

## CLASS ORDER

made pursuant to Section 22 of the Health Protection and Promotion Act,  
R.S.O. 1990, c.H.7

**THIS CLASS ORDER ISSUED AND EFFECTIVE March 15, 2021 AT 12:01 a.m.**

**DATE:** March 12, 2021.

**TO:** All persons who own or operate a Driver Instruction Vehicle or Driver Examination Vehicle in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit.

**I, Dr. Nicola Mercer, Medical Officer of Health for the Wellington-Dufferin-Guelph Health Unit, ORDER YOU TO TAKE THE FOLLOWING ACTIONS, effective 12:01 a.m. on March 15, 2021:**

- 1. Prior to entering a Driver Instruction Vehicle or Driver Examination Vehicle, each occupant must be screened using:**
  - (a) the provincial COVID-19 worker and employee screening tool, or**
  - (b) the provincial COVID-19 customer screening tool,****as appropriate for each occupant.**
  
- 2. All occupants of a Driver Instruction Vehicle or Driver Examination Vehicle shall wear a Face Covering when more than one Persons occupy a Driver Instruction Vehicle or Driver Examination Vehicle. If any of the occupants does not have a face covering that meets the criteria in this Order, one shall be provided to them.**

The Face Covering must be worn inside the vehicle at all times.

A Person shall be exempt from wearing a Face Covering in the Vehicle if:

- a. For any medical reason, the Person cannot safely wear a Face Covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information; or
- b. The obligation to provide reasonable accommodation under the Ontario Human Rights Code requires exemption from this requirement.

Notwithstanding the above, a Person shall not be exempt from wearing a Face Covering in the Vehicle if, in the circumstances, they would expose other occupants of the Vehicle to undue hardship, including a material risk of infection with COVID-19.

- 3. All occupants of a Driver Instruction Vehicle or Driver Examination Vehicle shall wear eye protection in the vehicle.**

A Person shall be exempt from wearing eye protection in the Vehicle if:

- a. They are alone; or
- b. They are the operator of the vehicle so as to not interfere with safe driving.

4. **All operators of a Driver Instruction Vehicle or Driver Examination Vehicle shall ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all Persons entering or exiting the Vehicle, require all Persons to use the alcohol-based hand rub before entering the Vehicle and ensure that interior and exterior portions of the Vehicle, likely to be touched by occupants, are sanitized prior to and following each lesson.**

**THE REASONS for this ORDER are that:**

1. COVID-19, a disease caused by a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to Ontario Regulation 135/18 under the Health Protection and Promotion Act.
2. COVID-19 Variants of Concern have been identified among the population of the Wellington-Dufferin Guelph Health Unit jurisdiction. Variants of Concern are highly infectious and pose a significant threat to the population.
3. COVID-19 can cause acute and severe respiratory illness and death in humans.
4. The spread of COVID-19 is of immediate and compelling public health importance in the jurisdiction of the Wellington-Dufferin Guelph Health Unit:
  - a. As of March 12, 2021, there is evidence of continued community transmission of COVID-19 and COVID-19 Variants of Concern in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit, as evidenced by newly identified cases not connected to facility outbreaks or travel;
  - b. On March 11, 2020, the spread of COVID-19 was declared a pandemic by the World Health Organization;
  - c. On March 15, 2020 the first case of COVID-19 was reported in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit;
  - d. On March 17, 2020 the spread of COVID-19 was declared an emergency in Ontario pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, as amended, on the basis that COVID-19 constitutes a danger of major proportions; and
  - e. States of Emergency were subsequently declared by the City of Guelph and the Counties of Dufferin and Wellington in response to COVID-19.
5. COVID-19 is transmitted from person-to-person predominantly through respiratory droplets that are released from the nose and mouth, through contact with contaminated surfaces, and through poor hand hygiene.
6. COVID-19 may be transmitted from persons who have minimal or no signs or symptoms of illness.
7. Accumulating epidemiological evidence indicates that the widespread use of Face Coverings by all persons decreases spread of respiratory droplets, and expert opinion supports the widespread use of Face Coverings to decrease transmission of COVID-19.

8. Use of Face Coverings is recommended by the Chief Medical Officer of Health of Ontario and the Chief Public Health Officer of Canada in situations where physical distancing (spatial separation of individuals by at least two metres) is difficult to maintain.
9. Operating under the provincial reopening framework has increased the frequency of contact and limit opportunities for physical distancing between persons in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit which, absent adequate preventative measures, will increase the number of COVID-19 Variant of Concern cases in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit.

**I am of the opinion, on reasonable and probable grounds, that:**

- a. A communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b. The communicable disease presents a risk to the health of persons in the health unit served by me; and
- c. The requirements specified in this Order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

**I am also of the opinion that** the delivery of notice of this Order to each and every member of the class to whom it is directed is likely to cause a delay that could significantly increase the risk to the health of any person residing in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit, so notice shall be provided through the public media and the internet via posting at: [www.wdgpulichealth.ca](http://www.wdgpulichealth.ca).

## **DEFINITIONS AND SCOPE OF THE ORDER**

In complying with the best-effort requirement, owners and operators shall not require employees or members of the public to provide proof that they qualify for any of the exemptions set out in Section 1.

The following definitions apply to this Order:

**Person** means any customer, patron, employee, or visitor.

**Face Covering** means a medical mask or a non-medical mask that meet the Health Canada criteria of a mask and covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets.

**Eye Protection** means personal protective equipment that will prevent infectious droplets to enter the eye. Eye Protection can take the form of safety goggles, safety glasses, or transparent face shield that protects the eyes.

**Driver Instruction Vehicle** mean all portions of a driver instruction vehicle that are accessible to members of the public or employees and that are used for the purposes of providing driver instruction to members of the public.

**Driver Examination Vehicle** mean all portions of a driver examination vehicle that are accessible to members of the public or employees and that are used for the purposes of providing road tests to members of the public.

## **NOTICE**

**TAKE NOTICE THAT** each member of the class to whom this Order is directed, is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered notice in writing to me and to the Health Services Appeal and Review Board (Health Boards Secretariat, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 2T5), requesting a hearing within 15 days after publication of this Order or otherwise in accordance with applicable law. In the context of the COVID-19 outbreak, all requests for appeals and reviews, submissions, materials, and inquiries must be sent by e-mail to [hsarb@ontario.ca](mailto:hsarb@ontario.ca) or faxed to the Health Services Appeal and Review Board at 416-327-8524.

**AND TAKE FURTHER NOTICE THAT** although a hearing may be requested, this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.

**FAILURE** to comply with this Order is an offence for which you may be liable, on conviction, to a fine of not more than \$5,000.00 for every day or part of each day on which the offence occurs or continues.

*Signed copy on file*

**Dr. Nicola Mercer  
Medical Officer of Health,  
Wellington-Dufferin-Guelph Public Health  
160 Chancellors Way, Guelph, ON N1G 0E1**

Questions about this Order can be directed to the Wellington-Dufferin-Guelph Public Health COVID-19 Call Centre at **519-822-2715 ext. 4020**