



## **Canadian Motor Vehicle Arbitration Plan COVID-19 Hearing Protocol**

**Updated June 20, 2022**

This COVID-19 Hearing Protocol (“Protocol”) outlines how Canadian Motor Vehicle Arbitration Plan (“CAMVAP”) arbitration hearings will continue to be conducted across Canada as Covid 19 appears to subside. All hearings will continue to be governed by Agreement for Arbitration and Provincial or Territorial health directions as they may affect CAMVAP Hearings if their requirements exceed those set by CAMVAP.

This protocol sets out certain requirements to be met as part of the hearing process. CAMVAP will continue to revise and amend these requirements in accordance with advice from public health authorities.

**CAMVAP is taking all reasonable steps to provide a safe environment for in-person hearings to be held. CAMVAP accepts no liability or responsibility with respect to any possible COVID-19 infection that you believe may have occurred through your attendance at this in-person hearing.**

As a requirement when setting up the hearing, the Provincial Administrator will,

- Always book the hearings in a room large enough to maintain physical distancing of at least 2 metres between each participant. This is mandatory and smaller rooms are not allowed. Hearing rooms will be booked based on five (5) persons in attendance with full physical distancing unless the Provincial Administrator determines that a larger room is required.
- Review the COVID-19 protocol with the hotel or facility providing the room to ensure that all COVID-19 protocols, including the sanitization of the room and the availability of hand sanitizer are met.

### **On the day before the hearing,**

- The arbitrator and parties are to self-administer the COVID-19 Screening tool attached to this protocol. If the answer to any of the questions is YES, the party is to contact the Provincial Administrator for the hearing to be rescheduled.
- It is each party’s responsibility to ensure that any of their witnesses or persons who will be assisting them also self-administer the screening tool.

### **Prior to the parties arriving for the hearing,**

- The arbitrator must self-evaluate his or her health in accordance with the screening tool.
- An in-person hearing will not proceed if the arbitrator determines that the conditions as set out in the screening tool are not properly met.

### **When the parties arrive for the hearing,**

- The arbitrator will orally complete the screening tool one by one with each party.
- Should any of the parties answer YES to any of the questions set out in the screening tool below or have any of the COVID-19 symptoms on the day of the hearing, that person may not enter the hearing room. After consultation with the other parties, the arbitrator will decide on whether to continue the hearing in the absence of the excluded party. That person may be able to attend the hearing by telephone if doing so is possible. The decision to proceed with the hearing is solely the arbitrator’s to make.

### **At the Hearing,**

- **Parties may not enter the hearing room until allowed to do so by the arbitrator.**
- The arbitrator has full discretion to exclude from the hearing any person who is not required for the purpose of determining the outcome in the hearing. This will be done to ensure the minimum number of persons in the hearing room at any time.
- If, at any time, any of the participants begins to experience COVID-19 symptoms, the hearing should be immediately adjourned.
- **While inside the hearing room and while viewing the vehicle, participants may self-determine whether or not to wear a mask or a facial covering.**
- Masks should be made of quality materials, fit snugly, and cover one's nose and mouth.
- The hearing room should be equipped with hand sanitizer for the use of participants.
- Documents may be exchanged between the parties at the hearing.

### **Test Drives at Hearings**

- **The arbitrator may not conduct a test drive (whether alone, or with the parties to the hearing).**

### **Vehicle Inspection**

- **The arbitrator may enter the vehicle for the purpose of viewing the odometer reading and to assess the interior of the vehicle or to view an issue raised by the consumer's claim or the manufacturer's defense that can be assessed without other parties in the vehicle or without moving the vehicle.**
- **When conducting an interior assessment of the vehicle it is recommended that the arbitrator wear a mask or facial covering. If possible, hand sanitization should precede and follow the inspection of the vehicle. The arbitrator may choose to wear gloves during the inspection.**
- **The arbitrator may decline to enter the vehicle should they wish to do so with respect to their own health requirements. Similarly, the manufacturer may also make that determination.**
- The Vehicle Inspection Form for condition of the vehicle will continue to be completed. Use of the form requiring the signatures and dating of the form by the consumer, manufacturer and arbitrator will be resumed.

### **If any of the parties cannot attend the hearing due to COVID-19 restrictions,**

- The matter will be referred to the arbitrator. The arbitrator may call for a teleconference hearing to best determine how to move the case forward.

### COVID-19 Screening Tool

1. Have you travelled outside of Canada in the past 14 days and been told to quarantine (per the federal requirements)?

YES or NO

2. Has a doctor, health care provider, or public health unit told you that you should currently be isolating?

YES or NO

3. Do any of the following apply?
  - a. You live with someone who is currently isolating because of a positive COVID-19 test?
  - b. You live with someone who is currently isolating because of COVID-19 symptoms?
  - c. You live with someone who is waiting for a COVID-19 test result?

YES or NO

4. In the last 10 days, have you tested positive on a rapid antigen test or home-based self-testing kit?

YES or NO

5. In the last 10 days, have you been identified as a “close contact” of someone who currently has COVID-19 or has symptoms of COVID-19?

YES or NO

6. Do you have any of the following symptoms:
  - a. Fever and/or chills
  - b. Cough or barking cough
  - c. Shortness of breath
  - d. Sore throat
  - e. Decrease or loss of sense of taste or smell
  - f. Headaches
  - g. Unexplained fatigue or muscle aches/joint pain
  - h. Nausea/vomiting, diarrhea or abdominal pain (not related to pre-existing conditions)
  - i. Runny nose or nasal congestion without other known cause?

YES or NO

**To proceed with an in-person hearing, the answer to all of the above questions must be NO.**

- If a party to the hearing answers YES to any of the above questions, the hearing must be postponed.
- If a potential witness or participant in the hearing answers YES to any of the above questions, and the parties require that person to be in attendance, the hearing must be postponed.