



STAFF REPORT **Municipality of Wawa**



Maury O'Neill, CAO-Treasurer

For: Mayor and Council	Report No.: CAO 2021-08
Date: September 16, 2021	Council Meeting Date: Sept. 21, 2021

MUNICIPAL WORKPLACE COVID-19 VACCINATION POLICY

Recommendation

THAT Council receive Report No. CAO 2021-08 dated September 16, 2021 and accept the recommendation to approve the Municipality of Wawa's Workplace COVID-19 Vaccination Policy, copy attached as Appendix A.

FURTHER that a By-law adopting the Policy be approved at the September 20, 2021, Regular Council Meeting.

Report Purpose and Summary

To recommend to Municipal Council that a COVID-19 Vaccination Policy being implemented effective September 21, 2021, affecting employees, volunteer firefighters, Council Members, and contractors entering municipal facilities.

The report further recommends that all employees, contractors, councillors and volunteer fire fighters be required to provide proof of COVID-19 vaccination status or medically approved exemption. Any person who is not fully vaccinated or who does not disclose their vaccination status by October 5, 2021, will be required to complete a COVID-19 vaccination education session and unvaccinated employees will be subject to mandatory regular COVID-19 rapid testing when made available in Wawa or by the Municipality.

Background

The Ontario Government has mandated that persons must be vaccinated to attend certain workplaces and a number of public and private facilities effective September 22, 2021. In addition, Algoma Public Health is strongly recommending that employers institute workplace vaccination policies to protect and keep employees and community residents safe and healthy. At this time, there is no legislation that makes it mandatory for municipal employees to be vaccinated.

To stop the possible spread of COVID-19 and very contagious variants, this Policy is designed to encourage and maximize COVID-19 vaccination rates among municipal employees, contractors, volunteer for fighters and councillors to be fully vaccinated against COVID-19 unless exempted based on an approved human rights ground (e.g. medical).

This Policy is aligned with the Municipality of Wawa's general duty under the Occupational Health and Safety Act to take every reasonable precaution to protect its workers and the responsibility to assess the workplace for risks, including that of COVID-19 transmission.

To support Algoma workplaces develop vaccination policies, a toolkit was developed by Algoma Public Health to provide information and resources needed to design a COVID-19 vaccination policy which was referred to to draft a Wawa Workplace policy. <https://www.algomapublichealth.com/disease-and-illness/infectious-diseases/novel-coronavirus/covid-19-safety-at-work/covid-19-vaccine-policy-toolkit-for-workplaces-in-algoma/#policy>

Given the above, and in alignment with many other municipalities, staff is recommending the attached Municipal Workplace Vaccination Policy be put in place effective September 22, 2021 (Appendix A). The proposed Policy balances the human rights and privacy rights of employees with employer obligation to protect employees and workplaces and is based on several factors including the current rates of infection in North Algoma, employee accommodation planning, and other human resource considerations.

The Policy will require employees and those entering municipal workplaces to provide proof of their vaccination status by October 5, 2021. Those employees that are not fully vaccinated or do not disclose their status will be required to attend mandatory education on the benefits of vaccination. Unvaccinated employees will also be required to submit to regular rapid antigen testing to ensure negative test results and the safety of all employees.

Due to rapidly changing circumstances such as the spread of COVID-19 variants, this Policy will be an evolving policy which will continue to be informed by Provincial legislation, public health advice and any relevant legal requirements.

Employee privacy and the right to be treated fairly is very important and this Vaccination Policy will be applied in accordance with all prescribed legislation, including, but not limited to, the Ontario Human Rights Code and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

All employees and those entering municipal facilities will still be required to follow all workplace health and safety measures in place, including daily active screening, enhanced cleaning, mandatory masking, physical distancing and hand hygiene.

Conclusion

That in the best interest of the Municipality and its employees, a Workplace Vaccination Policy be adopted by Council as recommended.

Submitted By: 

Maury O'Neill
CAO-Treasurer



POLICY TITLE:	COVID-19 Safety in the Workplace and Vaccination Policy
SUBJECT:	COVID-19 Safety in the Workplace and Vaccination Policy
POLICY NO.	HS-015
EFFECTIVE DATE:	September 21, 2021
ENACTED BY:	By-Law No. 3431-21

1. Policy Statement

The health and safety of the Municipality of Wawa's employees and customers is a high priority. The Municipality is committed to taking every precaution reasonable in the circumstances for the protection of the health and safety of workers from the hazard of COVID-19. Vaccination is a key element in the protection of employees against the hazard of COVID-19 and this policy outlines the Municipality's expectations regarding COVID-19 immunization of its employees, contractors, fire fighters, and municipal councillors.

This Policy is designed to encourage and maximize COVID-19 vaccination rates among municipal employees, contractors, volunteers, and students to be fully vaccinated against COVID-19 unless exempted based on an approved human rights ground (e.g. medical).

This Policy is aligned with the employer's general duty under the Occupational Health and Safety Act to take every reasonable precaution to protect its workers and the responsibility to assess the workplace for risks, including that of COVID-19 transmission.

This policy is applied in accordance with the Ontario Human Rights Code, Occupational Health and Safety Act and any other applicable legislation and/or collective agreement.

Information collected under this policy and procedure is in compliance with relevant legislation including but not limited to the Personal Health Information Protection Act and the Ontario Human Rights Code.

2. Policy Purpose

2.1 The purpose of this Policy is to ensure that the Municipality of Wawa meets its obligations and duty to ensure a safe workplace as required under the Occupational Health and Safety Act (OHSA) and it takes every precaution reasonable in circumstances for the protection of its workers.

- 2.2** The Municipality of Wawa has a duty to provide services in a manner that is safe for everyone. Staff work in shared spaces, routinely interact with the public and may be required to enter people's homes and other workplaces for the purpose of providing municipal services. Vaccination against COVID-19 is one of the best ways to protect employees who work in a location with common areas and/or where workers can have contact with other workers, customers/patrons or the public. The Delta variant of the coronavirus is more contagious, with greater risk for severe illness and hospitalization.
- 2.3** To help reduce the risk of COVID-19 transmission, this Policy is an important tool that complements other workplace health and safety measures in place including required daily health screening, mandatory masking, physical distancing and hand washing.
- 2.4** Vaccination is a key element to the protection of Municipal employees against the hazard of COVID-19. This policy is designed to maximize COVID-19 vaccination rates among municipal employees as one of the most important control measures stopping the spread of COVID-19.
- 2.5** The purpose of this policy is to provide guidelines pertaining to the expectations and requirements of staff with respect to COVID-19 and vaccination and will be applied at all times in accordance with the OHSA, the Ontario Human Rights Code and all other applicable law.

3. Applicability

- 3.1** This policy applies to all municipal councillors, new and existing employees, volunteer fire fighters, and contractors/subcontractors. The use of the term "employee" in this Policy refers to all groups herein listed.
- 3.2** New municipal employees hired after September 21, 2021, shall be required to be fully vaccinated against COVID-19 as a condition of employment and must show proof of vaccination or medical exemption, or become fully vaccinated or provide proof of exemption within their probationary period. Failure to provide proof of being fully vaccinated by the end of an employee's probationary period shall result in the termination of employment.
- 3.3** Contractors, subcontractors and/or their authorized agents must provide proof of vaccination or medical exemption to enter a municipal facility unless providing essential health and safety services.

- 3.4** This policy is subject to change at any time for reasons including but not limited to the status of the pandemic changes and/or legislation or public health advice changes by the Chief Administrative Officer and/or Municipal Council.

4. Definitions

- 4.1** “**COVID-19**” is the infectious disease caused by SARS-CoV-2.
- 4.2** “**Education Program**” means an educational program that has been approved by and/or provided by the Municipality.
- 4.3** “**Fully vaccinated**” means having received the full series of a COVID-19 vaccine or a combination of COVID-19 vaccines approved by Health Canada; and having received the final dose of the COVID-19 vaccine at least 14 days ago.
- 4.4** “**Proof of full vaccination against COVID-19**” means the COVID-19 vaccination certificate or receipt issued by the Ontario Ministry of Health or other provincial, territorial or international equivalent confirming that the employee is fully vaccinated.
- 4.5** “**Proof of exemption**” means written proof of exemption of the COVID-19 vaccine for a reason protected by the Ontario Human Rights Code. Medical exemptions can only be provided in writing by a Physician or Nurse Practitioner.
- 4.6** “**Vaccine(s)**” refers to a vaccine approved by Health Canada or the World Health Organization for use in Canada in relation to COVID-19.

5. Policy – General

The Municipality of Wawa has implemented and will continue to implement, various measures in the workplace because of the COVID-19 pandemic and as may be recommended by Algoma Public Health or the Ontario Government. All employees, volunteers and contractors must comply with these measures.

- 5.1** This Policy mandates and encourages all employees to be vaccinated against COVID-19 as recommended by both the provincial and federal governments and public health authorities.

- 5.2** All municipal employees are required to submit proof of vaccination or exemption from the COVID-19 vaccination to their immediate Supervisor by October 5th, 2021.
- 5.3** Where an employee does not provide proof of full vaccination against COVID-19, but instead provides a written proof of exemption, the employee shall be considered unvaccinated and:
- 5.3.1** Submit to regular rapid antigen testing for COVID-19 when available in Wawa at the start of every (Sunday to Saturday) full or partial work week at their own expense, except when working from home. Antigen testing is required every seven (7) days minimum.
- 5.3.2** Provide verification of the negative test result as soon as possible to their Supervisor in a manner that enables the Municipality to confirm the result at its discretion.
- 5.3.3** If a positive test is returned, the normal call-in procedure (see COVID-19 Directive) is required and the employee must make arrangements for a full COVID-19 test at an assessment centre. The affected employee may not return to work for a period of ten consecutive days and they are symptom free for 48 hours or may return after a negative COVID-19 test.
- 5.3.4** Provide proof of completing an educational session approved by the Municipality and listed below about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason. The approved session must, at minimum address:
- how COVID-19 vaccines work
 - vaccine safety related to the development of the COVID-19 vaccines
 - the benefits of vaccination against COVID-19
 - risks of not being vaccinated against COVID-19
 - possible side effects of COVID-19 vaccine

The approved training program to be completed by unvaccinated employees by October 5, 2021, at 4:00 p.m. is:

https://www.toronto.ca/ext/digital_comm/tph/covid-19-vaccination-understanding-the-benefits-and-risks/story_html5.html

- 5.4** Where an employee has received one (1) dose of the COVID-19 vaccine and has not yet received their scheduled second dose, the employee shall be considered unvaccinated and continue to submit to regular rapid

antigen testing for COVID-19 until 14 days following the administration of the second dose, at which time the employee will be considered fully vaccinated. The employee must provide proof of second dose to be considered fully vaccinated (14 days from second dose).

5.5 All employees who do not have proof of having received two vaccines, and who are not being accommodated pursuant to the Human Rights Code, shall take the following measures when at work:

5.5.1 Masks

- a) the employee must wear an approved mask;
- b) the mask must always cover the mouth and nose and be worn during working hours, whether in municipal buildings, privately-owned buildings, or in municipal vehicles;
- c) a mask may be removed when the employee is outside while maintaining a physical distance of at least 2 m. from others;
- d) the mask may be removed when the worker is drinking or eating away from others;
- e) a mask may be removed when driving alone and,
- f) masks must be replaced as soon as they are soiled and disposed of properly in a lined garbage container.

5.5.2 Hand Washing

Employees must wash their hands frequently with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands both before and after touching their eyes, nose, or mouth; touching their mask; and eating, smoking or vaping.

5.6 Accommodation

5.6.1 Employees requiring any *Ontario Human Rights Code* accommodations under this policy may request accommodations by advising their supervisor and must be approved and confirmed by their supervisor in writing.

5.6.2 The Municipality shall require medical support to substantiate and/or clarify the accommodation required.

5.6.3 The Municipality will work with the employee to develop and implement an appropriate accommodation plan to the point of undue hardship.

5.7 Changes to Policy and Measures

Recommendations from public health authorities can change as new information is received. The Municipality will make its best efforts to remain current and the measures described in this policy may change from time to time and any changes will be communicated to workers as soon as possible.

5.8 Non-Compliance

In accordance with municipal policies, collective agreements and applicable legislation, any non-compliance with this policy will result in a meeting with the employee and may result in corrective and/or disciplinary action reasonable in the circumstances up to and including discharge.

5.9 Privacy Considerations

This Policy recognizes that information about employee’s vaccination status is subject to applicable privacy law. 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 Algoma Public Health.

The collection, use, disclosure and retention of information will be limited to what is reasonably necessary. Employee vaccination information will be kept separate from their personnel file. To safeguard employee's personal information and ensure vaccination status records are retained, accessed and disposed of in a secure manner, each employee’s Supervisor will be responsible to place employee information in a locked and secure location.

6. Review

This policy shall be reviewed regularly and as required by the CAO-Treasurer.

Policy Adoption and Review Guidelines

Date of Adoption by Council	By-Law No.	Date of Most Recent Review by Council	Changes Made Yes/No
Sept. 21, 2021	3431-21	Sept. 21, 2021	New

Appendix

COVID-19 Vaccination Declaration – MUNICIPAL EMPLOYEE

I, _____, continue to be committed to the safety of our municipal team members and clients, including protecting our community from COVID-19. Along with our existing public health and personal protective measures, the COVID-19 vaccine is the most effective way to protect ourselves and our residents, colleagues and community from COVID-19.

It is important that my employer knows the vaccination status of team members to ensure a safe environment for everyone who works with me or comes in my contact while at work.

As per Policy, team members are required to submit a record of vaccination and/or declare their vaccination status to my Supervisor by completing this COVID-19 Vaccination Declaration.

If you have questions about the declaration of COVID-19 status policy, please contact your Supervisor.

Employee Name: _____ (please print)

Declaration

- Vaccinated - I have been vaccinated already and have/will provide a record of vaccination to my Supervisor.
- Decline – Medical reason: I am declining to be vaccinated due to medical reasons and will provide written proof by either a physician or nurse practitioner to my Supervisor.
- Decline – Not getting the vaccine: I am declining to receive the COVID-19 vaccination. I understand that it is recommended I receive the COVID-19 vaccination to protect myself and the residents I care for. I further acknowledge that I have completed the COVID-19 Educational Module.

Employee Signature: _____

Date: _____