

**Personal Information Protection Act ("PIPA")**

## HOW TO FILE A COMPLAINT TO AN ORGANIZATION

PIPA gives the public a right to file a complaint with the Office of the Information and Privacy Commissioner ("OIPC") about any of the following:

- A duty required by the act has not been performed
- An extension of time for responding to a request is not in accordance with the Act
- A correction request was refused without justification
- A fee required is inappropriate
- Personal information has been inappropriately collected, used or disclosed by an organization
- A search for records was not adequate

**It is the policy of the OIPC to defer investigating a complaint if the complainant has not first given the organization an opportunity to respond to and attempt to resolve the issue.** To help the organization address your concerns, we recommend you **complete this form and give it to the organization.** Once you have had a response from the organization, if you remain dissatisfied, you may contact the OIPC who will then consider whether further action is necessary.

NAME OF ORGANIZATION TO WHICH YOU ARE DIRECTING YOUR COMPLAINT			
ORGANIZATION REQUEST/FILE NO. (if applicable)		YOUR NAME	
		First Name	Last Name
			Pronoun
YOUR ADDRESS			
Street, Apt. #, PO Box #, RR#	City/Town	Province	Postal Code
YOUR CONTACT INFORMATION			
Day Phone #	Alternate Phone #	Fax #	Email Address:
NATURE OF COMPLAINT			
Fee levied is inappropriate A time extension taken to respond to my access request is inappropriate No response received and no extension has been taken Extension has expired and no response received	Explanation for withholding information is insufficient Inappropriate collection of my personal information Inappropriate use of my personal information Inappropriate disclosure of my personal information	My personal information has not been adequately protected My correction request was refused without justification Organization did not respond openly, accurately and without delay Search for records not adequate	

**PROVIDE THE SPECIFICS / DETAILS OF YOUR COMPLAINT HERE\*\***

I arrived at the West Vancouver 16th Street/Marine Dr. location of Shoppers Drug Mart at around 3:30PM on Thursday, January 13, 2022. I was visiting to collect a parcel from the Canada Post desk in the store. I greeted the staff member behind the desk who asked me why I wasn't wearing a mask. I told her I was unable to. She told me I had to wear one, and I explained that I was exempt from the Provincial Health Officer's mask mandate because of a medical condition. She looked me up and down and said dismissively, "I don't know about that". I suggested to her that she read the order in question, as it clearly describes the criteria for exemption from the order. I am deeply offended and upset as this individual expressed skepticism and a dismissive attitude towards me that indicated she did not recognize the validity of explanation. In doing so, she inflicted psychological suffering and caused me to feel unsafe in a store due to my medical condition. I no longer feel safe patronizing this business due to the disrespect and invasive attitude displayed by this employee, and am dismayed to have been treated with prejudice as a member of an identifiable group. Further, this exchanged occurred in full earshot of at least one other customer, infringing on my rights to medical privacy, which involved the inappropriate collection and disclosure of medical information that was not necessary or legally procurable in the context of the interaction.

This very store is where I have my medical records on file and have my prescriptions filled for the medical condition in question, further upsetting the situation.

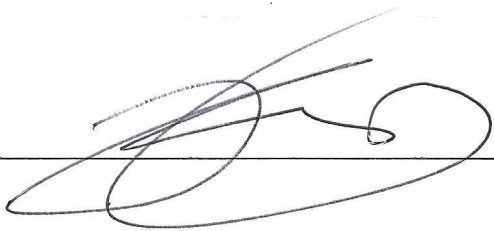
**WHAT RESOLUTION / REMEDY ARE YOU SEEKING?\*\***

I am seeking a written apology and acknowledgement that the representative's actions were indeed in violation of my privacy rights under PIPA. I am further seeking the initiation of proper training for the staff of this Shoppers Drug Mart location in order to ensure this situation never occurs again, and that proper signage be mounted to remind patrons and staff that not all individuals are subject to the mask mandate as described in the Public Health Order issued on December 3, 2021.

If I do not receive a reply from the store within the allotted time, I will be pursuing further action including through the Office of the Information and Privacy Commissioner.

\*\*Please attach a letter if there is not enough room on this form.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

January 13, 2022



## ORDER OF THE PROVINCIAL HEALTH OFFICER

(Pursuant to Sections 30, 31, 32, 39 (3), 53, 54 (1) (h), 67 (2) and  
69 *Public Health Act*, S.B.C. 2008)

### ***FACE COVERINGS (COVID-19) – December 3, 2021***

The *Public Health Act* is at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>  
(excerpts enclosed)

**TO: BRITISH COLUMBIANS AND VISITORS TO BRITISH COLUMBIA**

#### **WHEREAS:**

- A. On March 17, 2020 I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases, clusters and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event, as defined in section 51 of the *Public Health Act*;
- B. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;
- C. Vaccination is safe, highly effective, and the single most important preventive measure a person can take to protect themselves, their families, and other persons with whom they come into contact from infection, severe illness and possible death from COVID-19. In particular:
  - (a) the vaccines available in British Columbia are highly effective, providing strong protection across all eligible age groups against infection and especially against severe illness;
  - (b) most British Columbians have strong and durable protection from SARS-CoV-2 resulting from the extended interval between dose one and dose two that is being utilized in British Columbia;
  - (c) a full course of vaccine provides more effective and durable protection against infection and severe illness than natural immunity from prior COVID-19 infection alone, or natural immunity in combination with a single-dose of vaccine; and
  - (d) a full course of vaccine provides highly effective and durable protection from infection

and in particular from severe illness resulting in hospitalization or death from the Delta variant with COVID-19, with illness being mostly milder in vaccinated people who become infected than in unvaccinated people.

- D. Vaccines, which prevent or reduce the risk of infection with SARS-CoV-2, have been and continue to be readily available in British Columbia and while substantial progress has been made in vaccinating the population of British Columbia 12 years of age and older, a portion of the public remains unvaccinated and there are communities where vaccination rates are low;
- E. Communities with low vaccination rates have experienced rapid spread of SARS-CoV-2, causing serious illness and increases in hospitalizations and intensive care admissions, primarily in unvaccinated people. By contrast, communities with high vaccination rates have seen corresponding lower transmission, case rates;
- F. Unvaccinated people are at a significantly greater risk than vaccinated people of being infected with SARS-CoV-2, and those who are infected, experience significantly higher rates of hospitalization, ICU-level care and invasive mechanical ventilation, complications and death when compared with vaccinated people. Unvaccinated people are also at higher risk of transmitting SARS-CoV-2 to other people, including vaccinated people;
- G. People who are vaccinated can be infected with SARS-CoV-2, but experience less severity of illness than unvaccinated people, especially in younger populations. Vaccinated persons who contract COVID-19 can transmit SARS-CoV-2 but are also generally contagious for shorter periods of time, are less symptomatic, and are less likely to transmit SARS-CoV-2, when compared to unvaccinated infected persons;
- H. This situation has been exacerbated by the highly transmissible Delta variant of SARS-CoV-2, which is now the dominant variant of SARS-CoV-2 circulating in British Columbia, causing significantly more rapid transmission and increased severity of illness, particularly in younger unvaccinated people. Absent vaccination, British Columbia would be in a far more challenging situation than the fragile balance our current immunization rates have provided, but the transmissibility of the Delta variant means that higher vaccination rates than previously expected are now required to maintain this balance, control transmission, reduce case numbers and serious outcomes, and reduce the burden on the healthcare system, particularly hospital and intensive care admissions;
- I. The recent appearance of Omicron, a new variant of concern which the World Health Organization has said could lead to surges of infection, underlines the importance of vaccination in protecting public health removing the conditions which foster the development of variants which pose ever greater threats to public health.
- J. Preserving the ability of the public health and health care systems to protect and care for the health needs of the population, including providing care for health needs other than COVID-19, is critical. High incidence of transmission and illness in one or more regions have spill-over effects on health care delivery across the Province, including in critical care and surgical services. Our public health and health care systems are currently experiencing severe stress,



and are stretched beyond capacity in their efforts to prevent and respond to illness resulting from the transmission of COVID-19 in the population, primarily among unvaccinated people;

- K. Both the public health and the health care systems are using disproportionate amounts of their resources in their efforts to prevent and respond to the transmission of SARS-CoV2, and to provide care for those who become ill with COVID-19, primarily unvaccinated people who comprise the majority of hospitalizations and ICU admissions;
- L. While people who have contracted SARS-CoV-2 may develop some natural immunity for a period of time following infection, the strength and duration of that immunity varies depending on a multitude of factors, including severity of infection. The risk of reinfection and hospitalization is significantly higher in people who remained unvaccinated after contracting SARS-CoV-2 than in those who were vaccinated post-infection. Vaccination, even after infection, remains an important measure to protect against reinfection. It does so by providing a stronger immune response that is known to be effective for a longer period of time and against a wider variety of strains of SARS-CoV-2 that are currently circulating in British Columbia, including the Delta variant;
- M. Unvaccinated people in close contact with other people can promote the transmission of SARS-CoV-2 and increase the number of people who develop COVID-19 and become seriously ill;
- N. During cooler and wetter weather people gather indoors which facilitates and accelerates the transmission of SARS-CoV-2;
- O. Singing, chanting and reading can propel infected material significant distances and increase the risk of the transmission of SARS-CoV-2, particularly among a group of people who are in close contact with one another in an inside place over a period of time;
- P. Properly worn, face coverings are one measure that has been shown to suppress the transmission of the SARS-CoV-2 virus and to reduce the risk of contracting COVID-19 in both the vaccinated and the unvaccinated. The non-wearing of masks by people gathering indoors, some of whom might be infected and some of whom might be susceptible to infection, interferes with the suppression of the SARS-CoV-2 virus;
- Q. I recognize the effect of the measures I am putting in place to protect the health of the residents of BC and, with this in mind, have engaged and will continue to engage in a process of reconsideration of these measures, based upon the information and evidence available to me, including infection rates, sources of transmission, the presence of clusters and outbreaks, particularly in facilities, the number of people in hospital and in intensive care, deaths, the emergence of and risks posed by virus variants of concern, vaccine availability, immunization rates, the vulnerability of particular populations and reports from the rest of Canada and other jurisdictions, with a view to balancing the interests of the people affected by the Order, including constitutionally protected interests, against the risk of harm to residents of BC created by the presence of unvaccinated persons in BC;
- R. I further recognize that constitutionally-protected interests include the rights and freedoms

guaranteed by the *Canadian Charter of Rights and Freedoms*. These rights and freedoms are not, however, absolute and are subject to reasonable limits, prescribed by law as can be demonstrably justified in a free and democratic society. These limits include proportionate, precautionary and evidence-based restrictions to prevent loss of life, serious illness and disruption of our health system and society. When exercising my powers to protect the health of the public from the risks posed by COVID-19, I am aware of my obligation to choose measures that limit the *Charter* rights and freedoms of British Columbians less intrusively, where doing so is consistent with public health principles;

- S. In addition, I recognize the interests protected by the *Human Rights Code* and have taken these into consideration when exercising my powers to protect the health of the public from the risks posed by COVID-19;
- T. I am also mindful that the volume of requests for reconsideration of my Orders, and the time and expertise which considering them entails, has become beyond my capacity and that of my office and team of medical health officers to manage, and is using resources which are better directed at assessing and responding to the protection of the public as a whole;
- U. I have reason to believe and do believe that
  - (a) the presence of the public, operators, workers, school staff persons and students, post-secondary staff persons and students, participants in worship services and events in indoor settings where they intermingle with each other without wearing a face covering a constitutes a health hazard under the *Public Health Act*;
  - (b) in order to mitigate the risk of the transmission of SARS-CoV-2 arising from the presence of the public, operators and workers, school staff persons and students, post-secondary staff persons and students, participants in worship services and events in indoor settings where they intermingle without wearing a face covering, it is necessary for me to exercise the powers in sections 30, 31, 32, 39, 53, 54, and 67 (2) of the *Public Health Act* **TO ORDER** as follows:

**THIS ORDER REPLACES MY ORDER MADE ON OCTOBER 29, 2021 WITH RESPECT TO FACE COVERINGS IN INDOOR PUBLIC SPACES.**

**Definitions**

**1** In this order:

“**classroom**” means an inside area in which a school or, post-secondary institution provides instruction in an educational or training program;

“**face covering**” means either of the following that covers the nose and mouth of a person:

- (a) a medical or non-medical mask;
- (b) a tightly woven fabric;

but does not include a small or large clear plastic face shield

**“fitness facility”** means a place used for fitness activities, including a fitness studio, dance studio or gym, except a gym in a school space or a post-secondary space,;

**“high intensity physical activity”** means an activity involving sustained increased respiration rates and elevated heart rates;

**“hotel”** includes a motel, inn, bed and breakfast, hostel or other place in which rooms are maintained for the accommodation of the public;

**“indoor public space”** means the indoor area of any of the following but does not include a working area

- (a) a building or structure that is provided for the common use of all occupants and invitees of the building or structure, including lobbies, hallways, public bathrooms and elevators, that is used as
  - (i) a retail business,
  - (ii) a service business,
  - (iii) an office building other than office, cubicle or other room in an office building to which a member of the public has been invited by an operator or worker for the purpose of receiving a service;
  - (iv) a hotel,
  - (v) a restaurant, pub, bar or other business that prepares and sells food or drink,
  - (vi) a mall or shopping centre,
  - (vii) a pharmacy,
  - (viii) a fitness facility or a sport facility,
  - (ix) a place in which a non-profit organization provides goods or services to the public,
  - (x) a place that provides cultural, entertainment or recreational services or activities, including a theatre, cinema, concert hall, arcade, billiard hall, museum, gallery or library
  - (xi) a conference centre, community hall or other place that hosts public events;
  - (xii) a courthouse; or
  - (xiii) a worship space and attached premises operated by a faith community when used for secular purposes;
- (b) a taxi, limousine, perimeter seating vehicle, perimeter seating bus, vehicle used for a commercial ride sharing service or other vehicle for hire;
- (c) a public transportation vehicle;
- (d) the indoor or sheltered portion or a terminal, station or other location at which persons
  - (i) load onto or unload from a public transportation vehicle, or

- (ii) wait to load onto a public transportation vehicle;
- (e) an airport, heliport or seaplane terminal;

**"inside event"** means a gathering of participants inside for any of the following purposes:

- (a) a form of entertainment involving a performance including a theatrical production, a concert, a symphony performance, a choral performance, any other type of musical performance or a dance performance;
- (b) a wedding reception;
- (c) a funeral reception;
- (d) a sponsored or ticketed party at which there is musical entertainment;
- (e) a business purpose including a conference, convention, commercial trade fair, lecture, presentation, workshop or home show;
- (f) gambling;
- (g) recreational education or classes, including arts, crafts, music, photography, culture, or travel education or classes;
- (h) an adult sports activity not provided by a post-secondary institution,
- (j) an adult exercise or fitness activity or class not provided by a post-secondary institution,
- (k) an adult dance class not provided by a post-secondary institution;
- (l) a sports event not organized by a school or a post-secondary institution;
- (m) a program for children or youth not provided by a school or post-secondary institution;
- (n) a worship service.

**"operator"** in relation to an indoor public space means an owner or operator of the indoor public space and includes an organizer of an event;

**"organizer"** has the same meaning as in the *Gatherings and Events Order*;



**“participant”** has the same meaning as in the *Gatherings and Events Order*;

**“perimeter seating”** has the same meaning as in the Passenger Transportation Regulation;

**“perimeter seating bus”** has the same meaning as in the Passenger Transportation Regulation;

**“personal service”** means a service provided by a person to or on the body of another person, and includes services provided at a barbershop, beauty parlour, health spa, massage parlour, nail salon, or tattoo shop;

**“physical barrier”** means a barrier which is designed, installed and maintained in accordance with WorkSafeBC guidance at

<https://www.worksafebc.com/en/resources/health-safety/information-sheets/covid-19-health-safety-designing-effective-barriers?lang=en>;

**“post-secondary space”** means

- (a) a building or structure that is operated by a post-secondary institution and provided for the common use of all students and staff of the post-secondary institution, including lobbies, hallways, public bathrooms,
- (b) classrooms, laboratories, gyms and other indoor areas of a building or structure that is operated by a post-secondary institution where students receive educational instruction, services or programming, and,
- (c) vehicles supplied or contracted by the post-secondary institution for the transport of students, if more than one person is present in the vehicle

**“post-secondary institution”** includes an entity that provides any of the following programs:

- (a) an educational or training program provided under
  - (i) the *College and Institute Act*,
  - (ii) the *Royal Roads University Act*,
  - (iii) the *Thompson Rivers University Act*,
  - (iv) the *University Act*, or
  - (v) the *Private Training Act*;
- (b) a program provided in accordance with a consent given under the *Degree Authorization Act*;
- (c) a theological education or training program provided under an Act;

**“post-secondary staff person”** means an employee, faculty, or other person acting on behalf of a post-secondary institution including a volunteer engaged in post-secondary related activities, and any other person in a post-secondary space who is not a “student” or “visitor”;

**“public transportation vehicle”** includes a bus, train or ferry;

**“retail business”** means a business that sells retail goods, including a grocery store, department store, clothing store, liquor or cannabis store, or sporting goods store;

**“service business”** means a business that provides a service, including

- (a) dry cleaning or laundry services,
- (b) insurance services,
- (c) banking services,
- (d) funeral services,
- (e) personal services,
- (f) accounting, legal, engineering or other professional services, or
- (g) the services of a tradesperson;

**“school staff person”** means an employee, or other person acting on behalf of a school, including a volunteer engaged in school-related activities, and any other person in a school space who is not a “student” or “visitor”;

**“school”** means an entity that operates any of the following:

- (a) a school as defined in the *School Act*;
  - (b) a francophone school as defined in the *School Act*;
  - (c) a Provincial school as defined in the *School Act*;
  - (d) an independent school as defined in the *Independent School Act*;
- but does not include an entity that operates a First Nation school certified as an independent school under the *Independent School Act*;

**“school space”** means

- (a) a building or structure that is operated by a school and provided for the common use of all students and staff of the school, including lobbies, hallways, public bathrooms,
- (b) classrooms, laboratories, gyms and other indoor areas of a building or structure that is operated by a school where students receive educational instruction, services or programming, and;
- (c) vehicles supplied or contracted by the school, including private vehicles for the transport of students, if more than one person is present in the vehicle;

**“sport facility”** means a place used for sport activities, including a gym, ice arena, pool, gymnastics facility or indoor field;

**“student”** means a person who participates in an educational or training program provided by a school or a post-secondary institution;

**“visitor”** means a person who is present in an indoor public space, school or post-secondary institution, or at an inside event, including a participant, a parent of or caregiver to a student, but does not include the operator of the indoor public space, the organizer of an inside event, a worker, a student or staff person;

**“worker”** means an employee or person acting on behalf of an operator of the indoor public space who works in a workplace and includes an event staff member, official, officiant, volunteer or any other person who is acting in an official or service capacity;

**“working area”** means an inside area of a workplace which is accessed by workers of the workplace and to which the public or a participant does not have unrestricted access;

**“workplace”** does not include a worker’s private residence;

**“worship space”** means an inside place where a faith community meets for the purpose of worship.

#### **Face coverings required in indoor public spaces, school spaces and post-secondary spaces and at inside events – visitors**

- 2** (1) Except as provided under section 3 a visitor must wear a face covering, in accordance with subsection (2), while inside an indoor public space, a school space or a post-secondary space or present at an inside event.
- (2) A face covering must be worn in a manner that covers the nose and mouth.
- (3) A visitor who is not wearing a face covering as required in subsection (2), must not be inside an indoor public space, school space or post-secondary space or present at an inside event.

#### **Exemption from use of face covering in indoor public spaces, school spaces and post - secondary spaces and at inside events - visitors**

- 3** (1) Section 2 (2) does not apply as follows:
  - (a) to visitor who is less than 5 years of age;
  - (b) to a visitor who is unable to wear a face covering because of
    - (i) a psychological, behavioural or health condition, or
    - (ii) a physical, cognitive or mental impairment;
  - (c) to a visitor who is unable to put on or remove a face covering without the assistance of another person;
  - (d) if the face covering is removed temporarily for the purposes of identifying the visitor wearing it;

- (e) while inside a courtroom;
- (f) while the visitor is consuming food or drink;
- (g) while the visitor is participating in exercise activity or sport at a fitness facility or sport facility or at an inside event;
- (h) if the face covering is removed to permit the visitor to engage in an activity that cannot be performed while wearing a face covering;
- (i) while the visitor inside a vehicle on a ferry;
- (j) while communicating with a person with a disability or diverse ability for whom visual cues, facial expressions, lip-reading or lip movements are essential.
- (k) except in a school space, the visitor is delivering a presentation or lecture or performing, if
  - (i) there is a distance of two metres separating the visitor and persons attending the presentation, lecture or performance, or
  - (ii) there is a physical barrier between the visitor and persons attending the presentation, lecture or performance.

**Face coverings required in indoor public spaces or at an inside event – operators, organizers and workers**

- 4** (1) Except as provided under sections 5, an operator, organizer or worker must wear a face covering while inside an indoor public space or at an inside event in accordance with subsections (2) and (3);
- (2) When in an indoor public space or a working area or at an inside event, an operator, organizer or worker must wear a face covering
- (a) when providing a personal service to a client;
  - (b) when in part of a restaurant, pub, bar, or other business that prepares and sells food or drink, to which customers have access, including a customer washroom, during hours of operation;
  - (c) when working at an inside event;
  - (d) when serving customers in a retail business or in a restaurant, pub, bar or other business that prepares and sells food or drink.
- (3) A face covering must be worn in a manner that covers the nose and mouth.
- (4) An operator, organizer or worker who does not wear a face covering due to the application of an exemption in section 5 must not engage in an activity described in section 4 (2), unless there is a physical barrier between the operator, organizer or worker and any visitor.

### **Exemption from use of face covering in indoor public spaces and at inside events – operators, organizers and workers**

- 5** Section 4 (3) does not apply to an operator, organizer or worker as follows:
- (a) If the operator, organizer or worker is unable to wear a face covering because of
    - (i) a psychological, behavioural or health condition, or
    - (ii) a physical, cognitive or mental impairment;
  - (b) if the operator, organizer or worker is unable to put on or remove a face covering without the assistance of another person;
  - (c) if the face covering is removed temporarily for the purposes of identifying the operator, organizer or worker;
  - (d) while the operator, organizer or worker is consuming food or drink;
  - (e) the operator, organizer or worker is participating in an exercise activity or sport at a fitness facility or sport facility;
  - (f) while inside a vehicle on a ferry;
  - (g) while inside a courtroom;
  - (h) while communicating with a person with a disability or diverse ability for whom visual cues, facial expressions, lip-reading or lip movements are essential,
  - (i) there is a physical barrier which blocks the transmission of droplets between
    - (i) the worker and other workers, or
    - (ii) the worker and a visitor.

### **Face coverings required in post-secondary spaces – students and post-secondary staff persons**

- 6** (1) Except as provided under section 7, students and post-secondary staff persons must wear a face covering in accordance with subsection (2) while inside a post-secondary space
- (2) A face covering must be worn in a manner that covers the nose and mouth.
- (3) A student or a post-secondary staff person who is not wearing a face covering as provided in subsection (2) must not be inside a post-secondary institution space.

### **Exemptions from use of face coverings – post-secondary students**

- 7** Section 6 (2) does not apply to a student as follows:
- (a) If the student is unable to wear a face covering because of
    - (i) a psychological, behavioural or health condition, or
    - (ii) a physical, cognitive or mental impairment;
  - (b) if the student is unable to put on or remove a face covering without

- the assistance of another person;
- (c) if the face covering is removed temporarily for the purposes of identifying the student;
- (d) while the student is consuming food or drink;
- (e) while participating in exercise or sport organized by the post-secondary institution or at a fitness facility or sport facility operated by the post-secondary institution;
- (f) while communicating with a person with a disability or diverse ability for whom visual cues, facial expressions, lip-reading or lip movements are essential;
- (g) if the mask is removed temporarily to engage in an educational activity that cannot be performed while wearing a mask, for example while actively playing a wind instrument;
- (h) if the student is behind a barrier separating the student from other persons, for example a divider or cubicle;
- (i) if the student is in a post-secondary space and no other students, post-secondary staff persons or members of the public are present.
- (j) the student is delivering a presentation or lecture or performing, if
  - (i) there is a distance of two metres separating the student delivering the presentation, lecture or performing and students and other persons attending the presentation, lecture or performance, or
  - (ii) there is a physical barrier between the student delivering the presentation or lecture or performing and students and other persons attending the presentation, lecture or performance.

### **Exemptions from use of face coverings – post-secondary staff persons**

- 8** Section 6 (2) does not apply to a post-secondary staff person as follows:
- (a) If the post-secondary staff person is unable to wear a face covering because of
    - (i) a psychological, behavioural or health condition, or
    - (ii) a physical, cognitive or mental impairment;
  - (b) if the post-secondary staff person is unable to put on or remove a face covering without the assistance of another person;
  - (c) if the face covering is removed temporarily for the purposes of identifying the post-secondary staff person;
  - (d) while the post-secondary staff person is consuming food or drink;
  - (e) if the face covering is removed temporarily to engage in an educational activity that cannot be performed while wearing a face covering, for example while actively playing a wind instrument;
  - (f) while participating in exercise or sport organized by the post-secondary



institution or at a fitness facility or sport facility operated by the post-secondary institution;

- (g) while communicating with a person with a disability or diverse ability for whom visual cues, facial expressions, lip-reading or lip movements are essential;
- (h) if the post-secondary staff person is in an office or other indoor area of a building or structure operated by the post-secondary institution and if no students or members of the public are present;
- (i) if the post-secondary staff person is delivering a presentation or lecture or teaching or performing, if
  - (i) there is a distance of two metres separating the post-secondary staff person and students and other persons, or
  - (ii) if there is a physical barrier between the post-secondary staff person and students and other persons in attendance.

### **Face coverings required in school spaces – school students and school staff persons**

- 9** (1) Except as provided under section 10, students in Kindergarten to Grade 12 and school staff persons must wear a face covering, in accordance with subsection (2) while inside a school space
- (2) A face covering must be worn in a manner that covers the nose and mouth.
- (3) A school staff person who is not wearing a face covering as provided in subsection (2) must not be inside a school space.

### **Exemptions from use of face coverings – school students**

- 10** Section 9 (2) does not apply to a student as follows:
  - (a) If the student is unable to wear a face covering because of
    - (i) a psychological, behavioural or health condition, or
    - (ii) a physical, cognitive or mental impairment;
  - (b) if the student is unable to put on or remove a face covering without the assistance of another person;
  - (c) if the face covering is removed temporarily for the purposes of identifying the student;
  - (d) while the student is consuming food or drink;
  - (e) while participating in high intensity fitness activity at school or organized by the school or at a fitness facility or sport facility operated by the school;
  - (f) while communicating with a person with a disability or diverse ability for whom visual cues, facial expressions, lip-reading or lip movements are essential;

- (g) if the face covering is removed temporarily to engage in an educational activity that cannot be performed while wearing a face covering, for example while actively playing a wind instrument;
- (h) if the student is behind a barrier separating the student from other persons, for example a divider or cubicle;
- (i) if the student is in a school space and no other students, school staff, visitors or other persons are present.

### **Exemptions from use of face coverings –school staff persons**

**11** Section 9 (2) does not apply to a school staff person as follows:

- (a) If the school staff person is unable to wear a face covering because of
  - (i) a psychological, behavioural or health condition, or
  - (ii) a physical, cognitive or mental impairment;
- (b) if the school staff person is unable to put on or remove a face covering without the assistance of another person;
- (c) if the face covering is removed temporarily for the purposes of identifying the school staff person;
- (d) while the school staff person is consuming food or drink;
- (e) if the face covering is removed temporarily to engage in an educational activity that cannot be performed while wearing a face covering, for example while actively playing a wind instrument or participating in high intensity physical activity;
- (f) while communicating with a person with a disability or diverse ability for whom visual cues, facial expressions, lip-reading or lip movements are essential;
- (g) if the school staff person is behind a barrier separating the school staff person from other persons, for example a divider or cubicle;
- (h) if the school staff person is in a school space and no other students, school staff, visitors or other persons are present.

### **Face coverings required in worship spaces – officiants and participants**

**12** In sections 13 and 14

**“participant”** means a person present during a worship service other than an officiant.

**13** (1) Except as provided under section 14, officiants and participants must wear a face covering in accordance with subsection (2) before, during and after a worship service while in a worship space.

(2) A face covering must be worn in a manner that covers the nose and mouth.

(3) An officiant or participant who is not wearing a face covering as provided in subsection (2) must not be in a worship space before, during or after a worship service.

### **Exemption from use of face covering in worship spaces- officiants and participants**

**14** Section 13 (2) does not apply as follows:

- (a) to participant who is less than 5 years of age;
- (b) to an officiant or participant who is unable to wear a face covering because of
  - (i) a psychological, behavioural or health condition, or
  - (ii) a physical, cognitive or mental impairment;
- (c) to an officiant or participant who is unable to put on or remove a face covering without the assistance of another person;
- (d) while an officiant or participant is consuming food or drink provided during worship for the purpose of worship;
- (e) while communicating with a person with a disability or diverse ability for whom visual cues, facial expressions, lip-reading or lip movements are essential;
- (f) if the face covering is removed temporarily for the purpose of identifying the officiant or participant;
- (g) while an officiant is speaking, chanting or singing during worship, if
  - (i) there is a distance of two metres separating the officiant and participants, or
  - (ii) there is a physical barrier between the officiant and participants;
- (h) if the face covering is removed temporarily to permit a participant to engage in a worship activity that cannot be performed while wearing a face covering, for example, while acting as a reader, singing a solo or actively playing a wind instrument, but not while singing or chanting as a participant in a worship service or as part of a choir.

### **Signage**

**15** Operators of indoor public spaces, schools, post-secondary institutions and worship spaces, faith communities and organizers of inside events must post signage at the entrance to all indoor areas covered by this order notifying that face coverings are required to be worn in accordance with this order.

### **Order does not prevent further requirements**

**16** Nothing in this order prevents an operator, school, post-secondary institution, faith community or organizer of an inside event from having additional requirements in relation to face coverings.

## RELATED MEDICAL HEALTH OFFICERS ORDERS

Recognizing that the risk differs in different regions of the province, and that medical health officers are in the best position to assess local circumstances and to determine whether additional or more restrictive steps need to be taken to reduce the risk of the transmission of COVID-19, **I FURTHER ORDER:**

1. A medical health officer may issue an order further to this Order, for the purpose of having the provisions of the direction or the order incorporated into this Order. An order may add further prohibitions, or impose more restrictive limitations or conditions, in the whole or part of the geographic area of the Province for which the medical health officer is designated and, subject to section 2, the provisions of the direction or order are incorporated into this Order when posted on my website. For certainty, a contravention of an order of a medical health officer issued further to this Order, and posted on my website, is a contravention of this Order.
2. While it is in force, a provision in an order made by a medical health officer further to this Order and posted on my website, which adds further prohibitions or imposes more restrictive limitations or requirements than this Order, applies in the whole or part of the geographic area of the Province for which the medical health officer is designated, despite the provisions of this Order.

This Order does not have an expiration date.

Pursuant to section 54 (1) (h) of the *Public Health Act*, and in accordance with the emergency powers set out in Part 5 of the *Public Health Act*, I will not be accepting requests for reconsideration of this Order.

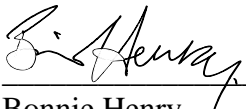
You are required under section 42 of the *Public Health Act* to comply with this Order. Failure to comply with this Order is an offence under section 99 (1) (k) of the *Public Health Act*.

If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry, Provincial Health Officer  
4th Floor, 1515 Blanshard Street  
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4  
Fax: (250) 952-1570  
Email: [ProvHlthOffice@gov.bc.ca](mailto:ProvHlthOffice@gov.bc.ca)

DATED THIS: 3<sup>rd</sup> day of December 2021

SIGNED:   
Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

DELIVERY BY: Posting to the BC Government the BC Centre for Disease Control websites.

Enclosure: Excerpts of the *Public Health*

## ENCLOSURE

### Excerpts of the *Public Health Act* [SBC 2008] c. 28

#### **Definitions**

##### **1 In this Act:**

**"health hazard"** means

- (a) a condition, a thing or an activity that
  - (i) endangers, or is likely to endanger, public health, or
  - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
  - (i) is associated with injury or illness, or
  - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

#### **When orders respecting health hazards and contraventions may be made**

**30** (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
  - (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
  - (c) a person has contravened a provision of the Act or a regulation made under it, or
  - (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.
- (2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

#### **General powers respecting health hazards and contraventions**

**31** (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;



- (b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;
  - (c) to bring the person into compliance with the Act or a regulation made under it;
  - (d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.
- (2) A health officer may issue an order under subsection (1) to any of the following persons:
- (a) a person whose action or omission
    - (i) is causing or has caused a health hazard, or
    - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
  - (b) a person who has custody or control of a thing, or control of a condition, that
    - (i) is a health hazard or is causing or has caused a health hazard, or
    - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
  - (c) the owner or occupier of a place where
    - (i) a health hazard is located, or
    - (ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

### **Specific powers respecting health hazards and contraventions**

- 32** (1) An order may be made under this section only
- (a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and
  - (b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].
- (2) Without limiting section 31, a health officer may order a person to do one or more of the following:
- (a) have a thing examined, disinfected, decontaminated, altered or destroyed, including
    - (i) by a specified person, or under the supervision or instructions of a specified person,
    - (ii) moving the thing to a specified place, and
    - (iii) taking samples of the thing, or permitting samples of the thing to be taken;
  - (b) in respect of a place,
    - (i) leave the place,

- (ii) not enter the place,
  - (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
  - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
  - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;
  - (c) stop operating, or not operate, a thing;
  - (d) keep a thing in a specified place or in accordance with a specified procedure;
  - (e) prevent persons from accessing a thing;
  - (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;
  - (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
  - (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;
  - (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
  - (j) provide evidence of complying with the order, including
    - (i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and
    - (ii) providing to a health officer any relevant record;
  - (k) take a prescribed action.
- (3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless
- (a) the person consents in writing to the destruction of the thing, or
  - (b) Part 5 [*Emergency Powers*] applies.

## **General emergency powers**

- 54** (1) A health officer may, in an emergency, do one or more of the following:
- (h) not reconsider an order under section 43 [*reconsideration of orders*], not review an order under section 44 [*review of orders*] or not reassess an order under section 45 [*mandatory reassessment of orders*];

## **Offences**

- 99** (1) A person who contravenes any of the following provisions commits an offence:
- (k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];