



**PUBLIC ORDER  
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SUR L'ÉTAT  
D'URGENCE**

# Overview Report: The COVID-19 Pandemic and Government Responses

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## Summary of Report

The following Overview Report summarizes the emergence of COVID-19 around the world and in Canada, and the various public health measures implemented in Canada in response. It also summarizes the emergence of COVID-19 vaccines that became authorized for use in Canada, and various public health rules that were implemented that distinguished between vaccinated and unvaccinated persons.

## Note to Reader

Pursuant to Rules 41-45 of the Commission's Revised Rules of Practice and Procedure, the following Overview Report contains a summary of background facts and documents relating to the Commission's mandate.

Overview Reports allow facts to be placed in evidence without requiring those facts and related documents to be presented orally by a witness during the public hearings. The Overview Report may be used to assist in identifying issues relevant to the Commission, make findings of fact and enable recommendations to be made by the Commission.

The Parties with standing at the Commission have been provided an opportunity to comment on the accuracy of this Overview Report. Commission Counsel and the Parties may call evidence from witnesses at the Inquiry that casts doubt on the accuracy of the content of the documents underlying this Overview Report. The Parties may also make submissions regarding what, if any, weight should be given to the Overview Report and the cited documents.

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## 1. The Emergence of COVID-19

1. COVID-19 is a disease caused by SARS-CoV-2, a novel coronavirus. SARS-CoV-2 was isolated on January 7, 2020.<sup>1</sup>
2. COVID-19 was first identified in December 2019 in Wuhan, Hubei, China. By December 31, 2019, 59 suspected cases had been identified by Chinese authorities. After these patients were transferred to a designated hospital, 41 were confirmed as being infected with SARS-CoV-2. By January 22, 2020, six patients had died.<sup>2</sup> As of January 31, 2020, a total of 9,692 cases of coronavirus-linked pneumonia were confirmed across China.<sup>3</sup>
3. Confirmed cases of COVID-19 began to be detected outside of China starting in early 2020. On January 13, 2020, Thailand's Ministry of Public Health reported a confirmed infection from a tourist who had entered the country on January 8, 2020.<sup>4</sup> Japan's Ministry of Health, Labour and Welfare reported an infection on January 16, 2020 involving an individual who had recently travelled to Wuhan.<sup>5</sup> On January 20,

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<sup>1</sup> World Health Organization, *COVID-19 – China*, January 12, 2020, **COM00000177**.

<sup>2</sup> Chaolin Huang et al., "Clinical Features of Patients Infected with 2019 Novel Coronavirus in Wuhan, China" (2020), 395 *The Lancet* 497 (January 24, 2020), **COM00000040**.

<sup>3</sup> Dawei Wang et al., "Clinical Characteristics of 138 Hospitalized Patients with 2019 Novel Coronavirus-Infected Pneumonia in Wuhan, China" (2020) 323 *Journal of the American Medical Association* 1061, **COM00000037**.

<sup>4</sup> World Health Organization, *Novel Coronavirus – Thailand (ex-China)*, January 14, 2020, **COM00000179**.

<sup>5</sup> World Health Organization, *COVID-19 – Japan (ex-China)*, January 16, 2020, **COM00000178**.

2020, a visitor from China to the Republic of Korea was confirmed to have COVID-19.<sup>6</sup>

The same day, the first case of COVID-19 was confirmed in the United States of America in a 35-year-old man who had returned to Washington state from visiting family members in Wuhan.<sup>7</sup>

4. By January 31, 2020, the World Health Organization was reporting confirmed COVID-19 cases in 20 countries.<sup>8</sup> By February 29, 2020 this figure had increased to 54 countries, with 85,403 confirmed infections.<sup>9</sup>

## 2. Initial COVID-19 Infections in Canada

5. The first presumptive case of COVID-19 in Canada was identified on January 25, 2020.<sup>10</sup> On January 23, 2020, a 56-year-old man presented to the Sunnybrook Health Sciences Emergency Department in Toronto with a fever and non-productive cough. He had returned to Canada from Wuhan the previous day. His COVID-19 status was subsequently confirmed, and he remained hospitalized for 8 days. Follow-up from public

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<sup>6</sup> World Health Organization, *COVID-19 – Republic of Korea (ex-China)*, January 21, 2020, **COM00000061**.

<sup>7</sup> Michelle L. Holshue et al. “First Case of 2019 Novel Coronavirus in the United States” (2020), 382 *New England Journal of Medicine* 929, **COM00000100**.

<sup>8</sup> World Health Organization, *Novel Coronavirus (2019-nCoV) Situation Report – 11*, January 31, 2020, **COM00000183**.

<sup>9</sup> World Health Organization, *Coronavirus Disease 19 (COVID-19) Situation Report – 40*, February 29, 2020, **COM00000064**.

<sup>10</sup> Public Health Agency of Canada, *Statement by the Minister of Health on the First Presumptive Confirmed Travel-Related Case of New Coronavirus in Canada*, January 25, 2020, **COM00000354**.

health authorities confirmed that his wife had also been infected. Both patients recovered fully with home isolation that lasted until February 20, 2020.<sup>11</sup>

6. On January 27, 2020 British Columbia identified its first confirmed case of COVID-19 in a man in his 40's who had recently travelled to Wuhan for work.<sup>12</sup>

7. On February 27, 2020 Quebec reported its first case of COVID-19 in a Montreal woman in her 30's who had recently travelled to Iran.<sup>13</sup>

8. On March 5, 2020, Alberta reported its first presumptive case of COVID-19 in a woman in her 50's who had been on a cruise ship in late February, prior to returning to Calgary.<sup>14</sup>

9. On March 5, 2020, British Columbia reported a confirmed case of a staff member at the Lynn Valley Care Centre in North Vancouver. This individual, a woman in her 50's, had no recent travel history, and is thought to be the first identified case of

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<sup>11</sup> Xavier Marchand-Sénécal et al., "Diagnosis and Management of First Case of COVID-19 in Canada: Lessons Applied from SARS" (2020), 71 *Clinical Infectious Disease* 2207, **COM00000576**.

<sup>12</sup> British Columbia, *Joint Statement on the First Case of 2019 Novel Coronavirus in B.C.*, January 28, 2020, **COM00000133**.

<sup>13</sup> Isaac Olson, "Quebec first case of coronavirus confirmed by National Microbiology Lab", CBC, February 27, 2020, **COM00000305**; Janie Gosselin, "Un premier cas « probable » de COVID-19 au Québec", *La Presse*, February 27, 2020, **COM00000364**.

<sup>14</sup> Diego Romero, "Alberta's first presumptive coronavirus case in Calgary zone", CTV News, March 5, 2020, **COM00000008**; CBC News, "Alberta reports 1<sup>st</sup> presumptive case of COVID-19", CBC, March 5, 2020, **COM00000011**.

community spread in Canada. An outbreak assessment at the Lynn Valley Care Centre identified two residents who had also tested positive.<sup>15</sup>

10. On March 8, 2020, a COVID-19 positive resident at the Lynn Valley Care Centre died. The man, who was in his 80's and had a number of underlying health issues, became the first Canadian death associated with COVID-19.<sup>16</sup>

11. On March 12, 2020, Manitoba reported its first presumptive case of COVID-19 in a Winnipeg-area woman in her 40's who had recently travelled to the Philippines.<sup>17</sup> On the same day, Saskatchewan reported its first presumptive COVID-19 case in an individual in their 60's who had recently travelled to Egypt.<sup>18</sup>

12. On March 11, 2020, New Brunswick reported its first presumptive case of COVID-19 in a Woman in her 50's who had recently travelled to France.<sup>19</sup>

13. On March 14, 2020, Newfoundland and Labrador reported its first presumptive case of COVID-19 in a woman who had recently been on a cruise ship in the

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<sup>15</sup> British Columbia, *Joint Statement on new COVID-19 cases in B.C.*, March 5, 2020, **COM00000581**; British Columbia, *Update on New and Existing COVID-19 Cases in British Columbia*, March 7, 2020, **COM00000366**.

<sup>16</sup> Alyse Kotyk, "First Canadian COVID-19 death recorded in B.C., health officials say" CTV News, March 9, 2020, **COM00000102**; Karin Larsen, "1st COVID-19-related death in Canada recorded in B.C.", CBC, March 9, 2020, **COM00000007**.

<sup>17</sup> Manitoba, *Novel Coronavirus (COVID-19) Bulletin #8*, March 12, 2020, **COM00000143**.

<sup>18</sup> Saskatchewan, *Saskatchewan Confirms Presumptive Case of COVID-19*, March 12, 2020, **COM00000328**.

<sup>19</sup> New Brunswick, *Province has First Presumptive Case of COVID-19, the Novel Coronavirus*, March 11, 2020, **COM00000174**.

Caribbean.<sup>20</sup> The same day Prince Edward Island reported its first positive case of COVID-19 in a woman in her 50's who had recently returned from a cruise.<sup>21</sup>

14. On March 15, 2020, Nova Scotia identified its first presumptive COVID-19 cases in three unrelated individuals with recent travel to Australia, California and Europe, respectively.<sup>22</sup>

15. On March 21, 2020, the Northwest Territories reported its first COVID-19 infection in an individual from Yellowknife who had travelled to British Columbia and Alberta.<sup>23</sup>

16. On March 22, 2020, Yukon reported its first two cases of COVID-19. The two Whitehorse residents lived together and had recently returned from the United States.<sup>24</sup>

17. On November 6, 2020, Nunavut reported its first confirmed case of COVID-19 in an individual in Sanikiluaq.<sup>25</sup>

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<sup>20</sup> CBC News, *COVID-19 reaches N.L. as 1<sup>st</sup> Presumptive Case Announced*, CBC, March 14, 2020, **COM00000098**; Kerri Breen, *Newfoundland and Labrador Announces 1<sup>st</sup> Presumptive Case of New Coronavirus*, Global News, March 14, 2020, **COM00000176**.

<sup>21</sup> Prince Edward Island, *PEI Confirms First Positive Case of COVID-19*, March 14, 2020, **COM00000257**.

<sup>22</sup> Nova Scotia, *First Presumptive Case of COVID-19 in Nova Scotia; New Prevention Measures*, March 15, 2020, **COM00000099**.

<sup>23</sup> Northwest Territories, *Diane Thom: First Confirmed Case of COVID-19 in the NWT – March 20, 2020 News Conference*, March 21, 2020, **COM00000089**; Danielle d'Entremont et al, "N.W.T. Shuts its Borders as 1<sup>st</sup> Case of COVID-19 Confirmed in Territory", *CBC*, March 21, 2020, **COM00000185**.

<sup>24</sup> Yukon, *COVID-19 Confirmed in Yukon*, March 22, 2020, **COM00000062**.

<sup>25</sup> Nunavut, *COVID-19 GN Update – November 6, 2020*, November 6, 2020, **COM00000067**.





18. By March 31, 2020, the World Health Organization reported that Canada had a total of 6,317 confirmed COVID-19 cases and 66 deaths.<sup>26</sup>

### 3. International Declarations

19. On January 30, 2020, the Director-General of the World Health Organization (WHO) declared SARS-CoV-2 (then referred to as 2019-nCoV) to be a Public Health Emergency of International Concern (“PHEIC”).<sup>27</sup>

20. This declaration was made pursuant to the *International Health Regulations* (“IHR”), an international agreement established under the auspices of the World Health Organization.<sup>28</sup> There are 196 states parties to the IHR, including Canada. The IHR entered into force on June 15, 2007,<sup>29</sup> replacing predecessor agreements that dated back to 1951.<sup>30</sup>

21. The purpose of the IHR is “to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are

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<sup>26</sup> World Health Organization, *Coronavirus Disease 2019 (COVID-19) Situation Report – 71*, March 31, 2020, **COM0000065**.

<sup>27</sup> World Health Organization, *WHO Director-General’s Statement on IHR Emergency Committee on Novel Coronavirus (2019-nCoV)*, January 30, 2020, **COM00000381**.

<sup>28</sup> *International Health Regulations*, 2509 UNTS 79 (2005), **COM00000134**.

<sup>29</sup> Government of Canada, Treaty Law Division, *International Health Regulations (2005) – Details*, **COM00000127**.

<sup>30</sup> *International Sanitary Regulations*, 175 UNTS 215 (1951) **COM00000131**; *International Health Regulations*, 764 UNTS 3 (1969), **COM00000129**.



commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade.”<sup>31</sup>

22. Under the IHR, a PHEIC is defined as “an extraordinary event which is determined, as provided in these Regulations: (i) to constitute a public health risk to other States through the international spread of disease and (ii) to potentially require a coordinated international response”.<sup>32</sup>

23. Parties to the IHR are required to inform the WHO of all events within their territory that may constitute a PHEIC.<sup>33</sup> Following consultations with the state in which the potential PHEIC arises as well as with an “Emergency Committee” comprised of experts, the Director-General may declare the existence of a PHEIC.<sup>34</sup>

24. When a PHEIC is declared, the WHO’s Director-General is required to issue temporary recommendations to states parties, including health measures to be implemented by states parties. The WHO may also offer assistance to states parties, including the assessment of the severity of international risk and the adequacy of control measures.<sup>35</sup>

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<sup>31</sup> *International Health Regulations (2005)*, Art. 2, **COM00000134**.

<sup>32</sup> *International Health Regulations (2005)*, Art. 1, **COM00000134**.

<sup>33</sup> *International Health Regulations (2005)*, Art. 6(1), **COM00000134**.

<sup>34</sup> *International Health Regulations (2005)*, Arts. 12, 48-49, **COM00000134**.

<sup>35</sup> *International Health Regulations (2005)*, Arts. 13, 15, **COM00000134**.



25. On March 11, 2020, the WHO Director-General declared COVID-19 to be a pandemic. At this point in time, the WHO reported more than 118,000 COVID-19 cases in 114 countries, and 4,291 deaths.<sup>36</sup>

26. The term “pandemic” is not defined in the IHR and does not trigger any specific obligations or procedures under the IHR.

#### 4. Domestic Declarations

27. On March 13, 2020, Quebec declared a public health emergency pursuant to the *Public Health Act*.<sup>37</sup> That legislation defines a public health emergency as a serious threat to the health of the population, whether real or imminent, which requires the immediate application of certain measures under the *Act* to protect the health of the population.<sup>38</sup>

28. On March 16, 2020, Prince Edward Island declared a public health emergency pursuant to the *Public Health Act*.<sup>39</sup> That legislation defines a public health emergency as an occurrence or imminent threat of a health hazard or disease that presents a significant risk to public health.<sup>40</sup> On April 16, 2020, Prince Edward Island declared an

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<sup>36</sup> World Health Organization, *WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020*, **COM00000380**.

<sup>37</sup> Order in Council 177-2020, **COM00000198**.

<sup>38</sup> *Public Health Act*, CQLR c S-2.2, s 118.

<sup>39</sup> *Declaration – State of Public Health Emergency*, EC2020-174, **COM00000082**.

<sup>40</sup> *Public Health Act*, RSPEI 1988, c P-30.1, s 1(v).



emergency pursuant to the *Emergency Measures Act*.<sup>41</sup> That legislation defines an emergency to mean a present or imminent event in respect of which the designated Minister believes prompt co-ordination of action or special regulation of persons or property must be undertaken to protect the health, safety or welfare of people or to limit damage to property.<sup>42</sup>

29. On March 17, 2020, Alberta declared a state of public health emergency pursuant to the *Public Health Act*.<sup>43</sup> That legislation defines a public health emergency as an occurrence or threat of, *inter alia* an epidemic or pandemic disease or a novel or highly infectious agent, which poses a significant risk to the public health.<sup>44</sup>

30. On March 17, 2020, Ontario declared an emergency pursuant to the *Emergency Management and Civil Protection Act*.<sup>45</sup> That legislation defines an emergency as a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by *inter alia* a disease or other health risk.<sup>46</sup>

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<sup>41</sup> *Ministerial Order – Provincial State of Emergency*, PEI Royal Gaz, Vol 146, No 16, p 404, **COM00000159**.

<sup>42</sup> *Emergency Measures Act*, SPEI 1988, c E-6.1, s 1(c).

<sup>43</sup> Alberta Order in Council OC 80/2020, **COM00000006**.

<sup>44</sup> *Public Health Act*, RSA 2000, c P-37, s 1(1)(hh.1).

<sup>45</sup> *Declaration of Emergency*, O.Reg. 50/20, **COM00000085**.

<sup>46</sup> *Emergency Management and Civil Protection Act*, RSO 1990, c E.9, s 1.



31. On March 18, 2020, British Columbia declared an emergency pursuant to the *Emergency Program Act*.<sup>47</sup> That legislation defines an emergency as a present or imminent event or circumstance that is caused by *inter alia* the forces of nature, which requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of a person or to limit damage to property.<sup>48</sup>

32. On March 18, 2020, Saskatchewan declared an emergency pursuant to the *Emergency Planning Act*.<sup>49</sup> That legislation defines an emergency as *inter alia* a present or imminent situation or condition that requires prompt action to prevent or limit the loss of life, harm or damage to the safety, health or welfare of people, or damage to property or the environment.<sup>50</sup>

33. On March 18, 2020, Newfoundland and Labrador declared a public health emergency pursuant to the *Public Health Protection and Promotion Act*.<sup>51</sup> That legislation defines a public health emergency to mean an occurrence or imminent threat of *inter alia* a communicable disease or novel or highly infectious agent or biological substance, which presents a serious risk to the health of the population.<sup>52</sup>

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<sup>47</sup> *Order of the Minister of Public Safety and Solicitor General*, M073/2020, **COM00000218**.

<sup>48</sup> *Emergency Program Act*, RSBC 1996, c 111, s 1(1).

<sup>49</sup> *Declaration of a State of Emergency Throughout the Province of Saskatchewan to Address the COVID-19 Public Health Emergency*, OC 102/2020, **COM00000084**.

<sup>50</sup> *The Emergency Planning Act*, SS 1989-90, c E-8.1, s 2(b).

<sup>51</sup> *Public Health Emergency Declaration*, Nfld & Lab Gaz, Part I, March 18, 2020, **COM00000279**.

<sup>52</sup> *Public Health Protection and Promotion Act*, SNL 2018, c P-37.3, s 2(y).



34. On March 18, 2020, the Northwest Territories declared a public health emergency pursuant to the *Public Health Act*.<sup>53</sup> That legislation defines a public health emergency to mean an occurrence or imminent threat of a health hazard or disease that presents a significant risk to the public health.<sup>54</sup> On March 24, 2020, the Northwest Territories declared an emergency pursuant to the *Emergency Management Act*.<sup>55</sup> That legislation defines an emergency as a current or imminent event that requires prompt coordination of action or special regulation of persons or property in order to protect the safety, health or welfare of people or to limit or prevent damage to property or the environment.<sup>56</sup>

35. On March 18, 2020, Nunavut declared a public health emergency pursuant to the *Public Health Act*.<sup>57</sup> That legislation defines a public health emergency as an occurrence or imminent threat that poses a serious risk to public health.<sup>58</sup>

36. On March 19, 2020, New Brunswick declared an emergency pursuant to the *Emergency Measures Act*.<sup>59</sup> That legislation defines an emergency as a present or imminent event in respect of which the Minister of Public Safety believes prompt

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<sup>53</sup> *Declaration of a State of Public Health Emergency*, NWT Gaz, Part II, Vol 41, No 3, p 21, **COM00000083**.

<sup>54</sup> *Public Health Act*, SNWT 2007, c 17, s 1(1).

<sup>55</sup> *Declaration of State of Emergency Order*, March 24, 2020, **COM00000088**.

<sup>56</sup> *Emergency Management Act*, SNWT 2018, c 17, s 1.

<sup>57</sup> *News Release – Minister of Health Declares Public Health Emergency*, March 18, 2020 (Nunavut), **COM00000173**.

<sup>58</sup> *Public Health Act*, SNU 2016, c 13, s 3.

<sup>59</sup> See Order in Council 2020-81 (New Brunswick), **COM00000199**.

coordination of action or regulation of persons or property must be undertaken to protect property, the environment or the health, safety or welfare of the population.<sup>60</sup>

37. On March 20, 2020, Manitoba declared a major emergency pursuant to the *Emergency Measures Act*.<sup>61</sup> That legislation defines a major emergency as a present or imminent situation or condition that requires prompt action to prevent or limit the loss of life, harm or damage to the safety, health or welfare of people or damage to property or the environment, and which cannot be effectively resolved *inter alia* without a declaration of a state of emergency under the *Act*.<sup>62</sup>

38. On March 22, 2020, Nova Scotia declared an emergency pursuant to the *Emergency Management Act*.<sup>63</sup> That legislation defines an emergency to mean a present or imminent event in respect of which the Minister of Municipal Affairs believes prompt coordination of action or regulation of persons or property must be undertaken to protect property or the health, safety or welfare of people in the Province.<sup>64</sup>

39. On March 27, 2020, Yukon declared an emergency pursuant to the *Civil Emergency Measures Act*.<sup>65</sup> That legislation defines an emergency to mean *inter alia* a

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<sup>60</sup> *Emergency Measures Act*, RSNB 2011, c 147, s 1.

<sup>61</sup> *Declaration of State of Emergency in the Province of Manitoba*, March 20, 2020, **COM00000087**.

<sup>62</sup> *Emergency Measures Act*, CCSM c E80, s 1.

<sup>63</sup> *Declaration of Provincial State of Emergency by Minister*, NS Royal Gaz, Vol 229, No 16, p 531, **COM00000086**.

<sup>64</sup> *Emergency Management Act*, SNS 1990, c 8, s 2(b).

<sup>65</sup> Order in Council 2020/61 (Yukon), **COM00000216**.



disaster, real or apprehended, resulting from an epidemic, whereby injury or loss is or may be caused to persons or property in the Yukon.<sup>66</sup>

## 5. Public Health Measures Instituted by Canadian Authorities in Response to COVID-19 Prior to Approval of Vaccines

40. Indigenous governments, municipalities, provinces, territories and the Federal Government implemented a range of measures starting in March 2020 in response to COVID-19. These measures took a variety of forms and were implemented pursuant to a range of different legal authorities.

41. This report cannot review every measure taken in response to COVID-19 due to the large number of actions taken. For example, the Province of Ontario issued over 200 Orders in Council in respect of the COVID-19 pandemic in 2020 alone. This section therefore only provides a general overview of the types of measures enacted by federal and provincial governments prior to the broad availability of COVID-19 vaccines.

### 5.1 Measures Restricting Travel

42. The Government of Canada banned the entry by air of most foreign nationals arriving from outside of the United States on March 18, 2020.<sup>67</sup> On March 22, the scope of this prohibition was expanded to include those arriving by means other than air

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<sup>66</sup> *Civil Emergency Measures Act*, RSY 2002, c 34, s 1.

<sup>67</sup> *Minimizing the Risk of Exposure to COVID-19 Coronavirus Disease in Canada Order (Prohibition of Entry into Canada)*, PC 2020-0157, **COM00000153**.



travel.<sup>68</sup> The same day, Canada prohibited most Americans from entering Canada for non-essential reasons.<sup>69</sup> On March 24, 2020, Canada imposed a requirement for most persons entering Canada to self-isolate for 14 days upon arrival.<sup>70</sup>

43. The Government of Alberta imposed a general requirement for any person entering Alberta after having traveled internationally to quarantine for a minimum of 14-days, effective March 25, 2020.<sup>71</sup>

44. The Government of Saskatchewan prohibited most travel to and from the Northern Saskatchewan District on April 24, 2020.<sup>72</sup> This prohibition was loosened on April 30, 2020.<sup>73</sup> A modified prohibition against travel in northwestern Saskatchewan was imposed on May 19, 2020.<sup>74</sup>

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<sup>68</sup> *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from any country other than the United States)*, PC 2020-0162, **COM00000151**.

<sup>69</sup> *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*, PC 2020-0161, **COM00000152**.

<sup>70</sup> *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation)*, PC 2020-175, **COM00000154**.

<sup>71</sup> *CMOH Order 05-2020* – March 25, 2020, **COM00000606**. See also *CMOH Order 28-2020* – July 3, 2020, **COM00000601**.

<sup>72</sup> *Public Health Order - Control of Transmission of 2019 Novel Coronavirus* - April 24, 2020, **COM00000278**.

<sup>73</sup> *Public Health Order Respecting the Northern Saskatchewan Administration District* - April 30, 2020, **COM00000301**.

<sup>74</sup> *Public Health Order Respecting the Northwest Region* - May 19, 2020, **COM00000302**.



45. The Government of Manitoba imposed a general requirement for any person entering Manitoba to self-isolate for 14 days starting on April 20, 2020.<sup>75</sup> Exemptions to this requirement expanded over time. As of May 1, 2020, most non-residents were prohibited from travelling to northern Manitoba or any community that did not have year-round road access.<sup>76</sup> This prohibition was relaxed on May 29, 2020<sup>77</sup> and was ended on June 25.<sup>78</sup> On September 4 these travel restrictions were re-imposed.<sup>79</sup>

46. The Government of Quebec prohibited most travel to 8 northern Health Regions of the province by non-residents as of March 28, 2020.<sup>80</sup> Additional regions and municipalities were added to the area of prohibited travel on April 1<sup>81</sup> and April 7, 2020.<sup>82</sup>

47. The Government of New Brunswick banned all unnecessary travel into the Province on March 25, 2020. Persons who did enter the province had to self-isolate for

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<sup>75</sup> *Self-Isolation Order for Persons Entering Manitoba* - April 20, 2020, **COM00000335**.

<sup>76</sup> *Order Prohibiting Travel to Northern Manitoba and Remote Communities* - April 30, 2020, **COM00000236**.

<sup>77</sup> *Order Prohibiting Travel Northern Manitoba and Remote Communities* - May 29, 2020, **COM00000235**.

<sup>78</sup> *Order under the Public Health Act* - June 25, 2020, **COM00000247**.

<sup>79</sup> *Order Prohibiting Travel Northern Manitoba and Remote Communities* - September 3, 2020, **COM00000237**.

<sup>80</sup> *Ministerial Order 2020-011 of the Minister of Health and Social Services* - March 28, 2020, **COM00000161**.

<sup>81</sup> *Ministerial Order 2020-013 of the Minister of Health and Social Services* - April 1, 2020, **COM00000163**.

<sup>82</sup> *Order 2020-016 of the Minister of Health and Social Services* – April 7, 2020, **COM00000190**.

14 days.<sup>83</sup> Exceptions to the prohibition against entry expanded over time. On June 19, 2020, Canadian residents who did not have symptoms of COVID-19 were permitted to visit family in New Brunswick or property that they owned in the province.<sup>84</sup>

48. The Government of Nova Scotia required most individuals entering the Province to self-isolate for 14 days, starting on March 22, 2020.<sup>85</sup>

49. The Government of Newfoundland and Labrador required most individuals entering the Province to self-isolate for 14 days, starting on March 23, 2020.<sup>86</sup> As of May 4, 2020, most non-residents were prohibited from entering the province.<sup>87</sup>

50. The Government of Prince Edward Island required most individuals entering the Province to self-isolate for 14 days, starting on March 21, 2020.<sup>88</sup> As of May 1, 2020, non-essential travel to PEI was prohibited.<sup>89</sup>

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<sup>83</sup> *Renewed and revised Mandatory Order - COVID-19 - March 25, 2020, COM00000313.*

<sup>84</sup> *Renewed and revised Mandatory Order - COVID-19 - June 19, 2020, COM00000314.*

<sup>85</sup> *State of Emergency Declared in Response to COVID-19, Seven New Cases - March 22, 2020, COM00000351.*

<sup>86</sup> *Special Measures Order (Revised Order) - March 23, 2020, COM00000345.*

<sup>87</sup> *Special Measures Order (Amendment No. 11) - April 29, 2020, COM00000346.*

<sup>88</sup> *Public Health Order - March 31, 2020, COM00000291.*

<sup>89</sup> *Ministerial Order - Travel Restrictions - April 30, 2020, COM00000160.*



51. In early July 2020 New Brunswick,<sup>90</sup> Nova Scotia,<sup>91</sup> Newfoundland and Labrador,<sup>92</sup> and Prince Edward Island<sup>93</sup> agreed to create an “Atlantic Bubble” in which residents of those provinces could travel between them without the need for self-isolation. This exemption was removed by New Brunswick on November 26, 2020.<sup>94</sup>

52. The Government of Yukon required most individuals entering the territory to self-isolate for 14 days, starting on March 22, 2020.<sup>95</sup> On April 17, 2020, most non-essential travel to the Territory was prohibited.<sup>96</sup> On June 30, 2020, this general travel prohibition was repealed.<sup>97</sup> As of July 1, 2020, residents of Yukon, British Columbia, Northwest Territories and Nunavut were permitted to enter Yukon freely. Others entering the Territory were required to self-isolate for 14 days.<sup>98</sup>

53. In mid-June 2020, the Government of the Northwest Territories prohibited most non-residents from entering the Territory as of March 22, 2020. Those who could enter

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<sup>90</sup> *Renewed and revised Mandatory Order - COVID-19 - July 2, 2020, COM00000308.*

<sup>91</sup> *Restated Order of the Chief Medical Officer of Health Under Section 32 of the Health Protection and Promotion Act 2004 - July 3, 2020, COM00000324.*

<sup>92</sup> *Special Measures Order - Atlantic Travel Amendments - July 3, 2020, COM00000337.*

<sup>93</sup> *Travel Restrictions Order - July 2, 2020, COM00000359.*

<sup>94</sup> *Renewed and revised Mandatory Order - COVID-19 - November 27, 2020, COM00000317.*

<sup>95</sup> *Yukon's Chief Medical Officer of Health provides update on COVID-19 - March 22, 2020, COM00000383.*

<sup>96</sup> *Civil Emergency Measures Border Control Measures (COVID-19) Order, YMO 2020/19, COM00000031.*

<sup>97</sup> *Civil Emergency Measures Act Order, YMO 2020/45, June 30, 2020, COM00000030.*

<sup>98</sup> *Phase 2 begins July 1, includes eased travel restrictions for Canadian residents, June 30, 2020, COM00000260.*

were required to self-isolate for 14 days.<sup>99</sup> On November 20, 2020, the requirement to self-isolate for 14 days was extended to all persons entering the Territory.<sup>100</sup>

54. The Government of Nunavut prohibited most non-residents from entering the Territory as of March 20, 2020. Those who could enter were required to self-isolate for 14 days prior to boarding a flight into the Territory.<sup>101</sup> Stricter travel prohibitions were imposed on specific areas in response to COVID-19 outbreaks. On November 6, 2020 travel to and from Sanikiluaq was prohibited.<sup>102</sup> On December 9, 2020 travel to and from Arviat was prohibited.<sup>103</sup>

55. In June 2020, the Governments of the Northwest Territories<sup>104</sup> and Nunavut<sup>105</sup> agreed to create a “Bubble” in which residents of those territories could travel between them without the need to self-isolate.

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<sup>99</sup> *Chief Public Health Officer Orders Travel Restrictions and Self-Isolation for those entering NWT* - March 22, 2020, **COM00000028**.

<sup>100</sup> *COVID-19 Update* - November 18, 2020, **COM00000076**.

<sup>101</sup> *Travel Restriction Order* - March 20, 2020, **COM00000361**.

<sup>102</sup> *COVID-19 GN Update* - November 6, 2020, **COM00000067**.

<sup>103</sup> *Measures for Arviat* - December 9, 2020, **COM00000149**.

<sup>104</sup> *Public Health Order - COVID-19 Travel Restrictions and Self-Isolation Protocol* - June 12, 2020, **COM00000290**.

<sup>105</sup> *Travel Restriction Order No. 6* - June 15, 2020, **COM00000358**.

## 5.2 School Closures

56. The Government of British Columbia closed its schools for in-person learning on March 17, 2020.<sup>106</sup> Starting June 1, 2020, students could return on a voluntary basis to part-time in-person instruction.<sup>107</sup>

57. The Government of Alberta closed its schools for in-person learning on March 16, 2020.<sup>108</sup> They were re-opened on June 12, 2020.<sup>109</sup>

58. The Government of Saskatchewan closed its schools for in-person learning on March 20, 2020, and limited the occupancy of its childcare facilities on March 23, 2020.<sup>110</sup>

59. The Government of Manitoba closed its schools for in-person learning on March 13, 2020.<sup>111</sup> The Province originally intended to re-open schools by April 10, 2020 but announced on March 31, 2020 that the closure was indefinite.<sup>112</sup>

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<sup>106</sup> *Joint statement on Province of B.C.'s COVID-19 response, latest updates* - March 18, 2020, **COM00000132**.

<sup>107</sup> *K-12 students to have optional in-class instruction on June 1 - May 15, 2020*, **COM00000136**.

<sup>108</sup> *CMOH Order 01-2020* - March 16, 2020, **COM00000041**.

<sup>109</sup> *CMOH Order 25-2020* - June 12, 2020, **COM00000047**.

<sup>110</sup> *Public Health Order - Control of Transmission of 2019 Novel Coronavirus* - March 20, 2020, **COM00000282**.

<sup>111</sup> *Novel Coronavirus (COVID-19) Bulletin #11* – March 13, 2020, **COM00000180**.

<sup>112</sup> *Manitoba Suspends Classroom Learning Indefinitely amid COVID-19 Pandemic* – March 31, 2020, **COM00000144**.

60. The Government of Ontario closed its schools for in-person learning on March 12, 2020.<sup>113</sup> The Province originally intended to re-open schools by April 5, 2020, but that date was pushed back on several occasions throughout the remainder of the school year.<sup>114</sup> On May 19, 2020, the Government announced that it would keep schools closed for the remainder of the school year.<sup>115</sup>

61. The Government of Quebec closed its schools for in-person learning on March 16, 2020.<sup>116</sup> On May 11, 2020, elementary schools outside of Montreal re-opened. Montreal elementary schools, and all secondary schools remained closed.<sup>117</sup> Montreal schools re-opened on August 24, 2020.<sup>118</sup>

62. The Government of New Brunswick closed its schools for in-person learning on March 16, 2020.<sup>119</sup> The Province originally intended to re-open schools in April but

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<sup>113</sup> *Statement from Premier Ford, Minister Elliott, and Minister Lecce on the 2019 Novel Coronavirus (COVID-19) - March 12, 2020, COM00000355.*

<sup>114</sup> *Ontario Extends School and Child Care Closures to Fight Spread of COVID-19 - March 31, 2020, COM00000186; School Closures Extended to Keep Students, Staff and Families Safe - April 26, 2020, COM00000330.*

<sup>115</sup> *Health and Safety Top Priority as Schools Remain Closed, May 19, 2020, COM00000104.*

<sup>116</sup> *Le gouvernement du Québec annonce la fermeture des écoles, des cégeps, des universités et des services de garde - March 13, 2020, COM00000137; Pandémie de la COVID-19 - Fermeture des établissements scolaires et maintien des services de garde d'urgence jusqu'au 1er mai - March 22, 2022, COM00000250.*

<sup>117</sup> *Order in Council 505-2020 - May 6, 2020, COM00000203.*

<sup>118</sup> *Order in Council 885-2020 - August 19 2020, COM00000212; Pandémie de la COVID-19 - Québec ne rouvrira pas les écoles sur le territoire de la Communauté métropolitaine de Montréal avant la fin août et repousse au 1er juin l'ouverture des garderies - May 14, 2020, COM00000254.*

<sup>119</sup> *Schools to close for two weeks - March 13, 2020, COM00000333.*

announced on April 2, 2020 that the closure would likely last for the remainder of the school year.<sup>120</sup>

63. The Government of Nova Scotia closed its schools for in-person learning on March 16, 2020.<sup>121</sup> The Province originally intended to re-open schools in April, but that date was pushed back on several occasions,<sup>122</sup> and eventually the school year was cancelled.<sup>123</sup>

64. The Government of Newfoundland and Labrador closed its schools for in-person learning on March 13, 2020.<sup>124</sup>

65. The Government of Prince Edward Island closed its schools for in-person learning on March 17, 2020.<sup>125</sup> The Province originally intended to re-open schools on April 3, 2020, but that date was pushed back to at least May 11, 2020.<sup>126</sup> Childcare

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<sup>120</sup> *Continuity of learning, graduation plans released* - April 2, 2020, **COM00000058**.

<sup>121</sup> *First Presumptive Cases of COVID-19 in Nova Scotia; New Prevention Measures* – March 15, 2020, **COM00000099**.

<sup>122</sup> *Plan for At-home Student Learning, Online Guidance for Business* - March 30, 2020, **COM00000264**; *Schools and Licensed Child Care to Remain Closed Until After May Long Weekend (Nova Scotia)* - April 28, 2020, **COM00000332**.

<sup>123</sup> *Order of the Medical Officer of Health*, May 15, 2020, **COM00000221**.

<sup>124</sup> *Public Examinations Cancelled for the Current School Year Due to COVID-19 Impacts*, April 2, 2020, **COM00000586**; *Minister Warr Provides Update on K-12 Education*, May 15, 2020, **COM00000158**.

<sup>125</sup> *Province announces COVID-19 related closures*, March 15, 2020, **COM00000269**.

<sup>126</sup> *Prince Edward Island extends closures for schools, daycares, non-essential services*, March 27, 2020, **COM00000267**.





services, which had been closed as of March 17, were permitted to re-open on May 22, 2020.<sup>127</sup>

66. The Government of the Yukon closed its schools for in-person learning on April 7, 2020.<sup>128</sup>

67. The Government of the Northwest Territories closed its schools for in-person learning on March 25, 2020.<sup>129</sup>

68. The Government of Nunavut closed its schools for in-person learning on March 17, 2020.<sup>130</sup>

### 5.3 Gathering Limits

69. British Columbia banned gatherings of more than 50 people on March 16, 2020.<sup>131</sup> On July 27, 2020, gatherings in vacation properties were limited to the occupants, plus five other persons. Other organized gatherings were required to comply with additional health and safety requirements.<sup>132</sup> On October 30, 2020, gatherings in

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<sup>127</sup> *Public Health Order - June 12, 2020, COM00000289.*

<sup>128</sup> *Face-to-face classes suspended for remainder of 2019–20 school year, April 7, 2020, COM00000579.*

<sup>129</sup> *Education Minister and Education Leaders recommend NWT schools remain closed for remainder of school year, March 25, 2020, COM00000092.*

<sup>130</sup> *COVID-19 Government of Nunavut Updates for Department of Education, COM00000075.*

<sup>131</sup> *Class Order - Mass Gatherings - March 16, 2020, COM00000034.*

<sup>132</sup> *Order of the Provincial Health Officer - Gatherings and Events - July 27, 2020, COM00000224.*

private residences were limited to the occupants, plus six other persons.<sup>133</sup> In mid-November, restrictions on gatherings began to apply on a regional basis, with Vancouver and the Fraser Valley subject to a total ban on gatherings in private homes as well as a ban on social gatherings associated with weddings and funerals.<sup>134</sup> Province-wide prohibitions on certain types of gatherings in private homes, and limits on gatherings in public places were imposed on December 4, 2020.<sup>135</sup>

70. Alberta banned gatherings of more than 50 persons on March 17, 2020.<sup>136</sup> On March 27, 2020 the limit was reduced to 15 persons.<sup>137</sup> On May 15, 2020, the limit returned to 50 for outdoor gatherings, and remained at 15 for indoor gatherings.<sup>138</sup> Alberta removed limits on gatherings on June 12, 2020.<sup>139</sup> On October 26, 2020, social gatherings of more than 15 persons were banned in Edmonton and Calgary.<sup>140</sup> On November 6, 2020, this 15-person limit was extended to any health region in Alberta that exceeded certain thresholds for numbers of active COVID-19 cases.<sup>141</sup> On

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<sup>133</sup> *Order of the Provincial Health Officer - Gatherings and Events* - October 30, 2020, **COM00000225**.

<sup>134</sup> *Order of the Provincial Health Officer - COVID-19 Prevention Regional Measures* - November 13, 2020, **COM00000234**.

<sup>135</sup> *Order of the Provincial Health Officer - Gatherings and Events* - December 4, 2020, **COM00000223**.

<sup>136</sup> *CMOH Order 02-2020* - March 17, 2020, **COM00000042**.

<sup>137</sup> *CMOH Order 07-2020* - March 27, 2020, **COM00000045**.

<sup>138</sup> *CMOH Order 20-2020* - May 15, 2020, **COM00000046**.

<sup>139</sup> *CMOH Order 25-2020* - June 12, 2020, **COM00000047**.

<sup>140</sup> *CMOH Order 35-2020* - October 26, 2020, **COM00000049**.

<sup>141</sup> *CMOH Order 36-2020* - November 6, 2020, **COM00000050**.



November 24, 2020 all indoor social gatherings were prohibited, and outdoor gatherings were limited to 10 persons.<sup>142</sup> On December 8, 2020 most social gatherings were banned.<sup>143</sup>

71. Saskatchewan limited indoor gatherings to 25 persons on March 20, 2020.<sup>144</sup> On March 26, 2020 this limit was reduced to 10.<sup>145</sup> On June 8, 2020, the limit for outdoor gatherings increased to 30 and indoor gatherings were limited to 15.<sup>146</sup> On June 19, 2020, the limit for indoor gatherings was increased to 30 persons.<sup>147</sup> On October 15, 2020, indoor private gatherings were limited to 15 persons, outdoor private gatherings and all types of public gatherings remained subject to a 30-person limit.<sup>148</sup> On November 5, 2020, indoor private gatherings were reduced to a maximum of 10 persons.<sup>149</sup> On November 18, 2020, indoor private gatherings were reduced to a maximum of 5 persons.<sup>150</sup> On December 14, 2020, indoor public gatherings were

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<sup>142</sup> *CMOH Order 38-2020* - November 24, 2020, **COM00000052**.

<sup>143</sup> *CMOH Order 41-2020* - December 8, 2020, **COM00000053**.

<sup>144</sup> *Public Health Order - Control of Transmission of 2019 Novel Coronavirus* - March 20, 2020, **COM00000282**.

<sup>145</sup> *Public Health Order - Control of Transmission of 2019 Novel Coronavirus* - March 26, 2020, **COM00000284**.

<sup>146</sup> *Public Health Order - Control of Transmission of 2019 Novel Coronavirus* - June 7, 2020, **COM00000585**.

<sup>147</sup> *Public Health Order - Control of Transmission of 2019 Novel Coronavirus* - June 19, 2020, **COM00000281**.

<sup>148</sup> *Public Health Order - Control of Transmission of 2019 Novel Coronavirus* - October 15, 2020, **COM00000283**.

<sup>149</sup> *Public Health Order - Provincial Order* - November 5, 2020, **COM00000297**.

<sup>150</sup> *Public Health Order - Provincial Order* - November 18, 2020, **COM00000299**.

banned. Private gatherings in homes were limited to the residents of the home. Outdoor gatherings were limited to 10 persons.<sup>151</sup>

72. Manitoba limited public gatherings to 50 persons on March 20, 2020.<sup>152</sup> On April 1, 2020, the limit was reduced to 10 persons.<sup>153</sup> On May 29, 2020, the limit was increased to 25 persons for indoor gatherings and 50 persons for outdoor gatherings.<sup>154</sup> On June 18, 2020, the limit was increased to 50 persons for indoor gatherings and 100 persons for outdoor gatherings.<sup>155</sup> In the Fall of 2020, Manitoba began to impose gathering restrictions on a regional basis. For example, on October 7, 2020, gatherings in the Provincial Capital Region were limited to 10 persons.<sup>156</sup> On November 9, 2020, this limit was reduced to 5 persons.<sup>157</sup> On November 9, 2020, the 5-person limit on gatherings was extended province-wide.<sup>158</sup> On November 19, 2020, gatherings in private residences were limited to the occupants of the residence. Certain exceptions to the 5-person limit for other gatherings were also eliminated.<sup>159</sup>

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<sup>151</sup> *Public Health Order - Provincial Order* - December 14, 2020, **COM00000298**.

<sup>152</sup> *Order - the Public Health Act* - March 20, 2020, **COM00000200**.

<sup>153</sup> *Order under the Public Health Act* - March 31, 2020, **COM00000273**.

<sup>154</sup> *COVID-19 Prevention Orders* - May 29, 2020, **COM00000071**.

<sup>155</sup> *COVID-19 Prevention Orders* - June 18, 2020, **COM00000069**.

<sup>156</sup> *Capital Region COVID-19 Prevention Orders* - October 7, 2020, **COM00000026**.

<sup>157</sup> *Capital Region COVID-19 Prevention Orders* - October 19, 2020, **COM00000027**.

<sup>158</sup> *General COVID-19 Prevention Orders* - November 6, 2020, **COM00000101**.

<sup>159</sup> *COVID-19 Prevention Orders* - November 19, 2020, **COM00000074**.



73. Ontario limited organized public events to 50 persons on March 17, 2020.<sup>160</sup> On March 30, 2020, organized public events as well as social gatherings were limited to 5 persons.<sup>161</sup> On June 12, 2020, this limit was increased to 10 persons.<sup>162</sup> On July 13, 2020, some regions were permitted to have 50 persons at indoor gatherings, and 100 persons in outdoor gatherings.<sup>163</sup> Thereafter, limits on gatherings in Ontario varied between provincial health units, and were frequently changed.

74. Quebec limited indoor gatherings to 250 persons on March 13, 2020.<sup>164</sup> On March 20, 2020, there was a general prohibition on all indoor and outdoor gatherings, except between members of the same household or at places of work that were permitted to remain open.<sup>165</sup> On May 22, 2020 outdoor assemblies in public places of any size were permitted as long as people maintained 2-metre social distancing. Outdoor assemblies in private places were limited to 10 persons.<sup>166</sup> On June 10, 2020, indoor private gatherings of up to 10 persons were permitted except in Montreal, Joliette and Ville de L'Épiphanie.<sup>167</sup> On June 25, 2020, restrictions on gatherings were

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<sup>160</sup> *Emergency Order Under Subsection 7.0.2(4) of the Act*, O.Reg. 52/20, **COM00000095**.

<sup>161</sup> *Emergency Order Under Subsection 7.0.2(4) of the Act*, O.Reg. 99/20, **COM00000093**.

<sup>162</sup> *Order under Section 7.0.2(4) of the Act - Organized Public Events Certain Gatherings*, O.Reg 276/20, **COM00000246**.

<sup>163</sup> *Rules for Areas in Stage 3*, O.Reg. 364/20, Sched. 3, s. 1(1), **COM00000327**.

<sup>164</sup> *Déclaration d'urgence sanitaire conformément à l'article 118 de la Loi sur la santé publique - Decree 177/2020*, **COM00000198**.

<sup>165</sup> Order in Council 222-2020 - March 20, 2020, **COM00000201**.

<sup>166</sup> Order in Council 543-2020 - May 22, 2020, **COM00000207**.

<sup>167</sup> Order in Council 615-2020 - June 10, 2020, **COM00000209**.



removed.<sup>168</sup> On August 5, 2020, outdoor gatherings were limited to 250 persons.<sup>169</sup> In early September, Quebec implemented a regional alert system, and gathering limits began to apply differently in different regions. For example, on September 20, 2020, indoor gatherings in some regions, including Montreal, were limited to 6 persons in private places, and 25 persons in other indoor locations such as places of worship and restaurants.<sup>170</sup> On September 30, 2020, indoor gatherings in private dwellings were limited province-wide to 10 persons. Indoor gatherings in places of worship, theatres and some other locations were limited to 250 persons, while other indoor locations were limited to 50 persons. Stricter rules applied in a number of specified municipalities.<sup>171</sup> On December 17, 2020, private gatherings were limited to 6 persons in some regions of Quebec and were totally prohibited in others.<sup>172</sup>

75. New Brunswick required owners and operators of premises where people might gather in large numbers to take all reasonable steps to prevent gatherings of more than 10 persons on March 19, 2020.<sup>173</sup> On April 2, 2020, all social gatherings were limited to 10 persons.<sup>174</sup> On May 8, 2020, indoor gatherings of any size were prohibited except for

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<sup>168</sup> Order in Council 689-2020 - June 25, 2020, **COM00000210**.

<sup>169</sup> Order in Council 817-2020 - August 5, 2020, **COM00000211**.

<sup>170</sup> *Ministerial Order 2020-068 of the Minister of Health and Social Services dated 20 September 2020*, **COM00000167**.

<sup>171</sup> Order in Council 1020-2020, September 30, 2020, **COM00000215**.

<sup>172</sup> *Pandémie de la COVID-19 - Une pause des Fêtes jusqu'au 10 janvier 2021 inclusivement*, December 15, 2020, **COM00000256**.

<sup>173</sup> *State of emergency declared in response to COVID-19* - March 19, 2020, **COM00000352**.

<sup>174</sup> *Renewed and revised Mandatory Order - COVID-19* - April 2, 2020, **COM00000310**.



weddings and funerals, which remained subject to a limit of 10 persons.<sup>175</sup> On June 5, 2020, indoor gatherings were limited to 10 persons, and outdoor gatherings were limited to 50 persons.<sup>176</sup> On June 19, 2020 all gatherings were subject to a limit of 50 persons. Larger gatherings were permitted if organizers implemented adequate symptom screening and implemented certain government guidelines.<sup>177</sup> On October 11, 2020, regional rules began to apply, with some locations subject to an indoor gathering limit of 10 persons.<sup>178</sup> On November 20, 2020, indoor “informal” gatherings were limited province-wide to 20 persons. Other gatherings that were organized and held in compliance with a formal COVID-19 operational plan were still subject to a 50-person limit.<sup>179</sup>

76. Nova Scotia limited indoor gatherings to 50 persons on March 13, 2020.<sup>180</sup> On March 22, 2020 this limit was reduced to five persons.<sup>181</sup> On May 29, 2020, this limit

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<sup>175</sup> *Renewed and revised Mandatory Order - COVID-19 - May 8, 2020, COM00000588.*

<sup>176</sup> *Renewed and revised Mandatory Order - COVID-19 - June 5, 2020, COM00000309.*

<sup>177</sup> *Renewed and revised Mandatory Order - COVID-19 - June 19, 2020, COM00000314.*

<sup>178</sup> *Renewed and revised Mandatory Order - COVID-19 - October 11, 2020, COM00000318.*

<sup>179</sup> *Renewed and revised Mandatory Order - COVID-19 - November 20, 2020, COM00000316.*

<sup>180</sup> *Province's Bars to Close, Restaurants Limited to Take-out, Delivery as of Thursday; Gatherings Limited to 50 or Fewer Effective Immediately - March 13, 2020, COM00000271.*

<sup>181</sup> *State of Emergency Declared in Response to COVID-19, Seven New Cases - March 22, 2020, COM00000351.*

was increased to 10 persons.<sup>182</sup> On June 18, 2020, this limit was increased to 50 persons.<sup>183</sup> On July 3, 2020, certain organized gatherings, including weddings, funerals, sports and cultural events, could have up to 200 persons present indoors or 250 persons outdoors.<sup>184</sup> On November 26, 2020, regional restrictions in the Halifax County region limited all gatherings to five persons and prohibited businesses or organizations from hosting organized sports, arts, cultural or other social events.<sup>185</sup> On December 18, 2020, the province-wide limit on gatherings was reduced to 10 persons. Faith gatherings, wedding and funerals could have up to 100 persons indoors or 150 persons outdoors in certain circumstances.<sup>186</sup>

77. Newfoundland and Labrador limited gatherings to 50 persons on March 18, 2020.<sup>187</sup> On March 23, 2020, this limit was reduced to 10 persons.<sup>188</sup> On March 31, 2020, this limit was reduced to 5, and gatherings for funerals were prohibited.<sup>189</sup> On May 11, 2020, the limit was increased to 10 persons, and funerals were once again

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<sup>182</sup> *Order by the Medical Officer of Health under Section 32 of the Health Protection Act 2004 - May 29, 2020, COM00000194.*

<sup>183</sup> *Order by the Medical Officer of Health under Section 32 of the Health Protection Act 2004 - June 18, 2020, COM00000193.*

<sup>184</sup> *Order by the Medical Officer of Health under Section 32 of the Health Protection Act 2004 - July 3, 2020, COM00000197.*

<sup>185</sup> *Order by the Medical Officer of Health under Section 32 of the Health Protection Act 2004 - November 27, 2020, COM00000195.*

<sup>186</sup> *Order by the Medical Officer of Health under Section 32 of the Health Protection Act 2004 - December 18, 2020, COM00000191.*

<sup>187</sup> *Special Measures Order - March 18, 2020, COM00000342.*

<sup>188</sup> *Special Measures Order - March 23, 2020, COM00000345.*

<sup>189</sup> *Special Measures Order (Amendment No. 3) - March 31, 2020, COM00000350.*



allowed to take place.<sup>190</sup> On June 8, 2020, the limit was increased to 20 persons.<sup>191</sup> On June 25, 2020, the limit was increased to 50 persons.<sup>192</sup> On August 24, 2020, the limit was increased in some circumstances to 100.<sup>193</sup> On December 9, 2020, the general limit for gatherings was reduced to 20 persons. A maximum of 100 persons in some circumstances was maintained.<sup>194</sup>

78. Prince Edward Island limited the number of individuals who could be present at a wake at a funeral home to 20 on March 17, 2020.<sup>195</sup> On March 31, 2020 all gatherings were limited to 5 persons.<sup>196</sup> On May 8, 2020 the limit on outdoor gatherings was increased to 10 persons. The limit on indoor gatherings remained at 5 persons.<sup>197</sup> On June 12, 2020, the limit on outdoor gatherings was increased to 20 persons, and the limit on indoor gatherings was increased to 15 persons.<sup>198</sup> On June 21, 2020, gatherings of up to 100 persons were allowed in certain circumstances.<sup>199</sup> On

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<sup>190</sup> *Special Measures Order (General)* - May 11, 2020, **COM00000340**.

<sup>191</sup> *Special Measures Order (General Alert Level 3)* - June 8, 2020, **COM00000339**.

<sup>192</sup> *Special Measures Order (General Alert Level 2)* - June 25, 2020, **COM00000338**.

<sup>193</sup> *Special Measures Order (General Alert Level 2) (Gatherings Amendment)* - August 24, 2020, **COM00000341**.

<sup>194</sup> *Special Measures Order (General Alert Level 2 Updated)* - December 9, 2020, **COM00000343**.

<sup>195</sup> *Chief Public Health Officer urges Islanders to Work Together to Reduce the Spread of COVID-19*, March 17, 2020, **COM00000029**.

<sup>196</sup> *Public Health Order*, March 31, 2020, **COM00000291**.

<sup>197</sup> *Public Health Order for COVID-19 Self-Isolation* - May 8, 2020, **COM00000303**.

<sup>198</sup> *Public Health Order* - June 12, 2020, **COM00000289**.

<sup>199</sup> *COVID-19 Prevention and Self-Isolation Order* - June 21, 2020, **COM00000068**.

December 7, 2020, all personal gatherings were prohibited. Organized gatherings were limited to 10 persons.<sup>200</sup>

79. Yukon limited public gatherings to 10 persons on March 22, 2020.<sup>201</sup> On July 1, 2020, the limit on outdoor gatherings was increased to 50 persons.<sup>202</sup> On August 1, 2020, certain planned events were subject to an indoor limit of 50 persons and an outdoor limit of 100 persons.<sup>203</sup>

80. Northwest Territories banned all indoor gatherings on April 11, 2020. Outdoor gatherings were limited to 10 persons.<sup>204</sup> On May 15, 2020, indoor gatherings were permitted for up to 10 persons, and the limit for outdoor gatherings was increased to 25 persons. Gatherings in homes were limited to residents plus 5 others. Indoor funerals remained prohibited.<sup>205</sup> On July 12, 2020 the limit on indoor gatherings was increased to 25 persons, and the limit on outdoor gatherings was increased to 50 persons. Indoor funerals remained prohibited, but some organized sports could be played.<sup>206</sup>

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<sup>200</sup> PEI COVID-19 Circuit Breaker – December 7, 2020, **COM00000259**.

<sup>201</sup> Yukon's Chief Medical Officer of Health provides update on COVID-19 - March 22, 2020, **COM00000383**.

<sup>202</sup> Phase 2 begins July 1, includes eased travel restrictions for Canadian residents, June 30, 2020, **COM00000260**.

<sup>203</sup> Phase 3 begins August 1, includes changes to social gatherings, social bubbles and plans for sports, July 29, 2020, **COM00000261**.

<sup>204</sup> Backgrounder - Banning Gatherings and Closing Certain Businesses in the NWT - April 10, 2020, **COM00000025**.

<sup>205</sup> Public Health Order - COVID-19 Relaxing Phase 1 - May 15, 2020, **COM00000286**.

<sup>206</sup> Public Health Order - COVID-19 Relaxing Phase 2 - July 12, 2020, **COM00000287**.



81. Nunavut limited gatherings to 10 persons on March 30, 2020.<sup>207</sup> On March 23, 2020 all gatherings were banned.<sup>208</sup> On April 24, 2020 gatherings of up to 5 persons were allowed.<sup>209</sup> On June 8, 2020 the limits were increased for outdoor gatherings to 25 persons.<sup>210</sup> On June 29, 2020, the limit on outdoor gatherings was increased to 50 persons. The limit on indoor gatherings was increased to 10 persons in most circumstances, and up to 50 for certain types of gatherings.<sup>211</sup> On October 5, 2020 the limit on outdoor gatherings was increased to 100 persons. The limit on indoor gatherings was increased to 15 persons in most cases, and up to 100 for certain types of gatherings.<sup>212</sup> Starting in November 2020, more restrictive rules were imposed on particular communities as a result the identification of COVID-19 cases. For example, on November 9, 2020, all gatherings were limited to 5 persons in Sanikiluaq.<sup>213</sup> On December 2, 2020, indoor gatherings in Arviat were limited to 10 persons, and outdoor gatherings were limited to 5 persons.<sup>214</sup>

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<sup>207</sup> *COVID-19 GN Update* - March 20, 2020, **COM00000063**.

<sup>208</sup> *COVID-19 GN Update* - March 23, 2020, **COM00000066**.

<sup>209</sup> *Order Respecting Social Distancing and Gatherings*, April 24, 2020, **COM00000245**.

<sup>210</sup> *Order Respecting Social Distancing and Gatherings No 3*, June 8, 2020, **COM00000241**.

<sup>211</sup> *Order Respecting Social Distancing and Gatherings No 6*, June 29, 2020, **COM00000244**.

<sup>212</sup> *COVID-19 GN Update* – October 5, 2020, **COM00000575**.

<sup>213</sup> *COVID-19 GN Update* - November 6, 2020, **COM00000067**.

<sup>214</sup> *Measures for Arviat* - December 9, 2020, **COM00000149**.

## 5.4 Closure of Businesses and Places

82. British Columbia closed all nightclubs and required restaurants to only offer takeout service on March 17, 2020.<sup>215</sup> On March 21, 2020, it ordered the closure of all personal services establishments, such as barbers and hair and nail salons. It also provided that these services could not be provided on a mobile basis or in a client's home.<sup>216</sup> On May 14, 2020, personal services were allowed to re-open.<sup>217</sup> On May 19, 2020, restaurants were permitted to re-open for indoor dining at 50% capacity.<sup>218</sup> On May 29, 2020, overnight camps for children were closed.<sup>219</sup> On June 10, 2020, the capacity limits on restaurants were eased.<sup>220</sup> On September 8, 2020, nightclubs were closed, and the sale of alcohol after 10:00 p.m. was prohibited.<sup>221</sup>

83. Alberta closed all public recreational facilities and private entertainment facilities on March 17, 2020. These included gyms, pools, museums, galleries and community centres. It also closed all bars and nightclubs, and restricted restaurants to 50%

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<sup>215</sup> *Order of the Provincial Health Officer - Owners and Operators of Nightclubs and Food and Drink Service* - March 20, 2020, **COM00000229**.

<sup>216</sup> *Order of the Provincial Health Officer - Personal Services* – April 16, 2020, **COM00000232**.

<sup>217</sup> *Order of the Provincial Health Officer - Personal Services* - May 14, 2020, **COM00000233**.

<sup>218</sup> *Order of the Provincial Health Officer - Owners and Operators of Nightclubs and Food and Drink Service* - May 15, 2020, **COM00000230**.

<sup>219</sup> *Order of the Provincial Health Officer - Overnight Camps for Children and Youth* - May 29, 2020, **COM00000231**.

<sup>220</sup> *Order of the Provincial Health Officer - Owners and Operators of Nightclubs and Food and Drink Service* - June 10, 2020, **COM00000227**.

<sup>221</sup> *Order of the Provincial Health Officer - Food and Liquor Serving Premises* - September 18, 2020, **COM00000222**.



capacity.<sup>222</sup> On March 27, 2020, it closed all non-essential health services, all personal services and all retail stores that sold only non-essential goods. Restaurants could only provide takeout.<sup>223</sup> On May 1, 2020, golf courses re-opened.<sup>224</sup> On May 14, 2020, closure rules were partially eased: barbers and hair stylists were permitted to re-open, but other personal services as well as non-essential medical, recreational and entertainment facilities remained closed.<sup>225</sup> On June 12, 2020, many closure rules were removed, though child play centres, amusement parks and nightclubs were still required to be closed.<sup>226</sup> On September 22, 2020 child play centres re-opened.<sup>227</sup> On November 12, 2020 regional closures were implemented. In some parts of the province indoor sports and fitness and performance venues were required to close, and limits were imposed on weddings, funerals, restaurants and bars.<sup>228</sup> On December 13, 2020, similar restrictions were extended province-wide.<sup>229</sup>

84. Saskatchewan closed restaurants to indoor dining on March 23, 2020. It also ordered the closure of recreational, entertainment and fitness facilities, non-urgent

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<sup>222</sup> CMOH Order 02-2020, March 17, 2020, **COM00000042**.

<sup>223</sup> CMOH Order 07-2020, March 27, 2020, **COM00000045**.

<sup>224</sup> CMOH Order 15-2020, May 1, 2020, **COM00000043**.

<sup>225</sup> CMOH Order 18-2020, May 14, 2020, **COM00000044**.

<sup>226</sup> CMOH Order 25-2020, June 12, 2020, **COM00000047**.

<sup>227</sup> CMOH Order 34-2020, September 22, 2020, **COM00000048**.

<sup>228</sup> CMOH Order 37-2020, November 12, 2020, **COM00000051**.

<sup>229</sup> CMOH Order 42-2020, December 11, 2020, **COM00000055**.

medical services, and all personal services.<sup>230</sup> On March 26, 2020 it closed all businesses that were not critical public services or contained on a list of “allowable businesses” published on a government website.<sup>231</sup> This list was amended from time to time. On November 14, 2020, restaurants and bars were prohibited from selling alcohol after 10:00 p.m., and additional restrictions for in-person dining were introduced.<sup>232</sup>

85. Manitoba closed gyms and fitness centres on March 20, 2020. It also limited restaurants to 50% capacity.<sup>233</sup> On April 1, 2020, there was a general shut down of all non-essential businesses.<sup>234</sup> The relevant closure order contained a list of 74 categories of essential businesses, and the list was added to from time to time. On May 6, 2020, there was a general broadening of the types of businesses allowed to operate, including retail, hairdressers, massage parlours, and outdoor recreational facilities.<sup>235</sup> On May 29, 2020, there was a general opening of businesses, subject to a variety of specific public health measures.<sup>236</sup> Manitoba imposed a variety of regional restrictions on businesses

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<sup>230</sup> *Public Health Order - Control of Transmission of 2019 Novel Coronavirus - March 20, 2020, COM00000282.*

<sup>231</sup> *Public Health Order - Control of Transmission of 2019 Novel Coronavirus - March 26, 2020, COM00000284.*

<sup>232</sup> *Public Health Order - Food Beverage and Liquor Serving Premises - November 14, 2020, COM00000288.*

<sup>233</sup> *Order - the Public Health Act - March 20, 2020, COM00000200.*

<sup>234</sup> *Order under the Public Health Act - March 31, 2020, COM00000273.*

<sup>235</sup> *COVID-19 Prevention Orders - May 5, 2020, COM00000070.*

<sup>236</sup> *COVID-19 Prevention Orders - May 29, 2020, COM00000071.*

in the late summer and fall of 2020. On November 11, 2020, there was a general shut down of non-essential businesses province-wide.<sup>237</sup>

86. Ontario closed all indoor recreational facilities, libraries, bars, theatres and concert venues on March 17, 2020. It also required restaurants to only offer takeout.<sup>238</sup>

On March 24, 2020, there was a general shut down of all non-essential businesses. The relevant closure order contained a list of 74 categories of essential businesses.<sup>239</sup> On

April 3, 2020, this list was reduced to 44 categories.<sup>240</sup> Over time new categories were added to this list. On May 11, 2020 there was a general re-opening of non-essential

retail businesses, so long as they provided goods by way of delivery or curbside pickup.<sup>241</sup> On June 11, 2020 Ontario moved to a regional system that imposed different

rules on different health units. Less stringent rules included permitting outdoor dining, allowing personal care services to re-open, and malls to operate.<sup>242</sup> On July 17, 2020

there was a further easing of restrictions, including permitting indoor dining, sports and fitness facilities and movie theatres to re-open.<sup>243</sup> From November 7 to 14, 2020 a more

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<sup>237</sup> *COVID-19 Prevention Orders* – November 11, 2020, **COM00000072**.

<sup>238</sup> *Emergency Order Under Subsection 7.0.2(4) of the Act*, O.Reg. 51/20, **COM00000094**.

<sup>239</sup> *Closure of Places of non-Essential Businesses* - O.Reg 82/20, **COM00000036**.

<sup>240</sup> *Closure of Places of non-Essential Businesses* - O.Reg 119/20, **COM00000039**.

<sup>241</sup> *Closure of Places of non-Essential Businesses* - O.Reg 200/20, **COM00000038**.

<sup>242</sup> *Stage 2 Closures* - O.Reg. 263/20, **COM00000348**; *Rules for Areas in Stage 3* - O.Reg. 364/20, **COM00000327**.

<sup>243</sup> *Stages of Reopening*, O.Reg. 363/20, **COM00000349**.

complex system of regional rules was introduced across the province.<sup>244</sup> Different health units were subject to one of five sets of rules depending on the prevailing health situation in the area.

87. Quebec ordered the closure of sport and cultural locations, zoos, pools, movie theatres and other amusement locations on March 15, 2020. It also prohibited visits to provincial prisons by persons other than lawyers, and restricted restaurants to 50% capacity.<sup>245</sup> On March 25, 2020 all non-essential businesses were ordered closed.<sup>246</sup> Throughout April the list of essential businesses that were permitted grew.<sup>247</sup> On May 4, 2020 non-essential retail businesses located outside of Montreal were permitted to re-open for curbside pickup.<sup>248</sup> On May 25, 2020 these rules were extended to Montreal.<sup>249</sup> On May 20, 2020 outdoor recreational sports facilities were permitted to re-open.<sup>250</sup> On June 1, 2020 museums, libraries, camping sites, recording studios, pet groomers and other businesses were permitted to re-open. Outside of Montreal and

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<sup>244</sup> *Amending Stages of Reopening*, O.Reg. 640/20, **COM00000019**; *Amending Rules for Jurisdictions in Stage 2*, O.Reg. 641/20, **COM00000018**; *Amending Rules for Jurisdictions in Stage 3*, O.Reg. 642/20, **COM00000020**.

<sup>245</sup> *Arrete numero 2020-004 de la ministre de la Sante et des Services sociaux en date du 15 mars 2020*, **COM00000023**.

<sup>246</sup> *Order in Council 223-2020 ordering of measures to protect the health of the population during the COVID-19 pandemic*, March 24, 2020, **COM00000202**.

<sup>247</sup> See, for example, *Ministerial Order 2020-021 of the Minister of Health and Social Services dated 14 April 2020*, **COM00000165**; *Ministerial Order 2020-025 of the Minister of Health and Social Services dated 19 April 2020*, **COM00000164**.

<sup>248</sup> *Order in Council 500-2020*, May 1, 2020, **COM00000204**.

<sup>249</sup> *Order in Council 539-2020*, May 20, 2020, **COM00000205**.

<sup>250</sup> *Order in Council 520-2020*, May 19, 2020, **COM00000206**.



Joliette, personal services businesses and tourist homes were also allowed to re-open.<sup>251</sup> On June 15, 2020 indoor dining was allowed outside of Montreal, Joliette and Ville de L'Épiphanie.<sup>252</sup> On June 25, 2020 most closure orders were replaced with specific rules respecting how different types of places and businesses were required to operate.<sup>253</sup> In early September 2020 Quebec moved to a regional system. On September 30, 2020 new restrictions were imposed on certain municipalities including Montreal. The new rules included the requirement to close restaurants in food courts, bars, museums, spas and theatres.<sup>254</sup> On December 17, 2020 there was a general tightening of restrictions province-wide. Only priority businesses were permitted to remain open and telework was made mandatory in many situations.<sup>255</sup>

88. New Brunswick closed pools, spas, gyms, libraries, zoos, museums, theatres and most retail locations on March 19, 2020. Restaurants could only offer takeout.<sup>256</sup> On May 8, 2020 dine-in at restaurants was allowed.<sup>257</sup> On May 22, 2020 personal services were allowed to re-open.<sup>258</sup> On June 26, 2020 there was a general re-opening of non-

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<sup>251</sup> *Order in Council 566-2020*, May 27, 2020, **COM00000208**.

<sup>252</sup> *Order in Council 615-2020*, June 10, 2020, **COM00000209**.

<sup>253</sup> *Order in Council 689-2020*, June 25, 2020, **COM00000210**.

<sup>254</sup> *Order in Council 1020-2020*, September 30, 2020, **COM00000215**.

<sup>255</sup> *Pandémie de la COVID-19 - Une pause des Fêtes jusqu'au 10 janvier 2021 inclusivement*, December 15, 2020, **COM00000256**.

<sup>256</sup> *State of emergency declared in response to COVID-19* - March 19, 2020, **COM00000352**.

<sup>257</sup> *Renewed and revised Mandatory Order - COVID-19* - May 8, 2020, **COM00000315**.

<sup>258</sup> *Renewed and revised Mandatory Order - COVID-19* - May 22, 2020, **COM00000321**.

essential businesses.<sup>259</sup> On October 11, 2020 New Brunswick moved to a regional system. In some areas of the province pools, gyms, dance studios, casinos and close-contact personal services were closed.<sup>260</sup>

89. Nova Scotia closed casinos and video lottery terminals on March 16, 2020. On March 19, 2020 restaurants were closed to in-person dining. On March 21, 2020, non-urgent dental services were prohibited. On March 23, most medical service providers were prohibited from providing non-urgent, in-person care services. On March 26, 2020 veterinarians were prohibited from providing non-urgent services in person. On May 1, 2020 golf courses were closed to public use.<sup>261</sup> On June 5, 2020 restaurants were permitted to re-open at 50% capacity and casinos were allowed to re-open.<sup>262</sup> On November 26, 2020, restrictions were imposed on a regional basis. Some areas were required to close restaurants to in-person dining and had to close personal service businesses, museums, libraries and other locations. Retail establishments were limited to 25% capacity.<sup>263</sup>

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<sup>259</sup> *Renewed and revised Mandatory Order - COVID-19 - June 26, 2020, COM00000311.*

<sup>260</sup> *Renewed and revised Mandatory Order - COVID-19 - October 11, 2020, COM00000318.*

<sup>261</sup> *Order of the Medical Officer of Health, May 1, 2020, COM00000219.*

<sup>262</sup> *Order by the Medical Officer of Health - June 5, 2020, COM00000192.*

<sup>263</sup> *Restated Order of the Chief Medical Officer of Health - November 27, 2020, COM00000325.*



90. Newfoundland and Labrador closed gyms, cinemas, theatres, arenas and bars on March 18, 2020. Restaurants were limited to 50% capacity.<sup>264</sup> On March 23, 2020 personal service and non-essential retail businesses were closed, and restaurants were closed to in-person dining.<sup>265</sup> On March 31, 2020 campsites were closed.<sup>266</sup> On June 8, 2020 restaurants, personal services and retail establishments were permitted to re-open subject to a range of health and safety requirements.<sup>267</sup> On June 25, 2020, most other businesses were permitted to re-open, subject to a range of health and safety requirements.<sup>268</sup>

91. Prince Edward Island closed all non-essential services on March 17, 2020, including sporting events, non-essential retail, museums, theatres, bars and personal services. Restaurants were closed to in-person dining.<sup>269</sup> On May 8, 2020, “allowable services” were permitted to operate in addition to essential services. What constituted an allowable service was determined by the Chief Public Health Officer and published on a government website.<sup>270</sup> The list was updated from time to time. On December 7, 2020 retail stores and markets were required to operate at 50% capacity. Restaurants

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<sup>264</sup> *Special Measures Order* - March 18, 2020, **COM00000342**.

<sup>265</sup> *Special Measures Order* - March 23, 2020, **COM00000345**.

<sup>266</sup> *Special Measures Order (Amendment No. 3)* - March 31, 2020, **COM00000350**.

<sup>267</sup> *Special Measures Order (General Alert Level 3)* - June 8, 2020, **COM00000339**.

<sup>268</sup> *Special Measures Order (General Alert Level 2)* - June 25, 2020, **COM00000338**.

<sup>269</sup> *Public Health Order*, March 31, 2020, **COM00000291**.

<sup>270</sup> *Public Health Order*, May 8, 2020, **COM00000303**.

were closed to in-person dining, and gyms, casinos, libraries and a range of other establishments were closed.<sup>271</sup>

92. Yukon closed its bars on March 22, 2020. Restaurants were initially required to reduce to 50% capacity, and then were closed to in-person dining as of March 26, 2020.<sup>272</sup> On April 2, 2020 personal services businesses were closed, and dentists were restricted to providing emergency care.<sup>273</sup> On May 22, 2020 a new measure was passed that kept most businesses closed but would permit re-opening on the basis of authorizations granted by the government. Opened businesses were required to follow additional public health rules.<sup>274</sup>

93. The Northwest Territories closed gyms, museums, bars, theatres and personal services establishments on April 10, 2020. Restaurants were closed to dine-in, and large retailers were subject to social distancing requirements.<sup>275</sup> On May 15, 2020 there was a general re-opening of businesses, though some establishments like pools, bars,

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<sup>271</sup> *PEI COVID-19 Circuit Breaker* – December 7, 2020, **COM00000259**.

<sup>272</sup> *Yukon's Chief Medical Officer of Health provides update on COVID-19* - March 22, 2020, **COM00000383**.

<sup>273</sup> *Civil Emergency Measures Health Protection (COVID-19) Order*, YMO 2020/14, **COM00000032**.

<sup>274</sup> *Civil Emergency Measures Health Protection (COVID-19) Order*, YMO 2020/35, **COM00000035**.

<sup>275</sup> *Backgrounder: Banning Gatherings and Closing Certain Businesses in the Northwest Territories* - April 10, 2020, **COM00000025**.

theatres, and dine-in restaurants remained closed.<sup>276</sup> On July 12, 2020 pools, bars, restaurants and adult education facilities were allowed to re-open.<sup>277</sup>

94. Nunavut closed its bars and restaurants on March 22, 2020.<sup>278</sup> On March 23, 2020 playgrounds and municipal parks were closed.<sup>279</sup> On April 24, 2020 most businesses were required to implement 2-metre social distancing in their establishments or, if that was not possible, limit occupants to 5 people. Dentists and veterinarians were limited to providing emergency care. Personal care businesses were closed.<sup>280</sup> On June 8, 2020 parks were allowed to re-open.<sup>281</sup> On June 15, 2020, dentists and veterinarians were permitted to re-open for non-emergency care.<sup>282</sup> On June 22, 2020 personal services businesses re-opened. Indoor dining at restaurants was permitted at 50% capacity.<sup>283</sup> Starting in November 2020, stricter rules were imposed on regions in response to COVID-19 outbreaks. For example, on November 6, 2020 all non-essential

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<sup>276</sup> *Public Health Order - COVID-19 Relaxing Phase 1* - May 15, 2020, **COM00000286**.

<sup>277</sup> *Public Health Order - COVID-19 Relaxing Phase 2* - July 12, 2020, **COM00000287**.

<sup>278</sup> *Communicable Disease Order* - March 22, 2020, **COM00000057**.

<sup>279</sup> *COVID-19 GN Update* - March 23, 2020, **COM00000066**.

<sup>280</sup> *Order Respecting Social Distancing and Gatherings*, April 24, 2020, **COM00000245**.

<sup>281</sup> *Order Respecting Social Distancing and Gatherings No 3*, June 8, 2020, **COM00000241**.

<sup>282</sup> *Order Respecting Social Distancing and Gatherings No 4*, June 15, 2020, **COM00000242**.

<sup>283</sup> *Order Respecting Social Distancing and Gatherings No 5*, June 22, 2020, **COM00000243**.

businesses were required to close in Sanikiluaq.<sup>284</sup> On December 9, 2020 all non-essential businesses were required to close in Arviat.<sup>285</sup>

## 5.5 Curfews & Stay at Home Orders

95. Ontario announced a province-wide “lockdown” on December 21, 2020 that was set to begin on December 26<sup>th</sup>. Under the lockdown, all indoor events and gatherings were prohibited. Most in-person shopping and all in-person dining was banned. Schools would be closed until at least January 11, 2021.<sup>286</sup> On April 8, 2021, Ontario implemented a “Stay at Home Order”. Under this order, every person was required to remain in their residence unless it was necessary to leave for one of 29 approved reasons, including work, school, obtaining food or medical services, and exercising an aboriginal or treaty right.<sup>287</sup>

96. Quebec imposed a curfew on January 9, 2021. Between 8:00 p.m. and 5:00 a.m., every person was required to remain in their residence unless it was necessary to leave for one of 11 approved reasons, including work, healthcare and schooling. Non-essential businesses were also closed.<sup>288</sup>

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<sup>284</sup> *COVID-19 GN Update* - November 6, 2020, **COM00000067**.

<sup>285</sup> *Measures for Arviat* - December 2, 2020, **COM00000149**.

<sup>286</sup> *Ontario Announces Provincewide Shutdown to Stop Spread of COVID-19 and Save Lives*, December 21, 2020, **COM00000184**; *Amending Rules for Areas in Stage 1*, O.Reg. 779/20, **COM00000014**; *Amending Stages of Reopening*, O.Reg. 780/20, **COM00000021**.

<sup>287</sup> *Stay at Home Order*, O.Reg. 265/21, **COM00000356**.

<sup>288</sup> *Order in Council 2-2021 - Ordering of measures to protect the health of the population amid the COVID-19 Pandemic* - January 8, 2020, **COM00000196**.



## 5.6 Masking Requirements

97. Canada required every person to wear a mask while boarding or travelling on an airplane starting on April 20, 2020.<sup>289</sup> Transport Canada also released guidance for the marine transport and rail sectors related to the use of masks when passengers cannot maintain physical distancing.<sup>290</sup> Masking requirements also applied while in transit to isolation or quarantine.

98. British Columbia imposed a requirement for all persons to wear masks in indoor public settings on November 24, 2020.<sup>291</sup>

99. Alberta imposed a requirement for all students from grades 4-12 to wear masks while in schools and on school buses.<sup>292</sup> On November 24, 2020 persons in the Edmonton and Calgary metropolitan regions were required to wear masks in all indoor public places. The requirement also applied to places of worship in any region in the Province that exceeded certain COVID-19 rates.<sup>293</sup> On December 8, 2020, the requirement to wear a mask in indoor public places was extended Province-wide.<sup>294</sup>

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<sup>289</sup> *New measures introduced for non-medical masks or face coverings in the Canadian transportation system*, April 17, 2020, **COM00000170**.

<sup>290</sup> Transport Canada, *Use of non-medical masks for face coverings in the Canadian transportation system*, April 2020, **COM00000369**.

<sup>291</sup> *Province extends emergency, introduces mask enforcement measures*, November 24, 2020, **COM00000270**.

<sup>292</sup> *CMOH Order 33-2020* - August 29, 2020, **COM00000059**.

<sup>293</sup> *CMOH Order 38-2020* - November 24, 2020, **COM00000052**.

<sup>294</sup> *CMOH Order 41-2020* - December 8, 2020, **COM00000053**.

100. Saskatchewan imposed a requirement to wear masks in 23 categories of indoor locations, including restaurants, hotels, train stations, retail businesses and shopping centres starting on November 6, 2020. This requirement applied to Regina, Saskatoon and Prince Albert.<sup>295</sup> On November 15, 2020, the requirement was expanded to approximately 60 municipalities.<sup>296</sup> On November 19, 2020, the requirement was extended Province-wide.<sup>297</sup>

101. Manitoba imposed a requirement for any person on a public conveyance in parts of the Province to wear a mask starting on September 3, 2020.<sup>298</sup>

102. Ontario imposed a requirement to wear masks in all indoor establishments starting on October 3, 2020.<sup>299</sup>

103. Quebec imposed a requirement to wear masks in most indoor public locations on July 18, 2020.<sup>300</sup> On September 11, 2020 this requirement was expanded to public transit and all indoor locations other than residences.<sup>301</sup> On September 30, 2020, all

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<sup>295</sup> *Public Health Order - Masking* - November 5, 2020, **COM00000293**; *Public Health Order - Masking* - November 6, 2020, **COM00000292**.

<sup>296</sup> *Public Health Order - Masking* - November 15, 2020, **COM00000294**.

<sup>297</sup> *Public Health Order - Masking* - November 18, 2020, **COM00000295**.

<sup>298</sup> *Order Prohibiting Travel Northern Manitoba and Remote Communities* - September 3, 2020, **COM00000237**.

<sup>299</sup> *Amending Rules for Areas in Stage 1*, O.Reg. 654/20, **COM00000013**; *Amending Rules for Areas in Stage 2*, O.Reg. 572/20, **COM00000015**; *Amending Rules for Areas in Stage 3*, O.Reg. 546/20, **COM00000016**.

<sup>300</sup> *Order in Council 810-2020*, July 15, 2020, **COM00000213**.

<sup>301</sup> *Order in Council 947-2020*, September 11, 2020, **COM00000214**.



persons assembling for demonstrations were required to wear a mask, regardless of whether the assembly was indoor or outside.<sup>302</sup>

104. New Brunswick imposed a requirement to wear masks in most indoor locations on October 8, 2020.<sup>303</sup> On October 11, 2020, masking rules began to apply on a regional basis. In some locations, masks were required in all places where people congregate, whether indoors or outside.<sup>304</sup>

105. Nova Scotia imposed a requirement to wear masks while on vehicles that provide transportation to the public, such as public transit, taxis and school buses starting on July 24, 2020. On July 31, 2020, masks became mandatory in enclosed public places such as retail, places of worship, government buildings and train stations.<sup>305</sup>

106. Newfoundland and Labrador imposed a requirement to wear masks in 24 settings on August 24, 2020, including on transit, in retail businesses, common areas of offices, and places of worship.<sup>306</sup>

107. Prince Edward Island imposed a requirement to wear masks in all indoor public places on November 20, 2020.<sup>307</sup>

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<sup>302</sup> *Order in Council 1020-2020*, September 30, 2020, **COM00000215**.

<sup>303</sup> *Masks mandatory in indoor public places - October 8, 2020*, **COM00000148**.

<sup>304</sup> *Renewed and revised Mandatory Order - COVID-19 - October 11, 2020*, **COM00000318**.

<sup>305</sup> *Restated Order of the Chief Medical Officer of Health - July 24, 2020*, **COM00000323**.

<sup>306</sup> *Special Measures Order (Masks) - August 24, 2020*, **COM00000347**.

<sup>307</sup> *Masks to become mandatory in Prince Edward Island, November 17, 2020*, **COM00000147**.



108. Yukon imposed a requirement to wear masks in indoor public places on December 1, 2020.<sup>308</sup>

## 6. The Development and Approval of COVID-19 Vaccines

109. Before a new drug can be marketed for use in Canada, it must first receive regulatory approval from Health Canada.<sup>309</sup> The regulatory review process for new drugs is conducted pursuant to the provisions of Division 8 of Part C of the *Food and Drugs Regulations*, which are regulations made under the *Food and Drugs Act*.

110. Section 30.1 of the *Food and Drugs Act* permits the Minister of Health to make “an interim order that contains any provision that may be contained in a regulation made under this Act if the Minister believes that immediate action is required to deal with a significant risk, direct or indirect, to health, safety or the environment.”<sup>310</sup> An interim order made under the *Act* may only remain in force for 14 days, unless it is subsequently approved by the Governor in Council. If an interim order receives this approval, it may remain in force for a maximum of one year.<sup>311</sup>

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<sup>308</sup> *Civil Emergency Measures Masks in Indoor Public Spaces (COVID-19) Order*, YMO 2020/71, **COM00000033**.

<sup>309</sup> Health Canada, *How Drugs are Reviewed in Canada*, **COM00000114**.

<sup>310</sup> *Food and Drugs Act*, RSC 1985, c F-27, s 30.1(1).

<sup>311</sup> *Food and Drugs Act*, RSC 1985, c F-27, s 30.1(2).

111. On March 18, 2020, the Minister of Health made an interim order related to the importation and sale of medical devices for use in relation to COVID-19.<sup>312</sup> In a press release accompanying this interim order, Health Canada stated:

In an effort to facilitate earlier access to a vaccine, or therapeutic product for COVID-19, the Department will expedite the review of any COVID-19 related health product submissions and applications. Doing this will ensure timely access to novel therapies without compromising the safety, efficacy and quality of products.<sup>313</sup>

112. On September 16, 2020, the Minister of Health made the *Interim Order Respecting the Importation, Sale and Advertising of Drugs for Use in Relation to COVID-19* (“Interim Order”).<sup>314</sup> On September 25, 2020 the Interim Order was approved by the Governor in Council.<sup>315</sup> As a result, it could remain in effect until September 16, 2021.

113. The Interim Order provided an alternative pathway for COVID-19 drugs to be approved than the one under the *Food and Drugs Regulations*. In particular, the Interim Order contemplated that applicants could file further information through the course of Health Canada’s review as it became available – also known as a rolling application –

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<sup>312</sup> *Interim order respecting the importation and sale of medical devices for use in relation to COVID-19*, March 18, 2020, **COM00000126**.

<sup>313</sup> Health Canada, *Notice: Expedited Review of Health Product Submissions and Applications to address COVID-19*, March 18, 2020, **COM00000115**.

<sup>314</sup> *Interim Order Respecting the Importation, Sale and Advertising of Drugs for Use in Relation to COVID-19*, September 16, 2020 [*Interim Order*], **COM00000128**.

<sup>315</sup> Order in Council PC 2020-0682, *Order approving the Interim Order Respecting the Importation, Sale and Advertising of Drugs for use in Relation to COVID-19, made by the Minister of Health on September 15, 2020 in order to allow the issuance of an expedited authorization for the importation, sale and advertising of drugs used in relation to COVID-19*, September 25, 2020, **COM00000217**.

as opposed to filing all information at the outset.<sup>316</sup> The Interim Order also allowed for “pre-positioning” COVID-19 drugs prior to their approval. Under this process, under certain circumstances COVID-19 drugs that had not yet been approved could be imported into Canada and distributed pending Health Canada approval for its use.<sup>317</sup>

114. Under the Interim Order, the Minister of Health must issue an authorization if the applicant had filed a complete application; the applicant had provided the Minister with all additional information or materials requested; and

The Minister has sufficient evidence to support the conclusion that the benefits associated with the drug outweigh the risks, having regard to the uncertainties relating to the benefits and risks and the necessity of addressing the urgent public health need related to COVID-19.<sup>318</sup>

115. On October 9, 2020, Pfizer-BioNTech applied to Health Canada for an authorization under the Interim Order for an mRNA vaccine that it had developed. Health Canada granted the authorization on December 9, 2020.<sup>319</sup>

116. On October 12, 2020, Moderna applied to Health Canada for an authorization under the Interim Order for an mRNA vaccine that it had developed. Health Canada granted the authorization on December 23, 2020.<sup>320</sup>

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<sup>316</sup> Health Canada, *Explanatory Note – Interim Order Respecting the Importation, Sale and Advertising of Drugs for Use in Relation to COVID-19*, **COM00000107**.

<sup>317</sup> *Interim Order*, ss 28-30, **COM00000128**.

<sup>318</sup> *Interim Order*, s 5, **COM00000128**.

<sup>319</sup> Health Canada, *Health Canada authorizes first COVID-19 vaccine*, December 9, 2020, **COM00000111**.

<sup>320</sup> Health Canada, *Health Canada authorizes Moderna COVID-19 vaccine*, December 23, 2020, **COM00000113**.



117. On October 1, 2020, AstraZeneca applied to Health Canada for an authorization under the Interim Order for a recombinant vaccine that it had developed. On January 23, 2021, Verity Pharmaceuticals Inc. and the Serum Institute of India, in partnership with AstraZeneca Canada, applied for an authorization under the Interim Order for their own version of the same recombinant vaccine. Health Canada granted both authorizations on February 26, 2021.<sup>321</sup> On March 29, 2021, the National Advisory Committee on Immunization recommended pausing the use of these vaccines on persons under the age of 55.<sup>322</sup>

118. On November 30, 2020 Janssen Inc. applied to Health Canada for an authorization under the Interim Order for a recombinant vaccine that it had developed. Health Canada granted the authorization on March 5, 2021.<sup>323</sup>

119. On January 29, 2021 Novavax applied to Health Canada for an authorization under the Interim Order for a protein-based vaccine that it had developed. On August

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<sup>321</sup> Health Canada, *Health Canada authorizes AstraZeneca and Verity Pharmaceuticals Inc./Serum Institute of India COVID-19 Vaccines*, February 26, 2021, **COM00000109**.

<sup>322</sup> David Cochrane and John Paul Tasker, "Suspend AstraZeneca use for people under 55, vaccine committee recommends", CBC News, March 29, 2021, **COM00000605**; David Ljunggren and Allison Martell, "Canada pauses AstraZeneca COVID-19 vaccine use for those under 55, wants new risk analysis", Reuters, March 29, 2021, **COM00000604**.

<sup>323</sup> Health Canada, *Health Canada authorizes Janssen COVID-19 vaccine*, March 5, 2021, **COM00000110**.



27, 2021 it filed a submission under the *Food and Drug Regulations* for the same vaccine. Health Canada granted the authorization on February 17, 2022.<sup>324</sup>

120. On March 17, 2021 the Government of Canada published amendments to the *Food and Drug Regulations* to incorporate some aspects of the Interim Order prior to its expiry. The amendments, once in force allowed for the continued sale of COVID-19 drugs that had been authorized under the Interim Order, and to permit manufacturers of COVID-19 drugs continued access to flexibilities that existed under the Interim Order for the approval of drugs.<sup>325</sup>

121. On April 19, 2021, Medicago applied to Health Canada for an authorization under the *Food and Drug Regulations* for a plant-based vaccine. Health Canada granted the authorization on February 24, 2022.<sup>326</sup>

122. Initial supplies of vaccines were limited in late 2020 and early 2021. Government reported data indicate that the rate of administration began to increase in March 2021 and peaked in July 2021. The number of doses administered in Canada also increased in January 2022 with most being attributed to third doses.<sup>327</sup>

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<sup>324</sup> Health Canada, *Health Canada authorized Novavax's Nuvaxovid COVID-19 vaccine*, February 17, 2022, **COM00000106**.

<sup>325</sup> *Regulations Amending the Food and Drug Regulations (Interim Order Respecting the Importation, Sale and Advertising of Frugs for Use in Relation to COVID-19)*, SOR/2021-45, **COM00000307**.

<sup>326</sup> Health Canada, *Health Canada authorizes Medicago COVID-19 vaccine for adults 18 to 64 years of age*, February 24, 2022, **COM00000112**.

<sup>327</sup> Canada, *Number of COVID-19 vaccine doses administered in Canada every 4 weeks by dose number*, July 17, 2022, **COM00000181**.



123. Health Canada reported that at the start of 2022, 76.83% of all Canadians had been fully vaccinated, including 87.57% of persons 12 years of age and older.<sup>328</sup>

## 7. Public Health Measures Instituted by Canadian Authorities Related to Vaccines

124. Following the introduction of approved vaccines in Canada, governments continued to maintain a range of public health measures in response to COVID-19. They also introduced new measures that related to COVID-19 vaccination. It would be beyond the scope of this report to comprehensively review all of these measures. This section focuses on vaccine-related rules, policies and guidelines that were adopted by public officials in Canada.

### 7.1 Access to Public Places

125. After vaccines had become generally available to the public in Canada, a number of governments implemented rules limiting access to certain locations to persons who were vaccinated. Commonly referred to as “vaccine passport” rules, these rules required persons in charge of businesses or other places to require patrons to show proof of vaccination before being allowed entry. These rules were normally coupled with official government documents that could be used by persons to demonstrate their vaccination status.

126. British Columbia made an order on September 10, 2021 that phased in the requirement for individuals to show proof of vaccination to attend an indoor gathering of

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<sup>328</sup> Health Canada, *COVID-19 Vaccination in Canada*, January 7, 2022, **COM00000108**.

more than 50 people for social or entertainment purposes. This restriction began to apply on September 13, 2021, and applied to sports events, concerts, performances, wedding receptions, festivals, indoor fitness and other places and activities.<sup>329</sup> On April 8, 2022, the Province lifted all requirements to show proof of vaccination to access non-essential events, services and businesses.<sup>330</sup>

127. Alberta established a “Restrictions Exemption Program” that began to take effect on September 17, 2021. Under this program, qualifying businesses could elect to require all customers to provide proof of vaccination to gain access. If they did so, they would be exempted from several other public health restrictions. Eligible businesses included restaurants, cinemas, recreational facilities, and venues for weddings and funerals.<sup>331</sup> On February 8, 2022, as part of a broad loosening of public health measures, the Restriction Exemption Program was ended.<sup>332</sup>

128. Saskatchewan made an order on September 30, 2021 that required customers to provide either proof of vaccination or a negative COVID-19 test in order to access a range of indoor locations, including restaurants, bars, casinos, theatres, cinemas, music

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<sup>329</sup> *Order of the Provincial Health Officer - Gatherings and Events*, September 10, 2021, **COM00000226**.

<sup>330</sup> British Columbia, *B.C. takes next step in balanced plan to lift COVID-19 restrictions*, March 10, 2022, **COM00000024**.

<sup>331</sup> *CMOH Order 42-2021*, September 16, 2021, **COM00000054**; *CMOH Order 43-2021*, September 18, 2021, **COM00000056**.

<sup>332</sup> Lisa Johnson, "COVID-19: Alberta's vaccine passport program lifted as of midnight Tuesday" *Edmonton Journal*, February 9, 2022, **COM00000141**; Kieran Leavitt, "Alberta ends its vaccine passport: 'These restrictions have led to terrible division'" *Toronto Star* February 8, 2022, **COM00000135**.



venues, sporting events, and gyms.<sup>333</sup> On November 5, 2021 visitors to acute care facilities were required to provide proof of vaccination or a negative COVID-19 test in order to enter.<sup>334</sup> On February 14, 2022 these requirements ended.<sup>335</sup>

129. Manitoba made an order on September 2, 2021 requiring proof of vaccination to enter certain businesses and locations, including bars, theatres, outdoor performing arts events, museums, galleries, indoor sports facilities, gyms and casinos.<sup>336</sup>

130. Ontario made a regulation requiring proof of vaccination as of September 21, 2021 to access certain indoor locations, such as restaurants, bars, nightclubs, meeting spaces, concerts and sporting events.<sup>337</sup> On March 17, 2022 Ontario announced that it was removing its proof of vaccination requirements effective March 1, 2022.<sup>338</sup>

131. Quebec required proof of vaccination as of September 1, 2021 to access certain non-essential businesses or activities. These included bars, restaurants, theatres, zoos

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<sup>333</sup> *Public Health Order - Proof of COVID-19 Vaccination or Negative Test*, September 30, 2021, **COM00000296**.

<sup>334</sup> Saskatchewan Health Authority, *SHA Proof of Vaccination or Negative Test Policy for Family/Support People and Visitors Comes Into Effect Monday*, November 5, 2021, **COM00000336**.

<sup>335</sup> Saskatchewan Health Authority, *COVID-19 UPDATE: What to Expect After February 14, 2022 in Saskatchewan Health Authority Facilities*, February 11, 2022, **COM00000077**.

<sup>336</sup> *COVID-19 Prevention Orders*, September 2, 2021, **COM00000073**.

<sup>337</sup> Ontario, *Ontario to Require Proof of Vaccination in Select Settings*, September 1, 2021, **COM00000189**; *Amending Rules for Areas at Step 3 and at the Roadmap Exit Step*, O.Reg. 645/21, **COM00000012**.

<sup>338</sup> Ontario, *Ontario Moving to Next Phase of Reopening on February 17*, February 14, 2022, **COM00000187**.

and indoor sports.<sup>339</sup> On October 14, 2021 Quebec announced that starting on October 15, visitors to hospitals and long-term care homes were required to provide proof of vaccination or a negative COVID-19 test in order to enter.<sup>340</sup> On March 12, 2022, Quebec removed its requirements to provide proof of vaccination to access places.<sup>341</sup>

132. New Brunswick announced on September 15, 2021 that starting on September 21 it would require persons to provide proof of vaccination to access a range of indoor locations, including indoor sporting events, performing arts, bars, restaurants, cinemas, nightclubs, gyms, pools, long-term care homes, as well as indoor organized gatherings such as weddings and funerals.<sup>342</sup> On February 28, 2022, New Brunswick removed its requirements to provide proof of vaccination to access places.<sup>343</sup>

133. Nova Scotia made an order on October 1, 2021 requiring persons as of October 4 to provide proof of vaccination to attend non-essential events and activities such as

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<sup>339</sup> Quebec, *Pandémie de la COVID-19 – Québec dévoile les détails entourant le déploiement du passeport vaccinal*, August 24, 2021, **COM00000255**.

<sup>340</sup> Quebec, *Pandémie de la COVID-19 - Le passeport vaccinal obligatoire pour accéder aux établissements de santé et aux milieux de vie à partir du 15 octobre*, October 14, 2021, **COM00000251**.

<sup>341</sup> Quebec, *Places and activities requiring the COVID-19 Vaccination Passport*, March 14, 2022, **COM00000262**.

<sup>342</sup> New Brunswick, *New regulations introduced to increase vaccination rates and slow the spread of COVID-19*, September 15, 2021, **COM00000171**.

<sup>343</sup> New Brunswick, *Provincial COVID-19 restrictions to be lifted March 14*, February 24, 2022, **COM00000274**.

restaurants, cinemas, theatres and gyms.<sup>344</sup> On February 28, 2022 Nova Scotia removed its requirements to provide proof of vaccination to access places.<sup>345</sup>

134. Newfoundland and Labrador made an order on October 7, 2021 requiring persons as of October 22 to provide proof of vaccination to enter certain businesses or events such as indoor gyms, indoor sports facilities, bars, indoor restaurants, cinemas, personal services businesses and car dealerships. It also applied to gatherings of any size hosted at venues that are used to host gatherings, such as meeting spaces or conference facilities. The order did not apply to faith gatherings, but if vaccination status was not checked at these gatherings, additional public health measures would apply.<sup>346</sup> On March 14, 2022, Newfoundland and Labrador removed its requirements to provide proof of vaccination to access places.<sup>347</sup>

135. Prince Edward Island required as of October 5, 2021 that persons provide proof of vaccination to access certain places and events, such as sporting events, concerts, wedding and funeral receptions, conferences, restaurants, bars, indoor gyms, and

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<sup>344</sup> Restated Order #3 of the Chief Medical Officer of Health Under Section 32 of the Health Protection Act, October 1, 2021, **COM00000319**.

<sup>345</sup> Restated Order #5 of the Chief Medical Officer of Health Under Section 32 of the Health Protection Act, February 28, 2022, **COM00000320**.

<sup>346</sup> Special Measures Order (Proof of Vaccination Status), October 7, 2021, **COM00000344**.

<sup>347</sup> Public Health Emergency Cancellation Declaration, March 13, 2022, **COM00000277**.

cinemas.<sup>348</sup> On February 28, 2022 Prince Edward Island removed its requirements to provide proof of vaccination to access places.<sup>349</sup>

136. Yukon required as of November 10, 2021 that persons provide proof of vaccination in order to attend certain places such as bars, restaurants, gyms, recreational facilities, art galleries, theatres, and hair and nail salons.<sup>350</sup> On March 18, 2022, Yukon removed its requirements to provide proof of vaccination to access places.<sup>351</sup>

## 7.2 Employment & Work

137. Governments across Canada implemented numerous rules related to vaccination requirements for workers. These rules took a wide variety of forms, ranging from requirements imposed directly on public sector workers, to directions to certain categories of employers to develop COVID-19 vaccination policies. The specific requirements of these rules also varied significantly, ranging from requiring unvaccinated workers to comply with additional health and safety rules to placing workers on indefinite unpaid leaves of absence. These policies generally provided for

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<sup>348</sup> Prince Edward Island, *Province releases more information on the PEI Vax Pass*, October 1, 2021, **COM00000272**.

<sup>349</sup> Prince Edward Island, *Self-isolation changes for close contacts and unvaccinated travelers; PEI Vax Pass to be discontinued; booster doses now available for those 12 to 17 years of age*, February 23, 2022, **COM00000334**.

<sup>350</sup> Yukon, *Vaccination requirements for designated settings introduced to protect public health*, November 10, 2021, **COM00000377**.

<sup>351</sup> Yukon, *Masking and proof of vaccination requirements lifted*, March 18, 2022, **COM00000146**.



exemptions for individual workers who could demonstrate that they could not become vaccinated due to medical – and sometimes other – reasons.

138. Canada implemented a policy on October 6, 2021 that required all core public administration workers, including members of the RCMP, to attest to their vaccination status by October 29, 2021. Workers who did not comply or who were unwilling to become vaccinated within 2 weeks of this deadline would be placed on an unpaid leave of absence. Additional timelines applied to partially vaccinated individuals.<sup>352</sup>

139. Members of the Canadian Armed Forces were also subject to an October 29, 2021 deadline to provide an attestation of their vaccination status. Members who did not comply would be given a grace period until November 15, 2021, and then were subject to “remedial or alternative administrative measures.”<sup>353</sup>

140. On November 15, 2021 Canada implemented a vaccination requirement for contractors who required access to federal government workplaces.<sup>354</sup>

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<sup>352</sup> Treasury Board Secretariat, *Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police*, October 6, 2021, **COM00000266**.

<sup>353</sup> Chief of Defense Staff, *Directive on CAF COVID-19 Vaccination*, October 2021, **COM00000574**; Chief of Defense Staff, *CDS Directive 002 on CAF COVID-19 – Vaccination – Implementation of Accommodations and Administrative Action*, November 2021, **COM00000573**.

<sup>354</sup> Public Services and Procurement Canada, *COVID-19 vaccination requirement for supplier personnel*, **COM00000078**.



141. On June 20, 2022 the vaccination policy for the federal core public administration was suspended by the federal government. Separate agencies and crown corporations were asked to also suspend their vaccination policies.<sup>355</sup>

142. Canada made an order on October 29, 2021 that required as of November 15, 2021 all federal regulated air sector employers, including air carriers and airports, to implement a mandatory vaccination policy for their employees and contractors.<sup>356</sup> This requirement was removed on May 19, 2022.<sup>357</sup>

143. Canada made an order on October 29, 2021 that required as of October 30, 2021 all interprovincial or international rail carriers to either implement a company-wide vaccination policy or verify proof of vaccination for their operating employees.<sup>358</sup> This requirement was removed on June 20, 2022.<sup>359</sup>

144. Canada made an order on October 30, 2021 that required as of November 15, 2021 that operators of most ships on Canadian waters implement a mandatory

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<sup>355</sup> Treasury Board Secretariat, *Backgrounder: Government of Canada suspends mandatory vaccination for federal employees*, **COM00000363**.

<sup>356</sup> *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19*, No. 43, October 29, 2021, **COM00000119**.

<sup>357</sup> *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19*, No. 63, May 19, 2022, **COM00000121**.

<sup>358</sup> *Order pursuant to Section 32.01 of the Railway Safety Act (MO 21-07) Vaccination Mandate for Employees*, October 29, 2021, **COM00000238**.

<sup>359</sup> *Order pursuant to Section 32.01 of the Railway Safety Act (MO 22-02) Order Ending Vaccination Mandates for Passengers and Employees*, **COM00000240**.

vaccination policy for their crews.<sup>360</sup> On June 19, 2022 these rules were narrowed in scope to apply only to certain cruise ships.<sup>361</sup>

145. On December 17, 2021 the federal government announced that it intended to make regulations under the *Canada Labour Code* that would require vaccination for all workers in federally regulated sectors. In its announcement, the government indicated it was hoping to have these regulations in place by early 2022.<sup>362</sup> In mid-December, the Labour Program of Employment and Social Development Canada released a consultation paper on these proposed regulations.<sup>363</sup> On June 14, 2022, the Government of Canada announced that it was no longer moving forward with these proposed regulations.<sup>364</sup>

146. British Columbia made an order on September 27, 2021 that required as of October 12 that all staff in long-term care homes be vaccinated.<sup>365</sup> On October 21, 2021

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<sup>360</sup> *Interim Order No. 7 Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)*, October 30, 2021, **COM00000118**.

<sup>361</sup> *Interim Order Respecting Cruise Ship Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)*, June 19, 2022, **COM00000124**.

<sup>362</sup> Employment and Social Development Canada, *Government of Canada will require employees in all federally regulated workplaces to be vaccinated against COVID-19*, December 7, 2021, **COM00000097**.

<sup>363</sup> Employment and Social Development Canada, *Consultation Paper: COVID-19 Vaccination Regulations*, **COM00000060**.

<sup>364</sup> Canada, *Suspension of the vaccine mandates for domestic travelers, transportation workers and federal employees*, June 14, 2022, **COM00000603**.

<sup>365</sup> *Order of the Provincial Health Officer - COVID-19 Vaccination Status Information and Preventative Measures Order*, September 27, 2021, **COM00000220**.

a similar order was made that applied as of October 26 to all health services staff.<sup>366</sup> On October 5, 2021, the government announced that all public servants would need to be vaccinated by November 22, 2021.<sup>367</sup> On November 1, 2021, this requirement was extended to government contractors who accessed government workplaces, with a December 13 deadline to become vaccinated.<sup>368</sup>

147. Alberta implemented a policy on September 30, 2021 requiring all public servants to be vaccinated by November 30 or else provide their employer a PCR COVID-19 test taken within 72 hours of every shift. After December 14, 2021, employees became responsible for paying for their own tests.<sup>369</sup> This policy ended on March 1, 2022.<sup>370</sup>

148. Alberta Health Services adopted a policy on September 14, 2021 that required its employees to be fully vaccinated by October 31, 2021 or else be placed on a leave of absence without pay.<sup>371</sup> The deadline was extended on October 22, 2021 to November

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<sup>366</sup> *Order of the Provincial Health Officer - Hospital and Community (Health Care and Other Services) COVID-19 Vaccination Status Information and Preventive Measures*, October 21, 2021, **COM00000228**.

<sup>367</sup> British Columbia, *Proof of vaccination for BC public service to increase workplace confidence, stop spread*, October 5, 2021, **COM00000268**.

<sup>368</sup> *B.C. finalizes proof of vaccination policy to protect workers*, November 1, 2021, **COM00000022**.

<sup>369</sup> *New vaccination policy for Alberta Public Servants*, September 30, 2021, **COM00000172**.

<sup>370</sup> Adam Toy, "Hybrid return-to-work setup not guaranteed for Alberta public servants" *Global News*, March 3, 2022, **COM00000017**; "Vaccine mandate ended for Alberta public servants, premier says" *CBC*, March 3, 2022, **COM00000382**.

<sup>371</sup> Alberta Health Services, *Immunization of Workers for COVID-19*, September 14, 2021, **COM00000005**.





30.<sup>372</sup> On November 29, 2021 the deadline was extended to December 13, and for certain sites that were at risk of a significant staffing shortage, the consequence for non-compliance was changed from leave without pay to mandatory COVID-19 testing.<sup>373</sup> The policy ended for existing employees as of March 10, 2022,<sup>374</sup> and for new hires as of July 18, 2022.<sup>375</sup>

149. Saskatchewan made a regulation under the *Saskatchewan Employment Act* that required as of October 1, 2021 that all public employers, including the core public service, crown corporations and agencies, implement a policy that requires workers to either be vaccinated or else provide an approved COVID test every week.<sup>376</sup> At the same time, it made a second regulation that permitted, but did not require, private sector employers to adopt such a policy.<sup>377</sup>

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<sup>372</sup> Alberta Health Services, *AHS extends mandatory COVID-19 immunization deadline*, October 22, 2021, **COM00000002**.

<sup>373</sup> Alberta Health Services, *Health-care workers vaccine policy updated*, November 29, 2021, **COM00000116**.

<sup>374</sup> Alberta Health Services, *AHS mandatory vaccination policy lifted*, March 8, 2022, **COM00000003**.

<sup>375</sup> Alberta Health Services, *AHS will no longer require COVID-19 immunization as condition of employment*, July 18, 2022, **COM00000004**.

<sup>376</sup> *Public Employers' COVID-19 Emergency Regulations*, RRS c S-15.1 Reg 12, **COM00000275**.

<sup>377</sup> *Employers' COVID-19 Emergency Regulations*, RRS c S-15.1 Reg 13, **COM00000096**.



150. The Saskatchewan Health Authority adopted a policy on October 1, 2021 requiring all employees to become vaccinated, or else be subject to a testing program at their own cost.<sup>378</sup>

151. Manitoba made an order on September 24, 2021 that required as of October 18 that certain workers become fully vaccinated or else supply a rapid antigen test taken within 48 hours of every shift. The order applied to all healthcare personnel, school staff, home care workers, paramedics, certain public servants, and others that work with vulnerable populations.<sup>379</sup> The order was rescinded on March 1, 2022.<sup>380</sup>

152. Ontario adopted a policy on August 19, 2021 that required all public servants to become vaccinated or else undergo regular rapid antigen testing.<sup>381</sup> This policy was lifted on April 4, 2022.

153. On August 17, 2021, Ontario made an order that required all hospitals, home care service providers and ambulance services to adopt a policy that required employees to provide proof of vaccination or proof of a medical exemption. Employers could also give workers a third option: taking an educational program on the benefits of

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<sup>378</sup> Saskatchewan Health Authority, *Policy Directive: Proof of Full COVID-19 Vaccination*, October 1, 2021, **COM00000329**; Saskatchewan Health Authority, *Proof of Full COVID-19 Vaccination Policy Directive - Questions and Answers*, **COM00000331**.

<sup>379</sup> *Orders Requiring Vaccination or Testing for Designated Persons*, September 24, 2021, **COM00000249**.

<sup>380</sup> Manitoba, *Public Health Orders Remove Proof of Vaccination Requirements*, March 1, 2022, **COM00000304**.

<sup>381</sup> Ontario, *Mandatory COVID-19 Vaccination and Testing Policy for Ontario Public Servants*, August 19, 2021, **COM00000139**.

vaccination. Workers who were unvaccinated either due to an exemption or because they elected to take the education course (if offered) would have to undergo regular rapid antigen testing. These policies had to be implemented by September 7, 2021.<sup>382</sup> On March 9, 2022 this directive was revoked effective March 14.<sup>383</sup>

154. Ontario's Minister of Long-Term Care issued a directive on July 1, 2021 requiring long-term care homes to adopt policies that required all employees to become vaccinated, provide a valid exemption, or else take an educational course. All unvaccinated workers would be required to undergo regular rapid antigen testing.<sup>384</sup> This directive was revoked on March 14, 2022.

155. Ontario's Minister of Education announced on August 17, 2021 that all school boards would be required to adopt policies by September 7 that required all employees to become vaccinated, provide a valid exemption, or else take an educational course. All unvaccinated workers would be required to undergo regular rapid antigen testing.<sup>385</sup>

156. On August 30, 2021, Ontario required post-secondary education institutions to adopt policies by September 7 that required all employees to become vaccinated or provide a valid exemption. Institutions could also give workers a third option: taking an

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<sup>382</sup> *Directive 6 Issued Under Section 77.7 of the Health Protection and Promotion Act*, August 17, 2021, **COM00000090**.

<sup>383</sup> Chief Medical officer of Health of Ontario, *Memorandum re Revocation of Chief Medical Officer of Health Directive #6*, March 9, 2022, **COM00000150**.

<sup>384</sup> *Minister's Directive: Long-term care home COVID-19 immunization policy*, July 1, 2021, **COM00000168**.

<sup>385</sup> Ontario Ministry of Education, *School board implementation resource guide - updated*, September 1, 2020, **COM00000188**.

educational program on the benefits of vaccination. Workers who were unvaccinated would have to undergo regular rapid antigen testing.<sup>386</sup>

157. Ontario required a range of community service providers to adopt policies by September 23, 2021 that required all employees to become vaccinated, provide a valid exemption, or else take an educational course on the benefits of vaccination. Covered employers included service providers for persons with autism, fetal alcohol spectrum disorder, developmental disabilities, as well as vulnerable populations such as survivors of intimate partner violence or human trafficking. The requirement to have these policies ended on March 14, 2022.<sup>387</sup>

158. Quebec imposed a requirement on September 7, 2021 that all health and social services workers, including doctors, nurses and midwives had to become vaccinated by October 1, 2021.<sup>388</sup> This deadline was originally extended to November 15. Then, in early November, the requirement was abandoned, and replaced with a requirement for new hires to be vaccinated. Unvaccinated workers were excluded from getting certain COVID-related bonus payments.<sup>389</sup>

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<sup>386</sup> *Instructions issued by the Office of the Chief Medical Officer of Health, August 30, 2021, COM00000117.*

<sup>387</sup> *Vaccination Policy - Implementation Guidelines issued by the Ministry of Children, Community and Social Services, COM00000587.*

<sup>388</sup> *Quebec, Pandémie de COVID-19 - Le gouvernement du Québec annonce la vaccination obligatoire des intervenants de la santé et des services sociaux, September 7, 2021, COM00000248.*

<sup>389</sup> *Quebec, Pour maintenir les services essentiels - Les intervenants de la santé et des services sociaux non adéquatement protégés pourront continuer de travailler sous plusieurs conditions, November 3, 2021, COM00000265.*



159. New Brunswick adopted a policy on September 15, 2021 that required workers in communal setting such as assisted living facilities and shelters to either be fully vaccinated to undergo regular testing.<sup>390</sup> On October 5, 2021, the government adopted a policy that required all workers in the civil service, education sector, healthcare and in Crown corporations to become vaccinated by November 19, 2021 or else be placed on a leave of absence without pay.<sup>391</sup> On March 28, 2022 these policies were lifted for most workers.<sup>392</sup> Those in the nursing home and adult residential facilities sector were still subject to a vaccination requirement until April 1, 2022.<sup>393</sup>

160. Nova Scotia adopted a policy on September 29, 2021 requiring all employees of the Nova Scotia Health Authority, long-term care homes, public schools, and paramedics to become vaccinated by November 30 or else be placed on a leave of absence without pay.<sup>394</sup> This policy was expanded to all public servants on October 6, 2021, with a deadline of November 20 to become vaccinated.<sup>395</sup> On March 21, 2022,

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<sup>390</sup> New Brunswick, *New regulations introduced to increase vaccination rates and slow the spread of COVID-19*, September 15, 2021, **COM00000171**.

<sup>391</sup> New Brunswick, *One death reported / two-week circuit breaker in high-case areas beginning Friday at 6 p.m. / single households for all of New Brunswick for long weekend*, October 5, 2021, **COM00000182**.

<sup>392</sup> New Brunswick, *Updated vaccination policy for provincial government employees*, March 18, 2022, **COM00000368**.

<sup>393</sup> New Brunswick, *Revised vaccination policy for provincial government employees in vulnerable sectors*, April 1, 2022, **COM00000326**.

<sup>394</sup> Nova Scotia, *Vaccination Mandate Covers Healthcare, Long-Term Care Workers, Paramedics, Teachers, Others*, September 29, 2021, **COM00000372**.

<sup>395</sup> Nova Scotia, *Vaccination Required for Provincial Government Employees*, October 6, 2021, **COM00000375**.

unvaccinated workers who did not work in high-risk settings were permitted to return to work.<sup>396</sup>

161. Newfoundland and Labrador adopted a policy on October 15, 2021 that required all government employees, contractors and vendors to become fully vaccinated by December 17. The government indicated that non-compliance could result in leave of absence without pay.<sup>397</sup> On December 17, 2021 the Government made a regulation requiring that employees of long-term care homes, assisted and community living, private schools, post-secondary institutions, fire departments, regulated childcare, arenas, indoor gyms, restaurants, bars, cinemas and personal care services become vaccinated.<sup>398</sup> Both sets of requirements ended on June 1, 2022.<sup>399</sup>

162. Prince Edward Island made an order on September 3, 2021 that all staff of long-term care homes and community care facilities must become vaccinated by September 7 or else be subject to regular testing.<sup>400</sup> On September 22, 2021 Prince Edward Island made an order requiring public employers, including the government, schools,

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<sup>396</sup> Keith Doucette, "Nova Scotia government workers who refused COVID 19 shot can return to work March 21" *Global News*, March 10, 2022, **COM00000138**; "Nova Scotia government workers who refused COVID-19 vaccine can return to work March 21", *CTV News Atlantic*, March 10, 2022, **COM00000175**.

<sup>397</sup> Treasury Board Secretariat, *Mandatory Vaccination Policy*, October 15, 2021, **COM00000367**.

<sup>398</sup> *COVID-19 Vaccine Regulations*, NLR 57/21, **COM00000080**.

<sup>399</sup> *COVID-19 Vaccine Regulations*, NLR 57/21, **COM00000080**; Newfoundland and Labrador, *Mandatory Vaccination*, June 1, 2022, **COM00000145**.

<sup>400</sup> *Vaccination Information and Testing Policy Order for Community Care Facilities, Long-Term Care Facilities and Nursing Homes*, September 3, 2021, **COM00000373**.

residential treatment providers and Crown corporations to mandate their employees become vaccinated by September 24, 2021 or else be subject to regular testing.<sup>401</sup> Both sets of requirements were revoked on March 17, 2022.<sup>402</sup>

163. Yukon adopted a policy on November 10, 2021 requiring all government employees, including teachers and all front-line healthcare workers to be vaccinated by November 30.<sup>403</sup> On April 4, 2022 this requirement was lifted for all workers except those in high-risk setting such as healthcare facilities and shelters.<sup>404</sup> These requirements were fully repealed on July 14, 2022.<sup>405</sup>

164. The Northwest Territories adopted a policy on September 27, 2021 requiring all employees who work with vulnerable populations, including healthcare workers, teachers, corrections, and those who travel to remote communities, to become fully vaccinated by November 30.<sup>406</sup> On October 18, 2021 this policy was extended to all

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<sup>401</sup> *Vaccination Information and Testing Policy Order for Front-Line Public Service Providers*, September 22, 2021, **COM00000374**.

<sup>402</sup> *Vaccination Information and Testing Policy Order for Front-Line Public Service Providers*, March 17, 2022, **COM00000370**; *Vaccination Information and Testing Policy Order for Community Care Facilities, Long-Term Care Facilities and Nursing Homes*, March 17, 2022, **COM00000371**.

<sup>403</sup> Yukon, *Vaccination requirements for designated settings introduced to protect public health*, November 10, 2021, **COM00000377**.

<sup>404</sup> Yukon, *Vaccination requirement lifted for most workers*, April 4, 2022, **COM00000376**.

<sup>405</sup> Yukon, *Update on COVID-19 in the Yukon*, July 14, 2022, **COM00000365**.

<sup>406</sup> Northwest Territories, *Vaccination Requirements for GNWT Employees*, September 27, 2021, **COM00000378**.

public servants.<sup>407</sup> On March 1, 2022 the policy was again narrowed to workers who work directly with vulnerable populations.<sup>408</sup> On March 28, 2021, the government announced that the policy would be revoked effective April 1, but that workplace specific requirements could still apply for some workers.<sup>409</sup>

165. Nunavut adopted a policy on November 30, 2021 that required some frontline health staff, such as nurses, midwives, and employees of continuing care centres to become vaccinated by January 10, 2022 or else be subject to regular testing.<sup>410</sup>

### 7.3 Travel & Movement

166. When COVID-19 vaccines became widely available to the public, some Canadian jurisdictions began to adopt rules impacting travel, particularly related to movement across borders. Some of these measures were implemented by provinces. For example, on June 8, 2021, Manitoba announced that persons entering the province would no longer be required to self-isolate for 14 days.<sup>411</sup> Nova Scotia adopted an order on September 9, 2021 requiring unvaccinated travellers from outside of Atlantic Canada

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<sup>407</sup> Northwest Territories, *Vaccination Requirements will now apply to all GNWT employees*, October 18, 2021; *Amended COVID-19 Vaccination Policy*, October 18, 2021, **COM00000379**.

<sup>408</sup> Northwest Territories, *GNWT revises implementation of Employee Vaccination Policy*, February 28, 2022, **COM00000103**.

<sup>409</sup> Northwest Territories, *Amended Corporate COVID-19 Vaccination Policy Guidelines, Effective April 1, 2022*, **COM00000009**.

<sup>410</sup> Nunavut, *COVID-19 vaccinations mandatory for some frontline health employees*, November 30, 2021, **COM00000079**.

<sup>411</sup> Manitoba, *Manitoba Launches New, Secure Immunization Cards for Fully Vaccinated People*, June 8, 2021, **COM00000142**.



to self-isolate for 7 to 14 days on entry.<sup>412</sup> In late July 2021, Prince Edward Island started to permit vaccinated travellers to avoid a self-isolation requirement applicable to unvaccinated travellers.<sup>413</sup> The self-isolation requirement for unvaccinated travellers was lifted on February 28, 2022.<sup>414</sup>

167. The majority of vaccine-linked rules respecting travel, including cross-border travel, were implemented by the federal government, in particular by the Public Health Agency of Canada – who regulated the entry of persons into Canada – and Transport Canada – who regulated air, rail and marine transportation sectors.

168. Starting on October 30, 2021 most passengers on flights departing a Canadian airport were required to show proof of vaccination or else provide a negative PCR test result.<sup>415</sup> On November 30, 2021 the option of providing a negative PCR test was eliminated. All passengers on flights departing Canadian airports would be required to show proof of vaccination.<sup>416</sup> On June 20, 2022, the requirement to provide proof of

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<sup>412</sup> *Restated Order #2 of the Chief Medical Officer of Health Under Section 32 of the Health Protection Act 2004*, September 9, 2021, **COM00000322**.

<sup>413</sup> Prince Edward Island, *Moving Forward plan accelerates for PEI*, June 15, 2021, **COM00000169**.

<sup>414</sup> Prince Edward Island, *Self-isolation changes for close contacts and unvaccinated travelers; PEI Vax Pass to be discontinued; booster doses now available for those 12 to 17 years of age*, February 23, 2022, **COM00000334**.

<sup>415</sup> *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 43*, October 29, 2021, **COM00000119**.

<sup>416</sup> *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 47*, November 30, 2021, **COM00000120**.

vaccination in connection with flights departing a Canadian airport. Foreign nationals were still generally required to provide proof of vaccination to enter Canada.<sup>417</sup>

169. Starting on October 30, 2021, Canada required VIA Rail and Great Canadian Railtour Co. to require their passengers to show proof of vaccination or else provide a negative PCR test result.<sup>418</sup> On November 30, 2021 the option of providing a negative PCR test was eliminated. All passengers on these rail services would be required to show proof of vaccination.<sup>419</sup> On June 20, 2022, the requirement to provide proof of vaccination was ended.<sup>420</sup>

170. Starting on November 29, 2021, Canada required all passengers on Canadian cruise ships and cruise ships operating in Canadian waters to show proof of vaccination.<sup>421</sup> This requirement remains in effect.<sup>422</sup>

171. Starting in August 2021, Canada began to change its rules about entry into Canada that made distinctions based on vaccination status. During this period the rules

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<sup>417</sup> Canada, *Suspension of the mandatory vaccination requirement for domestic travelers and federally regulated transportation workers*, June 14, 2022, **COM00000357**.

<sup>418</sup> *Order pursuant to Section 32.01 of the Railway Safety Act (MO 21-08) Vaccination Mandate for Passengers*, October 29, 2021, **COM00000584**.

<sup>419</sup> *Order Pursuant to Section 32.01 of the Railway Safety Act (MO 21-09) Vaccination Mandate for Passengers - Phase 2*, **COM00000239**.

<sup>420</sup> *Order pursuant to Section 32.01 of the Railway Safety Act (MO 22-02) Order Ending Vaccination Mandates for Passengers and Employees*, **COM00000240**.

<sup>421</sup> *Interim Order Respecting Vessel Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)*, November 29, 2021, **COM00000125**.

<sup>422</sup> *Interim Order Respecting Cruise Ship Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)*, June 19, 2022, **COM00000124**.

restricting access to Canada were primarily set out in three orders made under s. 58 of the *Quarantine Act*:

- a. *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*
- b. *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from any Country Other than the United States)*
- c. *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Quarantine, Isolation and Other Obligations)*

172. This report will focus on the rules applicable to individuals entering Canada from the United States.

173. Prior to August 9, 2021, there was a general prohibition against foreign nationals entering Canada from the United States for an optional or discretionary purpose, such as tourism, recreation or entertainment. While there were some exceptions to this requirement, none was based on vaccination status.<sup>423</sup>

174. On August 6, 2021, Canada amended its rules to provide exemptions based on vaccination status. The changes occurred in two steps: as of August 9, 2021 United States residents who were citizens or permanent residents could enter Canada for

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<sup>423</sup> *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*, PC 2021-0730, July 20, 2021, s. 3(1), **COM00000155**.



optional or discretionary purposes if fully vaccinated.<sup>424</sup> As of September 7, 2021 the exemption was expanded to apply to all foreign nationals, whether entering from the United States or elsewhere.<sup>425</sup>

175. During this period of time, commercial truck drivers were not subject to these entry rules, as their entry to Canada did not constitute entering Canada for a discretionary or optional purpose. Prior to January 15, 2022, commercial truck drivers had been permitted to enter Canada without regard to their vaccine status. Truck drivers were also exempted from a general requirement for persons entering Canada from the United States to provide proof of a negative PCR test prior to entry, to test when and after entering Canada and to quarantine.<sup>426</sup>

176. On October 12, 2021, the government of the United States announced that, starting in January 2022, all inbound foreign national travellers crossing US land or ferry ports of entry would be required to be fully vaccinated. This included those travelling for essential purposes, including commercial trucking.<sup>427</sup>

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<sup>424</sup> *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*, PC 2021-0823, August 6, 2021, 3(5)-(5.1), **COM00000156**.

<sup>425</sup> *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*, PC 2021-0823, August 6, 2021, 3(5) as am by s. 8(2), **COM00000156**.

<sup>426</sup> *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Quarantine, Isolation and Other Obligations)*, PC 2021-0904, September 15, 2021, s. 2.2(2) and Sched. 1, Table 2, Item 13, **COM00000582**.

<sup>427</sup> United States Department of Homeland Security, *Secretary Mayorkas to Allow Fully Vaccinated Travelers from Canada and Mexico to Enter U.S. at Land Borders and Ferry Crossings*, October 12, 2021, **COM00000602**.



177. On November 19, 2021, the federal government announced that, starting January 15, 2022 “essential service providers, including truck drivers” who were currently “exempt from entry requirements, will only be allowed to enter the country if they are fully vaccinated”. The announcement went on to provide that “After January 15, 2022, unvaccinated or partially vaccinated foreign nationals will only be allowed to enter Canada if they meet the criteria for limited exemptions” and that “non-exempt unvaccinated or partially vaccinated foreign nationals will be prohibited entry into Canada.”<sup>428</sup>

178. On November 20, 2021, the federal government amended its *Quarantine Act* entry orders to impose a general requirement on all foreign nationals to be fully vaccinated to enter Canada, whether or not the travel was optional or discretionary. This requirement would come into effect on January 15, 2022.<sup>429</sup> While there were some exceptions to this requirement, none related specifically to commercial truckers. The order did not refer to vaccination requirements for Canadian nationals. Commercial truckers would still be exempted from the general requirement to provide evidence of a PCR test result prior to entry.<sup>430</sup>

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<sup>428</sup> Public Health Agency of Canada, *Government of Canada announces adjustments to Canada’s border measures*, November 19, 2021, **COM00000105**.

<sup>429</sup> *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*, PC 2021-0961, November 20, 2021, s. 5(1) as am by s. 10. See also s. 14(2) (coming into force date), **COM00000157**.

<sup>430</sup> *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Quarantine, Isolation and Other Obligations)*, PC 2021-0963, November 20, 2021, s. 2.2(2)(a), and Sched. 1, Table 2, Item 12, as am by s. 7.1. See also s. 7.24(3) (coming into force date), **COM00000166**.



179. On January 12, 2022, a spokesperson for the Canada Border Services Agency stated that as of January 15, 2022, unvaccinated Canadian truck drivers would be permitted to enter Canada without having to quarantine.<sup>431</sup> On January 13, 2022 the federal Ministers of Health, Transport and Public Safety released a statement indicating that the CBSA announcement was incorrect, and that all truck drivers were subject to the vaccination requirement. The announcement stated that while foreign nationals who were not vaccinated would be denied entry to Canada, Canadians, permanent residents, and persons registered under the *Indian Act* could not be denied entry. Instead, they would be subject to testing and quarantine requirements.<sup>432</sup>

180. On January 28, 2022, the federal government amended the relevant *Quarantine Act* order to remove the exemption to pre-arrival PCR testing for truck drivers, effective January 31, 2022.<sup>433</sup>

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<sup>431</sup> Steve Scherer, “Canada drops vaccine mandate for its truckers after pressure from industry” *Reuters*, January 13, 2022, **COM00000362**; Peter Zimonjic, “Federal government now says all truckers crossing border must be fully vaccinated.”, *CBC*, January 13, 2022, **COM00000263**.

<sup>432</sup> Public Health Agency of Canada, *Requirements for truckers entering Canada in effect as of January 15, 2022*, January 13, 2022, **COM00000276**.

<sup>433</sup> *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Quarantine, Isolation and Other Obligations)*, PC 2022-0042, January 28, 2022, s. 2.2(2)(a) and Sched. 1, Table 2, Item 12, **COM00000162**.