

**IN THE MATTER OF the *Public Health Act*, RSPEI 1988, c P-30.1 (“Act”).**

**VACCINATION INFORMATION AND TESTING POLICY ORDER**

**for Front-Line Public Service Providers**

**WHEREAS** a state of public health emergency was declared in Prince Edward Island on March 16, 2020 as a result of the COVID-19 pandemic pursuant to Order in Council EC2020-174, and continued on April 15, 2020 by Order in Council EC2020-254, on May 15, 2020 by Order in Council EC2020-305, on June 15, 2020 by Order in Council EC2020-350, on July 14, 2020 by Order in Council EC2020-435, on August 14, 2020 by Order in Council EC2020-488, on September 13, 2020 by Order in Council EC2020-542, on October 13, 2020 by Order in Council EC2020-603, on November 12, 2020 by Order in Council EC2020-649, on December 12, 2020 by Order in Council EC2020-724, on January 11, 2021 by Order in Council EC2021-1, on February 10, 2021 by EC2021-71, on March 12, 2021 by Order in Council EC2021-138, on April 11, 2021 by Order in Council EC2021-271, on May 11, 2021 by Order-in-Council EC2021-407, on June 10, 2021 by Order-in-Council EC2021-494, on July 10, 2021 by Order-in-Council EC2021-577, on August 9, 2021 by EC2021-658; and on September 8, 2021 by EC2021-733;

**AND WHEREAS** pursuant to clause 49(2)(g) of the Act, I may take any other measure I reasonably believe is necessary for the protection of the health of the population during the public health emergency;

**AND WHEREAS** pursuant to clause 49(3) of the Act, I may order a person or class of persons who I reasonably believe is not protected against a communicable disease to take any preventative measure;

**AND WHEREAS** pursuant to subsection 39(1) of the Act, I, as the Chief Public Health Officer, may require a person to take or refrain from taking any action that is specified in this Order in respect of a communicable disease;

**AND WHEREAS** I, as the Chief Public Health Officer, pursuant to subsection 39(2) of the Act, believe on reasonable and probable grounds that:

- (a) a communicable disease, COVID-19, including any new variants of the virus causing COVID-19, exists or may exist in the Province;
- (b) the communicable disease presents a risk to the health of persons in the Province; and
- (c) the requirements specified in this Order are necessary to prevent, decrease or eliminate the risk to health presented by the communicable disease;

**AND WHEREAS** pursuant to subsection 56(1) of the Act, I, as the Chief Public Health Officer, may require any person to provide information that the Chief Public Health Officer reasonably considers necessary to assess the threat that a disease presents to public health and plan for and address the threat or evaluate and monitor the health and safety of the general public;

**AND WHEREAS** the reasons for this Order are the global COVID-19 pandemic, the health risks posed by the pandemic, including health risks posed by new variants of the virus causing COVID-19, and the necessity to prevent, decrease or eliminate those health risks in the facilities that are subject to this Order;

**AND WHEREAS** there is an immediate risk to persons who receive care or services within health care facilities, early learning and child care centres, schools, correctional facilities, group homes and residential institutions who serve populations who may be not fully immunized against COVID-19 infection and are more vulnerable and medically complex than the general population, and therefore more susceptible to infection and severe outcomes from COVID-19;

**AND WHEREAS** at the time of making this Order, recommendations from the National Advisory Committee on Immunization inform that approximately two weeks after receiving a completed series, currently authorized vaccines in Canada have been shown to be highly efficacious in the short term against symptomatic COVID-19 disease, efficacious against severe COVID-19 outcomes such as hospitalization or death, and can reduce infection and transmission of the COVID-19 virus;

**AND WHEREAS** the majority of COVID-19 cases currently occur among individuals who are not vaccinated with an authorized vaccine, and unvaccinated individuals increase the likelihood of transmission to other vaccinated and unvaccinated individuals;

**AND WHEREAS** testing programs help in early identification and mitigation of disease transmission including mitigating outbreaks of COVID-19;

**AND WHEREAS** the vaccination and testing of individuals subject to this Order, will assist to prevent transmission of the virus and the associated illness and death and to protect the populations they serve;

**NOW THEREFORE** pursuant to my authority granted under sections 39, subsections 49(2), 49(3) and section 56 of the Act, I hereby order as follows:

1. In this Order, the definitions in the Chief Public Health Officer COVID-19 Prevention and Self-Isolation Order, as may be amended from time to time, apply and have the same meaning in this Order except as otherwise defined in this Order:
  - (a) "prolonged" for the purposes of this Order means, a period of 15 cumulative minutes over 24 hours;
  - (b) "public service provider" means:
    - (i) any of the following entities referenced in the schedules of the *Financial Administration Act*, RSP/EI 1988, c F-9 that operate as a correctional facility, a provincial group home, or a public school:
      - (A) Schedule "A" - Departments except the Legislative Assembly;
      - (B) Schedule "B" - Crown corporations;
      - (C) Schedule "C" - Education Authorities;

- (ii) licensed centres as defined in the *Early Learning and Child Care Act*, RSPEI 1988, c E-0.1;
  - (iii) private schools as defined in the *Private Schools Act*, RSPEI 1988, c P-20.01;
  - (iv) residential institutions as defined in the *Social Assistance Act*, RSPEI 1988, c S-4.3, that are approved in accordance with the regulations that provides living accommodations and temporary or continuing care for persons in need;
  - (v) non-governmental organizations that provide employment, residential, or support services to adult persons with disabilities; and
  - (vi) any organization that is designated as public service provider by the Chief Public Health Officer on a list that is available to the public, as updated from time to time.
- (c) "staff" or "staff person" means employees, staff or contractors of a public service provider who:
- (i) provide a front-line service to individuals; and
  - (ii) have prolonged exposure in close proximity (within 2 metres) with those individuals.

### **Policy on COVID-19 vaccination**

2. Effective at 8:00 a.m. on September 27, 2021, every public service provider shall establish, implement and ensure compliance with a COVID-19 vaccination information and testing policy for its staff.

### **Contents of Policy**

3. At a minimum, every public service provider shall ensure that its COVID-19 vaccination information and testing policy requires all persons to whom the policy applies to provide the following to be exempted from regular rapid testing under section 4: proof that they are fully vaccinated against COVID-19.
4. Every public service provider's vaccination information and testing policy shall require that where a staff person does not provide proof of being fully vaccinated against COVID-19 in accordance with section 3, the staff person shall
  - (a) submit to regular rapid antigen testing for COVID-19 and demonstrate a negative result, at intervals to be determined by the public service provider, which must be at minimum once every seven days; and
  - (b) provide verification of the negative test result in a manner determined by the public service provider that enables the public service provider to confirm the result at its discretion.

5. The public service provider's vaccination information and testing policy shall require that, if a rapid test result under section 4 is positive, the staff person must:
  - (a) notify the public service provider, and employer if not the public service provider, of the test result,
  - (b) leave the workplace as soon as it is operationally safe to do so,
  - (c) arrange to have a COVID-19 molecular test as soon as possible,
  - (d) self-isolate until they receive their COVID-19 molecular test or as advised by a public health official,
  - (e) advise the public service provider and employer, if not the public service provider, of the result of the COVID-19 molecular test, and
  - (f) not return to the workplace, unless the result of the COVID-19 molecular test is negative, or if the COVID-19 molecular test result is positive, in accordance with the COVID-19 Prevention and Self-isolation Order.
6. A public service provider must ensure that staff do not enter or remain in a workplace in contravention of section 5.
7. Staff must not enter or remain in a workplace in contravention of section 5.

#### **Information Collection**

8. Effective at 8:00 a.m. on September 27, 2021, a public service provider shall record the following information in written or electronic format in an accurate and legible record for the purpose of providing the record to the Chief Public Health Officer, on request by the Chief Public Health Officer.
  - (a) the name of each staff person who has provided proof of being fully vaccinated under section 3;
  - (b) the name of each staff person who did not provide proof of being fully vaccinated;
  - (c) the results of the staff person's rapid test required under section 4; and
  - (d) the number of rapid tests that the public service provider has in its inventory.
9. The public service provider must ensure the records outlined in clauses 8(a) to (d) are stored in a safe, secure location to maintain the confidentiality of personal information collected under this Order.
10. A public service provider shall immediately contact the Chief Public Health Officer or a public health official at (902) 213-5824 when a public service provider has been advised of a staff person's positive test under clause 5(a) to report the case, by name, and advise that the staff person has been directed to take a COVID-19 molecular test. If the positive test is obtained after 9:00 p.m., contact can be made at 8:00 a.m. the following day.

11. A public service provider may contact the Office of the Chief Public Health Officer to request additional rapid tests.

**General**

12. Notwithstanding anything in this Order, the Chief Public Health Officer may:
  - (a) exempt a public service provider or staff from the application of any section of this Order under exceptional circumstances or on reasonable grounds; and
  - (b) impose, on any public service provider or staff exempt from the application of any section of this Order under clause (a), public health measures consistent with this Order to minimize the risk of introduction or spread of COVID-19.
13. For greater certainty, nothing in this Order limits the operation of the Act or its regulations or restricts the ability of the Chief Public Health Officer to issue public health orders or other orders or directives, as necessary.
14. This Order:
  - (a) revokes and replaces my order of September 24, 2021;
  - (b) is effective October 5, 2021 at 8:00 a.m., except where stated in this Order to have retroactive effect; and
  - (c) shall remain in effect for the duration of the public health emergency in the Province, unless earlier amended or revoked.

**TAKE NOTICE** that failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 66 of the Act.

**DATED** at Charlottetown, Queens County, Prince Edward Island this <sup>5<sup>pm</sup></sup> day of October, 2021.

  
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Dr. Heather Morrison  
Chief Public Health Officer

