

Murray, Heather HLTH:EX

From: Armitage, Mark W HLTH:EX
Sent: August 11, 2021 2:40 PM
To: Brown, Stephen R HLTH:EX; Pokorny, Peter HLTH:EX
Cc: Howatson, Evan HLTH:EX; Fisher, Kiersten D HLTH:EX; Alexander, Ross AG:EX; Moulton, Holly HLTH:EX; Gold, Crystal HLTH:EX
Subject: Mandatory Vaccination of HCW IBN - Confidential - Not for Distribution
Attachments: Briefing Note - Mandatory Vaccinations - 08112021.docx; 2021-06-14 LT M Prescott re vaccination.PDF; FW: Mandatory Vaccinations for Healthcare Workers

Steve and Peter,

Please find attached THE IBN on the issue of mandatory vaccination for health care workers (attachment #1).

In addition, I have attached s.14

s.14

These two documents are technical, but do provide more

details to support the IBN, if helpful.

Kiersten and Ross – If possible, please review ahead of our mtg. at 3:30 pm.

If there are any questions please let Evan and I know.

Thank you,

Mark

W. Mark A. Armitage MPA BSW
ADM | Health Sector Workforce and Beneficiary Services
Ministry of Health | 1515 Blanshard St., Victoria, B.C.
Phone (250) 952-3519

MINISTRY OF HEALTH INFORMATION BRIEFING NOTE

Cliff #

PREPARED FOR: Stephen Brown, Deputy Minister, Ministry of Health - **FOR INFORMATION**

TITLE: Mandatory COVID-19 Vaccinations of Health Care Workers in BC

PURPOSE: Evaluation of implementing mandatory COVID-19 vaccinations for health care workers across BC.

BACKGROUND:

The goal of reducing transmission of Covid-19 and increasing the public's safety is paramount to providing safe and effective health care services to the public. Existing research has demonstrated the use of readily available Covid-19 vaccines are scientifically effective to not only protect the person that is vaccinated, but there is growing medical research/evidence confirming being vaccinated also reduces the risk of transmitting the virus to another person.

Several jurisdictions in North America have begun implementing mandates to vaccinate health care workers, and workers in the public sector more broadly. The justification for doing so is centered on reducing transmission rates, protecting workers and the public (i.e., those who are in contact with staff and employees in the relevant sectors), and ensuring the legal grounds for such an order are achieved while respecting individual rights and freedoms.

DISCUSSION:

Jurisdictional Implementation

To-date, no Canadian jurisdiction has mandated vaccination for health care workers. However, Quebec and Ontario have introduced health care worker vaccination legislation that provides alternatives to being vaccinated, such as providing proof of participation in an educational program about the benefits of vaccinations and the risks of not being vaccinated (Ontario) or proof of no fewer than three COVID-19 screening tests per week (Quebec).

Within the United States, Washington State recently announced an Order requiring vaccination for state workers in various sectors, as well as health care workers (including those working in private health care and long-term care). For the exception of medical and/or religious grounds, all Employees will be required to demonstrate they are fully vaccinated by no later than October 18, 2021. To note, the Washington State Order does not specify specifically how accommodation will take place but could include: employee reassignment, increased testing and/or additional infection prevention control measures.

On August 5, 2021, the California Department of Public Health issued an order requiring workers who provide services or work in various health care facilities to receive their first dose of a one-dose vaccine or their second dose of a two-dose vaccine by September 30, 2021. The California Order also recognizes religious or medical exemptions, those individuals with a valid exemption having to undergo regular Covid-19 testing and wear a mask.

Constitutional and Labour Considerations

s.13

Potential Recruitment and/or Retention Challenges

Although difficult to quantify, there is a risk individuals will continue to refuse being vaccinated, even in the presence of a government order. Beyond the legal and labour relations issues that have been noted, this may create short term staffing challenges as a percentage of the workforce will either need to be provided an accommodation or will be unable to work in the health sector. Further, it is conceivable that a percentage of the broader population will not get vaccinated, thereby not being able to enter the health work force.

Implementation Mechanism

Should government decide to proceed with mandatory vaccination for health care workers, the simplest and most expedient method in the short term would be for the Provincial Health Officer to utilize the *Public Health Act's* authority and issue a Public Health Order mandating vaccination for Covid-19, by Health Care Workers. The PHO has the authority to make such an order requiring health care workers to be fully vaccinated as a condition of continued employment, or that they be excluded from work during an outbreak. A PHO Order provides an immediate authority to implement the policy of mandatory vaccinations. In the intermediate term, the recommended approach would be to make regulation change(s). Given the range of employers and settings, both a PHO Order and regulation change(s) would achieve consistency across the sectors.

Beyond the legal mechanism that is used to require mandatory vaccination, it should be noted Union/Association engagement and other necessary policy and Employer guidance will need to be completed. Should the decision be made to proceed, it is recommended sufficient notice be given to Employers and Partners/Stakeholders for meaningful engagement, as well as resolving the anticipated logistical issues associated with implementation.

Program ADM/Division: Mark Armitage, Health Sector Workforce and Beneficiary Services Division

Telephone:

Program Contact (for content): Evan Howatson

Drafter: Elaine Woodward/Christopher Clemence

Date: August 11, 2021

File Name with Path:

Page 05 of 31 to/à Page 31 of 31

Withheld pursuant to/removed as

s.14