



## Regional Municipality of Durham Corporate Policy and Procedures Manual

<b>Title: COVID-19 Vaccination Policy</b>	
<b>Approved by: Chief Administrative Officer and Department Heads</b>	<b>Page number: 1 (of 8)</b>
<b>Issued: September 20, 2021</b>	<b>Revised: December 15, 2021</b>
<b>Responsibility: Corporate Services – Human Resources and all Management</b>	
<b>Section: Employee Health, Safety and Wellness and Labour Relations</b>	

### 1. Policy statement

The Region of Durham (the “Region”) has an obligation pursuant to the Ontario *Occupational Health and Safety Act* to take every reasonable precaution to ensure a safe workplace and to protect its workers. The Region is committed to protecting the health and safety of our employees, clients, and members of the public. As COVID-19, including the highly contagious Delta variant and the new Omicron variant, continues to spread within Ontario and the community, especially among the unvaccinated population, it is a public health imperative that the population gets vaccinated as vaccinations are one of the most effective ways to protect individuals, co-workers, and the community.

To help provide protection and minimize the transmission of COVID-19 within the workplace and in the community, all Regional employees, students and volunteers are required to be fully vaccinated and submit proof of immunization against the COVID-19 virus by the deadlines outlined in this policy or at the time of onboarding. Vaccination requirements are subject to bona fide medical and human rights exemptions pursuant to the Ontario *Human Rights Code (OHRC)*, and sufficient proof of exemption, as determined by the Region, will be required.

All other health and safety protocols will remain in place to prevent the spread of COVID-19, including, but not limited to: COVID-19 screening, using and maintaining personal protective equipment, maintaining physical distancing, wearing appropriate face coverings, practicing proper hand hygiene, abiding by room capacity limits, disinfection protocols, and any other public health measures or divisional protocols.

It is understood that the provincial and regional approach to reducing the spread of COVID-19 continues to remain fluid and evolving. As such, this policy may be subject to amendment from time to time as required.

### 2. Purpose

The purpose of the policy is to maximize the vaccination rates among employees in order to provide protection and reduce the spread of COVID-19 in the workplace. This policy will educate employees to receive the vaccine promptly, ensuring that we have a safer work environment and to provide protection to the community. This policy will outline the requirements to obtain full vaccination status and submit proof of immunization, to attend a mandatory educational session (if required), or to submit a request for exemption pursuant to the Ontario *Human Rights Code*.

### 3. Definitions

The following eight definitions should be used when reading this policy:

#### **Approved vaccine**

A COVID-19 vaccine approved for use by Health Canada and/or listed for emergency use by the World Health Organization.

#### **COVID-19 testing**

Includes rapid antigen testing administered as determined by the Region and/or polymerase chain reaction (PCR) testing (i.e. nasopharyngeal swabbing) every prescribed number of days while in the workplace as determined by the Region.

#### **Employee**

For the purpose of this policy, the definition of an employee also includes students and volunteers.

#### **Interval**

The space of time recommended by the Ministry of Health between dosages. The Ministry recently announced recommendation that the intervals between first and second dosage increase from 21/28 days to 56 days. Where an employee received their first dose prior to November 20, 2021 and is unable to receive their second dose based on the revised interval between first and second dose to 56 days, they will be provided an extended compliance date from December 20, 2021 to January 22, 2022.

#### **Fully vaccinated or vaccinated**

For the purpose of this policy, an individual is considered fully vaccinated or vaccinated when they have received the required number of doses of a COVID-19 vaccine, or a combination of COVID-19 vaccines approved by Health Canada and/or the World Health Organization at the correct interval; in addition to getting any required subsequent booster dose(s) in future.

#### **Partially vaccinated**

Individual has not received the required number of doses of an approved COVID-19 vaccination series or has received the vaccine(s) at the incorrect interval.

#### **Proof of immunization/vaccination receipt (“receipt”)**

Documented evidence in the form of an enhanced vaccine certificate with QR Code verifying receipt of a completed COVID-19 vaccination series (i.e. confirmation of being fully vaccinated) issued by the Ontario Ministry of Health, or other province or territory, or international equivalent including your name, date of birth, date(s) vaccination(s) administered, vaccination product(s) and the number of doses received.

#### **Unvaccinated**

Individual has not received any doses of a COVID-19 vaccine; includes employees who have not disclosed their vaccination status.

#### 4. Procedures

- 4.01 All employees are required to disclose their vaccination status through the COVID-19 Vaccination Portal (located in the Employee Portal - "My Page") by October 20, 2021; further updates/disclosure are required for individuals who are not fully vaccinated and/or to submit proof of full vaccination as indicated in this policy. Employees may also be required to disclose their vaccination status by law (e.g. contact tracing purposes).
- 4.02 Employees are required to be fully vaccinated by December 20, 2021. Proof of receipt of a completed vaccination series is required to be submitted through the COVID-19 Vaccination Portal no later than December 20, 2021.
- Note:** Only proof of receipt of the second or final dose in the vaccination series is required to be uploaded.
- 4.03 Employees who are unvaccinated or partially vaccinated are required to disclose their vaccination status in the COVID-19 Vaccination Portal by October 20, 2021 and include the date they are scheduled to receive their first or second vaccine dose in order to satisfy the full vaccination requirement by December 20, 2021.
- 4.04 Employees who are not vaccinated or not fully vaccinated and have not yet booked a vaccine appointment or do not have the intention of getting fully vaccinated, and in the absence of a valid exemption pursuant to the *Human Rights Code*, must disclose their vaccination status in the COVID-19 Vaccination Portal by October 20, 2021 and participate in a mandatory educational session through the Enterprise Learning Management (ELM) system: COVID-19 Vaccination – Making an Informed Decision by November 10, 2021.
- 4.05 Once an employee completes the mandatory educational session (where necessary), the expectation is that they will receive the required number of doses of an approved COVID-19 vaccine series by December 20, 2021 to conform with the mandatory vaccination requirement of this policy. The employee shall continue to update their vaccination status through the COVID-19 Vaccination Portal to include their scheduled vaccination dates as per section 4.03 above.
- 4.06 Where an employee received their first dose prior to November 20, 2021 and is unable to receive their second dose based on the revised interval between first and second dose to 56 days, they will be provided an extended compliance date from December 20, 2021 to January 22, 2022.
- 4.07 Where an employee has an extended deadline of January 22, 2022, they must provide their second dose appointment date on the COVID-19 Vaccination Portal; and once fully vaccinated upload their receipt to allow for the Disability Management team to review and approve the submission in order to be deemed fully compliant. Where an employee with an extended deadline of January 22, 2022 fails to be compliant (upload receipt proving second dose) they will be subject to the actions outlined in section 4.09 effective January 30, 2022.
- 4.08 The Employer will assess any breach of this policy, including the submission of fraudulent documentation relating to this policy, on a case-by-case basis and will determine the appropriate recourse based on what is reasonable in the circumstances.
- 4.09 The following Employer responses will apply based on noncompliance with the policy: six-week unpaid administrative leave without pay\*; a two-week disciplinary suspension without pay for continued noncompliance; and finally, termination with cause for continued noncompliance.

**Note:** \*The six-week unpaid administrative leave will commence on January 10, 2022 where the employee was noncompliant as of November 20, 2021; and effective January 30, 2022 where the employee was noncompliant as of January 22, 2022.

- 4.10 The Region will maintain vaccination disclosure information, including documentation verifying receipt of a vaccination series approved by Health Canada and/or the World Health Organization, in accordance with privacy legislation. This information will only be used to the extent necessary for implementation of this policy, for administering health and safety protocols, and infection and prevention control measures in the workplace. The vaccination receipt will be deleted from the portal by Disability Management after it has been reviewed and validated; the employee will receive an autoreply email advising them that their full vaccination status has been verified and approved and that their documentation has been purged from the system.
- 4.11 Employees seeking an exemption pursuant to the *OHRC* must disclose their request in the COVID-19 Vaccination Portal no later than October 20, 2021 and subsequently submit documentation/evidence satisfactory to the Region to substantiate the request for review and evaluation to Human Resources no later than November 3, 2021, as per the following:
- Any employee who is unable to obtain a COVID-19 vaccine(s) as a result of a protected ground as identified by section 5 of the *OHRC*, as may be amended from time to time, shall be required to submit information to the Labour Relations Division of Human Resources confirming: 1) the reason for the exemption, including the protected ground(s) they are invoking; and 2) supporting information/documentation to validate the exemption. Labour Relations may request further information/documentation to validate the exemption based on what is reasonable in the circumstances.
  - Further, in the case of a requested medical accommodation, the medical documentation must be from either a physician, specialist or nurse practitioner licensed to practice in Ontario. For medical exemptions, the Disability Management unit of Human Resources requires completion of the COVID-19 Medical Exemption Form. The medical documentation must indicate that the individual cannot be vaccinated against COVID-19, the medical reason that precludes them from vaccination, and whether the medical reason for not obtaining the vaccine is permanent or time limited. If time limited, the documentation shall indicate how long the exemption will last. Once the time limit on the medical exemption listed has expired, the individual has up to 60 days to comply with this policy.
- Note:** The appropriate exemption request form (*OHRC*) will be sent electronically to the employee's work email address after the request to seek an accommodation is disclosed in the COVID-19 Vaccination Portal.
- 4.12 The Region will conduct an individual assessment of exemption requests related to this policy. Individuals with valid medical or other human rights-based exemptions, as per section 4.11 above, will be considered for appropriate accommodation.
- 4.13 Employees who remain unvaccinated due to a substantiated Ontario *Human Rights Code* exemption may be required to take additional infection and prevention control measures as well as self-isolate if exposed to COVID-19. An accommodation discussion will be initiated by a representative of the Health, Safety and Wellness division in Human Resources with the employee, their union representative (where applicable) and the supervisor. The nature of the exemption does not form a part of this discussion.

- 4.14 Employees on a leave of absence will be notified of the COVID-19 Vaccination Policy in advance to ensure they have ample notice to comply with the policy requirements and to confirm they are fit to return to work. Notification will be provided as part of the return-to-work process and may be received directly from the Employer (e.g. Disability Management, supervisor/manager), Canada Life and/or WSIB as applicable.
- 4.15 Employees who were on a leave of absence prior to the introduction of the Region's COVID-19 Vaccination Policy dated September 20, 2021, will be afforded up to 56 days from the date of their active return to work to be compliant with the policy. During the interim, where appropriate, an accommodation plan will be discussed with the employee, supervisor, and a Health, Safety and Wellness division representative. Regardless of status, at the time of return to the workplace the employee must update their status in the COVID-19 Vaccination Portal.
- 4.16 Employees who commenced a leave of absence after September 20, 2021 and who return to work before January 22, 2022 must be in compliance with the policy no later than January 22, 2022. If they return to work after the January 22, 2022 date, they must be in compliance with the policy at the time they return to work. Compliance is inclusive of declaring their status, uploading their receipt to the COVID-19 Vaccination Portal and being fully vaccinated.
- 4.17 New employees, including students, hired on or after December 20, 2021 must be in full compliance (full vaccination status or approved exemption) with the policy as a part of employment contract effective the date of hire.

## **5. Employee support**

- 5.01 The Region supports employees in becoming fully vaccinated against the hazard of COVID-19 by providing the following:
- Access to vaccination clinics and mobile vaccination teams at geographically located sites throughout the Region.
  - Where operationally feasible, reasonable arrangements can be made to allow for employees to attend COVID-19 vaccination clinics during work time, using existing applicable leave entitlements.
  - Paid sick leave in accordance with respective collective agreements, terms and conditions of employment or other legislated leaves (i.e. paid infectious disease emergency leave, if applicable).
  - An educational session available through ELM both during or after work hours on the efficacy of COVID-19 vaccines, vaccine safety, the risks of not being vaccinated, and the possible side effects of the vaccine.

## **6. Roles and responsibilities**

### **Management**

- 6.01 Management is responsible for the following eight items:
- Ensure that the vaccination status of employees is kept confidential, except as deemed necessary for the administration of this policy and/or as required by law.

- Ensure that all employees are informed of the requirements outlined in this policy and that the appropriate documentation is submitted by the timelines; this is inclusive of communicating and verifying employees are informed of this policy and its requirements and directing employees to The Insider for Questions and Answers or to the departmental Labour Relations Advisor.
- Ensure that employees understand the efficacy of COVID-19 vaccines, vaccine safety, the risks of not being vaccinated, and the possible side effects of the vaccine by completing the mandatory educational session pertaining to COVID-19 vaccinations, where required.
- Accommodate time away from work, if operationally feasible, for employees to get vaccinated.
- Support any required accommodation plans pertaining to an exemption pursuant to the *OHRC*, as established with Human Resources.
- Facilitate ongoing COVID-19 testing where such testing requirements are in place according to divisional policy.
- Promote additional infection and prevention control measures, in collaboration with Human Resources, where necessary.
- Ensure that COVID-19 health and safety policies and protocols continue to be followed along with any additional measures that are implemented.

### **Employees**

6.02 The employee is responsible for the following eight items:

- Complying with the COVID-19 Vaccination Policy and the associated deadlines outlined in the policy as summarized below:
  - October 20, 2021 – COVID-19 vaccination status disclosed in vaccination portal.
  - November 3, 2021 – submission of exemption form, where applicable, and required documentation for any accommodation requests.
  - November 10, 2021 – completion of mandatory educational session, if applicable.
  - November 20, 2021 – receipt of first vaccine dose and update status on the vaccination portal.
  - December 20, 2021 – full compliance with policy including a copy of receipt indicating completion of a full vaccination series, except where an accommodation may have been substantiated.
  - January 22, 2022 – where an employee received their first dose prior to November 20, 2021 and is unable to receive their second dose based on the revised interval changing to 56 days, they must upload their receipt reflecting receipt of a full vaccination series no later than January 22, 2022.
- Ensure that the required COVID-19 vaccinations are received, and proof of immunization is submitted in the COVID-19 Vaccination Portal according to the timelines outlined in this COVID-19 Vaccination Policy.

- Ensure that the required educational session regarding the efficacy of COVID-19 vaccines, vaccine safety, the risks of not being vaccinated, and the possible side effects of the vaccine is completed where indicated.
- Ensure subsequent booster doses are received if required.
- Submit valid documentation to support a request for accommodation pursuant to the *OHRC*, if applicable, and follow established accommodation plans.
- Submit to ongoing COVID-19 testing where such testing requirements are in place according to divisional policy.
- Follow additional infection and prevention control measures if deemed necessary.
- Ensure that COVID-19 health and safety policies and protocols continue to be followed along with any additional measures that are implemented.

### **Corporate Services – Human Resources (CS-HR)**

6.03 CS-HR is responsible for the following eight items:

- Support the communication and implementation of this policy.
- Safeguard proof of immunization documentation and maintain records of employee vaccination status.
- Disability Management will review and verify employee vaccination status.
- Disability Management will review and validate requests for a medical accommodation pursuant to the *OHRC*.
- Labour Relations will review and validate requests for an accommodation pursuant to the *OHRC*, excluding medical exemptions.
- Collaborate with employees and supervisors/managers where a human rights exemption is substantiated to develop a reasonable and appropriate accommodation plan ensuring that adequate health and safety measures are in place.
- Ensure that appropriate health and safety policies and protocols continue to be in place and updated accordingly.
- Ensure all future hires, students and volunteers are aware of and meet the requirements of this policy.

## **7. Application**

This policy is a Corporate directive and applies to all employees, students and volunteers.

Newly hired employees are required to be fully vaccinated against COVID-19 as a condition of employment and will be required to show proof of immunization or seek an exemption pursuant to the *OHRC* at the time of hire.

Employees who are required to be vaccinated as per the Provincial Health Minister's directive have an additional obligation to comply with vaccination policies pertaining to their specific locations and/or professions/groups pursuant to legislation (i.e. paramedic services, children's services, long-term care and population health).

## 8. Related information

- Corporate Policy and Procedures Manual including the following five policies:
  - Accommodation - Permanent or Temporary Restrictions Policy
  - COVID-19 Screening Policy
  - COVID-19 Vaccination Policy - Contractors
  - Face Covering Policy
  - Personal Information Privacy Policy
- *Occupational Health and Safety Act*
- *Ontario Human Rights Code*
- *Personal Health Information Protection Act*
- Records Retention By-Law and Corporate Classification Scheme

## 9. Inquiries

For further information regarding this policy, contact your manager, your departmental Labour Relations representative, or a representative from the Health, Safety and Wellness Division or Disability Management where a medical exemption or inquiry on vaccination documentation is the subject.