

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M183

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS the threat of the COVID-19 pandemic to the health, safety or welfare of people has resulted in guidelines, recommendations or requirements to limit in-person contacts;

AND WHEREAS it is in the public interest to support the provision of amateur organized sport activities, which play an important role in the physical, psychological and emotional well-being of people in British Columbia, while protecting the health, safety and welfare of all participants;

AND WHEREAS it is in the public interest to protect sport organizations and their directors, officers, employees and volunteers that organize, administer, facilitate or provide organized sport activities from liability for damages relating, directly or indirectly, to COVID-19, if those sport organizations and individuals operate or provide those activities, or reasonably believe that they are operating or providing those activities, in accordance with all applicable emergency and public health guidance;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Protection Against Liability for Sports (COVID-19) Order is made.

June 10, 2020

Date


Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; OIC 264/2020

PROTECTION AGAINST LIABILITY FOR SPORTS (COVID-19) ORDER

Definitions

1 In this order:

“**Act**” means the *Emergency Program Act*;

“**disability sport organization**” means a non-profit society operating with a sporting purpose that is responsible for the organization, growth or development of a disability sport or a group of disability sport disciplines;

“**emergency and public health guidance**”, in relation to an organized sport activity, means any of the following with respect to the COVID-19 pandemic:

- (a) an order made under the Act;
- (b) an instruction or order of a health officer, as defined in the *Public Health Act*;
- (c) guidelines of the British Columbia Centre for Disease Control;
- (d) guidelines of the Public Health Agency of Canada;
- (e) guidelines published on a website maintained by or on behalf of the government;
- (f) guidelines of a health authority;
- (g) guidelines of a sport organization with respect to organizing, administering, facilitating or providing the organized sport activity;
- (h) guidelines of the viaSport British Columbia Society issued in 2020 relating to the return to sports;

“**exposed**”, in relation to SARS-CoV-2, means to have been in contact with, or near, a person or thing that is or may be infected with SARS-CoV-2, in such a manner as to be at risk of being infected with SARS-CoV-2;

“**health authority**” means

- (a) a regional health board designated under the *Health Authorities Act*,
- (b) the First Nations Health Authority, or
- (c) the Provincial Health Services Authority;

“**local sport organization**” means a non-profit society operating with a sporting purpose that administers sport at a local level;

“**multi-sport organization**” means a non-profit society operating with a sporting purpose that leads or coordinates the delivery of services to other organizations;

“**organized sport activity**” means an amateur sport or physical activity in which a number of persons are engaged in an organized way and that is organized, administered, facilitated or provided by a sport organization;

“**provincial sport organization**” means a non-profit society operating with a sporting purpose that is responsible for the regulation, governance and development of all areas and levels of a sport within the Province;

“**sport organization**” means

- (a) a disability sport organization,

- (b) a local sport organization,
- (c) a multi-sport organization, or
- (d) a provincial sport organization.

Application

- 2 This order applies during the period that starts on the date this order is made and ends on the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* expires or is cancelled.

Reliance on emergency and public health guidance

- 3 (1) A sport organization, or a director, officer, employee or volunteer of a sport organization, is not liable for damages resulting, directly or indirectly, from an individual being or likely being infected with or exposed to SARS-CoV-2 as a result of the organization, administration, facilitation or provision of an organized sport activity if, at the relevant time, the sport organization, or director, officer, employee or volunteer of the sport organization,
- (a) was organizing, administering, facilitating or providing the organized sport activity in accordance with all applicable emergency and public health guidance, or
 - (b) reasonably believed that the organization, administration, facilitation or provision of the organized sport activity was in accordance with all applicable emergency and public health guidance.
- (2) Subsection (1) does not apply to a sport organization, or a director, officer, employee or volunteer of the sport organization if, in organizing, administering, facilitating or providing the organized sport activity, that sport organization or director, officer, employee or volunteer was grossly negligent.