



# M A N I T O B A

## O R D E R I N C O U N C I L

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DATE: **March 3, 2021**

ORDER IN COUNCIL No.: **80/2021**

RECOMMENDED BY: **Minister of Infrastructure**

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### ORDER

The *Order re Vaccination Eligibility Verification* set out in the attached Schedule A is made.

### AUTHORITY

*The Emergency Measures Act*, C.C.S.M. c. E80, states:

**Emergency orders — Lieutenant Governor in Council**

**12.3(1)** Upon the declaration of, and during a state of emergency or a state of local emergency, the Lieutenant Governor in Council may, in respect of the province or any area of it, make any order that the Lieutenant Governor in Council considers necessary and essential in the circumstances to prevent, reduce or mitigate serious harm, or substantial damage, to persons or property or the effects of fiscal or economic disruption if, in the opinion of the Lieutenant Governor in Council, it is reasonable to believe that

- (a) making an order is a reasonable alternative to other actions, measures or procedures that might be taken to address the emergency or disaster; and
- (b) the actions, measures or procedures provided for in the order
  - (i) alleviate the harm or damage resulting from the emergency or disaster, or
  - (ii) enable an effective response to the emergency or disaster.

**Limitations on emergency order**

**12.3(2)** An emergency order is subject to the following limitations:

1. Any action taken or done under the authority of the emergency order shall be exercised in a manner which, consistent with the objectives of the order, limits their intrusiveness.
2. An emergency order shall apply only to the areas of the province where it is necessary.
3. An emergency order shall be in effect only for as long as it is necessary but not more than six months from the day it becomes effective.

**Subject matter for emergency orders**

**12.3(3)** In accordance with subsection (1) and subject to the limitations in subsection (2), the Lieutenant Governor in Council may make orders

...

(c) requiring that any person collect, use or disclose information but only for the purposes of this section;

...

(e) providing for the taking or doing of such other actions, or the implementation of such other measures or procedures, as the Lieutenant Governor in Council considers necessary to alleviate or respond to the effects of the emergency or disaster.

**General or specific**

**12.3(4)** An emergency order may be general or specific in its application.

**Commencement and retroactive effect**

**12.3(5)** An emergency order

(a) takes effect on the day that is made; or

(b) if it so provides, may have retroactive effect to a day specified in the order, which shall be no earlier than the day on which a state of emergency was declared under section 10 or 11.

...

**Conflict**

**12.3(9)** In the event of a conflict between an emergency order and any other enactment or a by-law, licence, permit, approval, agreement or instrument, the order prevails unless the other enactment, by-law, licence, permit, approval, agreement or instrument specifically provides that it is to apply despite this Act.

**Publication**

**12.3(10)** An emergency order must be published on a government website as soon as reasonably practicable.

**Statutes and Regulations Act does not apply**

**12.3(11)** *The Statutes and Regulations Act* does not apply to an emergency order.

...

**Definition**

**12.3(13)** In this section, "**emergency order**" means an order made under this section.

## BACKGROUND

1. The Lieutenant Governor in Council considers the conditions in subsection 12.3(1) and clause 12.3(3)(e) to have been met.
2. A state of emergency was declared under section 10 of *The Emergency Measures Act* on March 20, 2020, and remains in effect.

## SCHEDULE A

THE EMERGENCY MEASURES ACT  
(C.C.S.M. c. E80)

### **Order re Vaccination Eligibility Verification**

## ANNEXE A

LOI SUR LES MESURES D'URGENCE  
(c. E80 de la C.P.L.M.)

### **Décret concernant la vérification des critères d'admissibilité à la vaccination**

#### **Definitions**

**1** The following definitions apply in this Order.

**"department"** means a department of the executive government of Manitoba. ("ministère")

**"information"** includes personal information as defined in *The Freedom of Information and Protection of Privacy Act* and personal health information as defined in *The Personal Health Information Act*. ("renseignements")

**"regional health authority"** means a regional health authority established or continued under *The Regional Health Authorities Act*. ("office régional de la santé")

**"Shared Health"** means Shared Health Inc.

**"vaccination"** means the administration of a vaccine against COVID-19. ("vaccination")

**"vaccination application"** means all information submitted by a person who is seeking a vaccination, including information provided when a person scheduled their vaccination appointment. ("demande de vaccination")

#### **Définitions**

**1** Les définitions qui suivent s'appliquent au présent décret.

**« critères d'admissibilité à la vaccination »** Les exigences du gouvernement du Manitoba ouvrant droit à la vaccination au moment où un rendez-vous pour la vaccination est fixé, notamment l'âge, l'emploi ou le lieu de travail. ("vaccination eligibility criteria")

**« demande de vaccination »** Les renseignements que soumet une personne qui demande la vaccination, y compris ceux fournis au moment où elle prend rendez-vous pour la vaccination. ("vaccination application")

**« ministère »** Ministère du gouvernement du Manitoba. ("department")

**« office régional de la santé »** Office régional de la santé constitué ou prorogé sous le régime de la *Loi sur les offices régionaux de la santé*. ("regional health authority")

**« renseignements »** S'entend notamment des renseignements personnels au sens de la *Loi sur l'accès à l'information et la protection de la vie privée* et des renseignements médicaux personnels au sens de la *Loi sur les renseignements médicaux personnels*. ("information")

**"vaccination eligibility criteria"** means the requirements established by the Government of Manitoba that were in effect at the time a vaccination is scheduled that a person must satisfy in order to be vaccinated, such as

- (a) their job;
- (b) their place of employment or place where they provide services; and
- (c) their age. (« critères d'admissibilité à la vaccination »)

#### **Purpose**

**2** The purpose of this Order is to establish a procedure to verify that persons who receive the COVID-19 vaccine met the applicable eligibility criteria to be vaccinated against COVID-19.

#### **Verification by Shared Health**

**3** Shared Health may review the information in a person's vaccination application against other information in its custody or control to determine if

- (a) the information in a person's vaccination application is accurate; and
- (b) the person met the vaccination eligibility criteria in place at the time their vaccination was scheduled.

#### **Verification by regional health authorities and departments**

**4(1)** Shared Health may disclose information from a person's vaccination application with a regional health authority or a department to enable the authority or department to take the verification measures under subsection (2).

**4(2)** When a regional health authority or a department receives information from a person's vaccination application from Shared Health, the authority or department must

- (a) review information from the application against information in its custody or control to determine if the information in the application is accurate and the person met the vaccination eligibility criteria; and

**« vaccination »** L'administration d'un vaccin contre la COVID-19. ("vaccination")

#### **Objet**

**2** Le présent décret vise à établir la procédure permettant de confirmer que les personnes qui ont reçu la vaccination contre la COVID-19 satisfaisaient aux critères d'admissibilité à la vaccination applicables.

#### **Vérification effectuée par Soins communs**

**3** Soins communs peut vérifier les demandes de vaccination en les comparant aux renseignements qui sont en sa possession ou sous sa garde afin d'établir qu'elles sont exactes et que leur auteur satisfaisait aux critères d'admissibilité à la vaccination.

#### **Vérification effectuée par les offices régionaux de la santé et les ministères**

**4(1)** Soins communs peut communiquer des renseignements contenus dans une demande de vaccination à un office régional de la santé ou à un ministère afin de lui permettre de prendre les mesures de vérification prévues au paragraphe (2).

**4(2)** L'office ou le ministère qui reçoit les renseignements en vérifie l'exactitude en les comparant à ceux qui sont en sa possession ou sous sa garde; lorsqu'il conclut qu'une personne a reçu la vaccination alors qu'elle ne satisfaisait pas aux critères d'admissibilité à la vaccination, il remet à Soins communs les renseignements la concernant qui sont en sa possession ou sous sa garde.

(b) provide Shared Health with all information in its custody or control respecting a person who received a vaccination that the authority or department determines did not meet the vaccination eligibility criteria.

#### **Additional inquiries**

**5(1)** If Shared Health is unable to determine if the information in a person's vaccination application is accurate and that the person met the vaccination eligibility criteria using the verification measures under sections 3 and 4, it may make inquiries of an employer or other person or entity identified in a person's vaccination application to determine those questions.

**5(2)** Shared Health may share the information from a person's vaccination application when making inquiries under subsection (1).

**5(3)** When requested by Shared Health, an employer or other person or entity identified in a person's vaccination application must provide all requested information in their custody or control that may assist Shared Health in determining if the information in the vaccination application is accurate and the person met the vaccination eligibility criteria.

#### **Disclosure for enforcement purposes**

**6** If Shared Health concludes that a person who did not meet the vaccination eligibility criteria received a vaccination based on inaccurate or misleading information in their vaccination application, Shared Health may provide all relevant information respecting the person to

- (a) a police service;
- (b) in the case of a person who is a member of a regulated health profession, to the college or other governing body for that profession; and
- (c) the person's employer.

#### **Renseignements supplémentaires**

**5(1)** Si les mesures de vérification prévues aux articles 3 et 4 ne lui permettent pas d'établir que la demande est exacte et que son auteur satisfaisait aux critères d'admissibilité à la vaccination, Soins communs peut se renseigner auprès d'un employeur ou de toute autre personne ou entité mentionnés dans la demande afin de confirmer les faits.

**5(2)** Soins communs peut communiquer la demande en question lorsqu'il se renseigne en vertu du paragraphe (1).

**5(3)** L'employeur, la personne ou l'entité fournit les renseignements en sa possession ou sous sa garde que Soins communs lui demande et qui pourraient aider ce dernier à confirmer les faits.

#### **Communication des renseignements aux fins d'application de la loi**

**6** Lorsqu'il conclut qu'une personne a reçu la vaccination sur la base de renseignements faux ou trompeurs alors qu'elle ne satisfaisait pas aux critères d'admissibilité à la vaccination, Soins communs peut communiquer les renseignements pertinents qui la concernent :

- a) à un service de police;
- b) dans le cas d'un membre d'une profession de la santé réglementée, à l'ordre ou à l'ordre professionnel de la profession en question ou à l'organisme qui la dirige;
- c) à son employeur.

**Application**

**7** The verification process established by this Order applies to vaccination applications made on or after December 12, 2020.

**Effective date**

**8** This Order takes effect on March 3, 2021, and ends on April 15, 2021, unless sooner revoked.

**Application**

**7** La procédure de vérification qu'établit le présent décret s'applique aux demandes de vaccination faites à compter du 12 décembre 2020.

**Période d'application**

**8** Le présent décret entre en vigueur le 3 mars 2021 et prend fin le 15 avril 2021, sauf révocation antérieure.