COMMUNITY LIVING BRITISH COLUMBIA

Frequently Asked Questions (FAQs)

Provincial Health Office – COVID-19 Vaccination PHO Order
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Contents

Background 3

General 3

What is the PHO COVID-19 Vaccination PHO Order? 3

Why is this PHO Order needed? 3

What is the timeline to comply? How long is the PHO Order in place? 4

Who is covered by this PHO Order? 4

Are CLBC supported individuals required to be vaccinated under this PHO Order? 4

How do we work with individuals and families to explain this PHO Order? 4

We have CLBC funded contracts for Life skills and Adult Respite but some of the people delivering the service are contractors (not staffed employees). Would they also be covered under this PHO mandate? 4

Does this PHO Order apply to staff of CLBC funded services that do not have direct contact with individuals (e.g., cleaning staff and administrative staff)? What about staff who work from home and do not come into the office? 5

NEW - Are non vaccinated administrative staff allowed to come into the buildings that support the day program after hours after all supported individuals have gone home? 5

NEW - What about if the centre is used after CLBC funded hours? Do people in attendance require to follow PHO order because the building is where CLBC services are delivered? 5

NEW - Can administrative staff attend staff meetings when no supported individuals are present? 5

What are the requirements for outside maintenance people coming into a care location, such as BC Housing contractors and staff doing maintenance or full renovations? 5

Does the PHO Order exempt Indigenous staff who work for a CLBC contracted service provider from the mandated COVID-19 vaccine? 6

NEW - There is information circulating that parents who live full time with their loved one must be vaccinated. Is this true? 6

Is there a religious, or any other, exemption for COVID vaccination? 6

When do you think booster shots will be included in the definition of fully vaccinated as defined by the PHO Order? 6

Once staff are fully vaccinated in a group home setting is there a requirement for them to wear masks? 6
Human Resources 7
How do we treat staff members who do not comply? 7
What do we do if we lose staff? How do we manage that? 7
If my staff choose not to receive the vaccination, does this mean I have to terminate them? 7
If I do choose to terminate staff, will CLBC provide funding for severance pay? 8
Will service providers be required to show CLBC a list of vaccinated staff? 8
Who can help us if we have a concern we cannot resolve? 8
Home Sharing 8
Why doesn't the PHO Order apply to home sharing providers? 8
What is the difference between a home sharing provider and staff working in a family home? 8
What is the rationale behind the decision to exclude home sharing providers from the vaccination mandate? 8
What is the Agency's responsibility for ensuring that the home sharing provider's respite contractor is vaccinated? 9
Does a home sharing provider who delivers an individual's respite or community inclusion program fall under the PHO Order? 9
Direct Funding, Micro-boards & Person-Centred Societies 9
Does the PHO Order apply to micro-board staff who provide support in the individual's family home or in the community? 9
Are Directors or members of micro-boards or Person-Centred Societies required to be vaccinated under this PHO Order? 9
I have a direct funding contract with CLBC. Am I required to have all my staff meet the vaccine mandate requirements? 9
Are Direct Funded Agents themselves required to be vaccinated under this PHO Order? 10
What if my current staff refuse to get vaccinated and I cannot find anyone else to provide services? 10
What if my agency cannot provide my services? 10
Now that PHO Order is in place and may affect recruitment or retention of staff will CLBC reinstate the Interim guidance that allowed family members to be paid? 10
NEW - In the case where a family receives individualized funding to provide support in their home, are unpaid friends and family members who are part of the person's support network considered volunteers who must be vaccinated under the Order? 11

Background

The Provincial Health Officer (PHO) has issued an Order requiring staff of CLBC funded service providers to confirm that they are fully vaccinated against COVID 19, or have an exemption, by January 14, 2022. You can read the PHO order here.

The Order applies to staff of CLBC funded agencies, person centred societies and microboards, as well as staff hired by individuals and families who have direct funding, including direct-funded respite contracts. Under the Order, the Provincial Health Officer has determined that persons receiving CLBC services in these settings often have health conditions or compromised immune systems which make them particularly vulnerable to severe illness and death from COVID 19 and that vaccination is the single most important preventive measure that can be taken to protect those we serve, other staff and caregivers.

The Order does not apply to home sharing providers where support is provided in a private residence.

General

What is the PHO COVID-19 Vaccination PHO Order?

The Provincial Health Officer has issued an Order requiring all CLBC staff and staff of CLBC funded service providers to be vaccinated for COVID 19. This requirement is in place for all staff of CLBC funded services in all care locations, except for home sharing providers.

Staff of service providers must **report their vaccination status to their employer** by Dec 3, 2021. Unvaccinated staff must:

- receive their first dose by December 10, 2021 and their second dose by January 14, 2022, or
- have applied for or been granted an exemption for medical reasons by January 14, 2022

Staff of CLBC funded services who are not vaccinated cannot deliver CLBC funded services after December 10, 2021, unless they are a home sharing provider only providing services to the individual(s) who lives in their home, or they have been granted an exemption for medical reasons.

Employers are not allowed to permit staff who do not comply with this PHO Order to continue to work.

Why is this PHO Order needed?

Under the PHO Order, the Provincial Health Officer has determined that people we serve in these community service settings are vulnerable to more severe illness and death from COVID. The PHO Order is necessary to protect those we serve, other staff and caregivers.

Many individuals, families and service providers have asked for such an Order to maintain confidence in the safety of CLBC services.

What is the timeline to comply? How long is the PHO Order in place?

The PHO Order does not have an expiration date.

Staff of service providers must **report their vaccination status to their employer** by Dec 3, 2021. Unvaccinated staff must:

- receive their first dose by December 10, 2021 and their second dose by January 14, 2022, or
- have applied for or been granted an exemption for medical reasons by January 14, 2022

The Johnson & Johnson vaccine (one dose) is available and will meet the vaccine requirement; CLBC service providers are eligible to request this vaccine.

Employers are not allowed to permit staff who do not comply with this PHO Order to continue to work.

Who is covered by this PHO Order?

This PHO Order applies to CLBC funded service providers, including agencies, person centred societies and microboards and staff hired by individuals and families who have direct funding, including direct-funded respite.

The PHO Order does not apply to home sharing providers unless they are providing paid services to other individuals who do not reside with them.

The PHO Order also applies to staff of CLBC; CLBC staff must be fully vaccinated by December 20, 2021.

Are CLBC supported individuals required to be vaccinated under this PHO Order?

No. This PHO Order applies to those who are involved in the delivery of services. CLBC has launched a "You can too!" campaign to encourage individuals served by CLBC to be vaccinated.

How do we work with individuals and families to explain this PHO Order?

CLBC asks service providers to inform individuals and families about this PHO Order and keep them informed around your plans to implement the PHO Order.

CLBC expects service providers to consult with families and collaborate if services are impacted.

We have CLBC funded contracts for Life skills and Adult Respite but some of the people delivering the service are contractors (not staffed employees). Would they also be covered under this PHO mandate?

Yes, under the PHO Order, CLBC-funded service provider staff and contractors are required to provide their proof of vaccination directly to their employer.

Does this PHO Order apply to staff of CLBC funded services that do not have direct contact with individuals (e.g., cleaning staff and administrative staff)? What about staff who work from home and do not come into the office?

The Order applies to service provider staff who provide care or services in a care location. This includes managerial or administrative services.

If staff work in an administrative office where no services are provided, or if they always work from home, and never interact with supported individuals, they are not required to be vaccinated. If an administrative office is co-located in a building where services are delivered, staff in that office would fall under the Order.

Staff who occasionally interact with supported individuals or have the potential to be called in to a care location, fall under the Order.

NEW - Are non vaccinated administrative staff allowed to come into the buildings that support the day program after hours after all supported individuals have gone home?

If administrative staff are entering a care location after business hours and there is no chance that they will interact with CLBC-funded individuals in that care location, they are not covered by the Order. However, administrative staff cannot be in any care location after business hours if there is any risk that CLBC-funded individuals will be in that care location after business hours.

NEW - What about if the centre is used after CLBC funded hours? Do people in attendance require to follow PHO order because the building is where CLBC services are delivered?

The PHO Order applies to employees and contractors of CLBC service providers working in care locations. The PHO order does not apply to situations in which a service provider rents space in a care location to the public after business hours and no CLBC-funded individuals are present.

NEW - Can administrative staff attend staff meetings when no supported individuals are present?

The Order applies to administrative staff working in any location where a CLBC-funded individual may enter and/or receive services.

What are the requirements for outside maintenance people coming into a care location, such as BC Housing contractors and staff doing maintenance or full renovations?

The PHO Order states that regular if outside providers **have close contact** with individuals, both regularly and occasionally, they must be vaccinated to work in a care location.

Occasional outside providers who **do not have close contact** with individuals need not be vaccinated but must wear a mask and maintain 2 metre distance if working in a care location.

Does the PHO Order exempt Indigenous staff who work for a CLBC contracted service provider from the mandated COVID-19 vaccine?

No, all staff employed by a CLBC contracted service provider are required to follow the Provincial Health Office PHO Order including Indigenous staff.

In the rare circumstance where the contractor is a First Nation, the Nations vaccine mandate will apply until such time as the Federal PHO Orders are articulated. In the rare circumstance where a contracted service provider is supported by a First Nation entity (such as FNHA), the vaccine mandate of the CLBC contracted service provider shall apply.

NEW - There is information circulating that parents who live full time with their loved one must be vaccinated. Is this true?

Parent(s) who live **full time** with an individual served by CLBC **do not** have to be vaccinated, even if they have been granted an exception to be paid to provide supports to their loved one.

In fact, any person who lives full time with an individual served by CLBC **does not** have to be vaccinated **unless** they are being paid to provide supports to another individual or individual(s) who **do not** live in their home.

Is there a religious, or any other, exemption for COVID vaccination?

No, there is no human rights exemption under this PHO Order.

Under the PHO Order, staff may send in a request to the Office of the Provincial Health Officer for an exemption for a small number of medical issues that are described here.

To request an exemption, staff must have a doctor or nurse practitioner fill out a medical deferral which they must then send to the Office of the Provincial Health Officer, as outlined in the link above.

When do you think booster shots will be included in the definition of fully vaccinated as defined by the PHO Order?

There is no intention to include booster shots in the Order. The reason is that once a person is fully vaccinated, they are very well protected from the virus and in turn help to protect others.

Once staff are fully vaccinated in a group home setting is there a requirement for them to wear masks?

The indoor mask order still applies, specifically in settings where people are in close contact. Masks add an extra layer of protection, even when people are fully vaccinated.

Human Resources

Note: *CLBC cannot provide human resource guidance or advice to service providers. Service providers are encouraged to draw upon their own internal human resources, legal and professional network resources. Recently, for example, the Community Social Services Employers Association of BC (CSSEA) provided this guidance to help its members prepare for a mandatory vaccine PHO Order.*

How do we treat staff members who do not comply?

Under the PHO Order, service providers cannot permit anyone who does not comply to continue to work.

CLBC cannot provide human resources advice, but we urge service providers to draw upon internal and external human resources and legal and professional network expertise around appropriate policies for staff who cannot work because of this PHO Order.

For the information of service providers, many organizations who are under this kind of PHO Order, including the B.C. Public Service and CLBC, are choosing to put employees who do not comply on leave of absence without pay.

What do we do if we lose staff? How do we manage that?

We know that 87 per cent of eligible people in our province have been fully vaccinated, and we believe that is true of staff who work for CLBC funded service providers.

Based on the experiences of other sectors (e.g., health care), we believe the PHO Order will influence many of those who aren't vaccinated to become vaccinated. However, CLBC service providers should develop contingency plans for the possibility that some staff will choose not to comply.

CLBC has convened a working group with service providers to develop internal CLBC guidance for CLBC regional staff to help them to support impacted service providers.

If my staff choose not to receive the vaccination, does this mean I have to terminate them?

While CLBC cannot provide legal or human resources advice, please be aware that an employee's choice not to be vaccinated does not automatically necessitate termination.

CLBC is aware that most employers under this Public Health Order initially put staff who do not comply on leave without pay for a period of time prior to terminating the employee. This can provide the employee with additional time to come into compliance with the Order.

If I do choose to terminate staff, will CLBC provide funding for severance pay?

CLBC does not provide funding for severance when employers chose to end their relationship with an employee.

Will service providers be required to show CLBC a list of vaccinated staff?

Under the PHO Order, service providers must collect information on the vaccination status of staff on both the aggregate and individual level and be prepared to show it to the Provincial Health Officer or a delegated Medical Health Officer upon request.

Under CLBC's interim policy, CLBC may ask for aggregate level information, for example to support service providers in managing workforce adjustments.

Who can help us if we have a concern we cannot resolve?

CLBC has provided an interim policy, this FAQ, and will be welcoming questions to our monthly service provider calls. All of this information will be hosted under the PHO Vaccination PHO Order section of our COVID web page for service providers here. If you do not find an answer to your question here, you can email it to CLBCInfo@gov.bc.ca.

Home Sharing

Why doesn't the PHO Order apply to home sharing providers?

The PHO Order does not apply to home sharing providers because they provide support in peoples' private residences.

What is the difference between a home sharing provider and staff working in a family home?

Home sharing providers are not required to be vaccinated because they live full-time with the individual(s) they support. However, staff hired as part of CLBC services must be vaccinated in all care locations – including the individual's family home as they do not live full-time with the supported individual or individuals.

What is the rationale behind the decision to exclude home sharing providers from the vaccination mandate?

The PHO Order does not require all people living in a home together to be vaccinated. CLBC supported individuals supported through home sharing live full time with the person (people) in their home – like a family unit.

Unlike group home staff who have their own home and go to work everyday in the home that the individual lives in to provide services. However, any paid person (contractor) who is entering a home share to provide services to the individual must meet the PHO requirements and be vaccinated.

What is the Agency's responsibility for ensuring that the home sharing provider's respite contractor is vaccinated?

The Agency's responsibility is to communicate the PHO Order to the home sharing provider and that they will not use any respite contractor after January 13, 2022 that is not fully vaccinated.

Agencies can send this information in an email to the home sharing provider, to ensure that they are aware of the PHO Order, that they follow the PHO Order and that the HSP must see the green double vaccinated card from the respite contractor.

Does a home sharing provider who delivers an individual's respite or community inclusion program fall under the PHO Order?

It depends.

Home sharing providers are **not required** to meet the PHO Order for vaccination if they are providing community inclusion or other services to the individual(s) who lives in their home.

If the home sharing provider is providing other CLBC contracted services, such as respite or community inclusion, to individuals who do not reside with them, then they **would be required** to meet the PHO Order and be vaccinated.

Direct Funding, Micro-boards & Person-Centred Societies

Does the PHO Order apply to micro-board staff who provide support in the individual's family home or in the community?

Yes, the PHO Order applies to all staff of contracted service providers, including staff who work for micro-boards in a person's home or in the community. This is confirmed in section 3 of CLBC's *Interim Policy for COVID-19 Vaccination Requirements for Service Providers*, posted here at this link.

Are Directors or members of micro-boards or Person-Centred Societies required to be vaccinated under this PHO Order?

Micro-board and Person-Centred Society directors and members are unpaid and are therefore not required to meet the PHO Order for vaccination if they do not provide any care or have any interactions with supported individuals.

All paid staff or contractors that are providing supports and services for a micro-board or Person-Centred Society are required to meet the vaccination requirements of the PHO Order.

I have a direct funding contract with CLBC. Am I required to have all my staff meet the vaccine mandate requirements?

Yes. The PHO Order from the Provincial Health Officer applies to all people who have been hired/contracted to come into a family home/private residence to provide care.

Are Direct Funded Agents themselves required to be vaccinated under this PHO Order?

If Agents have contact with the individual or individuals being served, then they are required to receive the vaccine. If they do not have contact, then they are not required to meet the PHO Order for vaccination.

All paid staff or contractors that are providing supports and services paid for with direct funding are required to meet the vaccination requirements of the PHO Order.

What if my current staff refuse to get vaccinated and I cannot find anyone else to provide services?

CLBC understands that some staff, including staff supporting micro-boards or hired directly by family members, may choose not to receive COVID-19 vaccinations. CLBC recognizes that because of this choice by individual staff members, some supported individuals could experience a brief interruption in their services and a disruption to their usual routine.

CLBC cannot provide human resource guidance or advice, but families can reach out to their support networks including Vela and the Family Support Institute for help. They can also reach out to their local CLBC office to request support to help them implement the vaccine requirements.

What if my agency cannot provide my services?

Data shows that people served by CLBC were at higher risk for severe infection, hospitalization and even death from COVID 19. This is why staff who work to deliver community living services in care settings were included in the PHO Order.

This decision was not made lightly and there was an understanding that there could be some impacts to service delivery. CLBC talked to service providers across the province before the PHO Order came out to make sure they were aware of the potential for the vaccine requirement; most providers, except in some key locations where vaccination rates are lower, were confident services would not be impacted.

If services are affected, we have asked service providers to work with families and to keep them informed. Families also have the option to reach out their CLBC office to discuss any concerns they may have with services from their provider.

Now that PHO Order is in place and may affect recruitment or retention of staff will CLBC reinstate the Interim guidance that allowed family members to be paid?

We have seen that most staff comply in other jurisdictions under an Order.

The interim policy allowing families to pay themselves was put in place when we had limited tools to provide a safe environment. Now that most people are vaccinated, the interim policy has ended. We have made permanent new flexible respite options families can use.

CLBC's service provision by family members policy continues to allow for exceptions in circumstances that meet the specific criteria.

NEW - In the case where a family receives individualized funding to provide support in their home, are unpaid friends and family members who are part of the person's support network considered volunteers who must be vaccinated under the Order?

No. Unpaid friends and family members who are part of a support network who come to the family's home to help provide personal supports are not covered by the Order. CLBC does however encourage everyone to be vaccinated to help protect supported individuals.