

Recommendations for Workplace COVID-19 Vaccination Policies: Information for Employers

The Eastern Ontario Health Unit (EOHU) strongly recommends that all local employers institute and ensure compliance with a workplace COVID-19 vaccination policy to protect staff and customers/clients from COVID-19, preventing the spread in workplaces and the community. This recommendation applies to those employers not included within related provincial policy directives. Settings mandated to have workplace vaccination policies must adhere to provincial requirements.

Employers have an obligation to maintain a safe work environment for their workers. To help reduce the risk of COVID-19 transmission, employers should implement a workplace vaccination policy, along with other public health measures such as COVID-19 screening, physical distancing, masking, and hand hygiene.

Please note: This guidance is not intended to, nor does it provide legal advice and should not be relied upon or treated as legal advice. Workplaces should seek their own legal advice to address their specific circumstances. A workplace policy should be in writing and adhere to applicable laws including those related to occupational health and safety, human rights and privacy. Organizations do not need to submit their vaccination policies to the EOHU for approval; the EOHU will not be reviewing individual vaccine policies. For updates and additional guidance, please visit the EOHU's website regularly at www.EOHU.ca/coronavirus.

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WORKPLACE RISK OF TRANSMISSION ()

Assess your workplace risk of transmission by considering the following:

- Does your workforce have a high vaccination rate (i.e. over 90% fully vaccinated)?
- Does your workforce engage in public-facing work activities that put workers, clients or the public at risk of COVID-19 infection?
- Can workers keep at least two metres apart while performing their work?
- Are workers required to be in close contact with others?
- How long and how often are workers in close contact with other workers, clients or customers?
- Does your workplace have physical barriers when workers cannot keep distance from each other, good ventilation and personal protective equipment (PPE) to protect workers, as required by the Reopening Ontario Act?
- Do you have workers who may be at risk for severe illness from COVID-19, or do your workers work closely with clients at risk for severe illness? Some people may have reduced immunity due to age, pre-existing health conditions or medical treatments.
- Is your workplace able to offer alternative work for people who require accommodation (e.g. remote work)?
- Do your workers travel for work related matters frequently? How often and is the travel within the city, outside city/province/country?

The outcome of your workplace risk assessment should help determine the specific nature of your workplace policy in order to adequately protect workers, clients and customers.

APPLICABLE LEGISLATION ()

The workplace policy should adhere to the [Occupational Health and Safety Act](#), the [Ontario Human Rights Code](#) and applicable [privacy laws](#).

The information provided in this EOHU resource is for general information purposes. It does not contain legal advice and should not be relied on or treated as legal advice. Those persons, businesses or organizations for whom these recommendations are intended are encouraged to seek their own legal advice with respect to their own specific workplaces and circumstances.

KEY COMPONENTS IN A COVID-19 VACCINATION POLICY ()

There are many components to a workplace vaccination policy. Included below are points which should be considered and discussed during the development and implementation of the policy:

1. Continued adherence to COVID-19 prevention measures and local public health guidelines ()
 - The vaccines prevent against serious illness and death. They reduce but do not fully prevent individuals from transmitting or becoming sick with the virus.
 - Vaccines do not replace the need for strict adherence to established COVID-19 public health measures, especially when interacting with others whose vaccination status may be unknown. Employers must continue to implement all COVID-19 prevention measures for their sector, as outlined in [provincial guidelines](#) and [Eastern Ontario Health Unit guidance](#) including, but not limited to: COVID-19 screening, physical distancing, wearing of masks, hand hygiene, infection prevention and control measures, and having an up-to-date [COVID-19 safety plan](#).
 - There may be a small number of individuals who cannot receive the vaccine due to a valid medical exemption. Most individuals are able to safely receive the vaccine series, and a vaccinated workplace helps to protect those who are medically unable to be vaccinated.
2. Identify the scope and purpose of the vaccination policy ()
 - Explain purpose of the policy including the risks of COVID-19. Vaccination against COVID-19 is one of the best ways to protect workers and clients from becoming seriously ill or transmitting the virus to others. Studies show that the Delta variant of the coronavirus is more contagious, with greater risk for severe illness and hospitalization.
 - Explain who the policy applies to. It is recommended that the policy apply to all employees, staff, contractors, volunteers and students (from here on termed 'workers'), as relevant.
 - Explain that the policy may evolve as the pandemic situation changes or legislation and public health advice is altered.
 - Develop a clear communication plan to inform workers about the policy.

3. List actions workers must take ()

To prevent the spread of COVID-19 in keeping with your workplace risk of transmission, workplace policies should require workers to provide one of the following:

- Proof of full vaccination:
 - Fully vaccinated means having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines approved and/or recognized by Health Canada or the World Health Organization [as outlined by provincial guidance](#) (e.g. two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series); and having received the final dose of the COVID-19 vaccine at least 14 days ago.
 - Methods of providing such proof could include a vaccination receipt (printed or electronic – i.e. from the [Government of Ontario's website](#)), or vaccination record or a government-led proof-of-vaccination system.
- Written proof of a documented medical exemption, provided by a licensed physician or nurse practitioner. The note should indicate the effective time-period for the medical reason. If time-limited, the note should indicate how long it is expected to last.
- A signed written declaration from a person who is not able to obtain a COVID-19 vaccine for a reason related to a protected ground under the Ontario Human Rights Code, including a description of the need for protection and accommodation.

Note: The policy should indicate where employees can provide the above documentation while also addressing privacy concerns.

4. Set deadlines for when actions must be taken ()

Specify a reasonable date when workers must demonstrate compliance with the workplace policy. For example, this can include a set date for when first and second doses are required.

5. List available supports for vaccination ()

Demonstrate your commitment to supporting workers to get vaccinated. Ways to support workers to get vaccinated may include the following:

- Let workers know [where they can get vaccinated](#) in the community.
- Consider hosting an on-site vaccination clinic in partnership with the EOHU. See [Pop-Up COVID-19 Vaccination Clinic Requests](#) on the EOHU website for more information.
- Provide vaccine information from credible sources or translated resources, such as the EOHU's website (www.EOHU.ca/vaccines).
- Encourage workers to discuss their concerns with their healthcare provider.
- Support vaccine champions to initiate conversations with their peers.
- Provide paid leave to get vaccinated or transportation for workers to get vaccinated during paid work time.
- Refer workers who need assistance with vaccine appointments or transportation to [Need assistance booking or getting to your COVID-19 vaccine appointment?](#), or to call the EOHU at 1-800-267-7120.
- Remind workers that they are entitled to up to [three paid sick days](#), if they have side effects from the vaccine.

6. Alternatives for unvaccinated workers ()

For workers who are unable to complete their vaccination series for medical reasons or decline to get vaccinated for other reasons protected by the Human Rights Code, your policy should either:

- List alternative options in which a worker might continue to safely work without being vaccinated, OR
- Indicate your intention to consider reasonable accommodation on a case-by-case basis and, if required, grant such accommodation unless it would amount to undue hardship based on cost or health and safety.

Alternative options or accommodation should reflect your workplace risk of transmission. Some options to consider include:

- Use of additional PPE, worker relocation, remote work, and modified work or reassignments.



- If relocation or reassignment is not possible, consider if unvaccinated workers may use vacation or unpaid leave until some later time when it is safe for them to return to the workplace.
- If your workplace has the capacity to implement routine testing measures onsite, you may wish to consider a testing policy for unvaccinated workers, as per the provincial recommendations.

The policy should make clear that no person should experience harassment or discriminatory treatment based on a Code-protected ground because they are unable to be vaccinated.

In the event of an outbreak: Unvaccinated and partially vaccinated workers (who have only received one dose of a two-dose COVID-19 vaccine series, or for whom less than 14 days have passed since their second dose) should not be permitted to work in the outbreak area. Workers without vaccination records should be assumed to be unvaccinated.

7. Non-compliance ()

Employers should develop a policy for those who voluntarily choose not to get vaccinated. This could include (but is not limited to):

- Completing a vaccination education course, with a signed declaration stating that they have reviewed and understood the content. The vaccination education course should at a minimum include information on:
 - How COVID-19 vaccines work
 - Vaccine safety related to the development of the COVID-19 vaccines
 - Benefits of vaccination against COVID-19
 - Risks of not being vaccinated against COVID-19
 - Possible side effects of COVID-19 vaccination

Outline the potential consequences for workers who do not fulfill the requirements of the policy. This may entail case by case consideration, consistent with the Occupational Health and Safety Act and the Ontario Human Rights Code.

8. Privacy considerations ()

The policy should protect a worker's privacy as much as possible and specify how individual vaccination status of workers will be used, shared and disposed of by employers to mitigate the health-related risks of COVID-19. Workers' vaccination information must be protected in accordance with applicable privacy legislation.

To help protect workers, their families and the community, knowing the status of vaccination for employees will be important to help take appropriate action quickly in the event of COVID-19 transmission in the workplace. This can include sharing the information with the EOHU.

When collecting, sharing, storing and disposing of information about a worker's vaccination status:

- Identify ways to safeguard workers' personal health information.
- Limit information collected to the worker's name and date of vaccination for each dose.
- Keep worker vaccination information separate from their personnel file.
- Ensure personal health/vaccination information is kept in a secure manner and only used when required.

9. Staff contact ()

Identify an individual at your organization that workers may contact if they have questions about the policy, privacy concerns, to request accommodations, or for more information how to comply with the policy. The policy should also indicate the person to whom workers should provide proof of vaccination.

OTHER CONSIDERATIONS ()

- Workplaces can partner with the Eastern Ontario Health Unit to host a vaccination clinic to ensure easy and convenient access for vaccination for their employees.
- Regular and up-to-date communications with employees will help support and sustain the policy.
- Routine asymptomatic testing is not an equivalent substitute for a completed series of a COVID-19 vaccine. Ensuring that employees are fully vaccinated and continue to follow all public health measures in the workplace remains the best way to protect individuals and our community against COVID-19.

RESOURCES ()

- Eastern Ontario Health Unit's COVID-19 vaccine information site: www.EOHU.ca/vaccines
- Ontario Chief Medical Officer of Health's [Directive 6](#) and [Resource Guide](#) for certain healthcare settings
- [COVID-19 and Ontario's Human Rights Code – Questions and Answers](#) (Ontario Human Rights Commission)
- [COVID-19 vaccines and workplace health and safety](#) (Government of Ontario)
- [Ontario Human Rights Commission \(OHRC\): Policy statement on COVID-19 vaccine mandates and proof of vaccine certificates](#) (September 22, 2021)

Please contact the Eastern Ontario Health Unit if you have any questions at 1-800-267-7120, Monday to Friday from 8:30 a.m. to 4:30 p.m.

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