

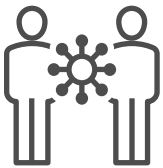


# FREQUENTLY ASKED QUESTIONS

Manitoba Ombudsman has been receiving many calls and inquiries about the Manitoba government's COVID-19 plans and public health orders. This document sets out some answers to your most frequently asked questions.



## 1. Can the ombudsman investigate my concerns about the government's COVID-19 plans, including my concerns about vaccines and immunization cards?



The Ombudsman Act, which sets out what the ombudsman can and cannot do, restricts the ombudsman from looking at decision making by elected officials, such as decisions made by the Legislative Assembly of Manitoba or Executive Council (Cabinet).

The government determines its direction in relation to issues that are affecting Manitobans. Its direction on the COVID-19 pandemic is reflected in the ongoing state of emergency, its reopening plan, public health orders and other high-level pandemic-related policies (such as vaccination plans). These would be excluded from the ombudsman's review. In other words, we would not investigate complaints about the government's direction on the COVID-19 pandemic.

## 2. What can the ombudsman look at?



The ombudsman can review a "matter of administration," which generally refers to actions or decisions that public sector organizations make as they implement the government's laws and policies. In other words, once government direction has been set, how that direction is carried out by the public service could be considered matters of administration. For example, if a public sector organization was to require proof of immunization in order for you to access certain public programs or services, and you believe this implementation is contrary to law, poses a barrier to receiving those services or if other fairness issues arise, you could make a complaint to the ombudsman.

We can investigate complaints about the collection, use and/or disclosure of your personal health information if you believe a public sector organization (trustee) has handled your personal health information in a way that is contrary to law.

We also handle disclosures of wrongdoing in public sector organizations. A wrongdoing is a significant and serious matter that includes an action that is an offence under another law, knowingly directing or counselling a person to commit a wrongdoing, gross mismanagement (including of public funds or assets) or an action that creates a specific and substantial danger to the life, health or safety of persons or the environment.



### 3. What if I can't access a service or program that I need?



There should be no unreasonable barriers to accessing services offered by public sector organizations based on a person's vaccination status. Government and other public services must be accessible to all.

Reasonable accommodations, including alternative methods of service delivery, should be available to individuals who are not able or not willing to receive the vaccine. When decisions are made to deny or limit public services to those who may not be able to prove vaccination status, those individuals must be informed of their right to appeal and be provided with information about the appeal process.

If you have concerns about accessing services from public sector organizations, you can contact our office.

### 4. Can I complain about private businesses that ask me to show an immunization card?



The ombudsman does not have the authority to investigate private sector businesses such as restaurants, movie theatres, retail stores and so on. Some of these businesses may be subject to federal privacy law and Manitoba's Human Rights Code.

### 5. Do I have a choice to keep my personal health information private?



An individual's vaccination status is considered personal health information under Manitoba's Personal Health Information Act (PHIA). PHIA applies to records containing personal health information that have been collected, used or disclosed by "trustees," which includes health professionals, health-care facilities and provincial and municipal government departments and agencies. Individuals who choose to obtain a digital or physical immunization card give their consent for the use and disclosure of records containing their the personal health information necessary for the purpose of creating and using the card.

Trustees as identified by PHIA must have legal authority for collecting, using and disclosing records containing your personal health information, including your vaccination status. If you have concerns about how a trustee has handled your personal health information, you can contact our office.



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### 6. What is the ombudsman doing about these issues that have been raised?



Many of the issues raised in Manitoba have also been raised in other provinces. We have been working with other oversight offices across the country to develop some guidance for governments, specifically related to the issue of immunization cards:

- “Fairness Principles for Public Service Providers Regarding the use of COVID-19 Vaccine Certification” by the Canadian Council of Parliamentary Ombudsman:  
[www.ombudsman.mb.ca/uploads/document/files/ccpo-fairness-principles-vaccine-passport-may2021-en.pdf](http://www.ombudsman.mb.ca/uploads/document/files/ccpo-fairness-principles-vaccine-passport-may2021-en.pdf)
- “Privacy and COVID-19 Vaccine Passports Joint Statement” by federal, provincial and territorial privacy commissioners:  
[www.ombudsman.mb.ca/uploads/files/news/184//vaccine-passports-ipc-may2021.pdf](http://www.ombudsman.mb.ca/uploads/files/news/184//vaccine-passports-ipc-may2021.pdf)

We have shared these documents with provincial and local governments and other public sector organizations that fall under the jurisdiction of the ombudsman as they consider whether or not to require proof of vaccination in the delivery of public services.

We are also aware of concerns about vaccination cards and are monitoring their use, particularly as it relates to accessing public sector services.

We continue to address individual complaints as we receive them.

### 7. Who else can I contact about my concerns?



If you have specific concerns about the government’s direction or its policies related to the COVID-19 pandemic, contact your elected officials; for example, the member of the legislative assembly (MLA) for your area.

The Manitoba Human Rights Commission (MHRC) is responsible for administering Manitoba’s Human Rights Code, which protects individuals from experiencing unreasonable discrimination on the basis of specific grounds such as disability, race, religious belief, political belief and age. The MHRC has issued guidance to governments, employers, service providers and landlords on vaccines and human rights. See  
[www.manitobahumanrights.ca/v1/news-events/pubs/media-releases/june10\\_2021.pdf](http://www.manitobahumanrights.ca/v1/news-events/pubs/media-releases/june10_2021.pdf)

The MHRC also has more information on COVID-19 and discrimination in a fact sheet, which can be found at  
[www.manitobahumanrights.ca/v1/education-resources/resources/pubs/fact-sheets/covid19factsheet.pdf](http://www.manitobahumanrights.ca/v1/education-resources/resources/pubs/fact-sheets/covid19factsheet.pdf)

If you believe you have experienced discrimination on the basis of a protected ground like disability, religious belief or age, as a result of a vaccine requirement, please contact the MHRC directly at (204) 945-3007 or [hrc@gov.mb.ca](mailto:hrc@gov.mb.ca). For more information, visit  
[www.manitobahumanrights.ca](http://www.manitobahumanrights.ca)