



## COVID-19 vaccines required for all health care workers by October 26

*New order from Provincial Health Officer says health care workers must receive vaccine before Oct. 26 or face employment consequences*

Provincial Health Officer Dr. Bonnie Henry has issued a [new public health order](#) expanding the COVID-19 vaccine requirement to all health care workers. About 49,000 workers in long-term care and assisted living are already subject to a vaccine requirement under an earlier order.

Health care workers covered by the new order must receive at least one dose of an approved vaccine before October 26.

The Health Employers Association of B.C. (HEABC) has advised health authorities and affiliated employers that employees who have not received at least one dose of the vaccine by October 26 should be placed on an unpaid leave of absence, and then dismissed if they do not get a first dose before November 15.

Policies that non-HEABC employers put in place to respond to the PHO order may differ. Please check with your supervisor.

Regardless of employer policies, all workers must complete their full series of COVID-19 vaccines (two doses) within 35 days of their first.

Workers can make a request for a medical exemption to the PHO. Workers with a properly completed request can continue to work while the request is being processed. The PHO is not considering exemptions for non-medical reasons.

Although Dr. Henry suggested last month that the expanded order may not apply at worksites where no patient care is delivered, she announced in a press conference on October 12 that new order would “apply to health care workers in all settings, and all workers in health care settings.”

That includes hospitals, outpatient clinics, health authority corporate offices and warehouses, and will include contractors and their staff, students and various outside service providers.

Separate from this order, Dr. Henry has implemented a requirement that hospital visitors be vaccinated effective October 26, with some exceptions for end-of-life and palliative care visits.

COVID-19 vaccines have proven to be effective in reducing transmission and preventing serious illness and hospitalization. Currently, the vast majority of HEU members have been vaccinated. The union urges members who are not yet vaccinated to comply with the order to avoid possible employment consequences and to protect patients, residents, co-workers and our communities.

Implementing the order across health care will be a complex process involving more than 100,000 workers. Members should contact their shop steward if they believe their employer is violating their collective agreement or other workplace rights in the implementation of the order.

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**Who is included in the October 14 order?**

The order includes workers at hospitals, urgent care centres, outpatient clinics, health authority corporate offices, warehouses and supply chain operations and community health services including adult day care and home support.

The order includes all employees of health authorities in any location. The order includes all employees of contractors in care locations. The order also includes a wide range of outside service providers and students.

Community social services and health care services delivered or funded by the First Nations Health Authority or First Nations health service organizations **are not** included in the order. The PHO has also reserved the right to exclude other worksites. [Check the order](#) for more details.

Long-term care and assisted living workers are already subject to a vaccine requirement that came into effect on October 12.

**Does the PHO have the legal right to order that all health care workers be vaccinated to continue working at health care worksites?**

Under the provisions of the *Public Health Act*, the PHO has broad powers to deal with health hazards and these powers are expanded even further when a public health emergency has been declared (as is currently the case).

For example, the PHO “may order a person to do anything that the health officer reasonably believes is necessary” to “prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard.”

**Isn't it my choice to decide whether to get the COVID-19 vaccine?**

Yes, you can choose whether or not to get vaccinated. However, in this situation, your choice may impact your ability to continue working in health care in B.C. under the terms of this order.

In addition, the Facilities Collective Agreement and many other health care collective agreements include language allowing the employer to require vaccination, and some collective agreements permit the employer to terminate unvaccinated workers. (In the Facilities Collective Agreement, this language is found in Article 6.02.)

Given the effectiveness of the COVID-19 vaccines, and the risk that COVID-19 infection poses to vulnerable residents, and other healthcare workers, requiring vaccinations may be determined to be a reasonable requirement of employment in the face of an infectious and deadly virus.

**Can I be exempted from the vaccine requirement?**

The PHO's office is accepting requests for exemptions for medical reasons only. The PHO has posted [guidelines](#) for submitting these requests and provided a [Medical Deferral Form](#) that must be completed in some instances as part of an application for an exemption. Please read the guidelines carefully if you are considering making a request.

If you have submitted a request, inform your supervisor after you have done so. The PHO will inform your supervisor about the status of the request but will not share any of your medical information with your employer. Workers who have requests that are being processed may continue to work until a decision has been made on the request.

**Doesn't a requirement to be vaccinated against COVID-19 to work in this sector violate my human rights?**

Employers are legally obligated to attempt to accommodate workers who are unable to get vaccinated for bona fide medical reasons, or on other grounds protected by human rights legislation such as religious beliefs.

Requests for accommodation for reasons other than the medical grounds, for which an exemption may be requested from the PHO, should be submitted with supporting documentation to your employer through the usual accommodation process.

However, it is important to remember that human rights are never assessed in a vacuum and are subject to limitation when other important considerations are involved. For example, seniors and patients are entitled to safe care, and health care workers have a right to work in a safe environment. Considerations such as these may impact on what sort of accommodation, if any, may be available.

As well, not all personal choices engage human rights considerations. B.C.'s Office of the Human Rights Commissioner issued a report in July 2021 on the human rights implications of vaccination status policies, writing that: "In my view, a person who chooses not to get vaccinated as a matter of personal preference — especially where that choice is based on misinformation or misunderstandings of scientific information — does not have grounds for a human rights complaint against a duty bearer implementing a vaccination status policy."

**I'm currently on leave. Do the timelines apply to me?**

HEABC is advising its employer members that employees returning to work after an approved leave of absence will need to be in compliance with the order at the time of their return from leave date. This would apply to sick leave, maternity/parental leave, vacation leave and other approved leaves of absence. If you have questions about how the order impacts your leave of absence, contact your shop steward who can work with a union representative to help find answers.

**Can I access OT, vacation or other banks instead of going on unpaid leave on October 26?**

HEABC has taken the position that you will be put on unpaid leave with no access to banks. The union has taken a position that workers should be able to access their banks during the period of unpaid leave.

**Can I file a grievance?**

Yes. The underlying facts will be considered in any decision by the union to move forward with a grievance.

**How do they know if I'm vaccinated?**

The order requires employers who have access to the Workplace Health Indicator Tracking and Evaluation (WHITE) database (health authority employers) to confirm their employees' vaccination status through the WHITE database. Where employers can't confirm an employee's vaccination status they will request proof of vaccination (BC Vaccine Card) or an exemption or exemption request, and employees must provide this information under the order.

Where employers do not have access to the WHITE database (contractor and other non-health authority employers), they will request proof of vaccine or an exemption or exemption request from employees and keep a record of this information.

Unlike the order covering long-term care and assisted living, employers are not required to upload this information to a central Ministry of Health portal. But they must produce individual or aggregate information to the PHO or a Medical Health Officer on request.

Throughout this process, the union has demanded that strict protocols be put in place to protect employee health information. If you have any concerns about the handling of this information in your workplace, please contact a shop steward.

**What if I'm not fully vaccinated by October 26?**

Under the PHO order, "vaccinated" means seven days have passed since your second dose of an approved COVID-19 vaccine. But you can continue to work October 26 and after if you've received at least one dose of the vaccine.

Here are the important timelines:

**ON OCTOBER 26, AT LEAST SEVEN DAYS HAVE PASSED AFTER SECOND DOSE**

- Nearly all HEU members will be in this category
- Follow normal COVID-19 protocols for your worksite

**NO DOSE BEFORE OCTOBER 26**

- Not permitted to work in health care on Oct. 26
- HEABC says health authorities and affiliates will put workers on unpaid leave until Nov. 15 (policies may differ with non-HEABC employers)
- Can return to work in sector seven days after receiving a first dose (must receive first dose before Nov. 15)
- Must receive second dose 28-35 days after first dose to continue working after 35 days or face possible dismissal
- Must mask on every shift until seven days after second dose

**ONE DOSE BEFORE OCTOBER 26**

- Can continue to work in sector Oct. 26
- Must receive second dose 28-35 days after first dose to continue working after 35 days or face possible dismissal
- Must mask until seven days after second dose

**TWO DOSES BEFORE OCTOBER 26**

- Can continue to work in sector Oct. 26
- Must mask on every shift until seven days after second dose

**HIRED AFTER OCTOBER 25**

- Must be vaccinated – two doses plus seven days – before starting work in health care

**WAITING FOR RESPONSE TO REQUEST FOR MEDICAL EXEMPTION**

- Must mask on every shift

If you have questions on the application of this order in your workplace and its impact on your job, collective agreement or other employment rights, please be in touch with a shop steward who can work with a union representative to help find answers.

*October 20, 2021*