

## **APPENDIX**

### **SAINT VINCENT AND THE GRENADINES**

#### **STATUTORY RULES AND ORDERS**

2021 NO.

---

(Gazetted 19<sup>TH</sup> October, 2021)

---

**WHEREAS** on 11<sup>th</sup> of March 2020, the World Health Organisation declared a worldwide outbreak of COVID-19 (Coronavirus Disease-2019);

**AND WHEREAS**, by the Public Health Emergency (Declaration) Notice 2020, No. 38 of 2020, a public health emergency for the pandemic caused by COVID-19 was declared for Saint Vincent and the Grenadines;

**AND WHEREAS**, under section 43B of the Public Health Act, Chapter 300, the Minister may on the advice of the Chief Medical Officer implement special measures to mitigate or remedy a public health emergency;

**NOW THEREFORE, IN EXERCISE** of the powers conferred by sections 43B and 147 of the Public Health Act, Chapter 300, the Minister makes the following Rules –

#### **PUBLIC HEALTH (PUBLIC BODIES SPECIAL MEASURES) RULES 2021**

##### **Citation and commencement**

1. (1) These Rules may be cited as the Public Health (Public Bodies Special Measures) Rules 2021.

(2) These Rules commence at the end of thirty days beginning on the day on which the Rules are published in the *Gazette*.

##### **Interpretation**

2. In these Rules –

“assisted private school” has the meaning assigned under the Education Act;

“coronavirus disease-2019” means the severe acute respiratory syndrome coronavirus 2 (SARS-COV-2);

“employee” means an employee of a public body;

“health care employee” –

(a) means –

(i) an employee performing services (whether clinical or non-clinical) at the Milton Cato Memorial Hospital or a health service including administrative

staff, security guards, cooks, cleaners, attendants or any other ancillary staff;  
and

(ii) a home helper providing care for the elderly under the programme operated by the Ministry of social development; and

(b) includes a person engaged to perform services (whether clinical or non-clinical) at the Milton Cato Memorial Hospital or a health service as an independent contractor including –

(i) contractors and consultants; or

(ii) visiting medical practitioners.

“health service” includes –

(a) a district clinic;

(b) a health centre;

(c) a district hospital;

(d) a polyclinic;

(e) a golden age home;

(f) the Modern Medical and Diagnostic Centre;

(g) the Lewis Punnett Home; and

(h) the Mental Health and Rehabilitation Centre;

“PCR test” means a test that detects the presence of the coronavirus disease-2019 in an infected person’s body;

“public body” means –

(a) the Government, and a department, institution or undertaking of the Government;

(b) a local authority; and

(c) an authority, a board, commission, committee or other body, including a statutory body or state-owned enterprise, whether permanent or temporary, paid or unpaid, which is owned or controlled by the Government;

“public educational institution” or “public school” has the meaning assigned under the Education Act;

“rapid test” means a test for the rapid, qualitative detection of the nucleocapsid protein antigen from the coronavirus disease-2019 in human nasal swab or throat swab specimen;

“workplace” means a place or premises where an employee needs to be or go by reason of his work.

## **Purpose of Rules**

3. The purpose of these Rules is to –
  - (a) prevent, control, contain and suppress the risk of the spread of the coronavirus-disease 2019 in public bodies; and
  - (b) protect the health and safety of employees.

## **Requirement for coronavirus testing of employee**

4. (1) Subject to rule 6, every employee must, at the times or periods as may be determined by the Chief Medical Officer and notified in writing to the employee by his employer, present to his employer a negative rapid test or PCR test on reporting to work.

(2) A determination by the Chief Medical Officer under sub-rule (1) may be made in relation to different categories of employees.

(3) A test referred to in sub-rule (1) may be taken at a health service or at any other place appointed or approved by the Chief Medical Officer for this purpose.

(4) If the test is taken at a health service –

- (a) the first two tests for every employee are to be administered free of charge; and
- (b) for every test after the first two tests, a fee of twenty-five dollars is payable for every test.

(5) A notification under sub-rule (1) may be given by general circular or memoranda to different categories of employees.

(6) Rule 4 (b) does not apply to an employee entitled to free medical aid or free services under a written law.

## **Requirement for vaccination of employees specified in Schedule**

5. (1) Subject to rule 7, every employee specified in the Schedule must be vaccinated against the coronavirus-disease 2019.

(2) If on or before the commencement of these Rules an employee subject to this rule has taken one dose of a vaccine that requires two doses, the employee must–

- (a) be treated as being vaccinated; and
- (b) take the second dose within the period approved by the manufacturer of the particular vaccine for the taking of the second dose.

(3) An employee must provide proof of vaccination by submitting his vaccination card to his employer.

(4) In this rule and rule 6 (1), “vaccine” means a vaccine approved under the Public Health (Emergency Authorisation of Covid-19 Vaccine) Rules 2021.

### **Exemption from requirement for coronavirus testing**

6. (1) Rule 4 does not apply to an employee who has been vaccinated against the coronavirus-disease 2019 (with at least the first dose in the case of a vaccine that requires two doses).

(2) Despite sub-rule (1), an employer may, on the advice the Chief Medical Officer, exempt an employee from rule 4 on the basis of extreme exceptional circumstances.

(3) An exemption may be given on conditions and if so, the person given the exemption must comply with the conditions.

### **Exemption from requirement for vaccination**

7. (1) An employer may exempt an employee to whom rule 5 applies from the requirement for vaccination –

(a) if the employee provides a written certificate from a medical practitioner approved by the Medical Officer of Health certifying that vaccination is not advisable on the medical ground stipulated in the certificate; or

(b) on religious grounds if the employer is able to make alternative arrangements to accommodate the employee.

(2) In determining whether to grant an exemption under sub-rule (1) (a), an employer may submit a request for exemption to the Chief Medical Officer for review and advice and for this purpose the Chief Medical Officer may seek the advice of one or more medical practitioners.

(3) An employee who is exempted under this rule must comply with rule 4.

(4) An exemption may be given on conditions and if so, the person given the exemption must comply with the conditions.

(5) The written certificate referred to in sub-rule 7 (1) (a) must be in a form approved by the Chief Medical Officer.

(6) The application for exemption on religious grounds must be in a form approved by the Cabinet.

### **Failure to comply with Rules**

8. (1) An employee who without reasonable excuse fails to comply with rule 4 or 5 must not enter the workplace and is to be treated as being absent from duty without leave.

(2) Regulation 31 of the Public Service Commission Regulations applies to a public officer who is absent from duty without leave under sub-rule (1).

(3) An employee who enters the workplace in contravention of sub-rule (1) commits an act of misconduct and is liable to be disciplined in accordance with the –

- (a) Public Service Commission Regulations or any other relevant written law, in the case of a public officer; or
- (b) relevant laws that regulate the service of the employee, in the case of every other employee.

### **Expiration of Rules**

9. These Rules expire on the day the Minister declares that the public health emergency has ended.

## SCHEDULE

(rule 5)

### EMPLOYEES TO BE VACCINATED AGAINST COVID-19

1. Health care employees
2. Permanent Secretaries and Heads of Departments
3. Teachers appointed to public educational institutions, assisted private schools or public schools
4. Ancillary staff employed within public educational institutions or public schools
5. Employees of the Saint Vincent and the Grenadines Community College
6. Members of the Royal Saint Vincent and the Grenadines Police Force
7. Prison staff within the meaning of the Prisons Act, Cap. 393
8. Public officers within the Passport and Immigration Services Department
9. Public officers within the Customs and Excise Department
10. Public officers within the House of Assembly
11. Public officers within the Environmental Health Division of the Public Health Department
12. Employees employed by the Saint Vincent and the Grenadines Port Authority, Argyle International Airport Company Ltd or employed to perform duties at an airport or a seaport

Made this 19<sup>th</sup> day of October, 2021.

**ST. CLAIR PRINCE**

Minister of Health, Wellness and the Environment