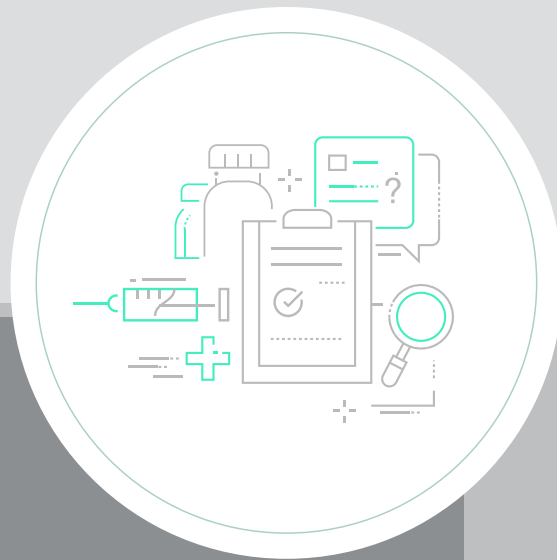


2021

K-12 SECTOR GUIDELINES *for* **VACCINATION POLICIES**



BRITISH
COLUMBIA

Ministry of
Education

Introduction

On October 5th, 2021, the Ministry of Education convened an Advisory Committee comprised of Ministry and sector representatives to design a coordinated approach for boards of education (“boards”) and independent school authorities (“authorities”) who choose to implement vaccination policies (see Appendix 1 for Terms of Reference). The following principles, roles, and guidelines have been developed to support boards and authorities as they consider options regarding the possible implementation of vaccine mandates for their staff. For clarity, these guidelines are for policies being contemplated for employees only, which should be interpreted broadly to include any employee of the board or authority, including contracted employees, regardless of classification or location.

The Ministry of Education fully respects the authority of individual First Nations to make decisions about the operation of First Nations schools in the best interests of their students, schools, and communities.

Context

The health and safety of students and staff in BC schools has been the main focus of all K-12 partners throughout the COVID-19 pandemic and recovery. A coordinated approach to health and safety guidelines and measures across the sector is a key part of why schools have remained open to provide in-person education to students. In-person learning supports social and emotional development and provides many students access to programs and services that are integral to their overall health and well-being.

Public health officials have been clear that vaccines are the most effective way to reduce the risk of COVID-19 transmission in schools and communities. The vaccines used in B.C. are highly effective against COVID-19, including among variants of concern. Vaccinated people aged 12 and older tend to have milder illness if they get infected and are also less likely to spread COVID-19 than unvaccinated people 12 and older. The latest [BCCDC Situation Report for K-12 Schools](#) confirms that diagnosed cases of COVID-19 increased among 5-11 year-olds in British Columbia (BC) during the first two weeks of the school year, primarily in regions with lower community vaccine coverage. Most COVID-19 cases, hospitalizations, and deaths are now among unvaccinated adults. Unvaccinated individuals are 9 times more likely to become a COVID-19 case and 40 times more likely to be hospitalized or die. The most effective means to protect students from COVID-19 is for adults in their community, including their school community, to be vaccinated. This is particularly true for those students under the age of 12 who cannot yet be vaccinated.

Boards and authorities have the ability as employers to set terms and conditions of employment and to create policies and procedures on a range of measures related to employee and workplace well-being and health and safety. Within the current COVID-19 context, some boards and authorities may be contemplating implementing a vaccine policy as part of their overall health and safety strategy. Education partners have agreed that there is value in having a coordinated approach to implementing such policies so as to avoid highly variable health and safety standards in schools and other K-12 workplace settings.



Guiding Principles

» **Prioritizing health and safety**

A safe environment for students and staff supports learning and development

» **Reducing impacts to in-person learning**

Minimizing school closures and disruptions (*i.e. self-isolation periods*)

» **Consistency in approach**

Working collaboratively on policy /procedure development and implementation while acknowledging that different regions, districts, and schools may have different needs.

Roles and Responsibilities

Ministry of Education

Provides provincial guidance and direction to boards and authorities as well as system leadership and coordination relating to the statutory framework.

Boards of Education

Employer of all staff in their district and responsible for any employment related conditions, policies, or procedures.

Independent School Authorities

Employer of all staff in their schools/authorities and responsible for any employment related conditions or policies.

BC Public School Employers' Association (BCPSEA)

Legal bargaining agent representative for all 60 public school districts and provides operational guidance and labour relations and human resources support on employment matters.

Unions & Employee Organizations

- ❑ **BC Teachers' Federation (BCTF)**
Represents the interests of teachers working in the public system.
- ❑ **Canadian Union of Public Employees (CUPE)**
Represents the interests of most support staff (*e.g., Educational Assistants, Custodial, Support Workers, etc.*) working in the public education system.
- ❑ Other support staff unions and associations, including those for excluded employees.

Public Health

Provides provincial and/or regional advice to boards and authorities on public health risks.

Guidance On Creating a Vaccine Policy

As set out in the *School Act* and *Independent School Act*, boards and authorities are the employers of the staff in their school district or school. As such, they have full responsibility for hiring and managing the necessary staff to meet operational and statutory requirements, and must do so in alignment with collective agreements, where applicable. Under the current K-12 statutory framework¹, any decision to implement a vaccine policy for staff is a board/authority decision.

Boards and authorities that decide to implement a vaccine policy as a workplace health and safety measure should allow time for consultation with local partners, should be transparent in their communications with staff, and should provide sufficient time to allow currently unvaccinated staff to become vaccinated before final implementation. Given the complexities of such a decision, boards and authorities should also take the following steps. **If boards and authorities choose not to follow the steps as outlined in this document, they should be aware there may be legal or financial implications.**





Creating a Vaccine Policy - Roadmap

THESE GUIDELINES DO NOT CONSTITUTE LEGAL ADVICE FROM THE MINISTRY OF EDUCATION. THEY ARE INTENDED TO DESCRIBE POLICY GUIDANCE DEVELOPED BY THE ADVISORY COMMITTEE.



1. Gather data and evidence in alignment with privacy rules

Boards and authorities should start by working with employee groups to encourage and promote vaccination and gather existing evidence on vaccination rates. It is important to note that discussions related to employee terms and conditions of employment and proof of vaccination requirements should be held in-camera. Other considerations include:

□ Gather preliminary data to assess the number of staff who may be unvaccinated. This can be done using [public health data on vaccinated adults](#) as a proxy and/or through voluntary self-disclosure. The Ministry will support with data and analysis if requested.

□ If gathering information on vaccine status through voluntary self-disclosure:

→ Review existing technology to assess whether the board/authority has a method to collect proof of vaccine status data in a manner that meets privacy requirements.

If no existing technology is in place, review potential solutions (e.g. a mobile app) to gather vaccination status and use as a verification mechanism if a vaccination policy is implemented.

→ Comply with the Freedom of Information and Protection of Privacy Act or the Personal Information Protection Act with respect to the collection, use and disclosure of personal information.

□ Collect data and assess findings by employee type and scope to consider the full range of implications of a vaccine policy on the delivery of education and educational programs.


□ Review existing staffing complements, TTOC lists, EOC lists and availability.

□ It is recognized that some boards/authorities may deem this step sufficient, in which case they may choose not to proceed with steps two through five.






2. Confirm alignment with legal advice, public health guidance and Orders

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- Ensure any vaccine policy is informed by legal advice, including assessing implications of Charter rights, human rights and existing employment and labour case law, including liability and indemnification. For boards this legal advice will be coordinated by BCPSEA. *(BCPSEA will coordinate this for boards given their role in the K-12 governance structure).*
 - [Review alignment of policy with human rights guidance](#)
 - Consult with Medical Health Officers and local health authorities with respect to any proposed approach. Local Medical Health Officers can advise on considerations related to the effectiveness of vaccine policies, including local epidemiology, patterns of transmission, and community vaccine coverage.
 - Align policy with the health and safety requirements already in place for schools as outlined in the [Provincial COVID-19 Communicable Disease Guidelines for K-12 Settings](#) as well as any provincial [PHO Orders or regional restrictions](#) in place that apply to K-12 schools.



3. Consult with employee groups and Indigenous rightsholders and engage community

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- Engage in early consultation and engagement with employee groups and Joint Occupational Health and Safety Committees.
 - *Consider policy applicability to all employee groups (e.g., teachers, support staff, principals, administrators, custodial staff, administrative staff, building and maintenance staff, contractors) and all employees, regardless of their working location.*
 - *Review existing collective agreements and align policy with those agreements.*
 - *Review human resource and labour relations policies including the Duty to Accommodate for employees who cannot be vaccinated for reasons that are legally protected (e.g., health status) and consider alternative measures for employees who choose to remain unvaccinated (e.g., testing, educational training, modification to job duties, alternate working arrangements and/or leave without pay).*

Develop staffing contingency plans to ensure educational delivery can continue in the event that a significant number of staff require accommodations, alternative measures, or are placed on leave without pay.

→ *Follow BCPSEA guidance, including the potential for an enabling arrangement under collective agreements.*

- Consult with First Nations, as well as Metis and Inuit communities, on broader policy impacts through existing mechanisms.
- Engage with Parent Advisory Committees and broader community to understand potential implications for implementing a vaccination policy.



4. Decide whether to create a proof of vaccination policy and announce decision

- ❑ Communicate that intent in developing a policy is to promote health and safety for all students and staff and minimize educational disruptions.
- ❑ When deliberating on final decisions, ensure that labour relations discussions (e.g. employee work terms and conditions) remain in-camera.
- ❑ Adopt the provincial safety procedure when finalized by BCPSEA.
- ❑ Consider adopting a fixed time-limit for the policy after which time it will be reviewed.
- ❑ Encourage unvaccinated staff to become vaccinated in advance of policy coming into effect.
Examples of local policy could include:
 - *Support and encourage vaccination where possible, including promoting access to vaccine leave and sharing information about vaccine clinics.*
 - *Provide enough time for unvaccinated staff to become compliant.*
 - *Confirm date by which employees must demonstrate proof of vaccination status.*



5. Implement operational plan

- ❑ Confirm a consistent process/tool for assessing proof of vaccination status data.
 - *Be aware that any mandated testing requirements must be managed directly by the board or authority; and that boards/authorities will need to review how testing will be paid for.*
- ❑ Review operational plans to ensure that negative impacts on student learning will be minimized during the rollout of any vaccine policy.
- ❑ Implement policy and monitor compliance.





Appendix 1: Terms of Reference

Advisory Committee on K-12 Sector Vaccine Policies

WHEREAS there is currently no Provincial Health Office (PHO) Order requiring mandatory vaccinations for K-12 sector employees;

WHEREAS it is recognized that timely action to support local school communities is needed;

WHEREAS consideration of mandatory vaccinations for this committee applies to all K-12 sector employees and not students;

WHEREAS the health and safety of students and staff remains the guiding principle of the COVID-19 response in the K-12 sector;

WHEREAS keeping K-12 schools open and accessible for learning is an important and shared priority;

The Ministry of Education has created an Advisory Committee on K-12 Sector Vaccine Policies to provide timely leadership and guidance to local school communities on this matter.

Purpose of committee

The Advisory Committee on K-12 Sector Vaccine Policies (the “Committee”) will provide advice to the Ministry regarding the creation of guidelines for Boards of Education and independent school authorities to take into account if they are considering implementing a vaccine mandate or proof of status policy. The Committee will serve the best interests of the education sector by having one common source of guidance, enabling a coordinated approach across a diverse education system, and collaborating on timely and consistent messages to local school communities. The Committee’s work is temporary and will conclude upon the creation of the guidelines.

Deliverables

- “K-12 Sector Guidelines for Vaccine Policies” published by the Ministry, that must:
 - *Be consistent with the [Provincial COVID-19 Communicable Disease Guidelines for K-12 Settings](#).*
 - *Not enable any local policy that exceeds the statutory roles and responsibilities afforded to Boards of Education and independent school authorities.*
- Coordinated communications materials and common messaging which promote the benefits of vaccines and encourage vaccine uptake.

Meeting frequency

- Meetings will commence immediately following the Provincial government’s announcement to require full vaccinations for all employees of the B.C. public service (October 5, 2021).
- The Committee will meet frequently at first given the necessity to move quickly and support local school communities; meetings may be less frequent after a two-three-week time period as final versions are reviewed and completed.

Membership

The Committee will be comprised of one (1) member from each of the following organizations:

- ❑ Ministry of Education (Chair)
- ❑ BC Association of School Business Officials (BCASBO)
- ❑ BC Public School Employers Association (BCPSEA)
- ❑ BC School Superintendents Association (BCSSA)
- ❑ BC School Trustees Association (BCSTA)
- ❑ BC Teachers Federation (BCTF)
- ❑ BC Principals' and Vice Principals' Association (BCPVPA)
- ❑ CUPE BC
- ❑ Federation of Independent Schools Association (FISA)
- ❑ First Nations Education Steering Committee (FNESC)

Up to one (1) representative from the Office of the Provincial Health Officer (PHO) or a regional Health Authority may attend as needed to address alignment with public health initiatives.

The Committee will be supported by a secretariat provided by the Ministry of Education. The secretariat will be accountable for scheduling meetings, establishing agendas, and recording all committee materials. Secretariat support will result in up to two (2) additional attendees from the Ministry.

Principles for working together

The Chair will ensure that the following principles of engagement are followed by members:

- ❑ Respectful and collaborative dialogue
- ❑ Listening with an open mind and seeking clarification where needed
- ❑ Allowing space and time for all organizations to provide feedback
- ❑ Challenging ideas and concepts, not individual members