



**PUBLIC HEALTH ORDER
MANDATORY ISOLATION AND FACE COVERING**

January 27, 2022

(Under Subsection 45(2) of *The Public Health Act, 1994* and section 25.2 of *The Disease Control Regulations*)

WHEREAS:

- A. I, Dr. Saqib Shahab, an official with the Ministry of Health and the Chief Medical Health Officer for the Province of Saskatchewan, have been authorized by the Minister of Health to make this Order under section 45 of *The Public Health Act, 1994* and section 25.2 of *The Disease Control Regulations*;
 - B. The transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of Saskatchewan, is a serious public health threat, as defined in *The Public Health Act, 1994*;
 - C. COVID-19 is a category I communicable disease;
 - D. To decrease or eliminate the risk to health presented by COVID-19, it is necessary to (a) reduce the probability for transmission of SARS-CoV-2, and (b) reduce the exposure to SARS-CoV-2;
 - E. An individual infected with SARS-CoV-2, including a variant of concern, can infect other people with whom the infected individual is in contact;
 - F. Multiple SARS-CoV-2 variants of concern have emerged worldwide and are now present in Canada and Saskatchewan. These variants of concern are more transmissible than the previously dominant variants, reduce the protection provided by vaccination and previous infection, and may cause death or serious illness;
 - G. Vaccination against COVID-19 is now widely available across Saskatchewan. Vaccines approved for use in Canada have proven to be safe and highly effective at both preventing the transmission of COVID-19 and preventing negative health outcomes, such as hospitalization and death, in vaccinated persons who do contract COVID-19. However, vaccine and infection-induced immunity wanes over time, and Saskatchewan has a large population of individuals susceptible to COVID-19 infection, which is fueling the community spread of COVID-19 and creating opportunities for “breakthrough” infections of vaccinated persons;
 - H. This Order is necessary in order to reduce the burden on Saskatchewan's health care system, enable essential services to continue, and to reduce serious illness and overall deaths as a result of the COVID-19 pandemic;
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- I. I am aware of and have considered the impact that this Order will have on the people of Saskatchewan;
- J. While issuing this Order, I have determined that the restrictions herein are not disproportionate to the risk that COVID-19 poses to the people of Saskatchewan;
- K. I am aware of and have considered that this Order may impact upon constitutionally-protected interests, particularly the rights and freedoms protected by the *Canadian Charter of Rights and Freedoms* (“**Charter**”), including freedom of expression, freedom of peaceful assembly, freedom of association, and mobility rights. I also recognize that the rights and freedoms protected by the *Charter* are not absolute, and are subject to reasonable limits, prescribed by law as can be demonstrably justified in a free and democratic society;
- L. When issuing this Order, I have considered whether alternate measures that are less impactful on the *Charter*-protected rights and freedoms of the people of Saskatchewan are appropriate and consistent with public health principles, including the precautionary principle. I am aware of the importance of choosing measures that impact the *Charter*-protected rights and freedoms of the people of Saskatchewan as little as possible. To that end, this Order:
 - a. allows for the removal of face coverings in a number of instances where the removal of such face covering is conducive to free expression, and where the risk of temporarily removing the face covering is low or manageable; and
 - b. contains exceptions for those with documented medical conditions that may affect their ability to wear a face covering.
- M. I consider the following measures necessary to decrease or eliminate the risk to health presented by COVID-19 and in the public interest, in order to prevent, reduce and control the transmission of SARS-CoV-2, including variants of concern; and
- N. By virtue of the foregoing and under subsection 45(2) of *The Public Health Act, 1994* and subsection 25.2(2) of *The Disease Control Regulations*, effective January 28, 2022 at 12:01 am, I hereby rescind my *Mandatory Isolation and Face Covering Order* (dated January 21, 2022) and ORDER and DIRECT:

This Order applies to all individuals, businesses, institutions, associations and other organizations within the Province of Saskatchewan and City of Lloydminster.

SECTION 1: DEFINITIONS

(a) In this Order:

- (i) “**face covering**” means a medical or non-medical mask or other face covering that fully covers the nose, mouth and chin, but does not include a face shield or visor;

- (ii) ***“individual”*** means a natural person;
- (iii) ***“individual with COVID-19”*** means an individual who tests positive for COVID-19 and is within their infectious period;
- (iv) ***“infectious period”*** means, with respect to an individual who tests positive for COVID-19, the period of time that begins:
 - 1. if the individual had symptoms prior to when they test positive for COVID-19, 48 hours before the start of symptoms; or
 - 2. if the individual had no symptoms when they test positive for COVID-19, 48 hours prior to that test,and ends when the individual is no longer required to self-isolate pursuant to subsections 2(a);
- (v) ***“symptoms”*** means the signs and symptoms of a COVID-19 infection, and includes fever, cough, headache, muscle or joint aches and pains, sore throat, chills, runny nose, conjunctivitis or pink eye, dizziness, fatigue, nausea or vomiting, diarrhea, loss of appetite, altered sense of taste or smell, shortness of breath, or difficulty breathing; and
- (vi) ***“tests positive for COVID-19”*** means an individual has tested positive for SARS-CoV-2 utilizing an antigen test or polymerase chain reaction (PCR) test.

For greater certainty, ***“tests positive for COVID-19”*** includes testing positive for SARS-CoV-2 on a self-administered antigen test, even if subsequent self-administered rapid tests are negative for SARS-CoV-2.

Unless otherwise directed by a Medical Health Officer, ***“tests positive for COVID-19”*** includes testing positive for SARS-CoV-2 on a self-administered antigen test, even if a subsequent PCR test is negative for SARS-CoV-2.

SECTION 2: SELF-ISOLATION

Self-isolation for positive cases

- (a) All individuals that test positive for COVID-19 shall immediately self-isolate until the later of the following:
 - (i) Five days from the onset of symptoms;
 - (ii) Five days from the date the positive COVID-19 test was administered if the individual did not have or display symptoms when tested and has not shown symptoms since the test was administered; or
 - (iii) 24 hours since the individual’s fever has resolved, without the aid of fever-

reducing medications.

Exemptions from self-isolation for essential workers

- (b) A Medical Health Officer may exempt an individual from the requirement to self-isolate pursuant to subsection (a) if, in the opinion of the Medical Health Officer:
- (i) The individual provides an essential service, as described in Appendix A; and
 - (ii) The individual's inability to provide that essential service due to self-isolation would pose a safety risk to the public.

An exemption pursuant to this subsection shall be limited to the times and places necessary to provide the essential services identified pursuant to paragraph (i), and may be subject to any terms or conditions imposed by the Medical Health Officer.

SECTION 3: FACE COVERINGS IN ENCLOSED SETTINGS

- (a) For the purposes of this section:
- (i) ***“health professional”*** means:
 - 1. A practicing Physician registered with the Saskatchewan College of Physicians and Surgeons;
 - 2. A practicing Nurse Practitioner or Registered Nurse registered with the Saskatchewan Registered Nurses Association;
 - 3. A practicing Psychiatric Nurse registered with the Registered Psychiatric Nurses Association of Saskatchewan;
 - 4. A practicing Clinical Psychologist that is authorized to diagnose registered with the Saskatchewan College of Psychologists; or
 - 5. A Pharmacist registered with the Saskatchewan College of Pharmacy Professionals;
 - (ii) ***“medical face covering”*** means a face mask that holds a Class 1 medical device designation from Health Canada;
 - (iii) ***“occupant”*** means an individual who ordinarily resides in a private dwelling;
 - (iv) ***“outbuilding”*** includes any area that has a roof and two or more enclosing walls. For greater certainty:
 - 1. Umbrellas are not roofs;
 - 2. A barrier, including a fence or wall, that is no higher than half the

ordinary height of a wall is not an enclosing wall;

3. A barrier, including a fence, comprised of mesh or netting that does not block the movement of air through it is not an enclosing wall; and
 4. A barrier, including the wall of a tent, which is erected at an angle to the ground such that the barrier acts as a wall and a roof at once is simultaneously an enclosing wall and a roof for the purposes of this definition;
- (v) **“private dwelling”** includes any outbuildings associated with the private dwelling; and
- (vi) **“service worker”** means:
1. A health care worker that provides in-person services to patients;
 2. A public transport worker that provides in-person services to clients;
 3. A retail service or sales worker that provides in-person services to customers;
 4. A food or beverage service worker that provides in-person services to customers; or
 5. A personal service worker that provides in-person services to clients.
- (b) Subject to the exemptions set out in subsections (c), (d), and (e), all individuals shall wear a face covering when in the following enclosed settings:
- (i) Addiction treatment centres, complex care centres, health centres, hospitals, mental health centres, residential treatment centres or special-care homes designated pursuant to *The Provincial Health Authority Act*;
 - (ii) Personal care homes licensed pursuant to *The Personal Care Homes Act*;
 - (iii) Assisted living facilities;
 - (iv) Residential-Service Facilities licensed pursuant to *The Residential-service Facility Regulations*;
 - (v) Pharmacies;
 - (vi) Medical offices and health service centres, such as doctor’s offices, dentist’s offices, physiotherapist offices, and therapeutic massage offices;
 - (vii) Retail businesses, such as grocery stores, clothing stores, and sporting goods stores;

- (viii) Service businesses, such as mechanics, insurance agencies, dry cleaners, and professional services;
- (ix) Shopping centres, markets, and malls;
- (x) Personal service businesses, such as hair salons, nail salons, spas, body art facilities, and tanning salons;
- (xi) Restaurants and bars, including permittees issued a tavern permit or manufacturer permit pursuant to *The Alcohol Control Regulations, 2016*;
- (xii) Places of worship or faith gatherings;
- (xiii) Places for cultural or entertainment services or activities, such as movie theatres, arcades, concerts or other performances;
- (xiv) Places for sports and recreational activities, such as gyms, ice arenas, pools, gymnastics facilities, dance facilities, or indoor court or field facilities;
- (xv) Places used to hold events or host gatherings, such as conferences, conventions, and receptions;
- (xvi) Municipal, provincial, or federal government locations offering services to the public;
- (xvii) In all common areas of a correctional facility designated pursuant to *The Correctional Services Act, 2012*;
- (xviii) Hotels, motels, and bed and breakfasts;
- (xix) Common areas of rental cabins or cottages;
- (xx) Common areas, such as elevators, lobbies, or hallways, of multi-unit residential buildings;
- (xxi) Public areas of a university or college campus, such as a library or student union building, classrooms, hallways, administration offices, and other common areas. For greater certainty, public areas do not include student residences;
- (xxii) A school or independent school as defined in *The Education Act, 1995*, excluding home schools;
- (xxiii) A facility as defined in *The Child Care Act, 2014*;
- (xxiv) Train stations, bus stations, bus shelters, ferry terminals, and airports;

- (xxv) Ride share services, carpools, and public transportation, including buses, cabs, car services, shuttles, and transportation issued a permit pursuant to subsection 19(1)(c) of *The Alcohol Control Regulations, 2016*;
- (xxvi) Common areas, such as elevators, lobbies, hallways or areas where more than one individual works, in all workplaces that are not otherwise mentioned in paragraphs (i) to (xxv), including, but not limited to, businesses that the public do not ordinarily have access to, construction sites, or manufacturing facilities; and
- (xxvii) Private dwellings in the following circumstances:
 - 1. When individuals are in the dwelling for the purposes of cleaning or maintenance services; or
 - 2. If a business is operated out of the private dwelling, when individuals are in the dwelling for purposes related to the operation of that business.

(c) Face coverings are not required for the following individuals:

- (i) Individuals aged two and under;
- (ii) Individuals aged three to twelve who are not reasonably able to wear a face covering;
- (iii) Subject to subsection (g), individuals who, in the determination of a health professional, are unable to wear a face covering due to a particular medical condition and have received written confirmation of same in accordance with subsection (f);
- (iv) Individuals who, due to cognitive impairment, an intellectual disability, or a severe mental health condition, are unable to understand the requirement;
- (v) The following individuals, while speaking during a television or other media news interview or conference, but only when they can maintain a distance of three metres from other individuals:
 - 1. Municipal, provincial, or federal government officials; and
 - 2. Media broadcasters;
- (vi) Individuals who are leading a service, ceremony, or other public event while speaking from a podium, lectern, platform, stage, desk or other standing or seating area dedicated to speaking, but only when the individual can maintain a distance of three metres from other individuals;
- (vii) Individuals performing in a band or orchestra but only for the duration of the practice or performance;

- (viii) Individuals acting or performing in a film, television, or media production, for the duration of the scene or performance only, so long as they are subject to a proof of vaccination policy;
 - (ix) Subject to subsection (x), individuals 18 years of age and older and on-ice or on-court officials while participating in sport or fitness activities, for the duration of the sport or fitness activity only, so long as they are subject to a proof of vaccination policy;
 - (x) As defined by section 3 of this order; pupils, 18 years of age or older, while participating in school organized sports, for the duration of the sport only; and,
 - (xi) Individuals who are under the age of 18 years while participating in sports, for the duration of the sport only.
- (d) Face coverings are not required in the following circumstances:
- (i) Where the short-term removal of the face covering is necessary for the purposes of identifying an individual;
 - (ii) Where it is necessary for an individual to uncover their nose, mouth, or chin for the purposes of receiving a health or personal service, for the duration of the treatment or service only;
 - (iii) While seated and consuming food or a beverage in a restaurant, food court at a shopping centre or food store, bar, movie theatre or in any other location where food or beverages are served;
 - (iv) While a child is seated and consuming food or beverage at the enclosed space mentioned in paragraph (b)(xxii) or (b)(xiii);
 - (v) While participating in aquatic activities, for the duration of the activity only;
 - (vi) While providing personal support services to an individual with a disability if wearing a face covering could hinder the ability of that individual to receive the service, such as hindering that individual's ability to lip read;
 - (vii) While alone in an area of an enclosed setting, such as an office, to which members of the public do not normally have access;
 - (viii) While seated alone in a cubicle, which is a single office workspace enclosed on at least three sides with partitions;
 - (ix) In a courthouse or courtroom, where wearing a face covering poses a security risk;

- (x) In a proceeding before an administrative tribunal established by legislation or a court, where the decision-maker determines that removing the face covering is essential to ensure the integrity of the proceeding; or
 - (xi) While a child is sleeping at the enclosed space mentioned in paragraph (b)(xxiii).
- (e) Face coverings are not required in the following enclosed settings:
- (i) The private resident areas of the settings described in paragraphs (b)(i) to (iv); and
 - (ii) Hotel rooms, motel rooms, bedrooms and private bathrooms in a bed and breakfast.
- (f) For the purposes of paragraph (c)(iii), written confirmation of a particular medical condition must include:
- (i) the name of the individual to whom the written confirmation of exemption applies;
 - (ii) the name of the issuing health professional;
 - (iii) the telephone number of the issuing health professional;
 - (iv) the signature of the issuing health professional; and
 - (v) the date the written confirmation was provided.

For greater certainty, the written confirmation of a particular medical condition does not need to disclose the individual's particular medical condition.

- (g) Individuals who, in the determination of a health professional, are unable to wear a face covering due to a particular medical condition and receive written confirmation of same in accordance with subsection (f), but are also employed as a service worker must wear a face covering while performing their duties unless:
- (i) The manner in which the individual's duties are performed is altered to ensure that they do not come within a two metre distance of any individual who is not an occupant of the individual's private dwelling; or
 - (ii) Other measures have been put into place that eliminate or reduce the risk of transmission of SARS-CoV-2 to the satisfaction of a public health officer.
- (h) Medical face coverings shall be worn:
- (i) By medical professionals when providing care to an individual with COVID-19 or an individual displaying signs or experiencing symptoms of SARS-CoV-2 infection;

- (ii) By employees working in the enclosed space described in paragraph (b)(xxiii) when in contact with a child displaying signs or experiencing symptoms of SARS-CoV-2 infection;
- (iii) By employees working in the enclosed space described in paragraph (b)(xxii) when in contact with a child displaying signs or experiencing symptoms of SARS-CoV-2 infection;
- (iv) By employees of child or youth day camps when in contact with a child displaying signs or experiencing symptoms of SARS-CoV-2 infection; and
- (v) By Staff Members working in patient care areas of a Facility, if they are:
 - 1. in direct contact with patients; or
 - 2. cannot consistently maintain two metres of physical distance between themselves and all other individuals.

For the purposes of this paragraph:

- i. **“Facility”** means:
 - A. a special-care home designated pursuant to *The Provincial Health Authority Act*;
 - B. a personal care home licensed pursuant to *The Personal Care Homes Act*;
 - C. all facilities designated pursuant to *The Provincial Health Authority Act* operated by the Provincial Health Authority as defined in *The Provincial Health Authority Act*;
 - D. hospitals as designated pursuant to *The Provincial Health Authority Act* operated by an affiliate prescribed in *The Provincial Health Authority Administration Regulations*; and
 - E. the following facilities operated by the Saskatchewan Cancer Agency continued pursuant to *The Cancer Agency Act*:
 - a. Saskatoon Cancer Centre;
 - b. Allan Blair Cancer Centre; and
 - c. The Hematology Clinic;
- ii. **“Licensee”** means:
 - A. the operator of a special-care home designated pursuant to *The Provincial Health Authority Act*;

- B. the licensee of a personal care home licensed pursuant to *The Personal Care Homes Act*; and
 - C. an individual who, or corporation that, under a contract or subcontract with an operator of a special care-home or a licensee of a personal care home, provides or arranges for the provision of health care services or support services within the facility.
 - D. *The Provincial Health Authority* as defined in *The Provincial Health Authority Act*; and
 - E. The Saskatchewan Cancer Agency continued pursuant to *The Cancer Agency Act*;
- iii. **“Staff Member”** means:
- A. any individual who is employed by, or provides services under a contract with, the Licensee of a Facility; and
 - B. any volunteer or student that assists in the provision of services within the Facility.

This Order remains in effect until February 28th, 2022, or until, in the opinion of the Chief Medical Health Officer, there is no longer a public health threat, whichever shall first occur.

DATED at Regina, Saskatchewan, on the 27th day of January, 2022.



Dr. Saqib Shahab FRCPC
Government of Saskatchewan
Chief Medical Health Officer

Appendix A - Essential Services

Employers in the below listed essential service fields may apply, to the local public health office, for an exemption on behalf of an employee pursuant to section 2 of this order:

1. Health Care and Public Health Workers

- 811 and 911 call centre workers
- Canadian Red Cross and Canadian Blood Services
- Caregivers
- Home care
- Laboratories and specimen collection centres
- Medical facilities
- Pharmacies
- Physiotherapy – post operative only
- Physical Therapy – post operative only
- Pre-hospital and emergency services (i.e. paramedics, dispatchers)
- Private seniors' residences and services
- Production, supply and distribution of drugs, vaccines and pharmaceutical goods and Medical equipment, including laboratory and research centres
- Public health inspection
- Specialized resources in accommodation (i.e. domestic violence, homelessness, addictions)
- Specialized support services for vulnerable populations (i.e. addictions and mental health support counselling)

2. Law Enforcement, Public Safety and First Responders

- Civil security, coroners and pathology
- Communication services
- Corrections
- Fire services
- Forest firefighters and all types of professionals supporting civil security operations
- Police services, including the distribution of emergency calls
- Security agencies
- Workers, including contracted vendors, who maintain digital infrastructure supporting law enforcement and emergency service options

3. Government and Community Services

- Municipalities, First Nation Bands, or Métis Nation to determine Saskatchewan roles deemed essential to maintain critical functions where other business continuity mitigations aren't available
- Air ambulance, STARS
- All utilities (i.e. power, gas, water/wastewater, telephone) and service providers
- Child and Family Services within the Ministry of Social Services
- Funeral homes, cremation and cemeteries
- Group homes
- Income security and social security
- Providers of goods and services for vulnerable citizens
- Suicide prevention services
- Support services for victims of domestic violence
- Waste collection, disposal and recycling