
January 21, 2021

BULLETIN

FACE COVERINGS (COVID-19) ORDER AND PROTECTIVE MEASURES (COVID-19) ORDER

On January 8, 2021, the Province made [Ministerial Order No. M012/2021](#) – Face Coverings (COVID-19) Order and [Ministerial Order No. M013/2021](#) - Protective Measures (COVID-19) Order. Order M012 is quite similar to the previously made [Ministerial Order No. M425/2020](#), which we described in further detail our Client Bulletin linked [here](#).

M012 – Face Coverings Order

Under Order M012, a face covering means either a medical or non-medical mask or a tightly woven fabric that covers the nose and mouth of an individual. Pursuant to section 3 of Order M012, a visitor to an indoor space, not including the operator of the indoor space, must wear a face covering while inside a public space.

The one additional exemption in Order M012 is that a face covering is not required while communicating with a person who has a hearing impairment. This expands on the previous exemptions for individuals who have physical, cognitive or mental impairment.

Additionally, like Order M425, Order M012 notes that a “face covering requirement” in respect to general compliance matters is a requirement in relation to a face covering set out in the Ministerial Order M012 itself, an order made under the *Public Health Act*, or a COVID-19 provision within the meaning of the *COVID-19 Related Measures Act*.

M013 – Protective Measures (COVID-19) Order

Order M013 seeks to clarify and enforce the Food and Liquor Serving Premises Order and Gatherings and Events Order.

Section 3 of Order M013 prohibits an individual from operating food and liquor serving premises in contravention of the [Food and Liquor Serving Premises Order](#) [Order M416] and expressly requires patrons to comply with all of the applicable conditions set out in that Order.

Order M013 also prohibits an individual from organizing, hosting or attending a non-compliant gathering or event, including gatherings and events in private residences or vacation rentals. Order M013 further prohibits individuals from promoting or encouraging other individuals to attend a non-compliant gathering or event. Additionally, when individuals attend a gathering or

event that is permitted under the [Gatherings and Events Order](#) [Order M416], the individual must comply with the applicable conditions set out in the Gatherings and Events Order.

Under both Order M012 and M013, a law enforcement agency and a local government must provide the minister with information in its possession (other than personal information) that the minister requests respecting the enforcement of these orders by the law enforcement agency or the local government.

Compliance

With respect to compliance, both Order M012 and Order M013 requires individuals to comply with directions given by an enforcement officer in respect to a person's compliance with an Order, which includes the direction to disperse or leave an indoor public space. Further, an individual must not engage in abusive or belligerent behavior towards an enforcement officer, an operator or another individual in respect to the other person's efforts to comply with or to respond to, prevent or correct contraventions of the Face Covering Order, Protective Measures (Covid-19) Order, the Food and Liquor Serving Premises Order or the Gatherings and Events Order.

As of writing, Order M012 and Order M013 have not be added to the published version of Schedule 2 of the *COVID-19 Related Measures Act*, however it is reasonable to expect these newest orders to soon be added so that they may be enforced by Violation Ticket Administration and Fines Regulation.

Michael Moll, Amy O'Connor & Sarah Strukoff