RoadSafetyBC
Ministry of Public Safety and the Solicitor General

Addendum to December 2017
DIP Policies and Guidelines
Pertaining to COVID-19 Considerations

April 2020

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1.0 Additional Considerations upon Review

Circumstances arising from the COVID-19 pandemic are relevant but not determinative factors for ICBC Reviewing Officers and RoadSafetyBC Adjudicators to consider when deciding whether it is in the public interest to uphold, reduce, substitute or cancel a driving prohibition based on an unsatisfactory driving record.

All hardship claims must be assessed in the current context of COVID-19. For instance, the potential availability of alternative transportation, such as carpooling or public transportation, may no longer be an appropriate factor to consider when physical distancing, self-isolation, or quarantine are required. Other alternatives, such as working from home, using delivery services or walking/biking, could be appropriate factors, but it should be recognized that these are not feasible or available to everyone, so these factors should not be considered without evidence of their availability to the individual.

The presence of hardship related to COVID-19, whether personal hardship or hardship to the public at large, is not necessarily sufficient on its own to uphold, reduce, substitute or cancel a prohibition. All hardship must still be considered in the context of the risk to public safety posed by an unsatisfactory driving record.

Applicants may demonstrate and provide supporting evidence that, in light of circumstances relating to COVID-19, serving the prohibition can impact them or their family personally (based on things like their financial circumstances, family responsibilities, or health). So long as the underlying bases for these hardships continue to exist, the hardships should be balanced against the risk to public safety in a similar manner as non-COVID related personal hardships.

2.0 Essential Services, Transportation Industry and Supply Chain

Due to the nature of and response to the COVID-19 pandemic, there is a greater public need for certain essential employees to work during this time. However, applicants who must attend the workplace to perform essential services, such as hospital staff, or whose job requires driving as part of the transportation industry or supply chain will not automatically receive a reduction or cancellation of a driving prohibition. Additional evidence and details are required to assess how an applicant’s specific work contributes to the public interest, the potential risks to the public interest if the applicant cannot attend work and whether there are any reasonable alternatives to driving that would allow the applicant to continue to perform the essential service. Applicants must demonstrate that the public interest in their ability to drive outweighs the risk to public safety demonstrated by their unsatisfactory driving record.

Driver Improvement Program
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3.0 Decision Outcomes Outside the Policies and Guidelines

During the provincial state of emergency, ICBC Reviewing Officers or RoadSafetyBC Adjudicators may impose prohibitions that are shorter than the ranges set out in the Driver Improvement Program Policies and Guidelines or substitute other less severe interventions if they consider it to be in the public interest. For example, ICBC Reviewing Officers or RoadSafetyBC Adjudicators may substitute a period of probation for a prohibition even if that would not fall within the range of options presently set out in the Policies and Guidelines for a driver with the applicant’s driving record.

If an ICBC reviewing officer believes that a driving prohibition should be reduced (but not cancelled) due to concerns related to COVID-19 and the driving prohibition is not yet running because it has not been acknowledged or personally served, then the ICBC reviewing officer must refer the file to RoadSafetyBC.

4.0 Reasons for Decision

Owing to the extraordinary situation caused by the COVID-19 pandemic, ICBC Reviewing Officers or RoadSafetyBC Adjudicators will be taking uncharacteristic hardships into account in determining the public interest, when submissions related to COVID-19 are raised. This may result in decisions which are outside the range of what is currently set out in the DIP policies and guidelines. In order for applicants to understand how these new considerations are assessed and balanced in deciding the public interest, the reasoning needs to be communicated. Therefore, when an applicant makes submissions relating to COVID-19, the ICBC Reviewing Officer or RoadSafetyBC Adjudicator must specifically address those submissions in their reasons for decision and explain what impact those submissions did or did not have on their decision and why.

5.0 Time Period

The Provincial Health Officer and Minister of Public Safety & Solicitor General may take an incremental approach to removing or varying the orders, directions and recommendations that mitigate the risk of the spread of COVID-19. Consequently, conditions related to COVID-19 might continue to cause personal hardship or hardship to the public at large even after the declaration of a state of emergency ends. Thus, the content of this addendum continues to apply as long as there is the potential for the COVID-19 pandemic to cause relevant hardships or until the Superintendent indicates in writing that the addendum is no longer applicable.