



**GUIDANCE FOR LAW
ENFORCEMENT FOR
ENFORCEMENT OF
ORDER IN COUNCIL,
MINIMIZING THE RISK
OF EXPOSURE TO
COVID-19 IN CANADA
(MANDATORY ISOLATION),
No. 2**



Public Health
Agency of Canada

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Canada



TO PROMOTE AND PROTECT THE HEALTH OF CANADIANS THROUGH LEADERSHIP, PARTNERSHIP,
INNOVATION AND ACTION IN PUBLIC HEALTH.

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PURPOSE

The purpose of this document is to provide guidance to law enforcement authorities in relation to the compliance and enforcement of the Order in Council “*Minimizing the Risk of Exposure to COVID-19 Coronavirus Disease in Canada Order (Mandatory Isolation), No. 2*” (the ‘Order’), a federal Order made pursuant to section 58 of the *Quarantine Act*.

BACKGROUND

Effective April 15, 2020 until June 30, 2020, the Government of Canada has implemented the Order requiring anyone entering Canada, whether by air, sea or land—subject to limited exceptions—to remain in isolation for 14 days. This Order applies to persons who enter Canada on or after the date the Order takes effect thus superseding the similarly named Mandatory Isolation Order, made on March 25, 2020. The Mandatory Isolation Order No. 2, builds on the previous requirements of the Mandatory Isolation Order. It imposes new measures to reduce the possibility of spread by persons who do not have symptoms on arrival.

Failure to comply with the Order is an offence under the Quarantine Act. Information related to this Order and other orders and regulations related to COVID-19 can be found on the Government of Canada website: <https://www.justice.gc.ca/eng/csj-sjc/covid.html>.

The Order for mandatory isolation is intended to prevent the spread of COVID-19 in Canada, which will help save Canadian lives, as COVID-19 has been clearly demonstrated to cause severe life-threatening respiratory disease.

Under the Order, there are three categories of persons entering Canada: those with symptoms (mandatory isolation), those without symptoms (mandatory quarantine), and those who are exempt from certain requirements of the Order. Upon entry into Canada, Screening or Quarantine Officers provide the following instructions to travellers:

Travellers WITH SYMPTOMS are subject to MANDATORY ISOLATION which means they MUST:

- Before leaving the point of entry into Canada, put on an appropriate mask or face covering. Keep the mask or face covering on while in transit.
- Go directly to the place where they will isolate and stay there for a minimum of 14 days
- Use private transportation only—no travel on public transit is allowed



- Remain in the vehicle as much as possible, and not make any unnecessary stops along the way. Avoid contact with other while in transit
- Stay **INSIDE** their home.
- Not leave their place of isolation unless absolutely necessary (to seek medical attention)
- Not have visitors and limit contact with others in the place of isolation, including children and those who have not travelled nor been exposed to the virus
- Practice physical distancing at all times
- Not isolate in a place where they will have contact with vulnerable individuals*, including those who have an underlying medical condition that makes them susceptible to complications relating to COVID-19, those with a compromised immune system from a medical condition or treatment, or those 65 years of age or older.
 - *Unless the vulnerable person is a consenting adult or the parent or minor in a parent-minor relationship.
- Arrange for the necessities of life to be delivered to the place of isolation.

Anyone with symptoms who does not have a suitable place in which to isolate will be required to isolate for 14 days in a facility designated by the Chief Public Health Officer of Canada.

A symptomatic traveller may leave Canada before the expiry of the 14-day period isolation at the discretion and following the instructions of a Quarantine Officer provided they continue to isolate themselves until they depart from Canada in a private conveyance.

Travellers WITHOUT SYMPTOMS are subject to MANDATORY QUARANTINE which means they MUST:

- Use private transportation if possible. Before using public transportation, put on an appropriate mask or face covering. Keep the mask or face covering on while in transit.
- Go directly to their place of quarantine without delay and stay there for a minimum of 14 days
- Remain in the vehicle as much as possible, and not make any unnecessary stops along the way. Avoid contact with others while in transit
- Stay at their place of quarantine (if they go outside they must stay on the private property in the yard or balcony)
- Not leave their place of quarantine unless absolutely necessary (to seek medical attention)



- Monitor their health for symptoms of COVID-19
- Not have visitors and limit contact with others in the place of isolation, including children and those who have not travelled nor been exposed to the virus
- Practice physical distancing at all times
- Not isolate in a place where they will have contact with vulnerable individuals*, including those who have an underlying medical condition, compromised immune system or are 65 years of age or older.
 - *Unless the vulnerable person is a consenting adult or the parent or minor in a parent-minor relationship.
- Arrange for the necessities of life to be delivered to the place of quarantine.

Asymptomatic travellers are required to start over their 14 day quarantine period if they develop any sign or symptoms of COVID-19 during the 14 day period or if they are exposed to another person with symptoms who is subject to the order.

An asymptomatic traveller may leave Canada before the expiry of the 14-day quarantine period provided they continue to quarantine themselves until they depart from Canada and they must wear a mask or face covering.

Persons EXEMPT from quarantine MUST:

- Continually monitor their health for symptoms of COVID-19 including for 14 days each time they re-enter Canada

They are also informed that they SHOULD:

- Respect the intent of the Order to minimize spread of COVID-19 in Canada, when they are not working
- Maintain a two-metre distance (physical distancing) from others at all times
- Ensure that their living arrangements while staying in Canada enable them to avoid any vulnerable individuals, including those who have an underlying medical condition, compromised immune system from a medical condition or treatment, or are 65 years of age or older
- Not have visitors.

Certain individuals are exempt from the quarantine requirements, but the rule of thumb is everyone has to isolate/quarantine upon entry, with few exceptions.



Travellers to whom the mandatory isolation requirement applies may be subject to compliance verification and enforcement activities. The support of law enforcement officers is essential to effectively enforce the Quarantine Act. The Public Health Agency of Canada (PHAC) is requesting the assistance of law enforcement to conduct onsite verifications and take enforcement actions when needed.

COMPLIANCE AND ENFORCEMENT

To align with PHAC's Compliance and Enforcement Framework, PHAC is recommending a risk-based, graduated approach to non-compliance, recognizing that law enforcement will exercise their discretion when responding to violations.

PHAC is actively engaged with travellers by conducting compliance promotion activities, including promoting awareness of the requirements of the Order through handouts provided to travellers at the point of entry and through electronic means of communication. PHAC is also playing a lead role in the verification and monitoring of compliance through phone calls with some returning travellers.

On April 11th, 2020 the amendments to the Contraventions Regulations came into force as to designate as contraventions offences under the Quarantine Act. The ticketing regime under the Contraventions Act allows an enforcement authority (such as police officers) to issue contraventions tickets to those found in violation of certain provisions of the Quarantine Act including contravening an emergency order made under that Act - such as the Mandatory Isolation Order. Refer to the **Appendix I** for the complete context and details of fine regime.

Authorities

While the primary responsibility for administering the Quarantine Act lies with PHAC (and the Minister of Health), PHAC has requested the assistance of Peace Officers. Peace officers (including members of the RCMP, provincial and municipal police and military police), are defined in section 2 of the Quarantine Act, and play a role in administering or enforcing the Act (refer to **Appendix II** for specific authorities under Quarantine Act).



Compliance Verification Measures

Compliance verification activities will initially be conducted by PHAC's Screening Officers who will call a subset of travellers to confirm their compliance with the Order and reinforce the importance of continued compliance. Subsequent calls are performed if there are indications of non-compliance.

PHAC will assign a priority level, either high, medium or low priority to travellers based on indicators gathered from the verification call(s) or from other sources, such as information referenced at time of border crossing. In cases where the Screening Officers confirm or suspect a non-compliance with the Order the priority level will be identified as "high". In situations where PHAC is unable to establish contact with the traveller after multiple attempts, the priority level will be identified as "medium". In situations where there is no indication of non-compliance, the priority level will be set at "low". Information on travellers that PHAC receives will be shared on a daily basis with the National Operations Center (NOC) at the Royal Canadian Mounted Police (RCMP) who will dispatch the information to local law enforcement based on jurisdictional boundaries.

With this, PHAC engages law enforcement and requests that they conduct an onsite visit at a traveller's place of isolation for identified "high" and "medium" priority travellers at least once during the remainder of the isolation period to confirm compliance with the Order and to the associated instructions (listed in the Background section of this document). The frequency of these visits is based on operational requirements and priorities of each law enforcement unit. Law enforcement can report the outcome of their visits to the RCMP NOC or for Ontario, through the Ontario Provincial Police Operating Centre who will in turn report to PHAC using the contact information provided in the Inquiries and Support section below.

Enforcement Measures

The objective of the Order is to limit the spread and number of victims of COVID-19 in Canada by preventing movement of travellers outside of their place of isolation. To reduce the threat posed by non-compliant travellers, law enforcement may take further enforcement actions based on the risk level and associated offence. Enforcement actions may include, but are not limited to:

- **Verbal warning**
A verbal warning can be given by law enforcement in person to formally inform the traveller of the infraction to the Order.



- **Written warning**
A written warning can be issued to officially communicate to the traveller that they are in non-compliance with the Order. You may contact PHAC to request a copy of this notice.
- **Fines under the Contraventions Act**
Contraventions tickets with set fines could be issued by police officers (or other enforcement authority under the Contraventions Act) to the traveller for certain contraventions of the Quarantine Act listed in the Contraventions Regulations. This option is only available in the provinces that have signed an administration and enforcement agreement with respect to the Contraventions Act. This does not currently include Alberta, Saskatchewan or the territories.
With respect to section 71 of the Quarantine Act —failure to comply with an Order made under section 58, such as the Mandatory Isolation Order, a \$1,000 fine can be issued. Refer to the Appendix I for a complete list of fines that can be issued to the traveller found in violation of specific provisions of the Quarantine Act.
- **Increased surveillance**
In the event of suspected contravention to the Order, increased surveillance may be required to verify that the conditions imposed by the Order are respected.
- **Escort to quarantine facility**
To limit further introduction and spread of the disease, law enforcement may escort a traveller to a quarantine facility in the event the traveller has committed an offence and has not respected or is unlikely to respect the measures imposed by the Order. This enforcement measure may also be taken in the event the traveller no longer has access to a suitable place in which to isolate for the period of time imposed by the Order. PHAC should be contacted at the number provided in the Inquiries and Support section to make arrangements for the transportation of the travellers to quarantine facilities.



- **Appearance Notice, Summons, Recommendation for Prosecution**
In the event the traveller is not respecting the requirements of the Order and that other enforcement measures have not been successful at compelling compliance, law enforcement may lay charges under the Quarantine Act.
- **Arrest, Detention**
In situations where law enforcement finds a person committing a summary conviction offence such as failing to comply with the Order, as a last resort, law enforcement may arrest the traveller in accordance with their normal powers of arrest (section 495 of the Criminal Code) and with the ultimate objective of limiting the spread of the COVID-19.

A Peace Officer may also, on request of a Screening Officer or Quarantine Officer, arrest a traveller without a warrant under section 18 of the Quarantine Act in order to bring the traveller to a Quarantine Officer where law enforcement has reasonable grounds to believe that traveller has refused to be isolated or refuses to comply with a measure ordered under subsection 15(3) of the Quarantine Act.

A Peace Officer may also, on request of a quarantine officer, arrest without a warrant under section 28 (2) of the Quarantine Act an individual who is resisting detention.

Enforcement Discretion

Law enforcement is expected to use their discretion in enforcing the Order. Being the front line on the ground, law enforcement has access to facts that will direct their enforcement approach and the selection of the most appropriate enforcement actions given the situation.

CONSIDERATIONS FOR DECISION MAKING

The ultimate purpose of the Order is to limit the introduction and the spread of COVID19 in Canada. This should be the foundation for all decision making pursuant to the enforcement of the Quarantine Act in relation to the COVID-19 outbreak.

To help guide enforcement decisions in the field, the following factors may be taken into consideration:



Confirmation that the traveller is subject to the Order

- Do you have confirmation that the person is subject to the Order?
- On what date did the person most recently enter Canada?

Any person who has entered Canada between March 25th and April 14th is subject to the requirements set out in the Mandatory Isolation Order for a minimum of 14 days following their entry into Canada.

Additionally, any person who has entered Canada on or after April 15th is subject to the requirements set out in the Mandatory Isolation Order No. 2 for a minimum of 14 days following their entry into Canada.

The Canada Border Services Agency (CBSA) may be contacted to confirm if a traveller has entered Canada in the previous 14 day period. All COVID-19 related requests for traveller history from the CBSA can be made by calling **1-800-523-5072**.

Level of risk

- Does the person have COVID-19 symptoms?
- Are they conducting high-risk activities (e.g., are they outside, are they not wearing mask, are they not maintaining two-metre physical distance)?

If the person has COVID-19 or if law enforcement suspects that the person has symptoms, they are considered higher risk of spreading the disease. If the person is on the street but is alone, they may be presenting a lesser risk than if they are chatting with their neighbour while not maintaining the two-metre physical distance and not wearing a mask.

Place of isolation

- What is the feasibility of respecting the requirement at the place of isolation?
- Can the traveller avoid interaction with vulnerable people at the place of isolation?
- Do they have access to the necessities of life (medication, food, cleaning supplies)?

A suitable place of isolation is one where a two-metre distance can be maintained between people living at the place, where contacts with vulnerable people can be avoided, and where they can have access to the necessities of life. PHAC can be contacted to help determine if the place of isolation is suitable.

Likelihood that the person will comply

- Does the person clearly understand the obligations?
- What is the behaviour of the person? Are they careless and reckless?
- Has the person indicated that they will not comply with the Order?



- Does the person need professional attention due to other conditions (e.g. Drug addictions, mental health challenges)?

There may be circumstances where an individual might need to be placed in a controlled quarantine facility in order to limit the spread of COVID-19. Such decision will be assessed on a case-by-case basis. PHAC can be consulted to help guide the decision.

Recurrent offences

- Has the person contravened the Order in the past?
- Has this person been warned before?
- What is the likelihood that the enforcement action will stop the individual from further violations?

If the person is repeatedly disregarding the requirements of the Order, and previous enforcement action has not lead to compliance, other enforcement actions might need to be taken to compel compliance.

INQUIRIES AND SUPPORT

For inquiries related to the compliance and enforcement of the Order, please contact COVID-19 PHAC Compliance and Enforcement Single Window at:

- Email: phac.isolation-isolement.aspc@canada.ca
- Tel.: **1 833-995-2339** or **613-614-4754** (24/7)

All COVID-19 related requests for traveler history from the CBSA can be made by calling: **1 800-523-5072**

SUPPORTING DOCUMENTS

- Latest information on COVID-19 is available at canada.ca/coronavirus
- The Quarantine Act is available at <https://laws-lois.justice.gc.ca/eng/acts/q-1.1/page-1.html#docCont>
- The amendment to the Contraventions Regulations is available at <http://www.gazette.gc.ca/rp-pr/p2/2020/2020-04-14-x1/html/sor-dors86-eng.html>
- The Orders in Council can be found on the Government of Canada website: <https://www.justice.gc.ca/eng/csj-sjc/covid.html>



- Exempt workers: Refer to the link below for information on essential workers: <https://www.canada.ca/en/public-health/corporate/mandate/about-agency/acts-regulations/list-acts-regulations.html> (Under OIC 10- Group Exemptions)
- Handout for symptomatic traveller (Red): <https://www.canada.ca/en/public-health/services/publications/diseases-conditions/covid-19-how-to-isolate-at-home.html>
- Handout for asymptomatic traveller (Green): <https://www.canada.ca/en/public-health/services/publications/diseases-conditions/2019-novel-coronavirus-information-sheet.html>
- Handout for essential workers (Orange): <https://www.canada.ca/en/public-health/services/publications/diseases-conditions/covid-19-information-essential-service-workers.html>



APPENDIX I – Fines under the Contraventions Regulations related to offences under the Quarantine Act

On April 11, 2020, the Contraventions Regulations were amended to designate ten existing offences under the Quarantine Act as contraventions, with fine amounts for these new contraventions ranging between \$275 and \$1,000 (the maximum fine for a young person, twelve years of age or more but under 18, is \$100). The ticketing regime under the Contraventions Act allows law enforcement officers in those provinces where the Contraventions Regime is in place to issue contraventions tickets to those found in violation of certain provisions of the Quarantine Act and the mandatory isolation order.

Compliance and Enforcement Framework of the Quarantine Act

The Quarantine Act applies to persons arriving in or departing from Canada. It provides measures for the screening, health assessment, and medical examination of travellers to determine whether they have a communicable disease, and control measures to prevent the introduction and spread of such disease.

The ticketing regime fits into the overall compliance and enforcement approach being undertaken by the Public Health Agency of Canada (PHAC) and its partners.

Ticketing Regime

Amendments to Regulations under the Contraventions Act allow enforcement authorities, including the Royal Canadian Mounted Police, as well as local or provincial police forces, at their discretion, to issue tickets for specified offences under the Quarantine Act to individuals in Canada who are not complying with mandatory isolation or other orders issued after returning from international travel.

Under this ticketing regime, enforcement authorities will have the discretion to either issue a ticket or pursue the matter through the criminal justice system to obtain a conviction, depending on the seriousness of the conduct.



When deemed appropriate, a ticket can be issued by enforcement authorities, allowing the accused person to plead guilty and pay the ticket voluntarily, avoiding a trial and a criminal record. If the person chooses to challenge the ticket, they will appear before the provincial court.

To date, the Contraventions Regime has been implemented in eight provinces, with the exception of Alberta and Saskatchewan. It has not been implemented in the three territories.

Contraventions Act administration and enforcement agreements have not therefore been signed with those five jurisdictions.

If Alberta and Saskatchewan were to accept to implement the regime for the purpose of the Quarantine Act designated offences, agreements with them would need to be signed. The Government of Canada is not in a position to extend the regime at the present time to the territories, which may have capacity issues in enforcing their existing territorial ticketing schemes, do not have the legal authority to collect federal fines, and community members in the North may not have the ability to pay fines.

Breakdown of Fines

Fines could be issued by Peace Officers to the traveller for the following contraventions to the Quarantine Act:

- \$275 for:
 - 12 Failure to present oneself to a screening officer at the nearest entry point
 - 15 (1) Failure to answer any relevant questions asked by a screening officer or quarantine officer OR Failure to provide to a screening officer or quarantine officer any required information or record
 - 15 (2) Failure to disclose having or possibly having a communicable disease or being infested with vectors OR Failure to disclose having been in close proximity to a person who has or is reasonably likely to have a communicable disease or is infested with vectors
 - 25 (1) Failure to report to a public health authority
 - 65 (1) Unauthorized entry into a quarantine facility
 - 66 Make a false or misleading statement to a quarantine officer, a screening officer or an environmental health officer
- \$500 for:
 - 15 (3) Failure to comply with any reasonable measure ordered by a screening officer or quarantine officer

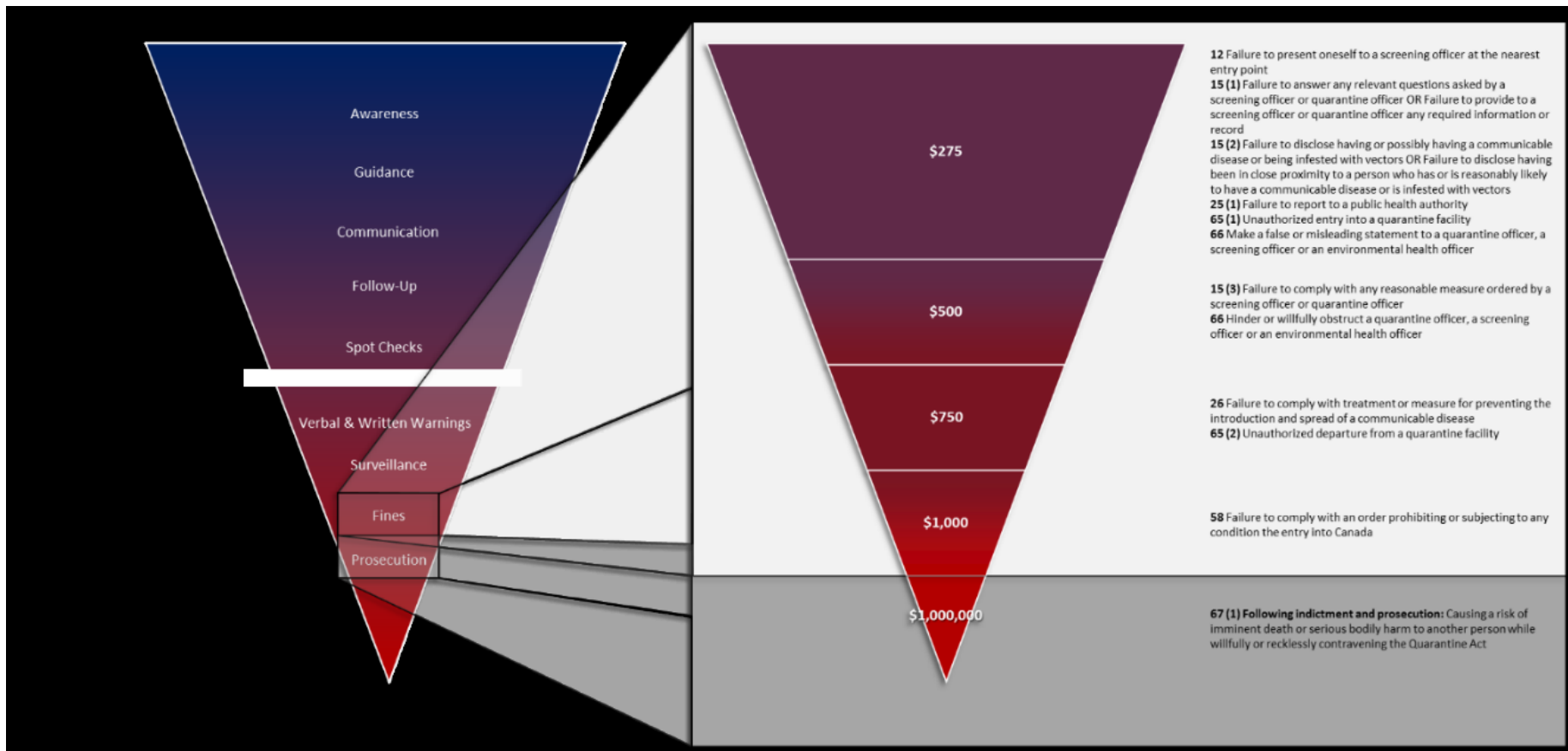


- 66 Hinder or willfully obstruct a quarantine officer, a screening officer or an environmental health officer
- \$750 for:
 - 26 Failure to comply with treatment or measure for preventing the introduction and spread of a communicable disease
 - 65 (2) Unauthorized departure from a quarantine facility
- \$1,000 for:
 - 58 Failure to comply with an order prohibiting or subjecting to any condition the entry into Canada

Underlying Principle: Prior to considering enforcement action, as it relates to the laying of charges, it is of primary importance that officers investigate complaint allegation(s) so as to determine the elements exist in order to establish probable grounds that an offence has been committed.



Compliance and Enforcement Framework of the Quarantine Act including the fine structure





APPENDIX II – List of Articles Referring to Law Enforcement Authorities under the Quarantine Act

- Section 18: A peace officer may, at the request of a screening officer or quarantine officer, arrest without a warrant and bring to a quarantine officer any traveller who the peace officer has reasonable grounds to believe has refused to be isolated or refuses to comply with a measure under subsection 15(3).
- Section 27: On an ex parte application by a quarantine officer, a provincial court judge within the meaning of section 2 of the Criminal Code who is satisfied on information submitted in writing and under oath that a traveller has failed to comply with an order made under subsection 25(1) or section 26 may issue a warrant directing a peace officer to arrest the traveller and take them to a quarantine officer.
- Section 28 (1): A quarantine officer may detain any traveller who
 - (d) The quarantine officer has reasonable grounds to believe
 - (i) has or might have a communicable disease or is infested with vectors, or has recently been in close proximity to a person who has or might have a communicable disease or is infested with vectors, and
 - (ii) is capable of infecting other people;
 - (e) has been arrested under section 27; or
 - (f) has been arrested without a warrant under section 18.

(2) A peace officer may, at the request of a quarantine officer, arrest without a warrant and bring to the quarantine officer any traveller referred to in subsection (1) who resists detention.
- Section 48(3): A quarantine officer or an environmental health officer who executes a warrant [to enter a dwelling house] shall not use force unless they are accompanied by a peace officer and the use of force is specifically authorized in the warrant.
- **Section 52: A peace officer shall provide any assistance that an officer acting under this Act may request for the purpose of administering or enforcing this Act.**