

# **September 3, 2021 Public Health Orders Questions and Answers for Municipalities**

Frequently Asked Questions

September 2021

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## Summary

Changes to the public health orders to stop the spread of COVID-19 took effect on September 3, 2021. The current orders implemented a number of significant changes that affect municipal operations. In particular, the orders mandate that persons must produce proof that they are fully vaccinated against COVID-19 to attend certain facilities and events.

This Frequently Asked Questions document is intended to address operational and administrative questions raised by municipalities.

If you have additional questions about how the current public health orders impact municipalities, please email [mrmaas@gov.mb.ca](mailto:mrmaas@gov.mb.ca) or phone 204-945-2572.

## Vaccination Requirements

### **1. Are municipalities and other organizations required to implement a proof of vaccination policy for their employees?**

No. At this time, public health officials recommend that others follow the province's lead in implementing a proof of vaccination policy for their employees. However, the current public health orders do not implement a requirement to do so. Future amendments to the public health orders may implement a requirement, but no further information is available at this time.

### **2. Does the public have to produce proof of vaccination to attend council meetings?**

No. The current public health orders do not require the public to provide proof of vaccination to attend council meetings. However, municipalities should implement safety protocols to minimize the risk of spreading COVID-19. Measures should be implemented so that attendees are reasonably able to maintain a separation of at least two metres from each other. A person who enters or remains in an indoor public place must also wear a mask in a manner that covers their mouth, nose and chin without gapping.

Municipalities may choose to implement a requirement to provide proof of vaccination to attend council meetings, but if they do so, they must provide alternative means of accessing the proceedings for persons who are unable or choose not to provide proof of vaccination. *The Municipal Act* requires council meetings to be open to the public to ensure a transparent decision-making process and allow the public to observe council's deliberations.

Several methods of providing public access to council deliberations in an alternate format are available to municipalities. *The Municipal Act* provides municipalities with the ability to hold meetings using electronic communication technology, such as Microsoft Teams, GoToMeeting, Skype, or conference calls. Any method used should provide a comparable level of access to the public as physical attendance at a council meeting.

**3. Do councillors need to provide proof of vaccination to attend council meetings?**

No. Nothing in the orders prevents, restricts or governs the operations or the delivery of services by the council of a municipality.

However, municipalities should implement safety protocols to minimize the risk of spreading COVID-19. Measures should be implemented so that attendees are reasonably able to maintain a separation of at least two metres from each other. A person who enters or remains in an indoor public place must also wear a mask in a manner that covers their mouth, nose and chin without gapping.

**4. Do employees and volunteers who work at indoor recreational facilities need to provide proof of vaccination?**

No. Municipal employees and volunteers are not required to be vaccinated under the current public health orders. Only those designated employees of the province and provincially-funded agencies are required to take regular COVID-19 tests or present proof of vaccination.

However, public health officials continue to recommend that other organizations follow the province's lead and consider implementing a testing and vaccination policy for their staff.

The Manitoba Human Rights Commission has prepared guidance on the implications of mandating testing or vaccination for employees for those organizations that choose to implement this type of policy. Please visit:  
<http://www.manitobahumanrights.ca/v1/education-resources/resources/pubs/guidelines/guidelinecovidvaccine.pdf>.

**5. Are municipal fire/paramedic/medical first response employees and volunteers required to provide proof of vaccination?**

No. Municipal fire, medical first responders and paramedic employees and volunteers are not required to submit to regular testing or provide proof of vaccination. Municipal fire, medical first responders and paramedic employees were not listed in the information currently available regarding the mandatory testing public health orders, however, the orders are not final and have yet to be released.

**6. Are volunteers working with our seniors' resource coordinator doing friendly 1:1 home visits required to provide proof of vaccination?**

No. Under the September 3 public health orders, there is no requirement for volunteers working with seniors' resource coordinators doing friendly one-on-one home visits to be vaccinated. Future amendments to the public health orders may require these individuals to provide regular test results or proof of vaccination, but no further information is available at this time.

**7. When can we expect further information regarding the availability of testing for employment purposes (e.g. childcare workers who are not fully vaccinated by October 31, 2021)?**

Work is currently in progress to provide access to testing kits for employment purposes. More information will be available when amendments to the public health orders are finalized.

**8. Will the Department of Municipal Relations provide policy guidance for those municipalities interested in requiring visitors to their Municipal Offices to provide proof of vaccination?**

Manitoba has posted communication tools, such as posters and other resource materials, to assist municipalities with implementing the existing requirements of the current public health orders. These posters are available to download from: <https://manitoba.ca/covid19/updates/resources.html>.

Any municipality considering implementing additional requirements related to vaccinations for visitors should ensure that they undertake appropriate consultations with their legal counsel.

Public health officials continue to recommend that other organizations follow the province's lead and consider implementing a testing and vaccination policy for their staff.

**9. Will the province provide additional guidance to municipalities regarding privacy concerns of checking proof of vaccination?**

The QR code information that is verified for proof of vaccination does not reveal any personal health information other than proof of vaccination, and this information is not tracked or recorded. Those with medical exemptions will have the same QR code as everyone else. When scanned, their code will show the green check to indicate they can be admitted, just as for all others with a valid QR code.

## **Checking Vaccination Status**

**10. What process do we need to follow to track vaccinated individuals entering our facilities, and how do we handle the information that we gather?**

Operators should check individuals' proof of vaccination when they enter a facility or event that requires attendees to present proof of vaccination. Proof of vaccination should also be verified with a piece of government issued photo ID where possible. For those who may not have government issued photo ID such as youths, student cards could be used as a valid identification.

Manitoba issues a vaccination record that functions using a QR code that verifies if an individual is fully vaccinated (14 days after receiving a full course of an approved COVID-19 vaccine), or has an approved medical exemption. The Manitoba vaccination record is easy to check and does not disclose personal health information other than the person's name, and that they meet the requirements for proof of vaccination.

## **11. How can organizations verify proof of vaccination for those from outside of Manitoba?**

The province has issued guidance on the types of proof of vaccination for individuals that those from other Canadian provinces may present. This may include:

- A National Defence Canada COVID-19 vaccine record or card;
- Canadian Public Health Association (CPHA) travel vaccination record; or
- An official document issued by a Canadian province or territory containing information about a person's COVID-19 vaccination history.

For more information about other provinces' vaccination records, please visit: <https://manitoba.ca/covid19/vaccine/immunizationrecord/businesses.html> and scroll to the bottom of the page.

International travellers may also visit facilities or events that require proof of vaccination under the current public health orders. For these individuals, public health recommends verifying the documentation that was submitted to the Canada Border Services Agency through the ArriveCan app, and checking this information with the individual's proof of citizenship (e.g. passport).

## **12. Will municipalities be required to get QR scanners for their facilities?**

No. Operators can check Manitobans' proof of vaccination using the Manitoba Immunization Verifier application, available free on the Apple App Store and the Google Play Store. This application can be used on any compatible smartphone.

For more information about the Immunization Verifier application, visit: <https://manitoba.ca/covid19/vaccine/vaccinationrecord/businesses.html>.

To access the app via the App Store, visit: <https://apps.apple.com/ca/app/manitoba-vaccination-card/id1568114680>.

To access the app via the Google Play Store, visit: <https://play.google.com/store/apps/details?id=com.govmb.vaccinationcard>.

## **13. If someone refuses to disclose their vaccination status or indicates that they have a medical condition that precludes them from getting a vaccine, can access to a facility or event that requires proof of vaccination be refused?**

Yes. Those with medical exemptions will have the same QR code as everyone else. When scanned, their code will show the green check to indicate that they should be admitted on the basis of their vaccination status, just as for all others with a valid QR code.

**14. The public health orders state that attendees who are not fully-vaccinated must produce proof from the Government of Manitoba that there is a medical reason for the person not to receive a vaccine for COVID-19. What do these look like so we know that that this documentation is legitimate?**

Those with medical exemptions will have the same QR code as everyone else. When their code is scanned, the app will show a green check, just as for all others with a valid QR code.

**15. If a person does not show or refuses to provide proof of vaccination or a medical exemption and enters a facility or event that requires proof of vaccination, what should the operator do?**

If the person enters the facility despite being denied entry, facility operators may choose to report the individual to the COVID Tip Line or to local law enforcement.

**16. Is there a direct phone number to contact a law enforcement officer?**

Violations of current public health orders can be reported using the Manitoba Government's COVID Tip Line. The Tip Line can be accessed at <https://forms.gov.mb.ca/covid-tip-line/>, or by phone at 1-866-626-4862, option 3. Urgent calls can be directed to 1-877-311-4974.

Emergency situations where there is an immediate safety risk should always be reported to the local police emergency number, such as 911.

**17. If there are no staff to verify vaccinations, is it recommended to keep the facility closed?**

Facility operators are responsible for ensuring compliance with the public health orders if the facility is open or operating.

**18. What services can municipalities deny to residents who are not vaccinated?**

Municipalities should not deny essential services to residents who cannot produce proof of vaccination. Organizations that choose to require proof of vaccination for activities which are not specified in the public health orders should ensure that alternate methods of service delivery are available.



**19. What is considered alternate accommodation for unvaccinated residents who cannot enter municipal facilities because of the public health orders?**

Alternative service delivery may consist of a variety of options to receive a service that reasonably allow the public to access a service equitably, such as by telephone or electronic means, or curbside service.

**20. Do facilities need to scan program participants if these participants are the same each week?**

Yes. The verification tool does not retain any records, so participants' proof of vaccination must be presented each visit to verify their vaccination status. Checking all participants each visit ensures that a consistent process is followed for every visitor, and that some individuals are not seen to be receiving different treatment by other visitors to the facility.

## **Events and Facilities Restrictions**

**21. If a municipal or planning district public hearing is being held at a recreation facility, do members of the public attending have to show proof of vaccination?**

No. Nothing in the orders prevents, restricts or governs the operations or the delivery of services by the council of a municipality. Because public hearings are required by *The Municipal Act* and *The Planning Act*, public health restrictions regarding access to the facility would not apply in this specific situation.

**22. Our municipality is presenting a by-law to the public at an outdoor venue. Do we need to require proof of vaccination? Do we need to do contact tracing?**

Nothing in the orders prevents, restricts or governs the operations or the delivery of services by the council of a municipality. People attending do not need to provide proof of vaccination and the collection of contact tracing information is not required.

**23. For instructional courses, such as first aid and babysitting, do those 12 and up have to be vaccinated to take part if they are held in a recreational facility or a community hall?**

Yes. Order 19 of the current public health orders requires that the operator of group instructional classes must restrict admission to those who can produce proof of vaccination or who produce proof that there is a medical reason they cannot receive a vaccine for COVID-19. Persons between ages 12 and 17 may enter recreational facilities even if they cannot produce proof that they are fully-vaccinated under Order 14, but cannot register in a group instructional class under Order 19 without presenting proof of vaccination.

## **24. How do the orders impact public libraries?**

Under the current Public Health Orders, basic library services may continue without restrictions. Mask use is required.

Programming that involves outside individuals or agencies as organizers or presenters must follow the public health orders for those activities. Outside organizations renting space in the library must follow restrictions based on the type of activity they are planning.

Instructional programming offered by library staff may continue without restriction. Recreational programming (eg. arts and crafts) must follow the public health orders for those activities.

Recreational programming and/or programming offered by external individuals or organizations, must restrict admission to members of the public who:

- produce proof that they are fully immunized;
- produce proof from the Government of Manitoba that there is a medical reason for the person not to receive a vaccine for COVID-19; or
- are under 12 years of age.

Live performing arts events or movie screenings must also restrict admission as outlined above.

Organizations seeking clarification on how the orders apply to specific programs and/or services and/or whether or not a programming is deemed recreational should contact Manitoba Government Inquiry at:

**Tel: 204-945-3744**

**Toll Free in North America: 1-866-626-4862**

**Email: [mgi@gov.mb.ca](mailto:mgi@gov.mb.ca)**

## **25. If organizations provide social services and recreational activities in their facilities, are the orders applied on a program-to-program or a facility-wide basis?**

The public health orders require the operator of a facility to apply a facility-wide approach.

## **26. Do facilities have a responsibility to check vaccination status for a private rental?**

It is the responsibility of the facility operator to ensure that all orders are addressed in public and private rental use. Some events have specific recommendations in the orders such as weddings and funerals. Further information can be found here - <https://manitoba.ca/covid19/prs/orders/index.html#current>.