

Policing the Pandemic: Enforcement of Public Health Orders in B.C. during COVID-19 Pandemic

This factsheet is a public legal education resource and is not legal advice or legal assistance.

PROVINCIAL STATE OF EMERGENCY AND PUBLIC HEALTH EMERGENCY

The B.C. government has extended the provincial state of emergency, allowing Mike Farnworth, Minister of Public Safety and Solicitor General, to continue to use extraordinary powers under the *Emergency Program Act*. The state of emergency is extended through the end of the day on April 28, 2020. The provincial government can extend the period of a declaration made by the minister by up to 14 days at a time.

The Provincial Health Officer, Dr. Bonnie Henry, has declared a “public health emergency” under the *Public Health Act*, which now empowers the Provincial Health Officer to issue verbal orders that have immediate effect. In a state of emergency, the Provincial Health Officer can make public health orders as needed.

Both the *Emergency Program Act* and the *Public Health Act* contain provisions for fines and imprisonment for a range of offences under those acts. Learn more about various emergency powers in the BCCLA [“What is an Emergency Order” Factsheet](#).

PUBLIC HEALTH ORDER OR PUBLIC SAFETY ORDER?

It is important to note this factsheet focuses on provincial public health orders, which are distinct from provincial orders made under the *Emergency Program Act* by the Minister of Public Safety and Solicitor General.

Public safety orders, such as the Prohibition on Unconscionable Prices for Essential Goods and Supplies (COVID-19) Order on price gouging or the Encampment Health and Safety (COVID-19) Order evacuating encampments, are authorized and enforced separately from public health orders. Police, municipal bylaw officers, and other officers and inspectors are authorized to enforce provincial public safety orders, for example by issuing tickets against price gouging.

IS SOCIAL DISTANCING THE LAW IN B.C.?

To slow the spread of COVID-19, people in B.C. are strongly advised to follow physical distancing guidelines, but there are **no public health orders** in B.C. requiring all individuals to physically distance outside their homes, with the exception of inside food premises.

WHAT ARE THE PROVINCIAL PUBLIC HEALTH ORDERS IN B.C.?

To date, the Provincial Health Officer has made a number of public health orders. Violating provincial public health order can result in fines upwards of \$25,000 and/or up to six months imprisonment.

Current enforceable public health orders include:

- Prohibition on mass gatherings in excess of fifty people
- Closure of certain businesses, such as nightclubs, which primarily serve liquor and prohibiting in-room dining at food establishments
- Closure of personal service establishments such as barbershops, salons, tattoo parlours, and tanning salons
- All episodic vending markets, also known as farmers markets, must only allow vendors to sell food at these events.
- Directives for employers to develop COVID-19 infection prevention and control protocols at industrial work camps.

A full list can be found [here](#).

IS QUARANTINING AFTER INTERNATIONAL TRAVEL THE LAW IN BC?

The Provincial Health Officer has issued an order that anyone who has travelled outside of Canada on or after March 12, 2020 must stay at home and self-isolate for 14 days, with conditions and specific directions for isolation, non-essential travel, and travel for essential workers. International travelers (including from the United States) coming to B.C. are required to provide a self-isolation plan before or upon arrival to B.C.

All travelers arriving in Canada must self-isolate (quarantine) and monitor for symptoms for 14 days under the federal *Quarantine Act*.

WHAT IS THE SCOPE OF ENFORCEMENT POWERS OF PUBLIC HEALTH ORDERS IN B.C., ESPECIALLY AGAINST ME AS AN INDIVIDUAL?

Different provinces have different laws and orders with respect to enforcement of public health orders.

In B.C., under the *Emergency Program Act*, the Minister of Public Safety and Solicitor General made the Bylaw Enforcement Officer (COVID-19) Order and the Provincial Compliance Officer (COVID-19) Order. These orders authorize compliance and enforcement officials—such as bylaw enforcement officers and other provincial

compliance officers—to assist health officers to enforce public health orders.

Currently, in B.C., police officers, and compliance and enforcement officials can not ticket or detain people who have or whom they suspect may have violated provincial public health orders.

Police officers, and compliance and enforcement officials can monitor places that have closed because of a public health order, provide information and warnings, and report contraventions or suspected contraventions to health officers. They are not, however, authorized to enforce provincial public health orders, unless assisting health officers.

Health officers have the power to enforce provincial health orders. Under B.C.'s *Public Health Act*, health officers may call on the assistance of police, and compliance and enforcement officials to help enforce provincial health orders. If called upon, police officers are authorized to use their powers, including the use of reasonable force, to ensure compliance and enforcement.

For more information, see "[Compliance and Enforcement Guidance about Public Health Orders with respect to Physical Distancing](#)".

WHAT IS THE SCOPE OF MUNICIPAL ENFORCEMENT WITHIN B.C.?

The B.C. provincial government has repealed declarations of local states of emergency; the City of Vancouver is the sole exception. The municipal state of emergency in Vancouver grants the City of Vancouver additional powers, including enforcement of Provincial or City orders, and allows for \$1,000 tickets against individuals and fines up to \$50,000 for businesses. Currently, there is one City of Vancouver order in effect that has shut down all dine-in options at restaurants and limited food service establishments.

A large number of municipal governments across B.C. are exercising their existing local powers to close city-operated facilities such as playgrounds, parks, and outdoor recreational facilities. Many cities are dispatching bylaw officer teams to inform about and enforce compliance with these city bylaws, as well as to issue general information and warnings about physical distancing in busy areas such as parks and beaches.

Bylaw compliance officers can enforce violations of any city bylaws by issuing tickets.

To monitor what is happening at the municipal level, visit this [municipal tracking tool](#).