

CANADA
NUNAVUT

PUBLIC HEALTH ACT, S. Nu. 2016, c. 13

COMMUNITY GATHERINGS RESTRICTION ORDER (#5)

(STAGE 3)

HAMLET OF WHALE COVE

WHEREAS:

- A. The Minister of Health has declared a Public Health Emergency in Nunavut effective March 20, 2020 to address the novel coronavirus COVID-19 pandemic, and may renew this declaration every fourteen (14) days for the duration of the Public Health Emergency;
- B. Pursuant to section 41(1) of the *Public Health Act*, the Chief Public Health Officer may take certain actions, including issuing directions or orders for the purposes of protecting the public health and preventing, remedying or mitigating the effects of the public health emergency; and
- C. The Chief Public Health Officer has reasonable and probable grounds to restrict gatherings and require the use of non-medical masks or face coverings within the Hamlet of Whale Cove, in order to contain the spread of novel coronavirus COVID-19;

THEREFORE, the Chief Public Health Officer hereby orders the following:

Part 1: Social Distancing and Gatherings

1. This Order revokes and replaces Community Gatherings Restriction Order (#3) that was issued December 24, 2020 for the Hamlet of Whale Cove.
2. The *Order Respecting Social Distancing and Gatherings* (#13) issued January 12, 2021 shall not apply in the Hamlet of Whale Cove while this Order is in effect.
3. Pursuant to subsection 41(1)(g) of the Act:
 - a. All persons in Whale Cove must maintain social distancing of two (2) metres wherever it is safe and practical to do so, except inside dwellings and between immediate family members.

- b. Subject to specific closures or limitations as ordered by the Chief Public Health Officer, not-for-profit and for-profit businesses and organizations operating or carrying on business in the Hamlet of Whale Cove may open for business.
- c. Subject to specific exemptions, any business or organization opening for business must implement social distancing of two (2) metres within their workplaces.
- d. Subject to specific closures or limitations as ordered by the Chief Public Health Officer, any business or organization that cannot, due to its physical size, maintain the social distancing requirement set out in clause 3 (c) must limit the number of customers or clients on its premises to no more than ten (10) persons at a time.
- e. The ten-person limit referred to in clause 3 (d) does not apply to businesses and organizations who can maintain social distancing requirements, including without limitation grocery stores, pharmacies, Canada Post Corporation post offices, fuel and motor vehicle service stations, and financial institutions.
- f. The social distancing requirements set out in clause 3 (a) and the ten-person limit set out in clause 3 (d) do not apply to the following entities:
 - i. Licensed Premises and Food Services Establishments subject to the Communicable Disease Order (#3) dated December 24, 2020;
 - ii. Institutions as defined by the *Public Health Act*;
 - iii. Hospitals and health centres designated under the *Hospital Insurance and Health and Social Services Administration Act* and the *Mental Health Act*;
 - iv. Any Court operating essential services, subject to the directions of the Chief Justice of the applicable Court;
 - v. Homeless shelters, emergency shelters, child and youth advocacy centres, and transition houses;
 - vi. Food banks;

- vii. Home and community care programs operated by the Department of Health;
 - viii. Workplaces, including Government of Nunavut offices and the offices of public agencies listed in Schedules A, B, and C of the *Financial Administration Act*, where the employer has limited access to essential workers and implemented a remote-work program for non-essential workers;
 - ix. Licensed child day care facilities as defined in the *Child Day Care Act*;
 - x. Any building during a mandatory evacuation or evacuation drill, subject to specific guidelines and directions issued by the Office of the Fire Marshal or the Workers Safety and Compensation Commission; and
 - xi. Community vaccination clinics operated by the Department of Health.
- g. In addition and for greater clarity, the social distancing requirements set out in clause 2 (a) and the ten-person limit set out in clause 2 (d) do not apply to motor vehicles and the following entities, organizations, and individuals:
- i. The Royal Canadian Mounted Police;
 - ii. Canada Border Services Agency;
 - iii. The Canadian Armed Forces;
 - iv. Municipal Enforcement Officers;
 - v. Other law enforcement officers appointed pursuant to a law of Nunavut or Canada;
 - vi. Child Protection Workers when acting in the course of their duties;
 - vii. Employees of the Nunavut Department of Justice Corrections Division and Correctional Service of Canada when acting in the course of their duties;

- viii. Municipal Fire and Emergency Services;
 - ix. Emergency medical responders, including air ambulance (medevac) crews;
 - x. Persons, including volunteers, engaged in search and rescue activities;
 - xi. Electrical generation facilities operated by Qulliq Energy Corporation;
 - xii. Municipal utilities such as water, wastewater, and stormwater;
 - xiii. Maintenance of public utilities and government facilities;
 - xiv. Essential maintenance of buildings, including dwellings;
 - xv. Employees or contractors of the Nunavut Housing Corporation, a local Housing Authority, or a local Housing Society performing essential maintenance of public housing and staff housing;
 - xvi. Road maintenance and repair;
 - xvii. Airports;
 - xviii. Solid waste collection and disposal;
 - xix. Individuals engaged in delivery services for food, medicine, and other goods; and
 - xx. Transportation services, including taxis.
4. Municipal councils established pursuant to the *Cities, Towns, and Villages Act* and the *Hamlets Act* may continue to meet. Quorum requirements for council members and members of the public may be satisfied through virtual means or a combination of in-person and virtual attendance.
 5. All providers of chiropractic treatments and massage therapy may open for business.
 6. All other providers of personal services as defined in the Act, including hairdressers and barbers, must close.

7. Dental practitioners licensed under the *Dental Profession Act* are deemed to be a medical service and may engage in the practice of dentistry.
8. Veterinary practitioners licensed under the *Veterinary Profession Act* may open for business.
9. Psychologists licensed under the *Psychologists Act* may open for business and may provide virtual services within their scope of practice.
10. Licensed child day care centres as defined in the *Child Day Care Act* may open subject to specific limitations as ordered by the Chief Public Health Officer or directed by the Minister responsible for the *Child Day Care Act*.
11. Recreation centres, fitness centres, school gymnasias, cadet halls, and private fitness clubs, may open for individual workouts provided that the total number of occupants, including participants, facility staff, and spectators in the facility does not exceed the lesser of twenty-five (25) persons or fifty per cent (50%) of the occupancy load of each room as established by the Office of the Fire Marshal.
12. Municipal arenas may open for individual workouts, fitness classes, and recreational sports, provided:
 - a. the total number of occupants on the playing surface, including participants and officials, does not exceed the lesser of twenty-five (25) persons or fifty per cent (50%) of the occupancy load of each room in the facility as established by the Officer of the Fire Marshal; and
 - b. The total number of spectators shall not exceed twenty-five (25) persons.
13. Places of worship, including but not limited to churches, mosques, and synagogues shall be restricted to virtual services and in-person services without singing that comply with the gathering limits in clause 25.
14. All Government of Nunavut offices, offices of Nunavut public agencies listed in Schedules A, B, and C of the *Financial Administration Act* and municipal government offices located in the Hamlet of Whale Cove may open, subject to

any guidelines and directives issued by the Workers Safety and Compensation Commission.

15. All schools in the Hamlet of Whale Cove must provide a combination of remote and in-school learning.
16. All Nunavut Arctic College facilities in the Hamlet of Whale Cove must provide a remote learning.
17. All long-term care facilities, continuing care centres, and medical boarding homes may allow visitors in accordance with any applicable policies and subject to the following additional restrictions:
 - a. Each resident or inpatient may have no more than one (1) visitor at a time;
 - b. Visitors must wear a non-medical mask or face covering, except children between the ages of two (2) and four (4) where their parent or caregiver cannot compel the child to wear a mask; and
 - c. Visitors shall be restricted to the resident or inpatient's immediate family. For greater certainty, "immediate family" includes grandchildren and great-grandchildren.
18. Taxi operators may only collect one fare during a single trip. For certainty, a single family constitutes "one fare" for the purpose of this Order. All passengers must wear masks for the duration of a trip.
19. Group counselling and support groups including, but not limited to, Alcoholics Anonymous and Narcotics Anonymous, may meet indoors subject to the social distancing requirements set out in paragraph 3 (a) and the limits on public gatherings set out in clause 25.
20. Operators of tourist accommodations as defined in the *Tourism Act* shall not assign the same room to two or more individuals who are not travelling in the same party without the consent of all parties.
21. Public Libraries as defined in the *Library Act*, libraries operated by Nunavut Arctic College, museums, and galleries may open provided that the total number of staff and patrons does not exceed twenty-five (25) persons or fifty per cent (50%) of the occupancy load for the facility as established by the Office of the Fire Marshal, whichever is less.

22. Theatres may open subject to the limits on public gatherings set out in clause 25.

23. All public playgrounds, municipal parks, territorial parks, and territorial park reserves may reopen for outdoor activities but all park buildings must remain closed.

24. All persons shall maintain a distance of at least two (2) metres apart from any other person while in public, excepting members of their immediate household.

Part 2: Gatherings

25. All organized public gatherings shall be restricted to:

- a. For outdoor gatherings, no greater than fifty (50) persons; and
- b. For indoor gatherings, no greater than:
 - i. The total number of members of a household normally residing together plus an additional ten (10) persons where the gathering is in a dwelling;
 - ii. Ten (10) persons, where the gathering is for group counselling and support group meetings;
 - iii. Fifty (50) persons or fifty per cent (50%) of the occupancy load for the facility as established by the Office of the Fire Marshal, whichever is less, for gatherings organized by the Government of Canada, Government of Nunavut, a municipal corporation, or a Designated Inuit Organization, Regional Inuit Organization, or institution of public government as defined in the *Nunavut Agreement*;
 - iv. Fifty (50) persons or fifty per cent (50%) of the occupancy load for the facility as established by the Office of the Fire Marshal, whichever is less, for gatherings at places of worship without singing, including but not limited to churches, mosques, and synagogues;

- v. Fifty (50) persons or fifty per cent (50%) of the occupancy load for the facility as established by the Office of the Fire Marshal, whichever is less, for gatherings at theatres;
- vi. Ten (10) people waiting in line for take-out orders at Food Service Establishments; and
- vii. Ten (10) persons, for all other indoor gatherings in places other than dwellings.

26. For greater certainty, an organized public gathering as set out in clause 25 includes but is not limited to:

- a. Marriage ceremonies, funerals, and memorial services;
- b. Meetings open to members of the general public; and
- c. In-person religious, spiritual, or cultural assemblies.

27. All social gatherings shall be restricted to:

- a. For outdoor gatherings, no greater than fifty (50) persons;
- b. For indoor gatherings in places other than private dwellings, no greater than ten (10) persons; and
- c. For indoor gatherings in private dwellings, no greater than ten (10) persons, including the total number of members of the household normally residing together plus any additional persons who do not reside in the dwelling.

28. For greater certainty, a social gathering is any scheduled or informal assembly, and includes but is not limited to:

- a. A party or celebration;
- b. Play groups;
- c. Club meetings;
- d. Meals with individuals who do not reside together; and
- e. Individuals gathering to play sports and games.

29. For greater certainty, a social gathering as set out in clause 27 does not include:

- a. Members of a household residing together;
- b. Essential employees and contractors of the organizations listed in clauses 3(c), (f) and (g) attending at their place of work;
- c. Individuals with no fixed address temporarily residing at the dwelling of a family member;
- d. Individuals entering a building, including a dwelling to perform essential cleaning, janitorial, or maintenance services;
- e. Religious, Cultural, or Spiritual officiants entering a dwelling or institution to provide religious, cultural, or spiritual care to residents;
- f. Delivery services for food, medicine, and other goods;
- g. Individuals travelling in a motor vehicle provided that the number of passengers does not exceed the number of seats in the vehicle;
- h. The Member of Parliament for Nunavut, the Senator for Nunavut, or a Member of the Legislative Assembly entering a building, including a dwelling, to conduct official or constituency business; and
- i. Individuals evacuating any building, including a dwelling, as part of a mandatory evacuation or evacuation drill.

30. The individuals listed in clauses 29 (d), (e), and (f) shall conduct themselves in a manner that will not expose others to infection or to take other precautions to prevent or limit the direct or indirect transmission of novel coronavirus COVID-19 to others, including wearing appropriate personal protective equipment.

31. Nothing in this Order shall affect parents and their children from exercising their custody and access rights, except:

- a. As ordered by a court of competent jurisdiction; or
- b. Where parent or the child is subject to a mandatory isolation order.

32. For greater certainty, parents and children exercising their custody and access rights is not a social gathering for the purposes of clause 27 of this Order.

Part 3: Masks

33. For the purposes of this Part:

- a. “mask” means a commercial medical or non-medical mask or a home-made mask that covers the nose and mouth;
- b. “public place” means
 - i. All outdoor areas within the municipal boundaries of the Hamlet of Whale Cove;
 - ii. Federal, territorial, and municipal government workplaces;
 - iii. retail businesses, or a building or room of a business where personal care services are provided;
 - iv. food service establishments or licensed premises as defined in the *Liquor Act*;
 - v. places of worship;
 - vi. fitness centres, gymnasia, public swimming pools, arena, and other recreation facilities;
 - vii. theatres, public libraries, museums, and cultural centres;
 - viii. conference facilities, community halls, and other rental meeting spaces
 - ix. places where federal, territorial, or municipal government services are available to the public;
 - x. common areas, including elevators, of tourist accommodations;
 - xi. lobbies, reception areas, or elevators in office buildings;
 - xii. common areas or public spaces at schools and at Nunavut Arctic College;
 - xiii. public conveyances, including taxis;
 - xiv. hospitals, health centres, medical boarding homes, and long-term care facilities;

- xv. airports;
- xvi. chiropractic and massage therapy clinics and
- xvii. all Courts, administrative tribunals, and institutions of public government.

34. All persons within the municipal boundaries of the Hamlet of Whale Cove must wear a mask while:

- a. In public;
- b. At their place of work;
- c. Attending indoor and outdoor gatherings
- d. Receiving chiropractic treatments and massage therapy; and
- e. Attending recreation centres, fitness centres, school gymnasias, cadet halls, and private fitness clubs.

35. A person is exempt from the mask requirement set out in paragraph 33 if the person:

- h. is less than 2 years of age, or age 2 to 4 years and their caregiver cannot persuade them to wear a mask;
- i. cannot wear a mask due to a medical condition;
- j. is reasonably accommodated by not wearing a mask in accordance with the *Human Rights Act*;
- k. is in the public place receiving care or being provider a service or while participating in an activity requiring the mask to be removed, in which the person may remove the mask for the duration of the care, service, or activity;
- l. removes the mask momentarily for identification or ceremonial purposes;
- m. is in a court, or a room where a proceeding or meeting of an administrative tribunal or institution of public government is being held;

- n. is consuming food or a beverage in any location where food and beverages are being served.
- o. Is an employee at a government or public agency workplace as set out in clause 14, when the employee is seated at their personal workstation;
- p. Is a worker or a child at a child day care centre.

Part 4: Enforcement

36. Pursuant to subsection 41(1)(f) of the Act, members of the Royal Canadian Mounted Police, municipal by-law enforcement officers, sheriffs appointed pursuant to the *Judicature Act*, the Chief Environmental Protection Officer and Inspectors appointed pursuant to the *Environmental Protection Act*, and Conservation Officers appointed pursuant to the *Wildlife Act* are authorized to implement this order, including entering any premises other than a dwelling without a warrant.
37. Pursuant to subsection 41(4) of the Act, the peace officers listed in paragraph 10 may not enter a dwelling without a warrant unless the occupant or person in charge of the dwelling consents.
38. Failure to comply with this Order may be considered a breach of this Order issued under the *Public Health Act* and may result in penalties under the Act, which may include:
- c. A \$575 fine for individuals; and
 - d. A \$2875 fine for corporations.
39. In the event of conflict between this Order and the *Order Respecting Social Distancing and Gatherings* (#12), the terms of this Order shall prevail.

This order is effective at 12:01 am Central Time (UTC-6:00) on Tuesday, January 12, 2021 and remains in effect for the duration of the Public Health Emergency, unless otherwise rescinded.

A handwritten signature in black ink, appearing to read "MPatt", is positioned above a horizontal line.

Dr. Michael Patterson
Chief Public Health Officer