



## NISICAWAYASIIHK CREE NATION OKEMAWIN

### ORDER IN COUNCIL

#### (ITASOWEWIN)

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Date: February 3, 2022

Number: OIC-313-2022-1

Authorized by: Chief and Council

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#### **WHEREAS:**

1. The COVID-19 pandemic declared by the World Health Organization on March 11, 2020 is continuing to evolve not only globally but also within Manitoba.
2. On March 20, 2020, in accordance with section 7 of the *Nisichawayasi* Emergency Measures Law, 2020, c. E-1, Chief and Council declared a State of Emergency to minimize the risks related to the COVID-19 pandemic.
3. The State of Emergency has been extended continuously since then and may be extended further.
4. Additional restrictions or community lockdowns continue to be needed to quickly respond to rapidly changing COVID-19 conditions.
5. Chief and Council have been required to, and will continue to be required to take action to address issues arising from this unprecedented pandemic which continues to pose serious risks to the health and safety of NCN Citizens and other residents on NCN Lands.
6. Public health officials have indicated that efforts must be made to combat COVID-19 by limiting potential exposure through vaccination and policies of physical distancing, ongoing sanitization measures and wearing masks for the foreseeable future.
7. Further Orders are required to address ongoing and emerging issues.

# ORDER

## Definitions

1. The following definitions apply in this Order

“COVID-19 test” means a COVID-19 test approved for use in Manitoba and the validity of the test results have been verified by an NCN public health employee;

“community” means those persons who ordinarily live on or adjacent to NCN Lands at Nelson House, Manitoba;

“fully vaccinated” means a person who has received their second dose of a COVID-19 vaccine approved by Health Canada at least 14 days earlier and has a vaccine verification card issued by the NCN Health Director or designate or vaccine verification digital record or card issued by the Province of Manitoba;

“medical exemption” means a medical specialist and the Manitoba Vaccine Implementation Task Force have verified that the person

- (a) had a severe reaction after the first dose of the vaccine, such as myocarditis or Guillain-Barré syndrome;
- (b) is currently receiving treatment that affects their ability to mount an immune defense; and
- (c) had a severe allergy or anaphylactic reaction to a previous dose that cannot be managed by the Health Sciences Centre Allergy Clinic;

“northern Manitoba” means the area of Manitoba located north of the 53<sup>rd</sup> parallel;

“NCN Lands” means the lands described in *Aski-Pumenikiwin*, 2017, c. A and in particular IR 170, 170A, 170B, and 170C;

“*N’tuskenan*” has the same definition as in *Othasowewin*, 2017, c. O-1.

## Previous NCN COVID-19 Order revoked

2. NCN OIC 313-2021-12 is revoked and replaced with this Order as of 9:00 am on Friday, February 4, 2022.

## State of Emergency in Effect

3. The State of Emergency declared on March 20, 2020 remains in effect unless revoked or amended by a subsequent NCN Order in Council. During this period of time, due to the rapidly changing nature of this pandemic, Chief and Council may by written notice posted on the NCN website and social media declare that a partial or full lockdown is in effect and the rules that must be followed in addition to or in place of the rules in this Order in Council until a new Order in Council is issued.

### **Travel and Entry NCN Lands - Fully Vaccinated Residents and Employees**

4. The following persons who provide proof they are fully vaccinated may travel within Manitoba or elsewhere and shall be allowed to enter and exit NCN Lands as long as they are not displaying any COVID-19 symptoms and provide proof of a negative COVID-19 test taken within 48 hours of re-entry to the community:

- (a) persons who are ordinarily resident on or adjacent to NCN Lands;
- (b) employees or advisors of *Nisichawayasi Nehethowuk Okemawin* (NCN government);
- (c) employees or advisors of an NCN Entity; and
- (d) NCN Citizens and members of their immediate families who are not ordinarily resident on NCN Lands.

### **Entry NCN Lands - Unvaccinated/Not Fully Vaccinated Residents**

5. Unvaccinated or not fully vaccinated persons who are ordinarily resident on or adjacent to NCN Lands shall be allowed to exit and enter NCN Lands if:

- (a) they register at the checkstop prior to leaving by providing their name, address, phone number, where they are going and how long they will be gone; and
- (b) provide proof of a negative COVID-19 test taken within 48 hours of entry to the community.

### **Isolation Upon Return – Unvaccinated/Not Fully Vaccinated**

6. Any person who tests positive must self-isolate at home or at an isolation unit until assessed by the health team after which they will be directed to continue to isolate at home or in an isolation unit.

### **No Travel if Full Lockdown**

7. No travel will be allowed except for emergency medical reasons verified by the Nurse in Charge if Chief and Council have issued a written notice that a full community lockdown is in effect or the number of active COVID-19 cases outside of the community make it unsafe for such travel to continue.

### **Travel conditions**

8. Prior to entering and leaving the community, all persons who intend to travel and plan to return to the community must agree to:

- (a) observe all gathering size limitations, physical distancing, sanitization, mask and hand washing measures during travel and while out of the community;

- (b) abide by any self-monitoring or isolation directives the NCN Health Director or designate may issue;
- (c) abide by all NCN Laws, the provisions of this Order and any additional specific rules outlined in written notices posted on the NCN website;
- (d) abide by all other provincial, territorial or international public health orders during their travels;
- (e) have their vehicles and supplies searched at the check-stop upon their return; and
- (f) co-operate during any searches,

but any person who has previously violated NCN Laws including any previous NCN Order in Council and is subject to a fine or other penalty will not be provided written authorization to travel and re-enter NCN Lands or transport alcohol or cannabis onto NCN Lands until the fine has been paid or alternate arrangements such as community service have been completed.

### **Ban on Entry**

9. Unless authorized by other provisions in this Order, no person who
- (a) is not ordinarily resident in the community; or
  - (b) was ordinarily resident in the community but refused to remain in the community during the lockdown,

shall be permitted to enter NCN Lands unless they are fully vaccinated.

### **Essential Workers**

10. The Executive Director of Justice and Public Safety or designate may issue a special entry pass to the following persons after consultation with the NCN Health Director or designate as long as such persons have provided a negative COVID-19 test within 48 hours of entry to the community, are not displaying any COVID-19 symptoms, are not waiting for COVID-19 test results and have submitted a mitigation plan that has been approved:

- (a) those persons providing essential services in accordance with NCN's Pandemic Plan;
- (b) medical personnel;
- (c) designated NCN advisors;
- (d) workers engaged in construction, maintenance or assessment of critical infrastructure; and
- (e) any other personnel designated in writing following consultation with Chief and Council.

### **Mandatory Screening Prior to Community Entry**

11. All persons arriving at the check-stop must be screened prior to entry into the community for tracking and monitoring residents and visitors leaving and re-entering the community to ensure compliance with this Order.

### **Sports Teams Require Pre-approved Plan**

12. Players, coaches, managers, training, technical and medical personnel employed by or affiliated with sports teams and participants in individual athletic competitions sponsored by any NCN department or others, will only be allowed to participate in events on NCN Lands if

- (a) a written COVID-19 safety plan has been submitted to the Executive Director of Justice and Public Safety or designate at least 7 days in advance of the start of the proposed season or event;
- (b) written approval of the plan has been obtained from the Executive Director of Justice and Public Safety after consultation with the NCN Health Director or designate;
- (c) a full lockdown of the community is not in effect; and
- (d) they are fully vaccinated or provide proof of a negative COVID-19 test taken within 48 hours of entry into the community.

### **Participation in Sports and Other Activities**

13. No person who is eligible for vaccination shall participate in any activities, tournaments or other sporting events on NCN Lands unless they are fully vaccinated.

### **Medical Exception – Participation Sports/Activities**

14. Persons who are unable to be vaccinated with an authorized COVID-19 vaccine for bona fide medical reasons shall provide written confirmation from a doctor or nurse practitioner that they are unable to be vaccinated and the program director shall consult with the NCN Health Director or designate to confirm whether the person shall be allowed to attend work or participate in the activity or event having regard to the safety of the person and the other participants.

### **Schools**

15. NCN schools and ATEC will remain open in accordance with the plans and any amendments approved by the NCN Health Director or designate in consultation with Chief and Council and the NNCEA or ATEC Directors or their designates as the case may be as long as such plans are consistent with this Order or a full lockdown is in effect in accordance with section 37 of this Order in which case they must close.

## **Facilities**

16. The Norman Linklater Multi-plex, Family and Community Wellness Centre Fitness Centre and the Gilbert McDonald Arena shall open in accordance with mitigation plans approved by the Executive Director of Justice and Public Safety in consultation with the NCN Health Director or their designates but only fully vaccinated persons or children under the age of 12 shall be allowed to participate in activities at such facilities.

## **VLTs**

17. The VLT Centre may open to fully vaccinated persons in accordance with an approved mitigation plan approved by the Executive Director of Justice and Public Safety in consultation with the NCN Health Director unless Chief and Council has issued a written notice that they must close.

## **NCN Employees**

18. Employees of NCN Entities and *Nisichawayasi Nehethowuk Okemawin* are allowed to work in the community if they:

- (a) are fully vaccinated;
- (b) are unvaccinated, have agreed to be vaccinated in accordance with the dates set out in NCN's Mandatory Vaccination Policy and until they are fully vaccinated provide proof of a negative COVID-19 test up to three times a week prior to entry to the community;
- (c) have provided confirmation from a medical specialist that the person can not be vaccinated with an approved COVID-19 vaccine for bona fide medical reasons and the written exemption has been provided to the NCN public health nurse or designate for verification;
- (d) are not displaying any COVID-19 symptoms;
- (e) have met the requirements in the Self-Isolation Order for Persons Entering Manitoba;
- (f) if required, have isolated in any location directed by the NCN Health Director or designate for 10 consecutive days;
- (g) are not subject to an order under the Quarantine Act (Canada); and
- (h) neither the employee or any person they live with are not waiting for COVID-19 test results.

For greater certainty, no employee of an NCN Entity or *Nisichawayasi Nehethowuk Okemawin* shall attend a meeting with other employees unless they are fully vaccinated or they have provided

written confirmation of a medical exemption. Upon receipt of such medical information a risk assessment shall be undertaken in consultation with the NCN Health Director or designate to determine if it is safe for the person and other employees for the person to attend such meetings.

### **Construction Workers**

19. Contract and construction workers can enter and exit the community on the condition that each unvaccinated worker provides proof of a negative COVID-19 test up to three times a week and all such workers observe all public health measures, orders, directives, and the plan approved by the NCN Health Director or designate in consultation with Chief and Council for that group of workers which plan must comply with this Order.

### **Masks**

20. Masks that cover the mouth, nose and chin without gapping shall be worn at the following indoor or outdoor public spaces:

- (a) all retail or commercial establishments on NCN Lands;
- (b) offices and other buildings owned or operated by NCN or NCN Entities;
- (c) motor vehicles used for public transportation on NCN Lands, including buses, taxis or other vehicles for hire;
- (d) outdoor spaces if the Northern Health Region has been designated as either Orange or Red under the Pandemic Response System; and
- (e) any other location the NCN Health Director or designate determines is required to protect the health and safety of NCN Citizens and residents and the NCN Health Director or designate has provided at least 24 hours notice on the NCN website and Facebook and social media pages.

### **Alcohol and Drug Prohibitions**

21. All prohibitions on bootlegging or buying, selling and transporting illegal drugs as outlined in the *Nisichawayasi* Community Protection Law 2019, c. C-1 and federal or provincial legislation continue to apply during the State of Emergency and anyone bootlegging, transporting or selling illegal drugs may be evicted or banished from NCN Lands.

### **Bear Mace and Machetes**

22. No person shall be allowed to bring bear mace or a machete onto NCN Lands except in accordance with a regulation approved by Chief and Council and any person who causes harm or tries to cause harm to another person using bear mace, a machete, knives or other weapons may be immediately banished from NCN Lands or other alternate measures will be taken.

## **Fireworks**

23. No person shall be allowed to use fireworks without obtaining a permit from the Executive Director of Justice and Public Safety or designate.

## **Gathering Sizes – Indoor and Outdoor**

24. Subject to paragraph 37, indoor and outdoor gatherings on or adjacent to NCN Lands are limited to:

- (a) the persons ordinarily resident in a household if the persons in the household who are eligible to be vaccinated are not fully vaccinated but a person from outside the household may provide emergency services including home repairs, child care, elder care or other health and social services to a member of the household;
- (b) 50% capacity of the facility plus the officiants for regular services, weddings, wakes and funerals and fully vaccinated persons from elsewhere in Manitoba can apply to attend the funeral of a family member or close friend;
- (c) fully vaccinated people at sweats and ceremonies including Sundance ceremonies and other community events; and

subject to other provisions in this Order, persons who are fully vaccinated may visit other households where all persons who are eligible are fully vaccinated as long as each household visited maintains a logbook with the names, addresses, phone numbers and date of birth for each visitor and the dates and times of each visit recorded in order to facilitate contact tracing should that become necessary. The host of each event shall be responsible for verifying proof of vaccination prior to allowing a person to enter their home or facility.

For greater certainty, in accordance with paragraph 37, during a full lockdown no gatherings will be permitted and church services shall be closed to the public but remote services may take place using the radio, internet or other forms of social media.

## **Visitors Not Ordinarily Resident in the Community**

25. NCN Citizens and their immediate families who are fully vaccinated may visit and stay overnight with other fully vaccinated persons ordinarily resident in the community upon providing:

- (a) proof of a negative COVID-19 test taken within 48 hours of entry;
- (b) proof that they are fully vaccinated; and
- (c) their full names, date of birth, treaty number, address and phone number for the person they are visiting for the logbook their host is required to maintain.

Children who are not eligible for a COVID-19 vaccination may visit and stay overnight in the community if they are accompanied by their fully vaccinated parents or guardians.



### **Home-Based Businesses**

26. Owners of a home-based business must remain closed unless all eligible persons in the household are fully vaccinated but a home-based business may open in accordance with mitigation plans approved by the Executive Director of Justice and Public Safety or designate as long as all eligible persons in a household are fully vaccinated.

### **Retail Businesses**

27. Unless given written notice to close, a business owned by NCN and operated on NCN Lands may remain open if the operator of the business:

- (a) follows the mask requirements in paragraph 20;
- (b) implements measures to ensure members of the public can maintain a separation of two metres or 6 feet from other persons at the business;
- (c) limits the number of members of the public at the business to 50% of the usual capacity of the premises;
- (d) follow any other rules applicable to the business under Provincial public health orders.

### **NCN Government and Wellness Offices**

28. The NCN Government and Wellness offices shall remain open to deliver services to the community during a partial or full lockdown but in consultation with the NCN Health Director or designate may restrict access to the public and impose public health measures to be followed by employees working in these offices.

### **Curfew**

29. A curfew shall be in effect from 9:00 pm to 7:00 am for all children under the age of 18 and from 11:00 pm to 7:00 am daily for all persons 18 and over. No snowmobiles or ATVs shall be operated on or adjacent to NCN Lands from 11:00 pm to 7:00 am.

### **Patrols Within *N'tuskenan***

30. Patrols of all access roads, trails, rivers and waterways within *N'tuskenan* that lead to NCN Lands, including searches of vehicles and other personal property will continue to be in effect.

31. Community safety patrol officers and peace officers are authorized to seize and impound any motorized or non-motorized vehicles including boats, operating on NCN Lands or adjacent to NCN Lands including such waterways, access roads and trails described in paragraph 30, if

- (a) the vehicle is an ATV operated after 11:00 pm; and

- (b) the community safety patrol officer or a peace officer believes on reasonable grounds that the person operating the motorized or non-motorized vehicle including boats, may be involved in criminal activities or activities that are contrary to NCN Laws and Orders on or adjacent to NCN Lands.

### **Persons Released from Jail**

32. NCN Citizens released from jail and who are not subject to a banishment order are allowed to visit or reside on NCN Lands only with a special pass issued by the Executive Director of Justice and Public Safety in consultation with the NCN Health Director or their designates following a risk assessment and determination of appropriate conditions.

### **Pandemic Plans**

33. The NCN Pandemic Response Plan as amended from time to time shall continue to be followed during this coronavirus (Covid-19) pandemic unless it differs from this Order in which case this Order shall prevail.

### **Facility and Asset Usage During Pandemic**

34. The NCN Health Director in consultation with the NCN EMO Director is authorized to establish and designate NCN owned buildings and other facilities as emergency shelters, health treatment, isolation or quarantine centres or such other facilities as may be required to respond to the Covid-19 pandemic.

35. Isolation units at ATEC and other designated facilities shall remain in place on standby until further notice to facilitate issues that may arise on short notice.

36. Chief and Council may by written authorization, procure, use or distribute any assets or other resources owned by NCN or an NCN Entity as may be required to respond to the Covid-19 pandemic.

### **Rules if Active Cases in Community**

37. If there are confirmed active cases of COVID-19 in the community Chief and Council in consultation with the Executive Director of Justice and Public Safety and the NCN Health Director or their designates will determine the restrictions that must go into effect to protect the health and safety of the community and the community shall be given written notice of such restrictions by notice posted on the NCN website, social media and through any other reasonable means.

### **Application of Order**

38. This Order applies to all individuals and businesses on NCN Lands including the Mystery Lake Lands in Thompson.

## **Penalties**

39. Failure to comply with this Order, with the exception of paragraph 20, unless a full community lockdown is in effect, constitutes an offence and will result in evictions, banishments, fines of \$500.00 , removal of benefits or other penalties consistent with NCN Laws, which penalties shall be in addition to any fines or other penalties imposed for violations of orders issued pursuant to section 67 of *The Public Health Act* (Manitoba) or the *Quarantine Act* (Canada).

40. In addition to the penalties in paragraph 39, any employee of NCN or an NCN Entity who violates this Order or an NCN Law will be disciplined in accordance with NCN personnel policies.

## **Regular Review of Order**

41. This Order will be reviewed on a regular basis while it remains in effect and may be modified, revoked, or extended in whole or in part.

## **AUTHORITY**

*Nisichawayasi Nehethowuk Othasowewin*, 2017, c. O-1 states:

### **CHAPTER 4**

## **JURISDICTION**

### **4.1 Jurisdiction**

The jurisdiction of the *Nisichawayasi Nehethowuk Okimawin* extends over all persons, including *Nehetho* (Citizens), property, lands, air, water, resources and activities occurring on lands used by *Nisichawayasi Nehethowuk*.

The *Nisichawayasi Emergency Measures Law*, c. E-1, 2020 states:

### **PART III**

## **STATE OF EMERGENCY**

### **Emergency Powers**

**12** Upon the declaration of and during a state of emergency, Chief and Council may make such orders or regulations it believes is necessary to deal with the emergency:

- (a) the regulation or prohibition of travel to, from or within any specified area of N'tuskenan or NCN Lands or part of either N'tuskenan or NCN Lands;
- (b) the evacuation of persons and the removal of personal property from any specified area and making arrangements for the adequate care and protection of persons and property;
- (c) control or prevent the movement of people and property;

- (d) authorize the entry into any building on NCN Lands without a warrant or order under the Nisichawayasi Community Protection Law;
- (e) authorize the procurement, use and distribution of essential resources, services and personnel and provide for reasonable compensation for in respect of the resources or services provided;
- (f) regulate and provide for the distribution and availability of essential goods, services and resources;
- (g) authorize and make emergency payments;
- (h) direct or authorize the closure of schools, businesses, and other facilities;
- (i) establish emergency shelters, health treatment, isolation or quarantine centres, or such other facilities as may be required;
- (j) assess the damage to the environment, any works, undertakings, infrastructure or other structures and the costs to repair, replace or restore the environment, such works, undertakings, infrastructure or other structures;
- (k) expend such sums as are necessary to pay expenses caused directly or indirectly by the emergency; and
- (l) evict, banish, imprison or impose fines consistent with the Nisichawayasi Community Protection Law 2019, c. C-1.

### **PREVIOUS NCN COVID-19 OICs**

- NCN OIC 313-2020-4 approved March 20, 2020
- NCN OIC 313-2020-5 approved March 27, 2020
- NCN OIC 313-2020-6 approved April 17, 2020
- NCN OIC 313-2020-7 approved April 23, 2020
- NCN OIC 313-2020-8 approved May 2, 2020,
- NCN OIC 313-2020-9 approved May 8, 2020
- NCN OIC 313-2020-10 approved May 20, 2020
- NCN OIC 313-2020-11 approved May 21, 2020
- NCN OIC 313-2020-12 approved May 29, 2020
- NCN OIC 313-2020-13 approved June 5, 2020

NCN OIC 313-2020-14 approved June 18, 2020  
NCN OIC 313-2020-15 approved July 17, 2020  
NCN OIC 313-2020-16 approved on August 30, 2020  
NCN OIC 313-2020-17 approved on September 4, 2020  
NCN OIC 313-2020-18 approved on September 30, 2020  
NCN OIC 313-2020-19 approved on October 30, 2020  
NCN OIC 313-2020-20 approved on November 13, 2020  
NCN OIC 313-2020-21 approved on December 11, 2020  
NCN OIC 313-2020-22 approved on December 22, 2020  
NCN OIC 313-2021-1 (inadvertently numbered as NCN OIC 313-2020-23) approved on January 8, 2021  
NCN OIC 313-2021-2 approved on February 5, 2021  
NCN OIC 313-2021-3 approved on March 3, 2021  
NCN OIC 313-2021-5 approved on April 1, 2021  
NCN OIC 313-2021-6 approved on April 30, 2021  
NCN OIC 313-2021-7 approved on May 28, 2021  
NCN OIC 313-2021-8 approved on June 11, 2021  
NCN OIC 313-2021-9 approved on June 25, 2021  
NCN OIC 313-2021-10 approved on September 23, 2021  
NCN OIC 313-2021-11 approved on November 26, 2021  
NCN OIC 313-2021-12 approved on December 7, 2021