FAQ - Section 22 Class Order

Facilities for indoor sports and recreational fitness activities open to persons with a disability who are unable engage in physical therapy elsewhere.

General

Q. What is a Class Order?

A. A Class Order is a legal Order that enables Ottawa Public Health (OPH) to impose public health requirements for group(s) of individuals that it applies to. These efforts are being made to protect residents from potential exposure to COVID-19 and reduce the transmission of COVID-19 within our communities.

Q. Under what authority has this Class Order been issued?

A. Ottawa Public Health’s Medical Officer of Health issued a Class Order under Section 22(5.0.1) of the Health Protection and Promotion Act. This Act authorizes a Class Order to be issued to address the risks associated with the potential transmission of COVID-19 to people who reside or are present in Ottawa.

Q. Why has OPH issued a Section 22 Class Order?

A. Given continued COVID-19 infections in the City of Ottawa, more actions are needed to reduce the transmission of COVID-19. Section 22 Order to require increased public health measures within these businesses and better enable City by-law officers to enter and inspect businesses and to take action in the rare instances when a business is not complying with public health requirements.

Q. How does the June 9, 2021 Class Order differ from the April 26, 2021 Class Order?

A. The June 9, 2021 Order replaces the April 26, 2021 Class Order on June 11, 2021 at 12:01 a.m. The April 26, 2021 Order applied during the period of time Ottawa was subject to the rules that applied in the “Shutdown” zone whereas the June 9, 2021 Order applies to when Ottawa is in the “Step 1” of the Province’s Roadmap to Reopen. Also, Sections 7 and 17 have been updated to clarify that owners/operators shall ensure that written instructions for physical therapy from qualified regulated health professionals are retained for the duration that the Class Order is in effect.
Q. Who is this Order directed to?

A. This Order applies to Owners/Operators of Facilities for indoor sports and recreational fitness activities providing access to persons with a disability and such support persons or service animals as may be necessary for the person with a disability as permitted under Ontario Regulation 82/20: Rules for Areas in Shutdown Zone and at Step 1, Schedule 7, s. 45(4.) The regulation requires that access only be permitted if the person has obtained a written instruction from a qualified regulated health professional and the physical therapy required is not available elsewhere. When this exception was first introduced, the Province clarified that access to an indoor public sports and recreational fitness facility should be sought only when access to hospitals or other treatment centres is unavailable.

Q. Is a facility permitted to open to customers who do not meet the criteria under the Class Order?

A. Owners/operators as well as clients and staff are required to meet applicable requirements under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17. In Step 1, facilities for indoor sports and recreational fitness activities may, but are not required to, open to persons with a disability who are unable engage in physical therapy elsewhere. The Province at [https://www.ontario.ca/page/reopening-ontario](https://www.ontario.ca/page/reopening-ontario) has provided highlights of the three-step plan to safely and gradually lift public health measures and noted that in Step 1 sports training (no games or practices), fitness classes, and personal training up to 10 people are permitted outdoors.

Q. Does OPH have evidence of transmission of COVID-19 in fitness settings?

A. The risk of transmission of COVID-19, on average, is greater in indoor spaces compared to outdoors, the risk of transmission is elevated when there is crowding, close contact, prolonged exposure and forceful exhalation (e.g., individuals physically exerting themselves by participating in sports and recreation activities) making fitness settings considered to be higher risk, even more so when not wearing a mask.

OPH Daily COVID-19 Dashboard provides up to date information on COVID-19 in Ottawa. The community outbreaks data will include information and data for sports and recreation which includes statistics for fitness centers.

Q. Where do I find all the applicable Ottawa Health Orders and Instructions?

A. Ottawa Public Health Orders and Instructions is listed on the OPH Website and categorized as current or rescinded to make it easy to stay informed.
Enforcement

Q. When is the Class Order effective?
A. The Section 22 Class Order will be effective as of Tuesday April 27, 2021 at 12:01 am.

Q. How will this Order be enforced?
A. City of Ottawa Bylaw, Ottawa Police Services and Public Health Inspectors have the authority to enforce Class Orders, including issuing tickets with accompanying fines for behaviours in contravention of the Order.

Q. Who has the authority to make requests of the owners/operators regarding the Section 22 Class Order?
A. Dr. Etches, a public health inspector, or other person acting under the direction of Dr. Etches and Regulatory Service Officers or a police officer have the authority to make requests and be provided immediate unobstructed access to the premise and copies of any records required by this order.

Accessible Fitness Activities for Therapeutic Needs

Q. What businesses are included in this Section 22 Class Order?
A. This Class Order applies to any facilities for indoor sports and recreational fitness activities providing access to persons with a disability and such support persons or service animals as may be necessary for the person with a disability as permitted under Ontario Regulation 82/20: Rules for Areas in Stage 1, Schedule 7, s. 45(4).

Q. What professionals are qualified to provide written instructions to meet the criteria of this order?
A. The following regulated health professionals may provide instructions for physical therapy including a physician, nurse practitioner, physiotherapist, occupational therapist, chiropodist, podiatrist, chiropractor, or kinesiologist.
Q. What information must a patron provide to obtain access to the training facility?

A. The patron who is a person with a disability must provide written instructions for physical therapy, attest that the instructions were obtained from a regulated health professional and attest that they are unable to engage in physical therapy elsewhere in addition to providing contact information for contact tracing and participating in a COVID-19 screening to obtain entry.

Q. How long must all the records be kept?

A. Written instructions from regulated health professionals or copies of the records must be kept, at minimum, for the duration that this Order is in effect. All other documents referred to in the Class Order must be kept for a minimum of 30 days. All records referred to in the Class Order must be stored and destroyed in a secure manner to ensure privacy.

Q. What is the reason for requiring a staff person to be present during operational hours?

A. The staff member is required to ensure all patrons meet the criteria for physical therapy including showing the written instruction and completion of attestations. In addition, they collect the contact information, and monitor compliance with the requirements of this order, public health measures including cleaning and sanitization and the business safety plan.

Q. What is the difference between an active vs. passive screening process as it relates to this order?

A. “Active screening” means that the employer/owner or operator must collect and review information to actively determine whether an employee may enter a workplace or place of business. This is contrasted with “passive screening”, which occurs when patrons assess their own risk factors and decide for themselves whether they may enter the workplace or not.

Passive screening might involve posting signage at the door as a reminder for patrons to assess themselves prior to entry.

Active screening requires a staff member to be present to collect and review information prior to allowing access to the place of business or workplace.
Q. What is the requirement for masks in this setting for these activities?

A. Owners and Operators must post signage in a conspicuous place at the premises. Patrons must wear a mask in such a manner that covers their mouth, nose and chin. Although temporary removal of mask is permitted when engaging in an athletic or fitness activity, mask wearing is strongly encouraged at all times including when possible while engaging in a fitness activity.

Q. What types of requests might a public health inspector or Regulatory Services Officer make?

A. Upon a visit to the business these authorities should be provided immediate access to the premise and the staff person on site and all patrons must promptly comply with requests for any of the following:

- Access to premise
- Copies of records including but not limited to the safety plan, screening documentation, contact tracing information, and documentation of attestation and written instructions for all patrons.
- Additional measures necessary to address concerns with respect to preventing the spread of COVID-19