

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

**ORDER RESPECTING SOCIAL DISTANCING AND GATHERINGS (#18)**

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 the Minister 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 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:

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

1. The *Order Restricting Social Distancing and Gatherings* (#17) issued July 30, 2021 is rescinded and replaced by this Order.
2. The *Community Mandatory Mask Order* (#1) issued for the Hamlet of Rankin Inlet on September 3, 2021 is rescinded and replaced by this Order.

**Part 1: Social Distancing**

3. Pursuant to subsection 41(1)(g) of the Act:
  - a. All persons in Nunavut 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, all not-for-profit and for-profit businesses and organizations operating or carrying on business in Nunavut may open for business but must implement social distancing of two (2) metres within these workplaces.
  - c. Subject to specific closures or limitations as ordered by the Chief Public Health Officer, any not-for-profit or for-profit business or organization

carrying on business in Nunavut that cannot, due to its physical size, maintain the social distancing requirement set out in clause 3 (b) must limit the number of customers or clients on its premises to no more than ten (10) persons at a time.

- d. The five-person limit referred to in clause 3 (c) 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.
- e. The social distancing requirements set out in clause 3 (b) and the five-person limit set out in clause 3 (c) do not apply to the following entities:
  - i. The Legislative Assembly, subject to the directions of the Speaker;
  - ii. Licensed Premises and Food Services Establishments subject to the Communicable Disease Order (#10) effective July 30, 2021;
  - iii. Institutions as defined by the Act;
  - iv. Hospitals and health centres designated under the *Hospital Insurance and Health and Social Services Administration Act* and the *Mental Health Act*;
  - v. Any Court subject to the directions of the Chief Justice of the applicable Court;
  - vi. Homeless shelters;
  - vii. Food banks;
  - viii. Home and community care programs operated by the Department of Health;
  - ix. Government of Nunavut offices and the offices of Nunavut public agencies listed in Schedules A, B, and C of the *Financial Administration Act*, subject to guidelines and directions issued by the Workers Safety and Compensation Commission;
  - x. Workplaces where the employer has limited access to essential workers and implemented a remote-work program for non-

- essential workers, subject to guidelines and directions issued by the Workers Safety and Compensation Commission;
- xi. Construction sites, subject to guidelines and directions issued by the Workers Safety and Compensation Commission;
  - xii. Public swimming pools, gymnasia, and fitness centres, subject to specific guidelines and directions issued by the Chief Public Health Officer;
  - xiii. Licensed child day care facilities as defined in the *Child Day Care Act*;
  - xiv. 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;
  - xv. Community testing and vaccination clinics operated by licensed health care providers; and
  - xvi. Returning offices and polling places for federal and territorial elections operated by Elections Canada or Elections Nunavut, subject to the guidelines and directions issued by the applicable Chief Electoral Officer.
- f. In addition and for greater clarity, the social distancing requirements set out in clause 3 (b) and the ten-person limit set out in clause 3 (c) do not apply to private 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;
- xx. Facilities operated by the Nunavut Liquor and Cannabis Commission;
- xxi. Employees and contractors of the Parks Canada Agency operating in national parks, national park reserves, and national historic sites of Canada;

- xxii. The Member of Parliament for Nunavut, the Senator for Nunavut, and Members of the Legislative Assembly conducting official or constituency business;
- xxiii. Chiropractors, Dentists, Massage Therapists, Psychologists, and Veterinarians providing in-person services in accordance with this Order;
- xxiv. Life guards working at public swimming pools;
- xxv. Security personnel working at a location listed in paragraph 3 (e) (i), (ii), (iii), (iv), (v), and (xi);
- xxvi. Personal service providers providing in-person services in accordance with this Order;
- xxvii. Taxi operators collecting more than one fare during a single trip, provided:
  - 1. That the driver and all passengers wear non-medical masks for the duration of the trip;
  - 2. That the driver carries a supply of disposable non-medical masks for passenger use; and
  - 3. That no driver may refuse to accept a fare on the sole basis that the passenger does not consent to the driver taking on multiple fares.
- xxviii. The Canadian Coast Guard and Canadian Coast Guard Auxiliary when acting in the course of their duties.
- xxix. Employees and volunteers working at returning offices and polling places for federal and territorial elections.
- g. All providers of chiropractic treatments and massage therapy may open for business.
- h. All other providers of personal services as defined in the Act may open for business, provided that appropriate personal protective equipment is available for staff and customers upon request.

- i. Dental practitioners licensed under the *Dental Profession Act* may open for business, subject to guidelines and directions provided by the Chief Dental Officer.
- j. Veterinary practitioners licensed under the *Veterinary Profession Act* may open for business.
- k. Psychologists licensed under the *Psychologists Act* may open for business for in-person appointments and may provide virtual services within their scope of practice.
- l. Licensed child day care centres as defined in the *Child Day Care Act* may open for regular business subject to specific limitations as ordered by the Chief Public Health Officer or directed by the Minister responsible for the *Child Day Care Act*.
- m. Public Libraries as defined in the *Library Act*, libraries operated by Nunavut Arctic College, museums, and galleries may open for individual and family visits, and may provide group tours and gatherings, provided:
  - i. The total number occupants, including patrons and staff in the facility does not exceed the lesser of twenty-five (25) persons or fifty per cent (50%) of the occupancy load for each room as established by the Office of the Fire Marshal.
- n. Public swimming pools may open provided that:
  - i. the number of patrons in the swimming pool and pool deck does not exceed the lesser of twenty-five (25) persons or fifty per cent (50%) capacity;
  - ii. Group swimming is limited to groups of twenty-five (25) or fewer; and
  - iii. Saunas and hot tubs are restricted to fifty per cent (50%) capacity.
- o. Recreation centres, fitness centres, school gymnasias, cadet halls, and private fitness clubs, may open for individual workouts, fitness classes, youth groups, cadets, and recreational sports, provided:
  - i. 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 for each room in the facility as established by the Office of the Fire Marshal; and

- ii. Fitness classes and youth group meetings shall not exceed twenty-five (25) participants.
- p. Theatres may open for business, subject to the social distancing requirements set out in paragraph 3 (a) and the limits on public gatherings set out in paragraph 7.
- q. Places of worship, including but not limited to churches, mosques, and synagogues may open for in-person services, subject to the social distancing requirements set out in paragraph 3 (a) and the limits on public gatherings set out in paragraph 7.
- r. 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 paragraph 7.
- s. 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.
- t. Municipal arenas may open for individual workouts, fitness classes, and recreational sports, provided:
  - i. the total number of occupants on the playing surface, including participants and officials, does not exceed the lesser of fifty (50) persons or fifty per cent (50%) of the occupancy load of each room in the facility as established by the Office of the Fire Marshal; and
  - ii. The total number of spectators shall not exceed fifty (50) persons.

## **Part 2: Gatherings**

- 4. All public playgrounds, municipal parks, territorial parks, and territorial park reserves may open for regular operations.

5. All national parks and national park reserves as defined in the *Canada National Parks Act* and national historic sites of Canada listed in the *National Historic Sites of Canada Order* may open subject to any applicable orders and directions issued by the Minister responsible for the Parks Canada Agency.
6. 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 two (2) visitors at once;
  - b. Each visitor shall wear a non-medical mask or face covering, except children under four (4) years of age where their parent or caregiver cannot compel them 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.
7. All organized public gatherings shall be restricted to:
  - a. For indoor gatherings, no greater than:
    - i. No greater than the total number of members of the household normally residing together plus fifteen (15) additional persons who do not reside in the dwelling, where the gathering is in a dwelling;
    - ii. Twenty (20) persons, where the gathering is for group counselling and support group meetings;
    - iii. Twenty-five (25) persons or fifty per cent (50%) of the occupancy load for each room in the facility as established by the Office of the Fire Marshal, for gatherings in libraries, museums, and galleries as set out in subsection 2 (m);
    - iv. One Hundred (100) persons or seventy-five per cent (75%) of the occupancy load for each room in the facility as established by the Office of the Fire Marshal, whichever is less, for gatherings at conference facilities, community halls, places of worship, and rental meeting spaces;



- v. Seventy-five per cent (75%) of the occupancy load for each room in the facility as established by the Office of the Fire Marshal for Food Service Establishments and Licensed Premises under the *Liquor Act*; and
  - vi. Fifteen (15) persons, for all other indoor gatherings other than dwellings.
- 8. For greater certainty, an organized public gathering as set out in clause 7 includes:
  - a. Concerts;
  - b. Community Feasts;
  - c. Organized Sporting Events;
  - d. Marriage ceremonies, funerals, and memorial services;
  - e. Meetings open to members of the general public;
  - f. In-person religious, spiritual, or cultural assemblies;
  - g. In-person group counselling and support group meetings; and
  - h. Celebrations for Public Holidays and Civic Holidays.
- 9. All social gatherings, including social gatherings in private dwellings, shall be restricted to:
  - a. For indoor gatherings in places other than private dwellings, no greater than fifteen (15) persons; and
  - b. For indoor gatherings in private dwellings, no greater than the total number of members of the household normally residing together plus fifteen (15) additional persons who do not reside in the dwelling.
- 10. For greater certainty, a social gathering is any scheduled or informal assembly, and includes:
  - a. A party or celebration;
  - b. Play groups;

- c. Club meetings;
- d. Meals with individuals who do not reside together; and
- e. Individuals gathering outdoors to play or watch sports and games; if social distancing is maintained, players and spectators shall be considered two separate groups.

11. For greater certainty, a social gathering as set out in clause 9 does not include:

- a. Members of a household residing together;
- b. Essential employees and contractors of the organizations listed in clauses 3 (e) and (f) 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 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.

12. The individuals listed in clauses 11 (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.

13. Nothing in this Order shall affect parents from exercising their parental responsibilities with their children, including any custody, access or parenting time rights or responsibilities, except:

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

14. For greater certainty, parents and children exercising their parental responsibilities, including any custody, access or parenting time rights or responsibilities is not a social gathering for the purposes of clause 8 of this Order.

15. For greater certainty, there are no size limitations on outdoor public and social gatherings.

### **Part 3: Masks**

16. 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 boundary of a municipality in Nunavut, construction sites, and operating mines;
  - ii. retail businesses, or a building or room of a business where personal care services are provided;
  - iii. food service establishments or licensed premises as defined in the Liquor Act;
  - iv. places of worship;
  - v. fitness centres, gymnasias, public swimming pools, arena, and other recreation facilities;
  - vi. theatres, public libraries, museums, and cultural centres;
  - vii. conference facilities, community halls, and other rental meeting spaces

- viii. places where federal, territorial, or municipal government services are available to the public;
  - ix. common areas, including elevators, of tourist accommodations;
  - x. lobbies, reception areas, or elevators in office buildings;
  - xi. common areas or public spaces at Nunavut Arctic College;
  - xii. public conveyances, including taxis;
  - xiii. hospitals, health centres, medical boarding homes, and long-term care facilities;
  - xiv. airports;
  - xv. all Courts, administrative tribunals, and institutions of public government;
  - xvi. the Legislative Assembly, subject to the specific rules and directions of the Speaker; and
  - xvii. common areas or public spaces at schools, except during school-based activities.
- c. “school-based activities” means activities associated with the delivery of an education program defined in the *Education Act*, and includes but is not limited to
- i. Travelling as a passenger on a school bus where students are seated in cohorts, seated in assigned seating for contact tracing facing forwards at all times, and where the school bus is disinfected between trips;
  - ii. Outdoor and land-based classes, where students are grouped in cohorts;
  - iii. Classroom-based learning, where prolonged contact between students, teachers, and school staff does not exceed ten (10) minutes at a time;
  - iv. Recess, in staggered and separated groups to avoid mixing of cohorts; and

- v. Use of common areas and washrooms, where access to the areas is controlled to allow for appropriate social distancing.

17. All persons in Nunavut must wear a mask while:

- a. In a public place where it is not possible to maintain a 2 metre separation;
- b. At their place of work;
- c. Attending indoor and outdoor gatherings;
- d. Receiving chiropractic treatments, massage therapy, and personal services; or
- e. Operating a school bus while students are present.

18. A person is exempt from the mask requirement set out in paragraph 17 if the person:

- a. is less than four years of age and their caregiver cannot persuade them to wear a mask;
- b. cannot wear a mask due to a medical condition;
- c. is reasonably accommodated by not wearing a mask in accordance with the *Human Rights Act*;
- d. 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;
- e. removes the mask momentarily for identification or ceremonial purposes;
- f. is in a court, or a room where a proceeding or meeting of an administrative tribunal or institution of public government is being held;
- g. is consuming food or a beverage in a food service establishment, licensed premises as defined in the Liquor Act, theatre, their place of

work, or in any other location where food and beverages are being served.

- h. Is an employee at a government or public agency workplace when the employee is seated at their personal workstation;
- i. Is a worker or a child at a child day care centre;
- j. Is participating in school-based activities, subject to the specific directions and policies established by the Minister of Education; or
- k. Is a person participating in organized sports, subject to the following conditions:
  - i. Masks may be removed while persons are actively playing or officiating a sport on the playing surface, including but not limited to the arena, field, or diamond; and
  - ii. Masks must be worn while persons are not actively playing or officiating.

#### **Part 4: Enforcement**

- 19. For greater certainty, references to a “dwelling” in this Order includes a cabin, tent, or other temporary structure intended for habitation.
- 20. 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.
- 21. Pursuant to subsection 41(4) of the Act, the peace officers listed in paragraph 20 may not enter a dwelling without a warrant unless the occupant or person in charge of the dwelling consents.
- 22. Failure to comply with this Order may be considered a breach of this Order issued under the Act and may result in penalties under the Act, which may include:

- a. A \$575 fine for individuals; and
- b. A \$2875 fine for corporations.

This order is effective 12:01 am Eastern Daylight Time (UTC-4:00) Monday September 20, 2021 and remains in effect for the duration of the Public Health Emergency, unless otherwise rescinded.



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Dr. Michael Patterson  
Chief Public Health Officer