

	Yukon Legislative Assembly Special Committee on Civil Emergency Legislation Questions – January 18, 2021	Departmental Information Request Response
Q1	How was the Department of Highways and Public Works hindered or helped by Yukon’s <i>Civil Emergency Measures Act</i> when attempting to maintain the safety and wellness of Yukoners during an emergency?	<p>The <i>Civil Emergency Measures Act</i> (CEMA) has helped the Department of Highways and Public Works to ensure the health and safety of Yukoners during the COVID-19 pandemic state of emergency.</p> <p>CEMA has provided the legislative framework that has authorized the Department of Highways and Public Works to take necessary actions to maintain public safety and minimize service disruptions during the state of emergency. This has included:</p> <ol style="list-style-type: none"> 1) Authorization to take necessary action under the <i>Motor Vehicles Act</i> to support 505 commercial drivers and maintain the supply chain to Yukon, which is a critical factor in the Emergency Coordination Plan; 2) Authorization to take necessary action under the <i>Motor Vehicles Act</i> to support 335 persons aged 70 years and over by ensuring they remained in compliance with the legislation during the period that Yukon physicians were suspending non-essential in-person care and providing a 90-day transition period for submitting the required medical examination certificates to Motor Vehicles; and 3) Supporting the Department of Community Services in carrying out their CEMA enforcement responsibilities. <p>Two Ministerial Orders under CEMA were used by the Department of Highways and Public Works from April 29 to December 8, 2020:</p> <ul style="list-style-type: none"> • <i>Civil Emergency Measures Transitional Driver Medical (COVID-19) Order</i> (MO 2020/59, repealed December 9, 2020), and • <i>Civil Emergency Measures Driver Medical (COVID-19) Order</i> (MO 2020/22, repealed September 9, 2020). <p>The Department of Highways and Public Works has supported the Department of Community Services in their use of:</p> <ul style="list-style-type: none"> • <i>Civil Emergency Measures Enforcement (COVID-19) Order</i> (MO 2020/30). <p>The rationale, positive benefits, and public impacts of CEMA ministerial orders used by the Department of Highways and Public Works are summarized in section Q2.</p> <p>The legislative and operational constraints the Department of Highways and Public Works has been able to identify through our use of CEMA ministerial orders are summarized in section Q3.</p>
Q2	Have ministerial orders relating to the Department of Highways and Public Works been used under Yukon’s <i>Civil Emergency Measures Act</i> , and if so, how?	<p>Yes</p> <p><i>Civil Emergency Measures Transitional Driver Medical (COVID-19) Order</i> Number: MO 2020/59</p>

		<p>Authority: Civil Emergency Measures Act Date filed: September 9, 2020 Repealed: December 9, 2020</p> <p>Civil Emergency Measures Driver Medical (COVID-19) Order Number: MO 2020/22 Authority: Civil Emergency Measures Act Date filed: April 29, 2020 Repealed: September 9, 2020</p> <p><u>Rationale for Legislation</u></p> <ul style="list-style-type: none"> • For a period of time starting in spring 2020, during the COVID-19 pandemic state of emergency, Yukon physicians suspended non-essential in-person care, including medical examinations required under the <i>Motor Vehicles Act</i>. This affected commercial drivers and drivers aged 70 years and older who are required to submit medical examination reports in order to maintain their operator’s licence. • Under the <i>Motor Vehicles Act</i>, certain classes of drivers must submit medical examination certificates when applying for a driver’s licence or driver’s licence renewal. Failure to submit a medical examination certificate results in an automatic licence suspension. Peace officers may immediately disqualify a driver who does not hold a valid licence or permit to operate a motor vehicle. • There are no provisions in the <i>Motor Vehicles Act</i> to address this situation and legislation was needed urgently to ensure that drivers remained compliant with the <i>Motor Vehicles Act</i> if they were driving without being able to secure a medical examination certificate signed by a medical practitioner or nurse practitioner. <p><u>Positive Benefits of the Ministerial Orders</u></p> <ul style="list-style-type: none"> • The driver medical ministerial orders provided a solution that remained in place until doctors resumed providing non-essential in-person care and a 90-day transition period to enable clients to get their medical examination certificates and submit them to Motor Vehicles. • Commercial drivers and drivers aged 70 years and over were not penalized nor did they face licence suspension for not providing the required medical examination certificates, due to circumstances out of their control resulting from the COVID-19 pandemic state of emergency. • The ministerial orders provided Motor Vehicles staff with information they were able to share with clients about how the Yukon government was addressing the issue and to allay their concerns.
--	--	--

		<ul style="list-style-type: none"> • MO 2020/59 enabled Motor Vehicles staff to make affected drivers aware that by December 8, 2020 they would be expected to bring themselves into compliance with the law by securing the necessary medical documentation, or risk having their licenses suspended or cancelled. <p>Public impacts</p> <ul style="list-style-type: none"> • The driver medical ministerial orders affected 840 people (505 commercial drivers and 335 persons aged 70 years and over). • Commercial drivers were the most urgent with respect to the COVID-19 pandemic from a supply chain perspective. Maintaining the supply chain to Yukon is a critical factor in the Emergency Coordination Plan. • The driver medical ministerial orders ensured that the transportation of essential goods and services into Yukon continued uninterrupted during the state of emergency. • Resolving this issue was also important for the affected drivers aged 70 years or older, from a personal mobility and general functioning perspective. • The Yukon Motor Vehicles Office was the only one in Canada to remain open throughout the pandemic. As a result, routine drivers’ licences and vehicle registrations were not affected. • The Registrar of Motor Vehicles communicated with the Yukon Medical Association regarding MO 2020/22 and the capacity of Yukon physicians to address the backlog of patients requiring a driver medical examination. • The Department of Highways and Public Works communicated information about the driver medical ministerial orders very broadly, including through a news release, outreach to the Yukon Transportation Association, posters at doctors’ offices and every Motor Vehicles location in Yukon, information on Yukon.ca, and social media posts. • The Yukon Motor Vehicles Office contacted all the affected clients by letter. • The Yukon Motor Vehicles Office staff also called approximately 330 clients approaching the end of the transition period. These were clients who had not yet submitted a medical examination certificate at that point. <hr/> <p>Civil Emergency Measures Enforcement (COVID-19) Order Number: MO 2020/30 Authority: Civil Emergency Measures Act Date filed: May 13, 2020</p> <p>Support for CEMA Enforcement The Department of Highways and Public Works has supported CEMA enforcement at the Watson Lake, Cassiar and Whitehorse Weigh Scales through providing facilities, staffing, and services for the travelling public and commercial carriers.</p>
--	--	---

		<p><u>Facilities – Watson Lake and Cassiar Weigh Scales</u></p> <ul style="list-style-type: none"> • Ongoing building and yard sharing with CEMA enforcement teams handling incoming traffic to Yukon via Highway #1 and Highway #37. • Ongoing administrative support to CEMA enforcement teams, e.g., photocopying, telephone, fax, etc. <p><u>Positive Benefits of the Ministerial Order</u></p> <ul style="list-style-type: none"> • The legislation provided Whitehorse and Watson Lake weigh scales staff with key information that they were able to provide to the transiting public and commercial carriers as to current CEMA regulations. • During the initial CEMA rollout, Carrier Compliance officers provided 24/7 information to travellers entering Yukon, prior to full CEMA team deployment in Watson Lake. <p><u>Public Impacts</u></p> <ul style="list-style-type: none"> • The Department of Highways and Public Works developed and implemented a low contact administrative procedure for commercial carrier drivers to receive Motor Vehicle services without needing to enter any Motor Vehicles office or Territorial Agent facility. • The Department has ensured low public contact through providing in-yard parking for the transiting public/carriers as needed. • The Department has supported public safety through providing access to washroom facilities for the transiting public/carriers.
<p>Q3</p>	<p>Are there any aspects of the current legislation that may have prevented the Department of Highways and Public Works from reacting as it would have liked during an emergency?</p>	<p>One constraint for the Department of Highways and Public Works was developing a legislative solution quickly to respond to the decision by Yukon physicians to suspend non-essential in-person services and address the <i>Motor Vehicles Act</i> requirements.</p> <p>There is no mechanism in the <i>Motor Vehicles Act</i> to extend expiry dates for medical examination certificates, operator’s licences, vehicle registrations, general identification cards, and permits.</p> <p>The Department of Highways and Public Works’ YuDriv system is built on the existing <i>Motor Vehicles Act</i> provisions and did not contemplate the requirement for medicals being extended. Significant systems development work was required to accommodate this issue and then reverse engineer the YuDriv system to align with MO 2020/59.</p> <p>Further policy analysis is required respecting this question to assess future responsiveness to emergency scenarios under the <i>Motor Vehicles Act</i>.</p>

Q4	From the Department of Highways and Public Works’s perspective, are there currently any gaps in the legislation?	<p>Further policy analysis is required respecting this question and the legislative constraint identified in section Q3.</p> <p>The Department of Highways and Public Works is completing a policy analysis about deadline extensions during a declared emergency as part of the major rewrite of the <i>Motor Vehicles Act</i>.</p>
Q5	Does the Department of Highways and Public Works have any suggestions for improvements to Yukon’s <i>Civil Emergency Measures Act</i> ? Please provide details and examples.	<p>Further policy analysis is required respecting this question and the legislative constraint identified in section Q3.</p> <p>The Department of Highways and Public Works is completing a policy analysis about deadline extensions during a declared emergency as part of the major rewrite of the <i>Motor Vehicles Act</i>.</p>