



VARIANCE OF THE *GATHERINGS AND EVENTS* ORDER OF THE PROVINCIAL HEALTH OFFICER

(Pursuant to Sections 30, 31, 32 and 39 (3) and (6) *Public Health Act*, S.B.C. 2008)

TO PERMIT

OUTDOOR WORSHIP SERVICES – March 23, 2021

The *Public Health Act* is at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>

(excerpts enclosed)

TO: RELIGIOUS COMMUNITIES

Pursuant to the authority vested in me by section 39 (6) of the *Public Health Act*, I hereby Vary the *Gatherings and Events* order, and repeal and replace existing variances which I have issued to religious communities, to provide for outdoor worship services as follows:

THIS VARIANCE FORMS PART OF THE *GATHERINGS AND EVENTS* ORDER AND REPEALS AND REPLACES ALL EXISTING VARIANCES ISSUED TO RELIGIOUS COMMUNITIES

In this Variance the definitions in the Order apply, except where varied below. Some of the definitions below are included for ease of reference.

Definitions

"**face covering**" means either of the following that covers the nose and mouth of a person:

- (a) a medical or non-medical mask;
- (b) a tightly woven fabric;

"**health check**" means reviewing the entry requirement and key questions at <https://www.worksafebc.com/en/about-us/covid-19-updates/health-and-safety/health-checks> and which are on the poster at <https://www.worksafebc.com/en/resources/health-safety/posters/help-prevent-spread-covid-19-entrycheck-workers?lang=en>;

"**outdoors**" includes in an open-sided tent, under overhead covering, or in a vehicle containing persons who reside in the same private residence;

"**place**" is not limited to an outdoor area which is part of a place of worship;

“worship service” includes a funeral but not a wedding or baptism.

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may organize or participate in, a worship service which is held outdoors.
2. Fifty people, as well as people in fifty vehicles, may be present.
3. Despite section 2, up to two additional people may be present for the purpose of ensuring compliance with the Variance.
4. No more than fifty vehicles may be present, and people who attend in a vehicle must remain in the vehicle.
5. A person organizing a worship service must caution the following people about attending an in-person worship service because of their higher risk of suffering from serious complications of COVID-19:
 - a. a person 70 years of age or older, even if they have been immunized against COVID-19;
 - b. a person who is living with another person who is infected with COVID-19, or who has upper respiratory or influenza-like symptoms;
 - c. a person with an underlying medical condition or a compromised immune system.
6. A person organizing a worship service must pre-register all participants for the purposes of controlling attendance and contact tracing, and must
 - a. collect the first and last name, and telephone number or email address, of every person who is present at a worship service,
 - b. retain the information collected for thirty days, and provide it to a medical health officer on request,
 - c. destroy the information after thirty days.
7. A person organizing a worship service must ensure that hand sanitation supplies are readily available for use by participants.
8. Before attending a worship service, a person must carry out a health check.
9. A person who has not passed a health check must not attend a worship service.
10. A participant must maintain a distance of two metres from other participants, unless they live in the same private residence.
11. A participant must wear a face covering.
12. A worship leader must wear a face covering during a worship service, but may remove the face covering when speaking, singing or chanting, if there is
 - a. a three metre separation between the worship leader and the other participants, or

- b. a physical barrier between the worship leader and the other participants which blocks the transmission of droplets.
- 13. A reader must wear a face covering during a worship service, but may remove the face covering when reading out loud during the service, if there is
 - a. a three metre separation between the reader and the other participants, or
 - b. a physical barrier between the reader and the other participants which blocks the transmission of droplets.
- 14. There must not be a choir at a worship service, but a soloist may sing at a worship service.
- 15. A soloist must wear a face covering during a worship service, but may remove the face covering while singing, if there is
 - a. a three metre separation between the soloist and the other participants, or
 - b. physical barrier between the soloist and the other participants which blocks the transmission of droplets.
- 16. A musician, or a musical group of no more than five musicians, may play at a worship service.
- 17. A musician, or members of a musical group, must wear a face covering during a worship service, but may remove the face covering if it is necessary to play their musical instrument, if there is
 - a. three metre separation between the musician and any other musicians and the participants, or
 - b. a physical barrier between the musician and any other musicians and the participants, which blocks the transmission of droplets.
- 18. Members of a musical group must maintain a distance of two metres from one another, unless the provisions of section 17 apply.
- 19. Despite sections 11, 12, 13, 15 and 17, a person is not required to wear a face covering during a worship service, if
 - a. under the age of 12 years;
 - b. unable to put on or remove a face covering without the assistance of another person;
 - c. unable to wear a face covering because of
 - i. a psychological, behavioural or health condition, or
 - ii. a physical, cognitive or mental impairment;
 - d. the face covering is removed temporarily for the purpose of identifying the person;

- e. the face covering is removed temporarily to communicate with a person who is hearing impaired;
 - f. the face covering is removed temporarily to permit the consumption of food or drink provided during and for the purpose of worship.
20. Despite section 10, participants may stand 1.2 metres apart for up to ten minutes for ritual congregational prayers, if this is part of their religious practice.
 21. A participant, other than a worship leader or a soloist, must not sing or chant.
 22. Except as provided for in section 23, a participant at a worship service must not pass or share any item, including a collection bag or plate, book or ceremonial object.
 23. Food or drink placed in a sanitary manner in single use containers may be provided during a worship service for worship purposes.
 24. Participants must not gather or socially engage with other participants, during, before or after a worship service.
 25. Participants must disperse immediately after a worship service, and must not congregate with other participants who are leaving the service, or arriving to attend a subsequent service.
 26. No person may permit a place to be used for, may organize, may lead or may participate in an outdoor worship service, unless the conditions in this Variance are met.

This Variance does not have an expiration date.

You are required under section 42 of the *Public Health Act* to comply with this Variance.

Failure to comply with this Variance is an offence under section 99 (1) (k) of the *Public Health Act*.

Under section 43 of the *Public Health Act*, you may request me to reconsider this Variance if you:

1. Have additional relevant information that was not reasonably available to me when this Variance was issued,
2. Have a proposal that was not presented to me when this Variance was issued but, if implemented, would
 - (a) meet the objective of the Variance, and
 - (b) be suitable as the basis of a written agreement under section 38 [may make written agreements]
3. Require more time to comply with the Variance.

Under section 43 (6) a Variance is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry, Provincial Health Officer
4th Floor, 1515 Blanshard Street
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4
Fax: (250) 952-1570
Email: ProvHlthOffice@gov.bc.ca

DATED THIS: 23rd day of March 2021

SIGNED:



Bonnie Henry
MD, MPH, FRCPC
Provincial Health Officer

DELIVERY BY: Posting to the BC Government and the BC Centre for Disease Control websites and by email to religious communities with existing variances.

Enclosure: Excerpts of the *Public Health Act*.

ENCLOSURE

Excerpts of the *Public Health Act* [SBC 2008] c. 28

Definitions

1 In this Act:

"health hazard" means

- (a) a condition, a thing or an activity that
 - (i) endangers, or is likely to endanger, public health, or
 - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
 - (i) is associated with injury or illness, or
 - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

When orders respecting health hazards and contraventions may be made

30 (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

General powers respecting health hazards and contraventions

31 (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;
- (b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;
- (c) to bring the person into compliance with the Act or a regulation made under it;
- (d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

(2) A health officer may issue an order under subsection (1) to any of the following persons:

- (a) a person whose action or omission

- (i) is causing or has caused a health hazard, or
- (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (b) a person who has custody or control of a thing, or control of a condition, that
 - (i) is a health hazard or is causing or has caused a health hazard, or
 - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (c) the owner or occupier of a place where
 - (i) a health hazard is located, or
 - (ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

Specific powers respecting health hazards and contraventions

- 32** (1) An order may be made under this section only
- (a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and
 - (b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].
- (2) Without limiting section 31, a health officer may order a person to do one or more of the following:
- (a) have a thing examined, disinfected, decontaminated, altered or destroyed, including
 - (i) by a specified person, or under the supervision or instructions of a specified person,
 - (ii) moving the thing to a specified place, and
 - (iii) taking samples of the thing, or permitting samples of the thing to be taken;
 - (b) in respect of a place,
 - (i) leave the place,
 - (ii) not enter the place,
 - (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
 - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
 - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;
 - (c) stop operating, or not operate, a thing;
 - (d) keep a thing in a specified place or in accordance with a specified procedure;
 - (e) prevent persons from accessing a thing;
 - (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;

- (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
- (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;
- (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
- (j) provide evidence of complying with the order, including
 - (i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and
 - (ii) providing to a health officer any relevant record;
- (k) take a prescribed action.

(3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless

- (a) the person consents in writing to the destruction of the thing, or
- (b) Part 5 [*Emergency Powers*] applies.

May make written agreements

38 (1) If the health officer reasonably believes that it would be sufficient for the protection of public health and, if applicable, would bring a person into compliance with this Act or the regulations made under it, or a term or condition of a licence or permit held by the person under this Act, a health officer may do one or both of the following:

- (a) instead of making an order under Division 1, 3 or 4, enter into a written agreement with a person, under which the person agrees to do one or more things;
- (b) order a person to do one or more things that a person has agreed under paragraph (a) to do, regardless of whether those things could otherwise have been the subject of an order under Division 1, 3 or 4.

(2) If, under the terms of an agreement under subsection (1), a health officer conducts one or more inspections, the health officer may use information resulting from the inspection as the basis of an order under this Act, but must not use the information as the basis on which to

- (a) levy an administrative penalty under this Act, or
- (b) charge a person with an offence under this Act.

Contents of orders

39 (3) An order may be made in respect of a class of persons.

- (6) A health officer who makes an order may vary the order
 - (a) at any time on the health officer's own initiative, or

(b) on the request of a person affected by the order, following a reconsideration under section 43 [*reconsideration of orders*].

Duty to comply with orders

42 (1) A person named or described in an order made under this Part must comply with the order.
 (2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

Reconsideration of orders

43 (1) A person affected by an order, or the variance of an order, may request the health officer who issued the order or made the variance to reconsider the order or variance if the person

- (a) has additional relevant information that was not reasonably available to the health officer when the order was issued or varied,
- (b) has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would
 - (i) meet the objective of the order, and
 - (ii) be suitable as the basis of a written agreement under section 38 [*may make written agreements*], or
- (c) requires more time to comply with the order.

(2) A request for reconsideration must be made in the form required by the health officer.

(3) After considering a request for reconsideration, a health officer may do one or more of the following:

- (a) reject the request on the basis that the information submitted in support of the request
 - (i) is not relevant, or
 - (ii) was reasonably available at the time the order was issued;
- (b) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;
- (c) confirm, rescind or vary the order.

(4) A health officer must provide written reasons for a decision to reject the request under subsection (3) (a) or to confirm or vary the order under subsection (3) (c).

(5) Following a decision made under subsection (3) (a) or (c), no further request for reconsideration may be made.

(6) An order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

(7) For the purposes of this section,

- (a) if an order is made that affects a class of persons, a request for reconsideration may be made by one person on behalf of the class, and
- (b) if multiple orders are made that affect a class of persons, or address related matters or issues, a health officer may reconsider the orders separately or together.

(8) If a health officer is unable or unavailable to reconsider an order he or she made, a similarly designated health officer may act under this section in respect of the order as if the similarly designated health officer were reconsidering an order that he or she made.

Offences

99 (1) A person who contravenes any of the following provisions commits an offence:

...

(k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];