


POLICY

	Policy:	Vaccination Policy		
	Department:	CAO's Office		
	Division:	Human Resources Division	By-Law No.:	N/A
	Administered By:	Manager of Human Resources	Approval Date:	DRAFT
	Replaces:	Vaccination Policy – September 16, 2021		
	Attachment(s):	N/A		

1. POLICY STATEMENT

- 1.1. The Corporation of the Town of Amherstburg is committed to providing a safe working environment for our employees and members of the public with whom we interact regularly.

2. PURPOSE

- 2.1. The Town of Amherstburg (Town) has a responsibility to take every precaution reasonable in the circumstances to ensure the health and safety of our staff. It is therefore critical that the Town and our staff take all reasonable precautions to protect against the transmission and reduce the severity of the illnesses, considered to meet the criteria of a pandemic
- 2.2. Ensuring Town employees have timely receipt of the recommended and approved pandemic related vaccinations per the recommendations issued by the Chief Medical Officer of Health as may be required from time to time will ensure the continued protection of our staff, the public and our families by reducing transmission and the severity of the illnesses associated with COVID-19, and any other pandemic related diseases.
- 2.3. The purpose of the Vaccination Policy (the "Policy") is to confirm the expectations and requirements of staff regarding vaccination against pandemic related illnesses.

3. SCOPE

- 3.1. This policy applies to all employees, students, volunteers, educational institution program placements, elected and appointed members of Council and Council appointed Committees and any other individuals employed to provide service in any capacity on behalf of the Town of Amherstburg.
- 3.2. This Policy does not apply to customers or clients who utilize the services of the Town, its partner agencies or its tenants.
- 3.3. This policy shall be reviewed every year from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

4. DEFINITIONS

- 4.1. **CAO:** the Chief Administrative Officer of the Corporation or delegate.
- 4.2. **Corporation:** The Corporation of the Town of Amherstburg.
- 4.3. **Council:** the Council of the Corporation.

- 4.4. **COVID-19:** the infectious disease caused by coronavirus known as SARS-CoV-2 virus.
- 4.5. **Pandemic:** An epidemic of an infectious disease that has spread across a large region, for instance multiple continents or worldwide, affecting a substantial number of individuals. A widespread endemic disease with a stable number of infected individuals is not a pandemic.
- 4.6. **Education Program:** an educational session approved by the Covered Organization (hospitals, local health unit and EMS) regarding the benefits of pandemic related vaccination provided to individuals prior to their declining vaccination for any reason other than a medical reason.
- 4.7. **Employee:** means an employee of the Corporation, including but not limited to those who are employed pursuant to a contract, casual and seasonal, part-time employees, co-op students and volunteers and “Employed” shall have a corresponding meaning.
- 4.8. **Firefighter:** as defined in the Fire Protection and Prevention Act (FPPA) as amended.
- 4.9. **Rapid Antigen Test:** means an antigen test which detects protein fragments specific to the Coronavirus or approved testing designed and developed in response to any other pandemic related disease.
- 4.10. **Unvaccinated:** (of a person) not inoculated with a vaccine to provide immunity against a disease.
- 4.11. **Vaccinated or fully vaccinated:** to be fully treated with a vaccine approved for use in Canada or by the World Health Organization to produce immunity against a pandemic related disease such as COVID-19 or any other such meaning as provided by the Ontario Ministry of Health, and “Vaccination” shall have a corresponding meaning.
- 4.12. **Workplace:** means any municipal facility, land, premises, location or thing at, upon, in or near which the Employee works, but does not include an Employee’s home.

Common definitions, acronyms, and terms are available in the Glossary located on the Town’s Policies webpage.

5. **INTERPRETATIONS**

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

6. **GENERAL CONDITIONS**

6.1. **Mandatory Vaccination**

- 6.1.1. The Town will require all staff to be fully vaccinated against COVID-19, or any other pandemic related diseases as recommended by the Ministry of Health and Ontario’s Chief Medical Officer of Health (CMOH). Full vaccination will be required of all staff in accordance with this policy, regardless of how often they are

attending the work location, or how much time they spend there. All public health measures related to Covid-19 or any other pandemic related disease must be followed, up to and if deemed necessary, bi-weekly Rapid Antigen Testing.

- 6.1.2. All Firefighters must be fully vaccinated unless there is a legitimate medical or OHRC exemption to being vaccinated. In such case, unvaccinated Firefighters will be subject to Rapid Antigen Testing within 12-hours prior to each shift.
- 6.1.3. All employees will be asked to declare their vaccination status by selecting one of the categories listed below.
- 6.1.4. Declaration of status and proof of vaccination can be submitted to the confidential email covid@amherstburg.ca. Staff will be subject to one of the categories below:

CATEGORY	REQUIREMENTS
1. They are fully vaccinated as defined by the Ministry of Health.	<ul style="list-style-type: none"> • Written proof of full vaccination from the Ministry of Health to be provided at time of declaration.
2. They are unable to be vaccinated for medical reasons.	<ul style="list-style-type: none"> • After completion of declaration, written proof of the medical reason must be provided by either a physician or nurse practitioner that sets out the details below, to covid@amherstburg.ca: <ol style="list-style-type: none"> 1. That the staff member cannot be vaccinated against COVID-19 and; 2. The effective time period for the medical restriction and date by which the restriction will be removed. 3. The information must be submitted on a form approved and provided by the Town. <p>All public health measures related to Covid-19 or any other pandemic related disease must be followed up to and if deemed necessary, bi-weekly Rapid Antigen Testing.</p> <ul style="list-style-type: none"> • If the medical reason is time-limited, within thirty (30) days of expiry, proof of vaccination must be provided to covid@amherstburg.ca or further proof is required. If an extension or proof of vaccination is not received, the staff member will be considered unvaccinated in accordance with Option 4.
3. They are requesting accommodation under the Ontario Human Rights Code (OHRC) for a legitimate and demonstrable religious exemption.	<ul style="list-style-type: none"> • After completion of the declaration, a written request must be provided to covid@amherstburg.ca with their legitimate and demonstrable religious objection.

	<ul style="list-style-type: none"> • All public health measures related to Covid-19 or any other pandemic related disease must be followed up to and if deemed necessary, bi-weekly Rapid Antigen Testing.
4. They elect not to be vaccinated , and are without a medical reason or OHRC accommodation.	<p>The employee will be placed on an unpaid leave of absence.</p> <ul style="list-style-type: none"> • A change of vaccination status may be submitted to covid@amherstburg.ca.
5. They elect not to be vaccinated , and are without a medical reason or OHRC accommodation, and are refusing to follow pandemic related public health measures to complete COVID-19 or any other approved Rapid Antigen Testing.	<ul style="list-style-type: none"> • The employee will be subject to discipline, up to and including dismissal.

6.2. Educational Program

- 6.2.1. All Staff may be required to complete an educational program approved by the Town, which will be consistent with the Ministry of Health recommendations. Attestation to the completion is required. This program may be completed during working hours. The program will be updated according to current public health recommendations.
- 6.2.2. This educational program will include the following:
- 6.2.2.1. How COVID-19 vaccines or other pandemic related diseases work.
 - 6.2.2.2. Vaccine safety related to the development of the COVID-19, or any other pandemic related disease vaccines.
 - 6.2.2.3. The benefits of vaccination against COVID-19, or any other pandemic related diseases.
 - 6.2.2.4. Risks of not being vaccinated against COVID-19, or any other pandemic related diseases.
 - 6.2.2.5. Possible side effects of COVID-19, or any other pandemic related disease vaccination.
 - 6.2.2.6. Ways to help prevent infection

6.3. Testing

- 6.3.1. After completion of the educational program, Staff that select Options 3, 4, or 5 may be required to participate in COVID-19, or other related pandemic Testing Program as deemed necessary below.

6.3.2. Staff must at a minimum:

- 6.3.2.1. Conduct Rapid Antigen Testing and demonstrate a negative result. Testing must be conducted bi-weekly, submitted every Monday and Thursday before 10:00 a.m. A Rapid Antigen test must be completed within 24 hours prior to Monday, and within 24 hours prior to Thursday. If the Employee is not scheduled to work on a Monday or Thursday, the Employee must still submit proof of their negative Rapid test on these two days each week.
- 6.3.2.2. Some exemptions may be made for part-time employees that are only scheduled to work limited hours on a regular basis, but generally, part-time employees will be required to submit a negative result within 24 hours of their shift, which result shall be considered valid for three (3) days.
- 6.3.2.3. Results must be provided to covid@amherstburg.ca.

6.4. **Obtaining a Rapid Antigen or other pandemic related Test**

- 6.4.1. Employees under option 4 will be required to obtain testing at their cost outside of working hours at credible testing locations. Testing locations can be found at <https://www.wechu.org/cv/getting-tested>. The Town will cover the cost of the testing for employees who are unable to be vaccinated for medical reasons, for those who have a legitimate and demonstrable religious objection under the OHRC, or for those who will receive their second dose within the timeframe set by the Ministry of Health.

6.5. **Testing Results**

Asymptomatic	These antigen tests are meant for regular testing of asymptomatic employees only and to identify those who may be infectious and at risk of infecting others before coming on-site. The tests are also not to be used by anyone with symptoms or who has a known exposure to someone with COVID-19, or any other pandemic related disease.
Symptomatic	Symptomatic and exposed individuals must follow current Ontario COVID-19 Windsor Essex County Health Unit (WECHU) guidelines.
Positive Results	Staff who test positive must immediately follow current Ontario Covid-19 screening guidance.

6.6. **Change in Status**

- 6.6.1. Any individual who initially selected option 3, 4, or 5 and later becomes fully vaccinated will be able to update their vaccination status by emailing proof of vaccination to covid@amherstburg.ca.

6.7. Accommodations

- 6.7.1. Staff who can establish that they are restricted from being vaccinated for medical reasons, or that they have a legitimate and demonstrable religious objection to vaccination, will have their cases considered on an individual basis. After submission to Human Resources, their request will be reviewed to determine the applicability of an exemption and whether any additional information or documents are required to be provided.

6.8. Non-Compliance

- 6.8.1. Staff failing to follow this Policy and/or falsifying information may be subject to disciplinary action up to and including termination of employment.

6.9. Confidentiality

- 6.9.1. Information relating to an individual's proof of vaccination and/or the reason(s) for not receiving a COVID-19, or pandemic related vaccination will remain in their confidential health file and will not be disclosed except as may be required for the purposes of ensuring the safety of the Town's employees, , clients and local communities in the event of a COVID-19 outbreak, or any other pandemic related outbreak, as may be required to ensure every precaution reasonable is taken to protect health and safety of Staff, or as otherwise may be required by law.

6.10. Contact

- 6.10.1. Employees should contact their supervisor or a member of the Human Resources team with any questions.

6.11. Corporate Accommodations

- 6.11.1. The Chief Administrative Officer maintains the right, based on business operating need, public safety and other relevant legal considerations, to make exceptions to the Policy on an individual and/or departmental basis.
- 6.11.2. The Town recognizes that circumstances giving rise to the initial application of this policy have resulted in an exceptional circumstance whereby specific Town employees will be exempt from the vaccination requirement under a legacy provision whereas, the policy expectation as laid out will apply to all other existing and new employees.

6.12. Amendments and Compliance with Applicable Law

- 6.12.1. This Policy may be amended from time to time by the Town as it deems necessary or appropriate, as relevant circumstances change, and at all times will be applied

in accordance with the *Occupational Health and Safety Act*, the *Ontario Human Rights Code*, and all other applicable law and collective agreements.

7. REFERENCES AND RELATED DOCUMENTS

- 7.1. *Occupational Health and Safety Act, R.S.O. 1990, c.O.1*
- 7.2. *Ontario Human Rights Code, R.S.A. 1990, c. H. 19*
- 7.3. <https://www.ontario.ca/page/covid-19-vaccines-and-workplace-health-and-safety>
- 7.4. <https://files.ontario.ca/mltsd-factsheet-post-vaccination-for-employers-en-2021-08-16.pdf>