - MINISTERS ORDERS

BYLAW ENFORCEMENT OFFICER (COVID-19) ORDER

Definitions

1 In this order:

“**bylaw enforcement officer**” means the following:

- (a) a person in a class of persons described in section 3 (c), (d) or (f) of the Community Charter Bylaw Enforcement Ticket Regulation, B.C. Reg. 425/2003, who is designated as a bylaw enforcement officer under
 - (i) section 264 (1) (b) of the *Community Charter*, or
 - (ii) section 264 (1) (b) of the *Community Charter* as that section applies to a regional district for the purposes of section 414 of the *Local Government Act*;
- (b) a person in a class of persons described in section 3 (d) of the Vancouver Charter Bylaw Enforcement Ticket Regulation, B.C. Reg. 189/2007, who is designated as a bylaw enforcement officer under section 482.1 (1) (b) of the *Vancouver Charter*;

“**health officer**” means the provincial health officer or a medical health officer within the meaning of the *Public Health Act*;

“**public health order**” means an order made by a health officer under the *Public Health Act* in respect of the COVID-19 pandemic.

Application

2 This order only applies during the period that the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act*, and any extension of the duration of that declaration, is in effect.

Bylaw enforcement officers to provide assistance

3 (1) To the greatest extent possible without unduly compromising any other bylaw enforcement objectives of the local authority, each local authority must ensure that the local authority’s bylaw enforcement officers provide such assistance as may be required for the purposes of enforcing public health orders, including, without limitation, the following:

- (a) monitoring facilities and areas closed to the public by a public health order;



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- (b) providing warnings, information and advice to members of the public in respect of public health orders, including warnings to members of the public who may be acting in contravention of a public health order;
 - (c) providing health officers with information in respect of potential contraventions of a public health order.
- (2) In providing assistance under this section, a bylaw enforcement officer is not authorized to
- (a) detain an individual as a result of a contravention or suspected contravention of a public health order, or
 - (b) issue a fine or penalty, including an administrative penalty, under the *Public Health Act*.
- (3) Nothing in this section is to be construed as limiting any powers or duties of a bylaw enforcement officer under the *Community Charter*, *Local Government Act*, *Vancouver Charter* and related regulations or local authority bylaws, as the case may be.

PROVINCIAL COMPLIANCE OFFICER (COVID-19) ORDER

Definitions

1 In this order:

“**health officer**” means the provincial health officer, an environmental health officer or a medical health officer, within the meaning of the *Public Health Act*;

“**provincial compliance officer**” means the following:

- (a) a person authorised to conduct an inspection under section 23, 84 or 89 of the *Cannabis Control and Licencing Act*;
- (b) a person authorised to conduct an inspection under section 13 or 42 of the *Liquor Control and Licencing Act*;
- (c) a person authorised to conduct an audit, inspection or investigation under Division 1 of Part 9 of the *Gaming Control Act*;

“**public health order**” means an order made by a health officer under the *Public Health Act* in respect of the COVID-19 pandemic.

Application

2 This order applies during the period that starts on the date this order is made and ends on the date on which the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the

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Act expires or is cancelled or, if there is an extension under section 9 (4) of the Act, the date on which the last extension of that declaration expires or is cancelled.

Provincial compliance officers to provide assistance

3 (1) In accordance with any direction given by the minister, provincial compliance officers must provide such assistance as may be required for the purposes of enforcing public health orders, including, without limitation, the following:

- (a) monitoring facilities and areas closed to the public, or to which public access is restricted, by a public health order;
- (b) providing warnings, information and advice to persons in respect of public health orders, including warnings to persons who may be acting in contravention of a public health order;
- (c) providing health officers with information in respect of potential contraventions of a public health order.

(2) In providing assistance under this section, a provincial compliance officer is not authorized to

- (a) detain an individual as a result of a contravention or suspected contravention of a public health order, or
- (b) issue an order, fine or penalty, including an administrative penalty, under the *Public Health Act*.

Public Health Act

Peace officer assistance

90 (1) A health officer may call on the assistance of a peace officer for the purposes of taking an action authorized under this or any other enactment, including, without limitation, either of the following purposes:

- (a) making or enforcing an order or carrying out an inspection;
- (b) assisting a person to comply with an order of the health officer.

(2) If any person disobeys, or fails to comply with, an order or a direction of a commissioner under Division 1 [Inquiries], the commissioner may call on the assistance of a peace officer to enforce the order or direction.

(3) A peace officer called on under this section must take any action that is necessary for a purpose described in subsection (1) or (2), and may use such force as is reasonably required for that purpose.



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Appendix 2 – Provincial Health Officer Orders

PROVISO:

This document is not intended to comprise legal advice.

In the event of an ambiguity between this document, and the *Public Health Act*, regulations under the *Public Health Act* or orders under the *Public Health Act*, the Act, regulations and orders prevail.

This document is accurate as of March 31, 2020, and is subject to change.

Summary of Orders as of the date of this publication

The following table provides a summary of the Provincial Health Officer Orders. Given the change in emergency tactics and measures needed, C&EOs should check the following websites for the latest orders:

- 1) Ministerial Orders available at BC Laws website
- 2) Provincial Health Officer Orders available at:

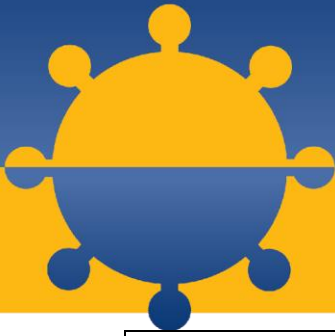
[Link to Provincial Health Officer Orders and Notices](#)

Note that early orders can become outdated and succeeded by other orders.

Title	AUTHORISING OFFICIAL	DATE	SUMMARY
Mass gathering (events)	Provincial Health Officer	March 16, 2020	Prohibits gathering of people at events in close contact with one another in excess of 50 people. Does not include worksites unless there is an event at a worksite, or public places such as grocery stores or malls, unless an event is held in those spaces; or food banks, homeless shelters.

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Returning Travellers	Provincial Health Officer	March 17, 2020	Requires self-isolation if you have traveled outside of Canada
Owners and Operators of nightclubs and food and drink service ("Food and Drink Order")	Provincial Health Officer	March 17, 2020	Bars and night clubs must close. Requires restaurants to only provide take out or delivery options with specific instructions on physical distancing.
Closure of personal service establishments (oral order)	Provincial Health Officer	March 21, 2020	Requires personal service establishments to close until further notice
Episodic vending markets (oral order)	Provincial Health Officer	March 27, 2020	Requirement that only food and beverage vendors (includes liquor) be allowed to enable access to essential food such as fruits and vegetables and access to processed food, such as cooked meals for takeout. Vendors of all other merchandise are prohibited at these events.