

CANADA

NUNAVUT

PUBLIC HEALTH ACT, S. Nu. 2016, c. 13

ORDER TO AIR CARRIERS (#17)

WHEREAS:

- A. The Minister of Health has declared a Public Health Emergency in Nunavut effective March 20, 2020 to address the novel coronavirus COVID-19 pandemic, and the Minister may extend this declaration every fourteen (14) days for the duration of the Public Health Emergency.
- B. Pursuant to section 41(1) of the *Public Health Act* (“the Act”) the Chief Public Health Officer may take certain actions, including issuing directions or orders for the purposes of protecting the public health and preventing, remedying or mitigating the effects of the public health emergency.
- C. Pursuant to the *Aeronautics Act*, the federal Minister of Transport issued the *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 40*, effective September 23, 2021, and
- D. The Chief Public Health Officer wishes to align the instructions to air carriers and licensed resellers with the instructions issued by the Minister of Transport.

THEREFORE, and pursuant to subsection 41(1)(g) of the Act, the Chief Public Health Officer hereby issues this order to all air carriers, licensed resellers and private operators operating flights to and within Nunavut (collectively, “operators”):

- 1. The Order issued to Air Carriers (#16) issued on November 1, 2021 is rescinded and replaced with this Order.
- 2. In this Order:
 - a. “Air Carrier” means any person who operates a commercial air service under Subpart 1, 3, 4 or 5 of Part VII of the Canadian Aviation Regulations;
 - b. “Common Travel Area” means an area established in *Travel Restriction Order* (#22) or a subsequent travel restriction order where travel is permitted between Nunavut and another province or territory, or

between Nunavut and a portion of another province or territory without a mandatory fourteen-day isolation period, and includes:

i. The Nunavut and Churchill, Manitoba Common Travel Area

c. “Emergency Service Provider” means:

i. Members of the Royal Canadian Mounted Police on active duty;

ii. Members of the Canadian Armed Forces on active duty;

iii. Members of the Correctional Service of Canada or the Nunavut Department of Justice Corrections Division on active duty;

iv. Employees or agents of the Nunavut Department of Health escorting patients detained under orders pursuant to the *Mental Health Act* or the *Public Health Act*;

v. Members of the Canadian Coast Guard and Canadian Coast Guard Auxiliary on active duty;

vi. Persons engaged in Search and Rescue; and

vii. Members of any other law enforcement agency established under a law of Canada or Nunavut, on active duty.

d. “Essential Worker” means persons bearing a letter from their employer stating their services are critical and that travel to Nunavut is urgently required, including but not limited to:

i. Health care workers;

ii. Humanitarian workers assisting with pandemic response measures;

iii. Persons conducting inspections and investigations required by a law of Nunavut or Canada;

iv. Persons providing services in the course of importation/exportation of goods and other supply chain workers, including those persons who are necessary to maintain supply chain transportation services;

- v. Persons engaged in providing critical services;
 - vi. Persons engaged in providing support services to critical services workers; and
 - vii. Persons engaged in the construction of critical infrastructure projects.
- e. “Fully Vaccinated” means in relation to an individual:
- i. the individual has received the recommended number of doses of a COVID-19 vaccine authorized for use by Health Canada; and
 - ii. more than fourteen (14) days have elapsed since the individual received the last of the recommended number of doses.
- f. “Military Flight” means any flight operated on Canadian Armed Forces Aircraft or on aircraft of another military service authorized to operate in Canada;
- g. “Private Operator” means the holder of a private operator registration document as defined in the Canadian Aviation Regulations.
- h. “Proof of Vaccination Certificate” means a document issued by a provincial or territorial health department that includes:
- i. an individual’s name;
 - ii. date of birth;
 - iii. vaccine information including the dates of all doses received, and;
 - iv. a QR code that allows for the verification of vaccine status.
- i. “Wilderness Tourism” and “Wilderness Tourism Accommodation” have the same meaning as set out in the *Tourism Act*.

Part 1: Health Check Questions

3. Except as authorized by this Order, no person exhibiting any symptoms of novel coronavirus COVID-19 shall be permitted to travel to Nunavut.

4. All air carriers and private operators must ask questions of every passenger to verify whether they exhibit the following symptoms (the “health check” questions):
 - a. fever exceeding 38° Celsius (100.4° Fahrenheit);
 - b. coughing; and
 - c. breathing difficulties.
5. All air carriers and private operators must ask every passenger the following additional questions (the “additional questions”):
 - a. whether they have or suspect they have novel coronavirus COVID-19;
 - b. whether they have been refused boarding in the past 14 days due to a medical reason related to novel coronavirus COVID-19, and
 - c. whether they are the subject of a mandatory quarantine order as a result of recent travel or as a result of a provincial, territorial, or local public health order.
6. All air carriers and private operators must advise every passenger not to provide answers to the health check questions or the additional questions that they know to be false or misleading.
7. Passengers who answering health check questions or the additional questions must:
 - a. Answer all questions; and
 - b. Not provide answers that they know to be false or misleading.
8. A competent adult may answer all questions on behalf of a person who is not a competent adult.
9. All air carriers and private operators are not required to conduct a health check for the following persons:
 - a. a crew member;

- b. a passenger who provides a medical certificate certifying that any symptoms referred to in paragraph 4 that they are exhibiting are not related to novel coronavirus COVID-19; or
 - c. if the person bears a letter of authorization from the Chief Public Health Officer or a Medical Health Officer stating that the symptoms referred to in paragraph 3 are unrelated to novel coronavirus COVID-19.
10. All air carriers and private operators are prohibited from allowing a passenger or crew member to board an aircraft for a flight that the operator operates if
- a. the passenger'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 air carrier or private operator observes, during the health check, that the passenger or crew member is exhibiting
 - i. a fever and cough, or
 - ii. a fever and breathing difficulties;
 - c. the passenger's answer to any of the additional questions asked of them under paragraph 5 is in the affirmative;
 - d. the passenger is a competent adult and refuses to answer any of the questions asked of them under paragraph 5; and
 - e. the passenger cannot produce either
 - i. the letter of authorization described in paragraph 13 or
 - ii. the letter designating the passenger as an exempt critical worker or Emergency Service Provider described in paragraph 17.
11. Passengers who are prohibited from boarding an aircraft under paragraph 10 are not permitted to board another aircraft for the purpose of being transported to Nunavut for a period of 14 days after the prohibition, unless

they provide a medical certificate certifying that any symptoms referred to in paragraph 4 that they are exhibiting are not related to COVID-19.

12. All air carriers should advise air travellers who have been denied boarding to follow the guidance and directions from their provincial/territorial health authorities for dealing with the novel coronavirus COVID-19 infection.

Part 2: Proof of Authorization to Enter Nunavut

13. All passengers must provide one of the following documents as proof of authorization to travel issued by the Chief Public Health Officer:

- a. Certifying that the passenger is Fully Vaccinated and exempt from the mandatory isolation period;
- b. A Proof of Vaccination Certificate;
- c. Certifying that the passenger is required to complete a mandatory fourteen-day self-isolation period at their Residence, commencing immediately upon their arrival to their final destination;
- d. Certifying that they have completed the mandatory fourteen-day isolation period at a designated facility;
- e. For passengers travelling on direct flights within a Common Travel Area, certifying that the passenger has been physically present in the Common Travel Area for the fourteen (14) days prior to travel and is either Fully Vaccinated or has completed any mandatory self-isolation ordered by the Chief Public Health Officer of Nunavut or an equivalent public health authority in another province, territory, or region.
- f. Certifying that the passenger is not Fully Vaccinated but is exempt from the mandatory isolation period as an Emergency Service Provider, Essential Worker, or any other person authorized by the Chief Public Health Officer;
- g. For passengers travelling on direct flights departing from an operating mine site where the Chief Public Health Officer has confirmed

- b. Travelling on charter flights operated by a private operator or on aircraft operated by the emergency service; or
 - c. When the purpose of travel to Nunavut is to respond to a declared state of emergency under the *Emergency Measures Act* or the *Emergencies Act* (Canada), or to render aid to the civil power pursuant to the *National Defence Act* (Canada)
20. For greater certainty, passengers travelling on direct flights from operating mines are exempt from the requirement to produce the proof of authorization in paragraph 13 where:
- a. There are no confirmed cases of COVID-19 at the mine site; or
 - b. The Chief Public Officer has not confirmed community transmission.
21. For greater certainty, passengers travelling on direct flights from a wilderness tourism accommodation or from any area of Nunavut where wilderness tourism activities are occurring are exempt from the requirement to produce the proof of authorization in paragraph 13 where:
- a. The passenger is departing Nunavut on a direct flight without a station stop, technical stop, or diversion in any community other than Iqaluit, Rankin Inlet, or Cambridge Bay, excepting weather and mechanical delays or diversions;
 - b. The passenger is on a direct flight to Iqaluit, Rankin Inlet, Cambridge Bay or another community as directed by a Medical Health Officer for the purposes of receiving emergency medical care;
 - c. The passenger is a Nunavut resident travelling to a community in Nunavut;
 - d. There are no confirmed cases of COVID-19 at the wilderness tourism accommodation or location where wilderness tourism activities are occurring; and
 - e. The Chief Public Health Officer has not confirmed community transmission.

Part 3: Compliance with Federal Orders

22. Nothing in this Order restricts the powers granted to the Minister of Transport in the *Aeronautics Act* (Canada) to issue orders respecting air travel, including but not limited to:
- a. Proof of vaccination requirements for Fully Vaccinated Travellers; and
 - b. COVID-19 testing at designated airports for all other Travellers.
23. Air Carriers must advise all passengers with positive COVID-19 test results that they must:
- a. Contact Nunavut Public Health immediately to obtain further instructions;
 - b. Not to leave the airport premises until they have received instructions from Nunavut Public Health; and
 - c. That they will be required to self-isolate in accordance with *Mandatory Self-Isolation Order (#6)* or a subsequent order respecting mandatory self-isolation until they are cleared by Nunavut Public Health.
24. Failure to comply with this Order may be considered a breach of this Order issued under the *Public Health Act* and may result in penalties under the Act, which may include:
- a. A \$575 fine for individuals; and
 - b. A \$2875 fine for corporations.
25. Providing false or misleading statements to the Chief Public Health Officer for the purposes of entering Nunavut or circumventing mandatory isolation constitutes a breach of this Order.
26. Knowingly accepting a false Proof of Vaccination Certificate from an individual for the purposes of allowing the individual to enter Nunavut constitutes a breach of this Order.

This order is effective at 12:01 am Eastern Standard Time (UTC-5:00) on November 15, 2021 and remains in effect for the duration of the Public Health Emergency, unless otherwise rescinded.

A handwritten signature in black ink, appearing to be 'M. P. ...', is located at the bottom right of the page.

Dr. Michael Patterson
Chief Public Health Officer