

SAINT VINCENT AND THE GRENADINES
STATUTORY RULES AND ORDERS

2021 NO.

(Gazetted 2021)

WHEREAS, on 11th 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 it is published in the *Gazette*.

Interpretation

2. In these Rules –

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

“employee” means an employee of a public body;

“frontline employee” –

- (a) means –
- (i) a health care employee;
 - (ii) a member of the Royal Saint Vincent and the Grenadines Police Force;
 - (iii) prison staff within the meaning of the Prisons Act, Cap. 393; and
 - (iv) an employee appointed to perform duties at an airport or seaport including a customs officer and immigration officer; 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 care employee” means an employee performing services (whether clinical or non-clinical) at the Milton Cato Memorial Hospital or a health service;

“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 Lewis Punnett Home; and
- (g) 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, whether permanent or temporary, paid or unpaid, which is owned or controlled by the Government;

“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 and which is under the direct or indirect control of his employer.

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 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 is 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 frontline employee

- 5. (1) Subject to rule 7, every frontline employee must be vaccinated against the coronavirus-disease 2019 –
 - (a) with at least the first dose in the case of a vaccine that requires two doses; and
 - (b) by the period to be notified in writing to the frontline employee by his employer on the advice of the Chief Medical Officer.
- (2) A notification under sub-rule (1) (b) may be given by general circular or memoranda to different categories of employees.

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 a frontline employee from the requirement for vaccination under rule 5 if the frontline employee –

- (a) provides written certification 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) objects in good faith and in writing that vaccination is contrary to his religious beliefs and 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) A frontline 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.

Failure to comply with Rules constitutes misconduct

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 work.

(2) An employee absent from work under sub-rule (1) or who enters a workplace in contravention of sub-rule (1) commits an act of misconduct and is liable to be disciplined in accordance with –

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

Made this day of 2021.

St. Clair Prince
Minister of Health, Wellness and the Environment