

COVID-19: Questions and answers

Vaccination requirements in the workplace

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On October 1 emergency regulatory provisions for vaccine requirements in the workplace come into force.

One regulation is for the public sector, including the Government of Saskatchewan, Crown corporation and other public employers. The other regulation is for private sector businesses.

The Public Employers' COVID-19 Emergency Regulations: Vaccination Requirements in the Public Sector

Why has the government introduced *The Public Employers' COVID-19 Emergency Regulations*?

The health and safety of employees, and of all citizens is important. As the number of COVID-19 cases and hospitalizations continues to increase in the province, measures are needed to help reduce the risk of the spread of the virus.

What do the regulations require of public employers?

[*The Public Employers' COVID-19 Emergency Regulations*](#) provide provisions for a public employer to require its workers to show proof of being fully vaccinated or provide evidence of a negative COVID-19 test at least every seven days.

The public employer must also establish a verification process for collecting and reviewing the evidence provided by the employee and keep confidential the evidence provided.

To whom do the regulations apply?

The regulations apply to Saskatchewan public employers including:

- the Government of Saskatchewan;
- a Crown corporation;
- any agency, board or commission of the Government of Saskatchewan including appointed and elected members and directors;
- the Provincial Auditor of Saskatchewan;
- an Officer of the Legislative Assembly; and
- a constituency office of a member of the Legislative Assembly.

Are health care employees and boards of education considered public employees?

No. The provincial health authority, an affiliate, a health care organization or the cancer agency as well as a board of education or the conseil scolaire, regional colleges and Saskatchewan Polytechnic are not considered public employees under the regulations.

When do these requirements come into force?

The regulations come into force on October 1, 2021.

For how long is a negative COVID-19 test result valid?

A negative COVID-19 test result is valid for seven days from the date of testing. For example, if a test is taken on a Monday, it is valid until Sunday. Employers may require testing results to be submitted more frequently than every seven days.

What happens if an employee cannot get tested before coming into work?

Employees who have chosen to show evidence of a negative COVID-19 test will be required to do so at least every seven days. Employees will need to get testing completed on non-work time and the cost will be paid by the employee. Self-testing will not be accepted.

Since the employer is obligated to provide a safe workplace and be in compliance with the regulation, the employer would need to take action to ensure their obligations are met. That may mean not allowing an employee to attend work, or disciplining an employee for not coming into compliance with the requirements.

What happens if an employee refuses to disclose their vaccination status and refuses to provide evidence of a negative test?

As with any health and safety regulation, an employer must take steps to ensure that they are in compliance. As well, employees must be in compliance with their organization's policy.

Who is responsible for the time it takes for an employee to get the test and any costs associated with the test?

Employees who choose to show evidence of a negative COVID-19 test, must take the test during non-work hours and are responsible for any costs associated with testing, unless otherwise agreed to by the employer.

What type of COVID-19 tests are considered acceptable evidence of negative testing?

Any of the following COVID-19 tests administered at a testing site approved by the minister of Health will be considered as acceptable:

- a polymerase chain reaction (PCR) test for SARS-CoV-2;
- a point-of-care antigen test for SARS-CoV-2;
- any other test for SARS-CoV-2 approved by the minister of Health.

Can a worker provide a self-administered rapid test as evidence?

The test must be administered at a testing site approved by the minister of Health.

What is considered a testing site?

A testing site is one that is approved by the minister of Health.

If an employee is on vacation or other leave, do they still need to provide evidence of a negative COVID-19 test if they are not vaccinated?

No. An employee is not required to provide a negative COVID-19 test result to the employer if the employee is on vacation, an employment leave or a leave granted by the employer.

What if an employee is unable to be vaccinated due to a medical condition?

If an employee is unable to get vaccinated they will need to provide evidence of a negative COVID-19 test at least every seven days.

What will be considered as proof of vaccination?

- QR code/MySaskHealthRecord vaccine certificate uploaded to SK Vax Wallet or other wallet app;
- a MySaskHealthRecord vaccine certificate with QR code;
- a screenshot of the MySaskHealthRecord vaccine certificate/QR code saved to a device;
- the wallet card received at the time of vaccination or an earlier version of the MySaskHealthRecord COVID-19 vaccine certificate; or
- a vaccine printout from Public Health.

Will employers keep copies of proof of vaccination or negative COVID-19 test?

Neither vaccination records nor COVID-19 test results will be saved or stored.

The Employers' COVID-19 Emergency Regulations: Vaccination Requirements in the Private Sector

Why has the government introduced *The Employers' COVID-19 Emergency Regulations*?

The health and safety of employees, and of all citizens is important. As the number of COVID-19 cases and hospitalizations continues to increase in the province, measures are needed to help reduce the risk of the spread of the virus.

To whom do these regulations apply?

[These regulations](#) support any provincially regulated employer other than a public employer, who voluntarily implements a proof of vaccination or negative test policy for its employees.

Public employers include:

- the Government of Saskatchewan;
- a Crown corporation
- any agency, board or commission of the Government of Saskatchewan, including appointed and elected members and directors;
- the Provincial Auditor of Saskatchewan;
- an Officer of the Legislative Assembly; and
- a constituency office of a member of the Legislative Assembly.

Can an employer require employees to be vaccinated under these regulations?

Employers who 'opt in' to the regulations will allow the employee to choose either to provide proof of vaccination, or to provide regular negative COVID-19 tests.

What is required of the employer?

On and after October 1, 2021, an employer may implement a policy to require workers to choose to either show evidence of being fully vaccinated or provide evidence of a valid negative COVID-19 test at least every seven days before being allowed in the workplace.

The employer shall provide reasonable notice of the requirements to every worker by:

- personally giving it to the worker;
- posting it in the workplace;
- posting it online on a secure website to which the worker has access; or
- providing it in any other manner that informs the worker of the requirements.

Employers may use a self-declaration process and are not required to collect or retain personal health information. However, employers are required to establish a verification process for reviewing the evidence of vaccination or COVID-19 negative tests provided by their employees, and keep this information confidential.

When do these requirements come into force?

The regulations come into force on October 1, 2021.

If an employee is on vacation or other leave, do they still need to provide evidence of a negative COVID-19 test if they are not vaccinated?

No. An employee is not required to provide a negative COVID-19 test result to the employer while they are on vacation, an employment leave or a leave granted by the employer

What happens if an employee refuses to show proof of vaccination?

If the employee cannot or refuses to show proof of vaccination, they will not be allowed in the workplace until they show evidence of a negative COVID-19 test at least every seven days.

Who is responsible for the time it takes for an employee to get the test and any costs associated with the test?

Employees who choose to show evidence of a negative COVID-19 test, must take the test during non-work hours and are responsible for any costs associated with testing, unless otherwise agreed to by the employer.

Under the employment standards provisions of *The Saskatchewan Employment Act*, can an employer terminate an employee if the employee chooses not to provide evidence of vaccination or provide evidence of a negative COVID-19 test?

Employment standards provisions in *The Saskatchewan Employment Act* do not prohibit termination with proper notice for this reason. Employers should consult their lawyer on other possible obligations.

What if an employee has a medical condition that prevents the employee from being vaccinated for COVID-19?

If an employee has a medical condition that prevents the employee from getting the vaccine they would be required to show evidence of a negative COVID-19 test at least every seven days.

What if an employer allows employees to work from home, will they still need to show proof of vaccination or evidence of a negative COVID-19 test?

That would be an arrangement between the employer and employee. The regulation only requires employees be required to show evidence of being fully vaccinated or a negative COVID-19 test in order to enter the workplace.

Do these new regulations apply to independent contractors an employer might use?

No. These regulations apply to workers only. However, workers of the contractors who come into your workplace may be covered through their employer.

What if an employee has had COVID-19 previously, will they still have to choose to show evidence of vaccination or a negative COVID-19 test?

Yes. The employee must follow the policies established in their workplace.

Can I require an occupational health and safety officer from the Ministry of Labour Relations and Workplace Safety to show evidence of being fully vaccinated or of a negative COVID-19 test before they enter my workplace?

No. An occupational health officer requires access to your premises in order to conduct an inspection. This officer is permitted to do this pursuant to section 3-63 of *The Saskatchewan Employment Act*.

The officer will not provide you with proof of vaccination or a negative COVID-19 test. However, pursuant to *The Public Employers' COVID-19 Emergency Regulations*, this officer has been required by the Ministry of Labour Relations and Workplace Safety, Occupational Health and Safety Branch to be fully vaccinated, or provide a valid negative COVID-19 test result at least every seven days.