

# Mask Enforcement on Saskatoon Transit

## ISSUE

At the February 8, 2022 Special Council meeting, Saskatoon City Council met to discuss changes to COVID-19 protocols for members of the public accessing City facilities upon rescission of the “Public Health Order Mandatory Isolation and Face Covering.” The continued requirement for public masking on Saskatoon Transit Buses after lifting of the Public Health Order was discussed. What options are available for resources, and the associated financial impacts, to increase enforcement or conflict resolution support on Transit relating to face covering use in advance of the rescission of the existing “Public Health Order Mandatory Isolation and Face Covering”?

## BACKGROUND

At its Special Council Meeting held on February 8, 2022, Saskatoon City Council considered the COVID-19 Update report and resolved, in part:

- “4. That the Administration report back about resources required to increase enforcement or conflict resolution support on Transit relating to face covering use in advance of the rescission of the existing “Public Health Order Mandatory Isolation and Face Covering” by the Government of Saskatchewan. Please include potential use of commissioners, Transit Supervisors, private security companies, and/or if SPS can play a role of some kind. The report should include associated financial impact for all options. Please ensure that transit operators, ATU, and Bus Riders of Saskatoon are consulted for the report. Consideration should be given for identified problematic routes, potential enforcement through transit terminals, and potential rotation of enforcement personal on random transit routes;”

## CURRENT STATUS

The requirement for members of the public to wear a mask while on Saskatoon Transit is included under the current Public Health Order (PHO) by the Government of Saskatchewan. Under this Order, mask use is required in all public places, including Saskatoon Transit and compliance with this is tracked and enforceable. Tickets can be issued for failing to comply with the PHO, but we are not aware that any tickets have been issued with respect to Saskatoon Transit. A timeline of events and health and safety measures on Transit is summarized in Appendix 1.

Saskatoon Transit focuses on mask enforcement through education. Bus Operators do not enforce or engage on mask use with passengers. Masks are available on each bus should a rider require one. Operators will present masks but are not to enforce their use and riders without masks are not refused service. Non-compliance can be tracked by Operators using the Mobile Data Terminal (MDT). Information compiled from the MDT data is used to determine locations where additional attention and education by Transit Supervisors may be needed.

Transit buses have direct radio communications with the City Emergency radio channel. If a situation escalates, Operators are directed to call for Police/Supervisor support. If there is a conflict or altercation between riders, the operator pulls the bus over and opens the door to allow the altercation to move outside, while waiting for assistance.

From March 17, 2020 to date, there have been 15 negative interactions regarding masking reported by Transit Operators. Seven of these interactions involved the Operator and eight were among passengers. No physical assaults have occurred regarding masking to date. For a further breakdown of negative interactions see Appendix 2.

Reported mask compliance on Saskatoon Transit has been 99% during periods of time when masks have been mandatory. For a further breakdown of reported mask compliance please see Appendix 2.

Saskatoon Transit has consulted with both internal and external stakeholders to help develop the options for consideration.

### **Approaches in Other Jurisdictions**

#### Regina Transit

Throughout the pandemic, Regina Transit focused on mask education with their riders and Transit Supervisors would attend compliance issues to resolve them. Regina City Council, on Friday February 11, 2022, resolved to discontinue mandatory mask use once the PHO is no longer in effect. Regina Transit will continue to strongly encourage mask usage.

#### Prince Albert

Prince Albert City Council, on Saturday February 12, 2022, voted that the City's requirement for masking in City facilities and public transit would end at the same time as the PHO on February 28, 2022.

#### Edmonton Transit Service (ETS)

ETS relies on Transit Peace Officers (TPOs) to enforce bylaws. The City of Edmonton has enacted a bylaw on masking and TPOs have the authority to refuse access to Transit Property; remove individuals from Transit services and write tickets for bylaw and rule non-compliance; however, their focus is on education. When addressing mask compliance issues, TPOs provide free masks and work with the individual before escalating any situation.

#### Toronto Transit Commission (TTC)

The TTC does not enforce mask use on buses, they educate riders about the fact that masks are mandatory when travelling on the TTC. They have mandatory mask information/signage across the system, but no one is to be denied service if they don't have a mask. Fare Inspectors, Special Constables, Station staff and Bus Operators are

responsible to educate customers. Mandatory mask messaging is also shared on social media channels and on Platform Video Screens and interior cards.

### **Discussion with Stakeholders**

#### Amalgamated Transit Union (ATU) 615

Saskatoon Transit met to discuss options for mask enforcement on Transit buses with ATU 615. During this conversation, the current and future issues and concerns with masking were discussed as were the options presented in this report. In addition, the roles, and responsibilities for ATU members regarding enforcement were outlined.

#### Saskatoon Civic Middle Management Association (SCMMA)

Saskatoon Transit met with SCMMA to discuss mask enforcement on Transit buses. During this conversation, the current role of Transit Supervisors was outlined as was the impact of the options noted.

#### Bus Riders of Saskatoon

Bus Riders of Saskatoon provided feedback based on their observations of mask compliance and altercations on buses. They noted the potential for conflict on buses should masking be enforced. They also noted their membership has no reports of aggressive confrontations among passengers to date. Their feedback pointed to a desire to see the highest level of mask compliance equal to what happens at leisure centres.

### **DISCUSSION/ANALYSIS**

There are several enforcement possibilities to be considered. At present, the City does not have a bylaw regarding mandatory masks on Saskatoon Transit, therefore there is no authorization to write tickets for any mask related infractions. Tickets currently can be issued under the PHO but that will end when the PHO expires at the end of February.

Without a bylaw, Transit staff can call SPS to come deal with a person who refuses to comply and SPS could charge the person with mischief. Mischief is a charge within the *Criminal Code of Canada*; however, officers would have to balance whether it would be in the public interest to proceed with a charge.

Having SPS enforce anything causes operational delays and costs. In all situations where SPS is called statements from staff are required, possibly witness statements from some other riders, and a collection of video from the bus, all to support the actions of officers and support a charge, if laid.

### **Options for Mask Enforcement**

#### **Option 1 - Enforcement on All Operating Buses**

To have security personnel on all operating buses during all hours of operation would require up to 84 additional personnel at one time.

It would take up to a month for contracted security companies to provide the full staffing complement required to have enforcement officers on each bus. The roll out of this option is scalable; it could be added across the system to all routes or to a limited number of routes that have proven to be problematic for mask compliance.

Based on an estimated cost of \$21/hour and a maximum of 84 personnel, the minimum monthly cost would be \$677,208.

### **Option 2 - Rotating Enforcement on High Issue Routes**

Saskatoon Transit tracks mask non-compliance through reporting by Operators and by follow-up and education by Service Supervisors. By hiring five (or any number) security personnel, areas and routes with higher non-compliance issues could be targeted.

This option could stand alone or be added to Option 3.

Based on 20 hours of operations per day, five security personnel and an hourly rate of \$21/hr, the minimum monthly cost is \$58,800.

### **Option 3 - Enforcement at Transit Terminals**

Saskatoon Transit operates out of six main terminals: Downtown, Centre Mall, Market Mall, Confederation Mall, Lawson Heights Mall and Place Riel. Security personnel could be located at all or some of these locations to educate and enforce mask use as riders board and alight buses.

This option is stackable and could be added to Option 1 or 2.

Based on 20 hours of daily operation at three locations per day, and rotating locations as issues are tracked, at an hourly rate of \$21/hr, the minimum monthly cost is \$35,280.

### **Option 4 – Status Quo**

Saskatoon Transit focuses on mask education with riders and Mask Required signage with interior and exterior audible announcements on each bus. Operators can track non-compliance on the bus MDT and Supervisors monitor high non-compliance areas and routes, providing masks, education and support to Operators and riders.

In all options presented above, masks would be available for free on the bus and offered to those who board without a mask.

## **Mask Enforcement Process**

Depending on the option above chosen, there would be a process for when an enforcement officer is on the bus, at a terminal, or when there is no enforcement officer at all.

### **1. Process If Only the Operator is on the Bus**

- Riders without masks would not be refused service.
- Operator would not enforce masking.

- Operator would present masks for those entering the bus without a mask.
- Rider would move to seat, with or without mask.
- If the rider created an altercation with the Operator, the Operator could contact Police/Supervisor and remain at the stop with the door open until the rider complied, left the bus, or Police/Supervisor arrived.
- Operator can note each non-compliance through the MDT. The information from these digital notes would be coordinated and acted on through the supervisor group.
- If there was conflict or an altercation between riders, the operator would pull over, stop the bus, and open the doors to allow the altercation to move outside the bus.
- If an altercation remained on the bus, SPS would be called, and the bus would remain in place until SPS arrived.

### **2. Process If an Enforcement Officer is Attending the Situation**

- If a rider boarded without wearing a mask, did not accept and don a mask, or took the mask off while on the bus, the enforcement officer would request the rider to put on the mask.
- If a rider did not put on the mask, the enforcement officer would ask the rider to leave the bus at the next stop.
- If a rider refused to put on a mask or leave the bus but no altercation took place, the rider could remain on the bus (i.e., due to transit being an essential service our preference is to not deny service).
- If an altercation took place with either the enforcement officer, the Operator or other riders, the situation would be treated the same as any other altercation. The Operator would pull over, stop the bus, and open the doors to allow the altercation to move outside the bus.
- If an altercation remained on the bus, SPS would be called, and the bus would remain in place until SPS arrived.

### **FINANCIAL IMPLICATIONS**

The options above range from an additional minimum monthly cost of \$0 to \$677,208. Any option other than status quo is outside of currently approved operating budgets.

### **OTHER IMPLICATIONS**

Mask enforcement may cause delays in some circumstances and have an associated impact for Saskatoon Transit to maintain regular and reliable schedules.

### **NEXT STEPS**

Next steps for mask enforcement on Saskatoon Transit will be based on direction from City Council.

**APPENDICES**

1. Measures Timeline
2. Compliance and Issues Chart
3. Confidential – Solicitor/Client Privilege

**Report Approval**

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