

Repealed - Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 3

From: Transport Canada

Whereas the annexed *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 3* is required to deal with a significant risk, direct or indirect, to aviation safety or the safety of the public;

Whereas the provisions of the annexed Order may be contained in a regulation made pursuant to sections 4.71^a and 4.9^b, paragraphs 7.6(1)(a)^c and (b)^d and section 7.7^e of the *Aeronautics Act*^f;

- ^aS.C. 2004, c. 15, s. 5
- ^bS.C. 2014, c. 39, s. 144
- ^cS.C. 2015, c. 20, s. 12
- ^dS.C. 2004, c. 15, s. 18
- ^eS.C. 2001, c. 29, s. 39
- ^fR.S., c. A-2

And whereas, pursuant to subsection 6.41(1.2)^g of that Act, the Minister of Transport has consulted with the persons and organizations that that Minister considers appropriate in the circumstances before making the annexed Order;

- ^gS.C. 2004, c. 15, s. 11(1)

Therefore, the Minister of Transport, pursuant to subsection 6.41(1)⁹ of the *Aeronautics Act*^f, makes the annexed *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 3*.

Ottawa, July 13, 2020

Le ministre des Transports,

Marc Garneau

Minister of Transport

Interpretation

Definitions

- **1 (1)** The following definitions apply in this Interim Order.

air carrier

air carrier means any person who operates a commercial air service under Subpart 1, 3, 4 or 5 of Part VII of the Regulations. (transporteur aérien)

COVID-19

COVID-19 means the coronavirus disease 2019. (COVID-19)

elevated temperature

elevated temperature means a temperature within the range set out in the standards. (température élevée)

face mask

face mask means any non-medical mask or face covering that is made of at least two layers of tightly woven material such as cotton or linen, is large enough to completely cover a person's nose and mouth without gaping and can be secured to a person's head with ties or ear loops. (masque)

foreign national

foreign national means a person who is not a Canadian citizen or a permanent resident and includes a stateless person. (étranger)

Regulations

Regulations means the *Canadian Aviation Regulations*. (Règlement)

screening officer

screening officer has the same meaning as in section 2 of the *Canadian Air Transport Security Authority Act*. (agent de contrôle)

standards

standards means the document entitled the *Transport Canada Temperature Screening Standards*, published by the Minister. (normes)

- Interpretation

(2) Unless the context requires otherwise, all other words and expressions used in this Interim Order have the same meaning as in the Regulations.

- Conflict

(3) In the event of a conflict between this Interim Order and the Regulations or the *Canadian Aviation Security Regulations, 2012*, the Interim Order prevails.

Notification

Federal, provincial and territorial measures

- **2** (1) A private operator or air carrier operating a flight between two points in Canada or a flight to Canada departing from any other country must notify every person boarding the aircraft for the flight that they may be subject to a measure to prevent the spread of COVID-19 taken

by the provincial or territorial government with jurisdiction where the destination aerodrome for that flight is located or by the federal government.

- *Quarantine Act* Order — other country except United States

(2) A private operator or air carrier operating a flight to Canada departing from any other country except the United States must notify every foreign national boarding the aircraft for the flight that they may be prohibited from entering Canada under the order made by the Governor General in Council, under the *Quarantine Act*, entitled *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from any Country other than the United States)*.

- *Quarantine Act* Order — United States

(3) A private operator or air carrier operating a flight to Canada departing from the United States must notify every foreign national boarding the aircraft for the flight that they may be prohibited from entering Canada under the order made by the Governor General in Council, pursuant to the *Quarantine Act*, entitled *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*.

- False declarations

(4) A private operator or air carrier operating a flight between two points in Canada or a flight to Canada departing from any other country must notify every person boarding the aircraft for the flight that they may be liable to a monetary penalty if they provide a confirmation referred to in subsection 3(1), (2) or (3) that they know to be false or misleading.

Confirmation

Federal, provincial and territorial measures

- **3** (1) Before boarding an aircraft for a flight between two points in Canada or a flight to Canada departing from any other country, every person must confirm to the private operator or air carrier that operates the flight that they understand that they may be subject to a measure to prevent the spread of COVID-19 taken by the provincial or territorial government with jurisdiction where the destination aerodrome for that flight is located or by the federal government.
- *Quarantine Act* Order — other country except United States
(2) Before boarding an aircraft for a flight to Canada from any other country except the United States, a foreign national must confirm to the private operator or air carrier that operates the flight that, to the best of their knowledge, they are not prohibited from entering Canada under the order referred to in subsection 2(2).
- *Quarantine Act* Order — United States
(3) Before boarding an aircraft for a flight to Canada from the United States, a foreign national must confirm to the private operator or air carrier that operates the flight that, to the best of their knowledge, they are not prohibited from entering Canada under the order referred to in subsection 2(3).
- False declaration
(4) A person must not provide a confirmation under subsection (1) that they know to be false or misleading.
- False declaration — *Quarantine Act* Orders
(5) A foreign national must not provide a confirmation under subsection (2) or (3) that they know to be false or misleading.
- Exception

(6) A competent adult may provide a confirmation referred to in subsection (1), (2) or (3) on behalf of a person who is not a competent adult.

Prohibition

4 A private operator or air carrier operating a flight between two points in Canada or a flight to Canada departing from any other country must not permit a person to board the aircraft for the flight if the person is a competent adult and does not provide a confirmation that they are required to provide under subsection 3(1), (2) or (3).

Foreign Nationals

Prohibition

5 A private operator or air carrier must not permit a foreign national to board an aircraft for a flight that the private operator or air carrier operates to Canada departing from any other country except the United States.

Exception

6 Section 5 does not apply to a foreign national who is permitted to enter Canada under the order referred to in subsection 2(2).

Health Check

Non-application

7 Sections 8 to 10 do not apply to either of the following persons:

- (a) a crew member;

- (b) a person who provides a medical certificate certifying that any symptoms referred to in subsection 8(1) that they are exhibiting are not related to COVID-19.

Health check

- **8 (1)** A private operator or air carrier must conduct a health check of every person boarding an aircraft for a flight that the private operator or air carrier operates by asking questions to verify whether they exhibit any of the following symptoms:
 - (a) a fever;
 - (b) a cough;
 - (c) breathing difficulties.
- Additional questions
 - (2) In addition to the health check, the private operator or air carrier must ask every person boarding an aircraft for a flight that the private operator or air carrier operates
 - (a) whether they have or suspect they have COVID-19;
 - (b) whether they have been refused boarding in the previous 14 days for a medical reason related to COVID-19; and
 - (c) in the case of a flight departing in Canada, whether they are the subject of a mandatory quarantine order as a result of recent travel or as a result of a local or provincial public health order.
- Notification
 - (3) A private operator or air carrier must notify every person boarding an aircraft for a flight that the private operator or air carrier operates that the person may be refused boarding if

- (a) they exhibit a fever and a cough or a fever and breathing difficulties, unless they provide a medical certificate certifying that their symptoms are not related to COVID-19;
- (b) they have, or suspect they have, COVID-19;
- (c) they have been refused boarding in the previous 14 days for a medical reason related to COVID-19; or
- (d) in the case of a flight departing in Canada, they are the subject of a mandatory quarantine order as a result of recent travel or as a result of a local or provincial public health order.
- False declaration — obligation of private operator or air carrier

(4) The private operator or air carrier must advise every person not to provide answers that they know to be false or misleading with respect to the health check and the additional questions.
- False declaration — obligations of person

(5) A person who, under subsections (1) and (2), is subjected to a health check and is asked the additional questions must

 - (a) answer all questions; and
 - (b) not provide answers that they know to be false or misleading.
- Exception

(6) A competent adult may answer all questions on behalf of a person who is not a competent adult and who, under subsections (1) and (2), is subjected to a health check and is asked the additional questions.
- Observations — private operator or air carrier

(7) During the boarding process for a flight that the private operator or air carrier operates, the private operator or air carrier must observe whether any person boarding the aircraft is exhibiting any symptoms referred to in subsection (1).

Prohibition

9 A private operator or air carrier must not permit a person to board an aircraft for a flight that the private operator or air carrier operates if

- (a) the person's answers to the health check questions indicate that they exhibit
 - (i) a fever and cough, or
 - (ii) a fever and breathing difficulties;
- (b) the private operator or air carrier observes that, as they are boarding, the person exhibits
 - (i) a fever and cough, or
 - (ii) a fever and breathing difficulties;
- (c) the person's answer to any of the additional questions asked of them under subsection 8(2) is in the affirmative; or
- (d) the person is a competent adult and refuses to answer any of the questions asked of them under subsection 8(1) or (2).

Waiting period of 14 days

10 A person who is not permitted to board an aircraft under section 9 is not permitted to board another aircraft for the purpose of being transported for a period of 14 days after the refusal, unless they provide a medical certificate certifying that any symptoms referred to in subsection 8(1) that they are exhibiting are not related to COVID-19.

Temperature Screening – Flights to Canada

Application

- **11** (1) Sections 12 to 18 apply to an air carrier operating a flight to Canada departing from any other country and to every person boarding an aircraft for such a flight.

- Non-application

(2) Sections 12 to 18 do not apply to either of the following persons:

- (a) an infant;
- (b) a person who provides a medical certificate certifying that their elevated temperature is not related to COVID-19.

Obligation

- **12** (1) An air carrier must use equipment to conduct a temperature screening of every person boarding an aircraft for a flight that the air carrier operates.
- Second screening

(2) The air carrier must conduct a second temperature screening if the first temperature screening indicates that the person has an elevated temperature and the first temperature screening was not conducted using equipment that complies with the standards or was not conducted following the procedures set out in the standards. The second temperature screening must be conducted using equipment that complies with the standards and conducted following those procedures.

Notification

- **13** (1) An air carrier must notify every person boarding an aircraft for a flight that the air carrier operates that they may be refused boarding of an aircraft for a flight to Canada for a period of 14 days if the

temperature screening conducted under section 12 indicates that they have an elevated temperature, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

- Confirmation

(2) Before boarding an aircraft for a flight, every person must confirm to the air carrier that operates the flight that they understand that they may be refused boarding of an aircraft for a flight to Canada for a period of 14 days if the temperature screening conducted under section 12 indicates that they have an elevated temperature, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

Prohibition — elevated temperature

- **14** (1) If a temperature screening conducted under section 12 indicates that the person has an elevated temperature, the air carrier must
 - (a) refuse boarding to the person; and
 - (b) notify the person that they are not permitted to board another aircraft for a flight to Canada for a period of 14 days after the refusal, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

- Prohibition — refusal

(2) If a person refuses to be subjected to a temperature screening, the air carrier must refuse boarding to the person.

Waiting period of 14 days

15 A person who is refused boarding of an aircraft under section 14 is not permitted to board another aircraft for a flight to Canada for a period of 14 days after the refusal, unless they provide a medical certificate certifying

that the elevated temperature referred to in subsection 14(1) is not related to COVID-19.

Obligation — equipment

16 An air carrier must calibrate and maintain the equipment that it uses to conduct temperature screenings under section 12 in accordance with the standards.

Obligation — training

17 An air carrier must ensure that the person using the equipment to conduct temperature screenings under section 12 has been trained, in accordance with the standards, to operate the equipment and interpret the data that the equipment produces.

Record keeping — equipment

- **18** (1) An air carrier must keep a record of all of the following information in respect of each flight it operates:
 - (a) the number of persons who are refused boarding under paragraph 14(1)(a);
 - (b) the make and model of the equipment that the air carrier used to conduct the temperature screenings under section 12;
 - (c) the date and time that that equipment was last calibrated and last maintained, as well as the name of the person who performed the calibration or maintenance;
 - (d) the results of the last calibration and the activities performed during the last maintenance of that equipment, including any corrective measures taken.
- Record keeping — training

(2) An air carrier must keep a record of the name of every person who has received training in accordance with the standards to conduct temperature screenings under section 12 on behalf of the air carrier, as well as the contents of the training.

- Retention period

(3) The air carrier must retain the records referred to in subsection (1) for a period of 90 days after the day of the flight.

- Ministerial access

(4) The air carrier must make the records available to the Minister on request.

Face Masks

Non-application

19 Sections 20 to 25 do not apply to any of the following persons:

- (a) an infant;
- (b) a person who has breathing difficulties unrelated to COVID-19;
- (c) a person who is unconscious;
- (d) a person who is unable to remove their face mask without assistance;
- (e) a crew member;
- (f) a gate agent.

Notification

20 A private operator or air carrier must notify every person who intends to board an aircraft for a flight that the private operator or air carrier operates that

- (a) the person must be in possession of a face mask prior to boarding;

- (b) the person must wear the face mask at all times during the boarding process, during the flight and from the moment the doors of the aircraft are opened until the person enters the air terminal building when they are two metres or less from another person, unless both persons are occupants of the same dwelling-house or other place that serves that purpose; and
- (c) the person must comply with any instructions given by a gate agent or a crew member with respect to wearing a face mask.

Obligation to possess face mask

21 Every person must be in possession of a face mask prior to boarding an aircraft for a flight.

Wearing of face mask — persons

- **22** (1) Subject to subsections (2) to (4), a private operator or air carrier must require a person to wear a face mask at all times during the boarding process and during a flight that the private operator or air carrier operates when the person is two metres or less from another person.
- Exceptions — person

(2) Subsection (1) does not apply

- (a) when the only other persons who are two metres or less from the person are occupants of the person's dwelling-house or other place that serves that purpose;
- (b) when the safety of the person could be endangered by wearing a face mask;
- (c) when the person is drinking, eating or taking oral medications;

- (d) when a gate agent or a crew member authorizes the removal of the face mask to address unforeseen circumstances or the person's special needs; or
- (e) when a gate agent, a member of the aerodrome's security personnel or a crew member authorizes the removal of the face mask to verify the person's identity.
- Exceptions — flight deck

(3) Subsection (1) does not apply to any of the following persons when they are on the flight deck:

- (a) a Department of Transport air carrier inspector;
- (b) an inspector of the civil aviation authority of the state where the aircraft is registered;
- (c) an employee of the private operator or air carrier who is not a crew member performing their duties;
- (d) a pilot, flight engineer or flight attendant employed by a wholly owned subsidiary or a code share partner of the air carrier;
- (e) a person who has expertise related to the aircraft, its equipment or its crew members and who is required to be on the flight deck to provide a service to the private operator or air carrier.
- Exception — physical barrier

(4) During the boarding process, subsection (1) does not apply to a person if the person is two metres or less from another person and both persons are separated by a physical barrier that allows them to interact and reduces the risk of exposure to COVID-19.

Compliance

23 A person must comply with any instructions given by a gate agent, a member of the aerodrome's security personnel or a crew member with respect to wearing a face mask.

Prohibition — private operator or air carrier

24 A private operator or air carrier must not permit a person to board an aircraft for a flight that the private operator or air carrier operates if

- (a) the person is not in possession of a face mask; or
- (b) the person refuses to comply with an instruction given by a gate agent or a crew member with respect to wearing a face mask.

Refusal to comply

25 If, during a flight that a private operator or air carrier operates, a person refuses to comply with an instruction given by a crew member with respect to wearing a face mask, the private operator or air carrier must

- (a) keep a record of
 - (i) the date and flight number,
 - (ii) the person's name and contact information,
 - (iii) the person's seat number, and
 - (iv) the circumstances related to the refusal to comply; and
- (b) inform the Minister as soon as feasible of any record created under paragraph (a).

Wearing of face mask — crew member

- **26** (1) Subject to subsections (2) to (4), a private operator or air carrier must require a crew member to wear a face mask at all times during the boarding process and during a flight that the private operator or air carrier operates when the crew member is two metres or less from another person.

- Exceptions — crew member

(2) Subsection (1) does not apply

- (a) when the safety of the crew member could be endangered by wearing a face mask;
- (b) when the wearing of a face mask by the crew member could interfere with operational requirements or the safety of the flight; or
- (c) when the crew member is drinking, eating or taking oral medications.

- Exception — flight deck

(3) Subsection (1) does not apply to a crew member who is a flight crew member when they are on the flight deck.

- Exception — physical barrier

(4) During the boarding process, subsection (1) does not apply to a crew member if the crew member is two metres or less from another person and the crew member and the other person are separated by a physical barrier that allows them to interact and reduces the risk of exposure to COVID-19.

Wearing of face mask — gate agent

- **27** (1) Subject to subsections (2) and (3), a private operator or air carrier must require a gate agent to wear a face mask during the boarding process for a flight that the private operator or air carrier operates when the gate agent is two metres or less from another person.

- Exceptions

(2) Subsection (1) does not apply

- (a) when the safety of the gate agent could be endangered by wearing a face mask; or

- (b) when the gate agent is drinking, eating or taking oral medications.
- Exception — physical barrier

(3) During the boarding process, subsection (1) does not apply to a gate agent if the gate agent is two metres or less from another person and the gate agent and the other person are separated by a physical barrier that allows them to interact and reduces the risk of exposure to COVID-19.

Deplaning

Non-application

28 Section 29 does not apply to any of the following persons:

- (a) an infant;
- (b) a person who has breathing difficulties unrelated to COVID-19;
- (c) a person who is unconscious;
- (d) a person who is unable to remove their face mask without assistance;
- (e) a person who is on a flight that originates in Canada and is destined to another country.

Wearing of face mask — person

29 A person who is on board an aircraft must wear a face mask at all times from the moment the doors of the aircraft are opened until the person enters the air terminal building by a passenger loading bridge or otherwise when the person is two metres or less from another person, unless both persons are occupants of the same dwelling-house or other place that serves that purpose.

Screening Authority

Definition of *screening authority*

- **30** (1) For the purpose of sections 31 and 34, *screening authority* means a person responsible for the screening of persons and goods at an aerodrome set out in the schedule to the *CATSA Aerodrome Designation Regulations* or at any other place designated by the Minister under subsection 6(1.1) of the *Canadian Air Transport Security Authority Act*.

- Non-application

(2) Sections 31 to 34 do not apply to any of the following persons:

- (a) an infant;
 - (b) a person who has breathing difficulties unrelated to COVID-19;
 - (c) a person who is unconscious;
 - (d) a person who is unable to remove their face mask without assistance;
 - (e) a member of emergency response provider personnel who is responding to an emergency;
 - (f) a peace officer who is responding to an emergency.
- Definitions — *Canadian Aviation Security Regulations, 2012*

(3) In this section and sections 31 to 34, *non-passenger screening checkpoint*, *passenger screening checkpoint*, *peace officer*, *restricted area* and *sterile area* have the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*.

Requirement — passenger screening checkpoint

- **31** (1) A screening authority must notify a person who is subject to screening at a passenger screening checkpoint that they must wear a face mask at all times during screening.
- Wearing of face mask — person

(2) Subject to subsection (3), a person who is the subject of screening referred to in subsection (1) must wear a face mask at all times during screening.

- Requirement to remove face mask

(3) A person who is required by a screening officer to remove their face mask during screening must do so.

- Wearing of face mask — screening officer

(4) A screening officer must wear a face mask at a passenger screening checkpoint when conducting the screening of a person if, during the screening, the screening officer is two metres or less from the person being screened.

Requirement — non-passenger screening checkpoint

- **32** (1) A person who presents themselves at a non-passenger screening checkpoint to enter into a restricted area must wear a face mask at all times.
- Wearing of face mask — screening officer

(2) Subject to subsection (3), a screening officer must wear a face mask at all times at a non-passenger screening checkpoint.

- Exceptions

(3) Subsection (2) does not apply

- (a) when the safety of the screening officer could be endangered by wearing a face mask; or
- (b) when the screening officer is drinking, eating or taking oral medications.

Exception — physical barrier

33 Sections 31 and 32 do not apply to a person, including a screening officer, if the person is two metres or less from another person and both persons are separated by a physical barrier that allows them to interact and reduces the risk of exposure to COVID-19.

Prohibition — passenger screening checkpoint

- **34** (1) A screening authority must not permit a person who has been notified to wear a face mask and refuses to do so to pass beyond a passenger screening checkpoint into a restricted area, including a sterile area.
- Prohibition — non-passenger screening checkpoint
(2) A screening authority must not permit a person who refuses to wear a face mask to pass beyond a non-passenger screening checkpoint into a restricted area.

Designated Provisions

Designation

- **35** (1) The provisions of this Interim Order set out in column 1 of the schedule are designated as provisions the contravention of which may be dealt with under and in accordance with the procedure set out in sections 7.7 to 8.2 of the Act.
- Maximum amounts
(2) The amounts set out in column 2 of the schedule are the maximum amounts of the penalty payable in respect of a contravention of the designated provisions set out in column 1.
- Notice

(3) A notice referred to in subsection 7.7(1) of the Act must be in writing and must specify

- (a) the particulars of the alleged contravention;
- (b) that the person on whom the notice is served or to whom it is sent has the option of paying the amount specified in the notice or filing with the Tribunal a request for a review of the alleged contravention or the amount of the penalty;
- (c) that payment of the amount specified in the notice will be accepted by the Minister in satisfaction of the amount of the penalty for the alleged contravention and that no further proceedings under Part I of the Act will be taken against the person on whom the notice in respect of that contravention is served or to whom it is sent;
- (d) that the person on whom the notice is served or to whom it is sent will be provided with an opportunity consistent with procedural fairness and natural justice to present evidence before the Tribunal and make representations in relation to the alleged contravention if the person files a request for a review with the Tribunal; and
- (e) that the person on whom the notice is served or to whom it is sent will be considered to have committed the contravention set out in the notice if they fail to pay the amount specified in the notice and fail to file a request for a review with the Tribunal within the prescribed period.

Repeal

36 The *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 2*, made on June 30, 2020, is repealed.

Schedule(Subsections 35(1) and (2))Designated Provisions

Column 1 Designated Provision	Column 2 Maximum Amount of Penalty (\$)	
	Individual	Corporation
Subsection 2(1)	5,000	25,000
Subsection 2(2)	5,000	25,000
Subsection 2(3)	5,000	25,000
Subsection 2(4)	5,000	25,000
Subsection 3(1)	5,000	
Subsection 3(2)	5,000	
Subsection 3(3)	5,000	
Subsection 3(4)	5,000	
Subsection 3(5)	5,000	
Section 4	5,000	25,000
Section 5	5,000	25,000
Subsection 8(1)	5,000	25,000
Subsection 8(2)	5,000	25,000
Subsection 8(3)	5,000	25,000
Subsection 8(4)	5,000	25,000

Column 1	Column 2	
	Maximum Amount of Penalty (\$)	
Designated Provision	Individual	Corporation
Subsection 8(5)	5,000	
Subsection 8(7)	5,000	25,000
Section 9	5,000	25,000
Section 10	5,000	
Subsection 12(1)		25,000
Subsection 12(2)		25,000
Subsection 13(1)		25,000
Subsection 13(2)	5,000	
Subsection 14(1)		25,000
Subsection 14(2)		25,000
Section 16		25,000
Section 17		25,000
Subsection 18(1)		25,000
Subsection 18(2)		25,000
Subsection 18(3)		25,000
Subsection 18(4)		25,000
Section 20	5,000	25,000
Section 21	5,000	

Column 1	Column 2	
	Maximum Amount of Penalty (\$)	
Designated Provision	Individual	Corporation
	Subsection 22(1)	5,000
Section 23	5,000	
Section 24	5,000	25,000
Section 25	5,000	25,000
Subsection 26(1)	5,000	25,000
Subsection 27(1)	5,000	25,000
Section 29	5,000	
Subsection 31(1)		25,000
Subsection 31(2)	5,000	
Subsection 31(3)	5,000	
Subsection 31(4)	5,000	
Subsection 32(1)	5,000	
Subsection 32(2)	5,000	
Subsection 34(1)		25,000
Subsection 34(2)		25,000

📘 Did you find this information helpful?

i Transport Canada is closely monitoring the COVID-19 situation. In response, we have issued some **transportation-related measures and guidance**. Please check if any of these measures apply to you.

You may experience longer than usual wait times or partial service interruptions. If you cannot get through, please **contact us by email**.

For information on COVID-19 updates, please visit **Canada.ca/coronavirus**.

Date modified:

2020-07-24