

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY

BY-LAW NO. 44-2021

BEING a by-law to authorize the Mayor and Clerk to adopt a Vaccination Verification Policy.

WHEREAS the Municipal Act, 2001, Section 5.3, provides that the powers of a municipality shall be exercised by by-law unless the municipality is specifically authorized to do so otherwise;

AND WHEREAS Ontario Regulation 577/21, made under the Reopening Ontario Act, 2020, states that an organization, under the advice of the Chief Medical Officer of Health, is required to establish, implement, and ensure compliance with a COVID-19 vaccination policy;

AND WHEREAS the Eastern Ontario Health Unit strongly recommends that all employers implement an employee vaccination policy to protect their workforce;

AND WHEREAS the Council of the Corporation of the Township of North Glengarry deems it desirable to adopt a Vaccination Verification Policy;

NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY AS FOLLOWS:

- 1. **THAT:** Council adopts a Vaccination Verification Policy, attached to this by-law as Schedule A.
- 2. **THAT:** This by-law shall come into force and effect on the date of its final passage.

READ a first, second, third time and enacted in Open council this 12th day of October, 2021

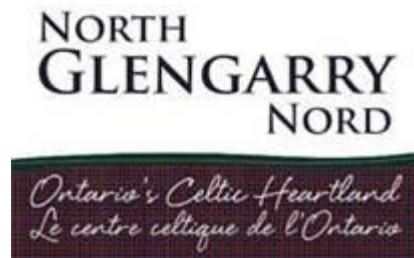
CAO/Clerk/Deputy Clerk

Mayor/Deputy Mayor

I, hereby certify that the forgoing is a true copy of By-Law No. 44-2021, duly adopted by the Council of the Township of North Glengarry on the 12th day of October, 2021.

Date Certified

CAO/Clerk / Deputy Clerk



VACCINATION VERIFICATION POLICY (COVID-19)

Policy Statement

The Township of North Glengarry (the “Township”) is committed to taking every precaution reasonable in the circumstances for the protection of the health and safety of workers from the hazards of COVID-19. This mandatory workplace vaccination verification policy is an important measure that complements other workplace health and safety measures in place in accordance with applicable governing legislation.

This policy may be amended as new public health directives and/or provincial or federal government legislation, regulations and/or orders are formalized. Any such directives, legislation, regulations, or orders shall take precedence until such time as this policy may be amended to conform to the new requirements.

At the time that this policy is being implemented, the Province of Ontario is experiencing the fourth wave of the COVID-19 pandemic, driven by variants that are more transmissible and that cause more serious health issues. The Province has also introduced a “vaccine passport” in recognition of the efficacy of vaccination. This policy is being implemented to ensure that all workers, including employees, volunteers, Township Council and students, take appropriate steps, including immunization and regular testing, to minimize the risk of infection and to reduce the risk of transmission to others.

Purpose

The purpose of this policy is to mandate that all employees (full-time, part-time, casual, contract seasonal), Township Council, volunteer firefighters, volunteers, and student placements and any other persons deemed reasonable in the circumstances (all of which are referred to hereinafter as “workers”), be fully vaccinated, as defined by the Ministry of Health, with an approved Health Canada or World Health Organization COVID-19 vaccine (or approved series of vaccines), and any subsequent recommended boosters as required, unless exempted for legitimate reasons and accommodated under the *Human Rights Code*.

Scope

This policy applies to all existing Township workers and is a condition of employment/engagement/appointment for all future hires, engagements, appointments while this policy is in effect. It requires workers to be fully vaccinated from the COVID-19 virus, to receive any subsequent boosters, and requires workers to provide acceptable proof of vaccination or exemption status.

Policy

The Township has a duty to ensure a safe workplace for workers and a safe environment for residents and other third parties using or accessing Township facilities and services. The Township takes this responsibility seriously and is taking every reasonable measure to keep its workers, as well as its residents, safe. The COVID-19 vaccine is the most effective way to reduce morbidity and mortality associated with this disease, as well as contain the spread of this highly transmissible virus to others. This COVID-19 vaccination policy and its implementation is intended to protect the Township’s workers and residents, all of whom are interacting within the organization.

Proof of Vaccination

All workers are required to provide proof of vaccination status no later than October 26th, 2021, in the form of a Ministry of Health email vaccine proof or a copy of a vaccine receipt from the Ministry of Health. Individuals with an Ontario photo health card can log into the provincial portal to download or print an electronic COVID-19 vaccine receipt (PDF) for each dose received at <https://covid19.ontariohealth.ca>.

This proof must be submitted to the Administrative Assistant (under the office of the CAO). Workers who fail to provide proof of their vaccination status by October 26th, 2021 will be considered unvaccinated for the purposes of this Policy and be subject to the actions set out in this Policy.

Workers who are not fully vaccinated but provide written proof of having received a first dose of vaccine as of October 26th, 2021 must receive a second dose of vaccine by November 26th, 2021 and provide proof of full vaccination status by no later than December 15th, 2021.

All information pertaining to vaccination status and any request for accommodation will be treated as confidential by the Township. All collection, use and disclosure of such information will be limited to the purposes this policy, including implementation and compliance, and as otherwise required by law. The information will be kept in accordance with the Township's Records Management Policy and privacy legislation.

Accommodation

The Township will comply with its obligations under human rights legislation to participate in accommodation discussions with individuals who advise of a substantiated, valid legal exemption under the *Ontario Human Rights Code* to receiving the COVID-19 vaccination. Workers must advise the Township of such an exemption by no later than October 26th, 2021. The Township reserves the right to request additional information or documents as required.

In the event of a request for accommodation, sufficient proof of the ground (disability and/or creed) and the connection between the ground and the inability to be vaccinated must be provided.

Where the ground is disability, a note must be provided by either a Physician or Nurse Practitioner that sets out:

- confirmation that the person has a disability (but not the nature of the disability or the diagnosis)
- confirmation that the person cannot be vaccinated against COVID-19 due to the disability; and
- the effective time period for which the disability will prevent vaccination.

Where the ground is creed, the person must identify the creed, confirm that they are an adherent of that creed, and explain how their belief system prohibits being vaccinated against COVID-19. Further information may also be required.

Where the medical exemption is time limited, the Human Resources Advisor will follow up with the worker following the medical exemption's expiry to determine the worker's exemption or vaccination status.

The Township has identified disability and creed but will also consider other grounds claimed under the *Human Rights Code* upon request from the affected worker and the provision of evidence appropriate in the circumstances.

It is incumbent on the worker to participate in discussions about a reasonable accommodation plan and provide information as may be required.

Non-Compliance & Restrictions

Workers who:

- do not have a legitimate exemption from vaccination and an approved accommodation plan with the Township;
- have not submitted proof of 1st or full dose vaccination status by October 26th, 2021; or
- have not been fully vaccinated against COVID-19 by the applicable date specified herein;

are considered to be in non-compliance with this policy and shall not be permitted to enter the workplace for any reason as of October 26th, 2021 or as soon as they become non-compliant (if later than October 26th, 2021). Such workers may elect to request vacation leave, other accrued entitlements, or a leave of absence without pay. Employees who refuse to be vaccinated as required by this Policy, for reasons other than legitimate grounds under the *Human Rights Code*, will not be accommodated and will not have the ability to work from home.

New Hires

All offers of employment/engagement/appointment after October 26, 2021 will be conditional on the individual providing proof of the following:

- full vaccination status; or
- a substantiated, valid legal exemption under the *Ontario Human Rights Code* to receiving the COVID-19 vaccination.

Failure to do so will result in the offer becoming void due to the condition not being met and the individual being unable to become employed/engaged/appointed with the Township.

Antigen Testing

Workers who have received a first vaccine dose and those who are being accommodated under the *Human Rights Code* will be required to perform Antigen Testing, at a frequency of not less than 2x/week (or such other frequency as the Township may deem appropriate), beginning October 26th, 2021. This will continue until the worker provides proof of full vaccination and 14 days have elapsed from the worker's final vaccination dose. A test must be taken with a negative result on the day of the worker's first attendance at the workplace in a week (Monday to Sunday). A second test must be taken, with a negative result, on the later of: (a) the fourth day after the first attendance; or (b) the day of the worker's next attendance at the workplace. Workers will confirm participation in this process, as well as verification of negative test results, via self-attestation.

Those employees that are to be accommodated must complete regular rapid antigen point of care testing for COVID-19, at a minimum of two (2) times a week, or such shorter period as directed by the Employer. Upon completion of testing, the employee will need to disclose and provide verification of the negative test result to the Administrative Assistant (under the office of the CAO). Testing will be done by Cornwall SDG Paramedics at Paramedic HQ (601 Campbell Street, Cornwall) on Mondays and Fridays. The hours for testing will be from 6:00 a.m. to 9:00 a.m. Employees being tested will need to have the test complete prior to regular hours of work and be ready to start work with the proper documentation. Employees, not ready to begin their shift with the proper testing documentation, are subject to possible discipline.

Unvaccinated individuals will confirm participation in this process as well as verification of negative test results, via self-attestation.

Mandatory COVID-19 Vaccination Education

To ensure that all workers subject to this policy are adequately educated about COVID-19 and the COVID-19 vaccines, any unvaccinated workers (including those with a valid medical exemption and those who do not disclose their vaccination status by October 19th, 2021), must complete a mandatory COVID-19 vaccination education program that has been approved by the Township on

the risks of being unvaccinated in the workplace.

Employee Support

High vaccination rates against COVID-19 are effective in reducing the spread of COVID-19. The Township supports workers in becoming fully vaccinated against COVID-19 by providing:

- paid sick leave for all regular full-time employees for COVID-19-related absences as per Township policies;
- where operationally feasible, reasonable arrangements to allow for employees to attend COVID-19 vaccination clinics during work time; and
- allotted work hours to complete education sessions on how COVID-19 vaccines work and their benefits, vaccine safety, the risks of not being vaccinated and the possible side effects of the vaccine

Continued compliance with health and safety control

All workers must continue to use personal protective equipment and abide by the Township's health and safety protocols whether they have been vaccinated against COVID-19 or not. This includes complying with infection prevention and control practices, such as handwashing and sanitizing, wearing a mask, and informing management if they experience any symptoms related to COVID-19. Unvaccinated individuals may be required to adhere to additional safety precautions.

Employer is responsible for:

- Ensuring proper application of this policy;
- Ensuring information and resources promoting the importance of being vaccinated and following current health and safety protocols to prevent the spread of COVID-19 are provided to employees;
- Ensuring employee vaccination status information is collected, maintained and disclosed in accordance with this policy and privacy legislation;
- Ensuring that employees who are not fully vaccinated have provided required medical proof of exemption or have completed the mandatory COVID-19 educational course;
- Accommodating employees who are legally entitled to accommodation with the employer's obligation to comply with exemptions protected by the *Ontario Human Rights Code*;

Chief Administrative Officer/Directors are responsible for:

- Reviewing and managing accommodation requests;
- Ensuring that for new hires the condition requiring vaccination or exemption is satisfied prior to the individual working for the Township;
- In outbreak situations, ensuring that non-vaccinated employees are not assigned work in situations where transmission is likely ;
- Providing employees and students with access to information about COVID-19 health and safety protocols and COVID-19 vaccines;
- Ensuring employees are following health and safety protocols including being vaccinated against COVID-19;

Administrative Assistant (office of the CAO) is responsible for:

- Collecting and maintaining vaccination status information;

- Ensuring COVID-19 education course is available to employees;
- Ensuring all future hires are aware of and meet the requirements of this policy;

Employees are responsible for:

- Providing proof of COVID-19 vaccination status;
- Providing proof of legitimate exemption if they are not fully vaccinated;
- Completing the mandatory COVID-19 educational course if proof of vaccination was not provided;
- Advising their manager or supervisor of the need for accommodation and providing supporting documentation or information as may be required;
- Educating themselves about COVID-19 and COVID-19 vaccinations;
- Continuing to follow health and safety protocols to prevent the spread of COVID-19 before and after vaccination;
- Maintaining their vaccination status including obtaining boosters as they are required and providing proof of full vaccination in accordance with this policy;

Privacy and Confidentiality

All information pertaining to vaccination status and any request for accommodation will be treated as confidential by the employer. All collection, use and disclosure of such information will be limited to the purpose of implementing this policy. The information will be kept in a secure location and will be destroyed when it is no longer needed.

Monitoring and Compliance

Any breaches of this Policy, including dishonesty regarding vaccination status or test results will result in disciplinary action up to and including termination of employment.

Definitions

Antigen Testing:

Antigen based tests detect specific proteins on the surface of the virus. These are often called rapid tests, as they typically provide results in less than an hour.

COVID-19:

COVID-19 is an acute respiratory illness caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) virus. It can be characterized by fever, cough, shortness of breath and a number of other symptoms.

Workers:

Individuals who perform work for/with the Township. For the purpose of this policy, this shall include: employees (full-time, part-time, casual, contract seasonal, volunteer firefighters), Township Council, volunteers, and student placements.

Full Vaccination:

Individuals will be deemed to have been fully vaccinated if they have received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines approved by Health Canada (e.g. two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series); and 14 days have elapsed from the final dose.

Ontario Human Rights Code:

The Ontario *Human Rights Code* prohibits differential treatment with respect to employment on the basis of certain enumerated grounds, including disability and creed (commonly referred to as “religion”), and requires accommodation to the point of undue hardship.

Contact

For more information on this policy, contact:
Sarah Huskinson, Chief Administrative Officer
cao@northglengarry.ca

Township of North Glengarry Employee Disclosure

Current Status (Please check off the applicable box, complete the information below, and attach a copy of the required supporting documentation):

A. ☐ I confirm that as of the time of completing this form, I have received all required doses of a COVID-19 Vaccine. I have received one dose of a COVID-19 Vaccine on _____, 2021, and I have received a second dose of a COVID-19 Vaccine on _____, 2021. Proof of my vaccinations is enclosed.

B. ☐ I confirm that as of the time of completing this form, I have not yet received all required doses of a COVID-19 Vaccine. I have received one dose of a COVID-19 Vaccine on _____, 2021. Proof of my first vaccination is enclosed.

C. ☐ I confirm that as of the time of completing this form, I have not received any doses of a COVID-19 Vaccine OR I am not disclosing my vaccination status.

Confirmation of Reason (Completion required for anyone who has not checked off Box A or B above):

As I have indicated in the section above that I have not received all required doses of a COVID-19 Vaccine or have chosen not to disclose my vaccination status, I also confirm that my reason(s) for not having received all required doses of the COVID-19 Vaccine or not disclosing my status is fully described in the space provided below.

For example, if I intend to receive all required doses of a COVID-19 Vaccine, but I have not yet for any reason related to difficulty in access, including that I have not been able to get or attend all the necessary appointments, then I will provide that information below, along with any dates I currently have scheduled to receive the dose(s) of the COVID-19 Vaccine (if applicable).

If, however, I have chosen not to or am unable to receive a COVID-19 Vaccine, then I will provide that information below along with my reasons.

I understand that if I am unable to receive the COVID-19 Vaccine for reasons related to a human rights ground under the Ontario Human Rights Code, I must explain such reasons and grounds in the space provided below (diagnosis is NOT necessary). I may provide additional pages if I need additional space. Documentation supporting my statements below is enclosed. I understand that depending on the information provided, the Township may require further reasonable information, documentation, and/or confirmation from me and/or others to support the reason I have provided below and if applicable, to assist in efforts related to any accommodation required.

With my signature below, I confirm that I have received, reviewed, and understand the Township's COVID-19 Vaccination Policy. I consent to the collection, use, maintenance, and disclosure of the information requested and provided as set out in the policy. I understand that it is my ongoing obligation to update the information I have provided in this form by completing and submitting a new form to Human Resources immediately after any change in circumstance (including, but not limited to, my receiving one or two doses of the COVID-19 Vaccine) and/or in the event there is a change in the reasons I have provided for not receiving the COVID-19 Vaccine.

Date of Signature

Employee Signature