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

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

Purpose

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

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

Background

COVID-19 in British Columbia is a serious threat to public health. The primary means of preventing the spread of COVID-19 is through physical distancing, i.e., keeping 2 meters distance between people. This is the underlying rationale for the public health orders.

The SARS-CoV-2 virus is transmitted via liquid droplets when an infected person coughs or sneezes. The droplets fall on people and objects close to the sneezing or coughing person. The virus is carried in these droplets and deposits on the eyes, nose or mouth if someone is in close contact with an infected person. A secondary means of transmitting virus is through a contaminated surface.

Physical distancing is supported by good hygiene practice, ensuring surfaces remain clean and sanitized. Therefore, good hygiene, washing hands frequently, and sanitation, cleaning surfaces that people may touch, are critical to preventing the spread of COVID-19.

C&EOs play a critical role to educate people to gain voluntary compliance without the need for enforcement interventions. Taking a balanced approach to maintain public trust to ensure essential services can operate while following public health orders. If education does not work, C&EOs can then refer to health officers.
Ministerial Compliance and Enforcement Orders

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

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

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

The C&EOs role is the start of the graduated enforcement, providing information, advice, and warnings. If this approach is not successful, then referral to a health officer is appropriate.

Specific Provincial Public Health Orders in Effect of Relevance to C&OE

(see orders at Provincial Health Officer Orders website)

- **Closed**: Bars and nightclubs that do not provide meal service and personal service establishments such as barbers, salons, tattoo parlours, tanning salons etc.
- **Open**: Businesses providing essential services and places/markets where food and drink are prepared: take out food and drinks only – no eating or drinking on the premises. Physical distancing of 2 metres is required.
- **Mass Gatherings**: Groups of over 50 people close together at events prohibited. Does not apply to worksites or businesses like grocery stores, unless there is an event at a worksite or business. Does not apply to food banks and homeless shelters/gatherings.

Expected Compliance and Enforcement Approach

1. Speak with a person responsible for the business or premise;
2. Provide information on what the Order is and why it needs to be complied with;
3. If the business agrees to comply, then monitor whether compliance;
4. If the business or facility is not complying, let them know the situation will be escalated;
5. Notify the relevant health officer and discuss your actions to date.