

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

ORDER RESPECTING SOCIAL DISTANCING AND GATHERINGS (#21)

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

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

1. The *Order Respecting Social Distancing and Gatherings (#20)* issued December 21, 2021 is rescinded and replaced by this Order.
2. The *Community Gatherings Restriction Order (#1)* for the Hamlet of Pangnirtung issued December 21, 2021 is rescinded and replaced by this Order.
3. The *Community Gatherings Restriction Order (#10)* for the City of Iqaluit issued December 23, 2021 is rescinded and replaced by this Order.

Part 1: Social Distancing

4. Pursuant to subsection 41(1)(g) of the *Public Health 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 non-essential not-for-profit and for-profit businesses and organizations operating or carrying on business in Nunavut must close.

- c. The following essential businesses and organizations (“Essential Organizations”) may continue to operate but must implement social distancing of two (2) metres within these workplaces:
- i. Federal, Territorial, and Municipal governments providing essential services;
 - ii. Designated Inuit Organizations as defined in the *Nunavut Agreement* providing essential services to Nunavut Inuit;
 - iii. Grocery Stores;
 - iv. Pharmacies;
 - v. Fuel and motor vehicle service stations, including small engine repair;
 - vi. Canada Post Corporation and authorized agents of Canada Post Corporation;
 - vii. Financial Institutions;
 - viii. Food service establishments open for take-out and delivery services pursuant to *Communicable Disease Order* (#11) dated December 24, 2021;
 - ix. Air carriers and companies essential to airport operations;
 - x. Food banks, homeless shelters, child and youth advocacy centres, transition houses, and emergency shelters;
 - xi. Transportation service providers, including taxis;
 - xii. Snow clearing service providers;
 - xiii. Cleaning and Janitorial service providers;
 - xiv. 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;
 - xv. Companies providing essential maintenance services to dwellings and buildings, including but not limited to plumbing, electrical,

telecommunications, furnace and boiler service, and emergency repairs;

- xvi. Tourist Accommodations as defined in the *Tourism Act*;
 - xvii. Any Court providing essential services;
 - xviii. Businesses selling hunting supplies, outdoor survival supplies, ammunition, and firearms;
 - xix. Community testing and vaccination clinics operated by licensed health care providers;
 - xx. Businesses or organizations contracted by the Government of Nunavut to assist in pandemic response; and
 - xxi. Returning offices and polling places operated by Elections Nunavut for territorial elections.
- d. Subject to specific closures or limitations as ordered by the Chief Public Health Officer, any Essential Organization that cannot, due to its physical size, maintain the social distancing requirement set out in section 4 (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 section 4 (d) does not apply to Essential 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 section 4 (a) and the ten-person limit set out in section 4 (d) do not apply to the following entities:
- i. Food Services Establishments subject to the *Communicable Disease Order* (#11) dated December 24, 2021;
 - 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. Food banks, homeless shelters, child and youth advocacy centres, transition houses, and emergency shelters;
 - vi. Home and community care programs operated by the Department of Health;
 - vii. 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;
 - viii. Licensed child day care facilities as defined in the *Child Day Care Act*;
 - ix. 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;
 - x. Community testing and vaccination clinics operated by licensed health care providers; and
 - xi. Returning offices and polling places operated by Elections Nunavut for territorial elections, subject to the specific guidelines and directions issued by the Chief Electoral Officer.
- g. In addition and for greater clarity, the social distancing requirements set out in section 4 (a) and the ten-person limit set out in section 4 (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;
- xx. Facilities operated by the Nunavut Liquor and Cannabis Commission; and

- xxi. Transportation services, including taxis.
5. 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.
 6. All providers of personal services as defined in the *Public Health Act*, including but not limited to chiropractors, massage therapists, 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 provide:
 - a. In-patient emergency or urgent care services; and
 - b. Essential veterinary supply chain services, such as prescription refills and prescription diets.
 9. Psychologists licensed under the *Psychologists Act* may provide in-person emergency or urgent care services 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 to provide child-care for the children of essential workers only, 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, public swimming pools, and private fitness clubs must close.
 12. Places of worship, including but not limited to churches, mosques, and synagogues shall be restricted to virtual services.
 13. Funeral and memorial services shall be restricted to virtual services and in-person services without singing that comply with the gathering limits in section 23.

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 must close to all but essential workers.
15. All schools in Nunavut must provide a combination of remote and classroom learning.
16. All Nunavut Arctic College facilities in Nunavut are restricted to remote learning.
17. All health centres, long-term care facilities, continuing care centres, and medical boarding homes are closed to visitors and movement of residents shall be restricted to the facilities and grounds, except as authorized by the Chief Public Health Officer.
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 shall be restricted to virtual services.
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*, school libraries, libraries operated by Nunavut Arctic College, museums, and galleries must close.
22. All public playgrounds, municipal parks, territorial parks, and territorial park reserves must close.

Part 2: Gatherings

23. All organized public gatherings shall be restricted to:
 - a. For outdoor gatherings other than funeral and memorial services, no greater than five (5) persons; and
 - b. For weddings, funerals, and memorial services:
 - i. No greater than five (5) persons at indoor services;

- ii. The officiant, the persons being married, and two (2) witnesses to the marriage at outdoor services; or
- iii. The officiant, funeral director, and the immediate family of the deceased at outdoor services. For the purposes of this section, “immediate family” means the deceased individual’s spouse, grandparents, parents, siblings, children, grandchildren, and includes step-parents and siblings-in-law.

24. There shall be no public gatherings in dwellings.

25. All social gatherings shall be restricted to:

- a. For outdoor gatherings, no greater than five (5) persons; and
- b. For indoor gatherings in private dwellings, no greater than the total number of members of the household normally residing together.

26. No more than five (5) persons who do not normally reside in a dwelling may enter the dwelling for the purposes of providing urgent or critical services to the dwelling or to its residents.

27. 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.

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

- a. Members of a household residing together;
- b. Essential employees and contractors of the organizations listed in sections 4 (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.
29. The individuals listed in sections 28 (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.
30. The Chief Public Health Officer may grant temporary exemptions from the gathering size limit for dwellings listed in section 25 for compassionate reasons.
31. Nothing in this Order shall affect parents from exercising their parental responsibilities with their children, including any custody, access or parenting time 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 section 25 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 boundaries of a municipality in Nunavut and within a five kilometre (5 km) radius of the municipality’s boundaries;
 - 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. All Courts, administrative tribunals, and institutions of public government.
 - xvii. Common areas or public spaces at schools, except during school-based activities; and
 - xviii. Returning offices and polling places operated by Elections Nunavut for territorial elections.
- 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.

34. All persons within the boundaries of a municipality in Nunavut and within a five-kilometre (5 km) radius of the municipality’s boundaries must wear a mask:

- a. In public and cannot maintain 2-meter separation;

- b. At their place of work;
- c. Attending indoor and outdoor gatherings; or
- d. Operating a school bus while students are present.

35. A person is exempt from the mask requirement set out in section 34 if the person:

- a. Is less than four (4) 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, or in any other location where food and beverages are being served;
- h. Is an essential government worker in a workplace set out in section 4 when the worker is seated at their personal workstation;
- i. Is a worker or child at a child day care centre; or
- j. Is participating in school-based activities, subject to the specific directions and policies established by the Minister of Education.

Part 3: Enforcement

36. Pursuant to subsection 41(1)(f) of the *Public Health 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 *Public Health Act*, the peace officers listed in section 36 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 *Public Health Act*, which may include:
- a. A \$575 fine for individuals; and
 - b. A \$2875 fine for corporations.

This order is effective at 12:00pm Eastern Standard Time (UTC-5:00) on Thursday, December 24, 2021 and remains in effect for the duration of the Public Health Emergency, unless otherwise rescinded.



Dr. Michael Patterson
Chief Public Health Officer