



***The following are questions the Board of Education received from the public following the announcement of a vaccine mandate for employees of the school district.***

**Q. Have the Trustees researched adverse reactions associated with the COVID vaccine?**

A. The Provincial Health Officer (PHO) and local Medical Health Officer (MHO) have been clear that vaccines are safe and effective and are encouraged to be used by the community to prevent the spread and limit the impacts of COVID. The District has consistently encouraged everyone that can be vaccinated to get vaccinated.

**Q. Can Trustees be held personally liable for any mandated vaccinations?**

A. No, section 94 of the *School Act* specifically limits the liability of individual trustees except in very specific circumstances that do not apply in the circumstances.

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96412\\_06#section94](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96412_06#section94)

We also note that the same limitation on liability applies to school district staff. Recourse to legal action (where it may be available) should be directed at the corporate board through the Secretary-Treasurer's office via [email](#).

**Q. Has the district been provided any incentive to implement a vaccine mandate or mask mandate?**

A. The rationale for the Board's determination to implement a vaccine mandate can be found on page 37 of the [agenda](#) of the January 26, 2022 Board Meeting. This mandate is solely the decision of the Board, pursuant to its powers under the *School Act*.

With respect to masks, the district follows the requirements of the Ministry of Education, PHO and MHO.

**Q. Can staff who have previously had COVID have false negatives with the rapid testing program being contemplated by the District?**

A. The district is currently gathering information in response to this question from our MHO.

**Q. Does the Board have the legal authority to institute a vaccine mandate?**

A. Yes, the Board has the authority under the *School Act* to institute a vaccine mandate for its staff.

**Q. Is a vaccine mandate discriminatory or illegal?**

A. No, the district is confident that its program is in line with the requirements of section 13 of the *Human Rights Code*.

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00\\_96210\\_01#section13](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96210_01#section13)

Please note that district will not address pseudo-legal arguments.

**Q. Is the district concerned about losing employees because of the vaccine mandate?**

A. The district is concerned about any gaps in services that may be caused by the mandate just as we are concerned about gaps in service caused by the spread of COVID-19 and retirements or replacement staff that have made themselves unavailable because of COVID-19. We also note that the district is providing a testing alternative for unvaccinated staff which should limit attrition in the circumstances.

**Q. What are the Board's considerations in the implementation of the vaccine mandate?**

A. Please see page 37 of the January 26, 2022 Board Meeting [agenda](#) that outlines the rationale.

**Q. Is the Board concerned about bullying and harassment associated with the stigma of being unvaccinated?**

A. The Board is committed to a working environment free from bullying and harassment. When testing unvaccinated employees, the district is committed to maintaining the privacy of its employees.

**Q. Can the district request the vaccination status of an employee?**

A. Yes, the district can and does collect and use employee personal information, including medical information on a regular basis as part of managing the employment relationship. The district maintains high levels of privacy protection and meets the requirements of the *Freedom of Information and Protection of Privacy Act*.

**Q. Will the district poll staff to determine whether they are in favour of the vaccine mandate?**

A. No, the vaccine mandate is pursuant to the Board's authority as an employer. While staff input on Board initiatives is important, in the current circumstances such feedback will not be sought. We do note however, that we will continue to consult and inform our unions and associations on the implementation of the program.

**Q. Is the Board aware that vaccinated individuals can still spread COVID?**

A. Yes, however, the Board has been made aware by medical health professionals of the safety and efficacy of vaccines in combating the spread and impact of COVID19.

**Q. Has the Board researched other jurisdictions with respect to COVID-19 related restrictions?**

A. Education is within the authority of the provincial government and the provision of public education in Nanaimo-Ladysmith is within the authority of the Board. Over the length of the pandemic different jurisdictions and even different school districts have made COVID-19 mitigation efforts that differ. NLPS has been able to maintain essential and educational operation since June of 2020 without interruption ensuring that we are available to support our most vulnerable students. The Board has taken a step within its jurisdiction that it feels will best serve students and staff.