

February 11, 2021

RE: EXEMPTION REQUEST– ORDER 02-2021 – Essential Enforcement and Fire Rescue at Private Exercise Facilities

Pursuant to the recommendations of the Chief Medical Officer of Health for Alberta, a public health emergency was declared in the Province of Alberta on November 24, 2020 pursuant to section 52.1 of the *Public Health Act* of Alberta.

Further to that declaration of a public health emergency the Chief Medical Officer of Health (CMOH), pursuant to her authority under section 29(2.1) of the *Public Health Act*, made CMOH Order 02-2021 (the Order) that identified businesses or entities allowed to offer goods and services at locations accessible to the public as well as any other steps to lessen the impact of a public health emergency when offering those goods or services.

The purpose of the Order is to help protect Albertans from the exposure to and spread of COVID-19 by prohibiting persons from attending certain locations for certain periods of time and subjecting such persons to any conditions that the CMOH considers appropriate including prohibiting persons from engaging in activities that could transmit an infectious agent and which the CMOH considers necessary in order to lessen the impact of the public health emergency. In addition setting such conditions as the CMOH considers appropriate or necessary on businesses and entities to lessen the impact of the public health emergency when those business or entities are offering goods or services to the public.

Pursuant to Section 74 of the Order the CMOH may exempt in writing persons or classes of persons from the operation of the Order.

The Office of CMOH has received requests to permit exercise and fitness facilities that are for the exclusive use of police officers, peace officers, and fire rescue members to be allowed to admit these persons where it is necessary that these persons have access to these facilities in order for these persons to maintain physical conditioning that is a requirement of their employment as a police officer, peace officer, or a fire rescue member. These persons are considered to be essential law enforcement and essential fire rescue workers.

The request states that public health and safety measures will be followed including setting a maximum number of individuals that are permitted to be in the gym at one time as per the square footage of the gym or facility and that a schedule be established so as to limit the number of persons in a gym or facility at any one time.

Currently gyms, exercise and fitness facility businesses and entities, including the ones that are for intended for the exclusive use of police officers, peace officers, and fire rescue members are permitted to allow group physical activity pursuant to Section 9 of Appendix A but persons in these facilities are not permitted to engage in solo exercise pursuant to Section 47 of the Order and pursuant to Section 3 of Appendix A of the Order these facilities are not permitted to be open to the public.

Pursuant to Section 74 of the Order I am satisfied that an exemption from Section 47 of the Order be granted to the following premises and the following persons upon the following conditions:

- I. Persons who are police officers, peace officers, and fire rescue members that are considered essential law enforcement and fire rescue essential workers when those persons are in the facilities identified as indoor gym and fitness centres operated by emergency management organizations when such persons are engaged in solo physical activities to maintain physical conditioning that is a requirement of their employment;
- II. The emergency management organizations or entities who are providing the facilities or services to the persons described in paragraph I shall have an exercise and fitness facility health and safety plan for their indoor gym(s) or fitness centre(s) that should include:
 - a. A list of gym or fitness centres owned or operated by that entity broken down into the following facility categories:
 - small detachment fitness facilities (650 sq ft or less) = one user at a time,
 - medium detachment fitness facilities (651-989 sq ft) = max occupancy of two,
 - large detachment fitness facilities (990-1999 sq ft) = max occupancy of three,
 - x-large detachment fitness facilities (2000-3999 sq ft) = max occupancy of six;
 - xx-large detachment fitness facilities (4000 + sq ft) = max 15% capacity with a minimum of 3 metres between individuals;
 - b. Mandatory advance scheduling of all gym users;
 - c. Enhanced cleaning and disinfecting protocols for both gym users and contracted cleaning services;
 - d. Requiring the mandatory completion of Self-Assessment Tool by a gym user prior to that person using the facilities;
 - e. Specific mask wearing requirements for gym users while they are engaged in physical activity and while in the facility premises. (note: Alberta Health does not recommend mask wearing by persons during heavy physical exertion);

- f. A clear policy that aligns with current public health restrictions or guidance related to indoor fitness classes/group training;
- g. A clear policy restricting individuals who do not require physical conditioning as part of their fitness for duty from using they exercise or fitness facilities for recreational purposes; and
- h. A clear process for tracking who utilized the facilities in the event that contact tracing must be performed; and

III. The entities and persons described in paragraph I and II shall follow any further public health conditions or requirements that relate to public health and safety that may be provided in writing from time to time by Alberta Health or Alberta Health Services.

Although the entities and persons identified above are exempt per Section 74 of the Order, all persons who are identified in this exemption are subject to the appropriate hygiene, masking and other barriers or PPE as appropriate to the activity, distancing of a minimum of two metres from any other persons, and all other measures identified by public health authorities to protect these persons and other Albertans from further transmission of COVID-19.

The exemption may be terminated or modified by the CMOH in writing without notice and for any reason as determined by the CMOH.

This exemption comes into effect on February 11, 2020.

We trust this is satisfactory

Yours Sincerely



Deena Hinshaw
Chief Medical Officer of Health for Alberta