

NOVEMBER 9, 2020

Effective November 6, 2020, the Government of Saskatchewan announced a public health order mandating non-medical masks for indoor public spaces in Saskatoon, Regina, and Prince Albert. This order will be in place for at least 28 days.

### What is the Purpose of the Mandatory Non-Medical Masks Order?

The goal of the public health order is to reduce the spread of COVID-19 in light of the recent increase in positive cases in Saskatchewan, which is believed in part to be due to people spending more time indoors in close contact with others.

### Where is the use of a Non-Medical Mask Required?

The use of non-medical masks is required in the following indoor public places:

- Healthcare facilities (hospitals, residential treatment centres, mental health centres, special-care homes, cancer centres, hematology clinics, addiction treatment centres, etc.).
- Medical service centres and offices (dentists' offices, doctors' offices, physiotherapists' offices, therapeutic massage offices).
- Long-term care homes, personal care homes, and assisted living facilities.
- Pharmacies.
- Retail businesses (grocery stores, clothing stores, etc.).
- Service businesses (mechanics, insurance agencies, dry cleaners, lawyer's offices, accountant offices, etc.).
- Shopping centres, markets, and malls.
- Personal services businesses (hair salons, nail salons, spas, tattoo parlors, tanning salons, etc.).
- Restaurants, coffee shops, and bars (except when seated and consuming food or drinks).
- Places of worship or faith gatherings.
- Places for entertainment services or activities (movie theatres, arcades, concerts, plays, etc.).
- Places for sports and recreation (gyms, ice rinks, pools, dance facilities, courts, etc. except when engaged in a sport or physical activity).
- Places used to hold events (conferences, conventions, receptions).
- Municipal, provincial, or federal government locations offering services to the public.
- Hotels, motels, and bed and breakfasts (except when in one's own room).
- Common areas of rental cabins or cottages.
- Common areas of buildings (elevators, lobbies, hallways).
- Public areas of university and college campuses (libraries, classrooms, administration offices, etc.).
- Train stations, bus stations, bus shelters, buses, ferry terminals, and airports.
- Ride share services (Uber), carpools, taxis, shuttles, and other car services.
- Private dwellings when providing cleaning, personal care, or maintenance services.

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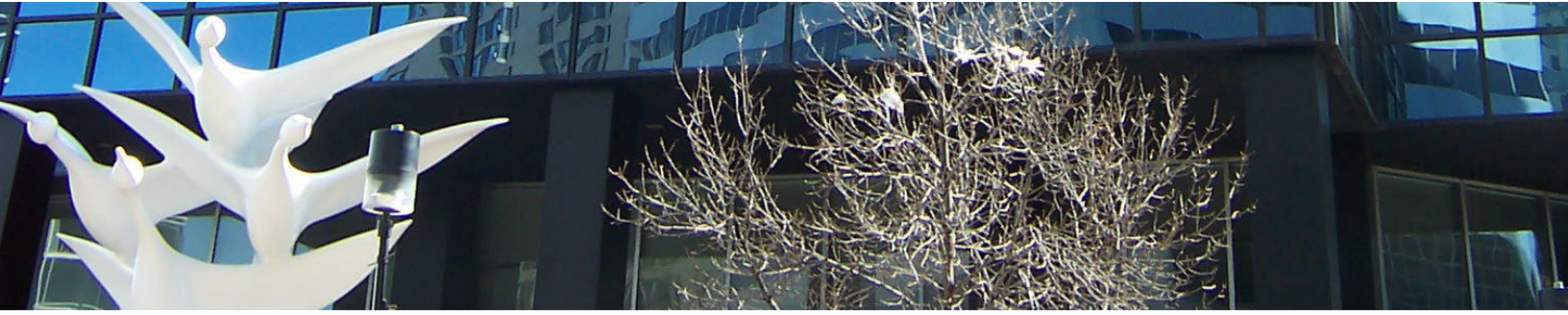
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### **What Kinds of Masks Can Be Worn?**

The non-medical masks do not have to be N-95 medical masks. Cloth masks that cover the nose, mouth, and chin area are acceptable. Face shields are not an appropriate substitute. Bandanas and “gaitor-masks” (neck coverings that can be pulled up to cover the mouth and nose) are not acceptable.

### **Who is Not Required to Wear a Non-Medical Mask?**

The following people are not required to wear non-medical masks:

- Children under the age of two years old.
- People who are unconscious or unable to remove the non-medical mask without assistance.
- People who have a medical condition that prevents them from wearing a non-medical mask (as determined by a healthcare professional).
- People who have a cognitive impairment, intellectual disability, or severe mental health condition that prevents them from understanding the non-medical mask requirement.
- People actively engaged in physical exercise.

### **When Can the Non-Medical Mask be Removed in Public?**

People may remove their non-medical masks in public in the following circumstances:

- If it is necessary to verify their identity.
- To receive healthcare treatment.
- When providing support to a person with a disability if the mask is hindering the ability of the person to receive the service.
- While seated and consuming food or drinks in a restaurant, food court, bar, movie theatre, etc.
- While participating in sports, fitness, or aquatic activities.
- In a courthouse or courtroom if the non-medical mask poses a security risk.
- While in an area that members of the public do not have access to, if the individual is alone (i.e. in one’s own office at work).

### **What are the Consequences of Not Wearing a Non-Medical Mask**

So far, the Saskatchewan Health Authority has issued \$20,000.00 worth of fines for failure to follow public health orders since the beginning of the pandemic. Three of these were to individuals (\$2,000 each, plus victim surcharges), and one was to a business (\$10,000 plus victim surcharges).

McKercher LLP encourages all business owners, establishments, and employers to contact us for assistance navigating the new public health order regarding mandatory non-medical masks. Employers will want to carefully review the contents of any public health orders to determine the impact on day-to-day operations and to ensure compliance.

### **About the Authors:**

[Zina](#) is an associate with the Regina office.

### **About McKercher LLP:**

McKercher LLP is one of Saskatchewan’s largest, most established law firms, with offices in Saskatoon and Regina. Our deep roots and client-first philosophy have helped our firm to rank in the top 5 in Saskatchewan by Canadian Lawyer magazine (2019/20). Integrity, experience, and capacity provide innovative solutions for our clients’ diverse legal issues and complex business transactions.

This post is for information purposes only and should not be taken as legal opinions on any specific facts or circumstances. Counsel should be consulted concerning your own situation and any specific legal questions you may have.

For more information and resources regarding COVID-19 visit [www.mckercher.ca/covid-19](http://www.mckercher.ca/covid-19)



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