



Quebec Makes the Wearing of Masks Mandatory in Indoor Public Spaces and in Shared Transportation Services

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On July 13, 2020, the Quebec government announced that the wearing of face coverings in public places would become mandatory. On July 15, 2020, the government issued the Order in Council No. 810-2020^[1] (available at the following [link](#)) defining this new obligation to wear a face covering in public places. On July 22, 2020, the Quebec government issued the Order in Council No. 813-2020^[2] (available at the following [link](#)), this time making the wearing of face covering mandatory in shared transportation services.

On September 10, 2020, the Quebec government announced that as of Saturday, September 12, 2020, individuals in public places who are not wearing a face covering where they are required to wear one would be subject to fines. On September 11, 2020, the government issued the Order in Council No. 947-2020 (available at the following [link](#)) defining the parameters of these new fines. Only operators of a public place and of a shared transportation service were subject to such fines until now.

The Order in Council No. 810-2020 regulating wearing face coverings in public places

Since July 18, 2020, an operator of a public place is prohibited from allowing a person who is not wearing a face covering to enter the public place, or to tolerate the presence in the public place of a person not wearing a face covering. As of September 12, 2020, it is prohibited for any person not wearing a face covering to enter or be present in a public place.

A face covering is defined as *a mask or tightly fitting cloth that covers the nose and the mouth.*

The following places accessible to the public are listed as being covered by the face covering requirements, insofar as they are enclosed or partially covered and are not an accommodation unit:

- *a retail business, a shopping center, or a building or room where a service enterprise is operated, including a personal care or beauty care enterprise;*
- *a restaurant or a bar;*
- *a place of worship;*
- *a place where activities or services of a cultural or entertainment nature are offered;*

- a place where sports are played or recreational activities are carried on;
- a rental hall or other place used to hold events, including conventions and conferences, or to hold receptions;
- a place where municipal or government services are available;
- a common area, including an elevator, of a tourist accommodation establishment;
- a building or room used by an educational institution;
- a train or bus station, a ferry terminal, a subway station or an airport; and
- a private health consulting room or office.

It should be noted that the face covering requirements only apply to places that are accessible to the public. Therefore, private spaces in offices are not impacted by the face covering requirements, subject to further restrictions adopted by the government and the applicable occupational health and safety rules.

That said, the following persons are exempt from having to wear a face covering in a public place:

- the person is less than 10 years of age;
- the person is a student at the preschool level or in cycle one or two of the elementary school level of the general education instructional services for youth who is in a building or room used by an educational institution;
- the person is a student in cycle three of elementary or secondary school level of the general education instructional services for youth who is in a building or room used by an educational institution and is in the presence of no person other than the students in his or her group or staff members of the institution;
- the person states that the wearing of a face covering is not possible because of the person's medical condition;
- the person is in the public place receiving care, being provided a service or engaging in a physical or other activity requiring the face covering be removed, in which case the person may remove the face covering for the duration of the care, service or activity;
- the person removes the face covering momentarily to eat or drink, or for identification purposes;
- the person works or practices his or her profession in the public place;
- the person is a member of the public or a student in a place referred to in the sixth paragraph in the operative part of Order in Council 689-2020^[3] dated 25 June 2020, so long as the conditions set out in that paragraph are respected;
- the person is in a courtroom or is in a jury room;
- the person is consuming food or a beverage in a restaurant, in a food court at a shopping center or food store, in a bar or in any other room used for the purposes of restaurant services or the consumption of beverages; or
- the person is seated in a place, excluding a place of worship, and complies with one of the following conditions;
 - a distance of two meters is maintained between any other person who is neither an occupant of the same private residence or its equivalent nor a person providing a service or support; or
 - the person is separated by a physical barrier able to limit contagion of any person who is neither an occupant of the same private residence or its equivalent nor a person providing a service or support.

Notwithstanding the above exception for persons who work or practice their profession in a public place, it is prohibited for an operator to allow entry into an immovable, excluding a residential immovable, whether or not it is a public place, of any person, even one who works or practices his or her profession there, if the person is not wearing a face covering, or to tolerate the presence of the person in an entrance hall, a reception area or an elevator of the immovable if the person is not wearing a face covering. It should also be noted that a person who works or practices his or her profession in a public place remains subject to the occupational health and safety rules.

As of September 12, 2020, it is now also prohibited for any person not wearing a face covering to enter an immovable, excluding a residential immovable, whether it is a public place or not, or be present in an entrance hall, a reception area or an elevator in the immovable, unless the person is covered by an exception to the obligation to wear a face covering. For the purposes of this rule, a person is not exempt from the obligation to wear a face covering simply because he or she works or practices his or her profession in the immovable.

An operator of a public place and, as of September 12, 2020, any person contravening the rules on the mandatory wearing of face coverings in public places may be liable to a fine of \$400 to \$6,000.

The Order in Council No. 813-2020 regulating wearing face coverings in shared transportation services

This Order in Council took effect on July 27, 2020. It prohibits operators of a shared transportation service (by bus, minibus, subway, boat, train or plane) to admit a person who is not wearing a face covering, or to tolerate the presence in such means of transportation of a person not wearing a face covering. The Order in Council No. 813-2020 contains the same definition of face covering as the one mentioned above. Since September 12, 2020, it is prohibited for any person not wearing a face covering to enter a bus, minibus, subway, boat, train or plane used in connection with the operation of a shared transportation service or be present in such means of transportation.

The following persons are exempt from having to wear a face covering in shared transportation services:

- the person is less than 10 years of age;
- the person is a student at the preschool or cycle one or two of the elementary school level of the general education instructional services for youth and is in school transportation;
- the person states that the wearing of a face covering is not possible because of the person's medical condition;
- the person ordinarily works in the means of transportation;
- the person is consuming food or a beverage in an area reserved for food services or the consumption of beverages;
- the person removes the face covering momentarily to eat or drink, or for identification purposes;
- the person is on a ferry and remains inside his or her vehicle.

The prohibitions mentioned above also apply, subject to the same exceptions, to the driver and persons who enter or are present in a motor vehicle used for remunerated passenger transportation otherwise than as part of the operation of a shared transportation service. However, carpooling is not covered by those rules. It should also be noted that a person whose usual work place is a means of transportation or a motor vehicle that are covered by the above rules remains subject to the occupational health and safety rules.

Operators of shared transportation services and, as of September 12, 2020, any person contravening to the rules on the mandatory wearing of face coverings in shared transportation services may be liable to a fine of \$400 to \$6,000.

[1] Subsequent Orders in Council modified some of the rules of this Order in Council. This blog post was updated to reflect these changes.

[2] Same as above.

[3] The scope of this Order in Council was modified by the Order in Council No 913-2020 dated August 26, 2020.

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