

## **Township of Southgate**

### **Administration Office**

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## **Staff Report CAO2021-064**

**Title of Report:** Southgate COVID-19 Vaccination Policy

**Department:** Administration

**Council Date:** September 15, 2021

### **Council Recommendation:**

**Be it resolved that** Council receive staff report CAO2021-064 as information; and

**That** Council approve the draft Southgate COVID-19 Vaccination Policy dated September 15, 2021 as presented; and

**That** Council direct staff based on resolution approval of this draft policy to proceed with the Human Resources Coordinator requesting information, collecting employee vaccination data in confidence if provided and holding one on one employee education sessions related to COVID-19 immunization requirements; and

**That** Council consider approving the Southgate COVID-19 Vaccination Policy at the October 6, 2021 meeting.

### **Background:**

The purpose of this report and the Southgate COVID-19 Vaccination Policy is to establish the following:

1. A working environment that considers the health and safety of our Township employees related to COVID-19 transmission and outbreak of the disease;
2. To ensure the continuity of the important municipal services we deliver to the public; and
3. To provide the stakeholders with the public confidence that our Southgate staff are protected with an immunization protocol established by the Ministry of Health to prevent community spread.

On August 24, 2021, the Ontario government filed a regulation O. Reg 577/21 (Attachment #1) amending the Rules for Areas at Step 3 and at the Roadmap Exit Step with respect to the establishment and implementation of vaccination policies by businesses or organizations. O. Reg. 577/21 requires businesses and organizations to operate in compliance with "any advice, recommendations and instructions" issued by the Office of the Chief Medical Officer of Health, or by Medical Officer of Health after consultation with the Office of the Chief Medical Officer of Health:

- (a) Requiring the business or organization to establish, implement and ensure compliance with a COVID-19 policy; or
- (b) Setting out the precautions and procedures that the business or organization must include in its COVID-19 vaccination policy.

The Grey Bruce Public Health Unit released a COVID-19 Information document dated August 31, 2021 titled "Recommendations for Establishing a COVID-19 Workplace Vaccination Policy" and is included in this staff report as Attachment #2. Also included in this staff report is Attachment #3, a copy of an exert from the Employment Standards Act related to the topic of Leaves of Absence and the issue of unpaid, job-protected infectious disease emergency leave. This document states that if "the employee is under a direction given by their employer in response to the employer's concern that the employee might expose other individuals in the workplace to a designated infectious disease", they could be sent home without pay.

### **Staff Comments**

Staff has developed a comprehensive document and included a copy of the draft updated Southgate COVID-19 policy #87 in this staff report as Attachment #4. The policy document is about dealing with the impact this pandemic in the workplace related to minimizing the health impacts of COVID-19 going forward on our employees, students, volunteers, Councillors, Committee members and those public members in the community we serve.

This policy has been created to:

- Prevent where possible COVID-19 outbreaks through every reasonable precaution to protect staff within a safe and healthy workplace;
- Prevent the further transmission of COVID-19 in our workplace and the community;
- Maintain continuity of our business operations and critical services; and
- Limit unnecessary pressure on our healthcare system and medical service providers.

The provincial requirements mandate that the Township create a COVID-19 Vaccination Policy with the guidance of Public Health. The Health Unit provides information on why we need to have a policy for reasons mentioned earlier in this report and that our document should have consideration for the Occupational Health and Safety Act, the Ontario Human Rights Code and privacy laws. With the challenges of creating such a policy and the possible disruptions in the workplace, it is required because unlike other viruses, like influenza, the consequences of catching COVID-19 if a person has not been vaccinated are severe. The virus is also easily transferrable, especially with new variants spreading throughout communities. These two factors, as well as the strong efficacy of the vaccinations establishes the stronger argument than in the past with other virus for mandatory vaccination policies.

So the big question is can employers require employees to be vaccinated? There is currently nothing at law that prevents an employer based in Ontario from making COVID-19 vaccination a term or condition of employment. However, mandatory vaccination policies raise both privacy and human rights considerations and legal risks of which employers will want to be aware before forging ahead with implementation.

So let us first deal with the privacy issue and how we will manage the information we collect about employee vaccination status. The Human Resources Coordinator will collect all the information collected from employees related to vaccinations in a separate file for HR use only and will not be placed in personnel files for access by any other Township Manager or Supervisor knowledge. The HR Coordinator will manage this file in confidence and work with all non-vaccinated employees in a confidential manner to provide education spelled out in the policy document, deal with evidence of medical restrictions, Human Rights exemptions, evaluate accommodation requests and manage antigen test reporting. At some point the HR Coordinator and management will need to carefully consider the nature of the workplace health and safety in relation to those non-vaccinated employees without exemptions or options for accommodation.

The next issue is Human Rights exemptions. If an employee has medical reasons for not receiving a vaccination it is very simple that a report from a Medical Health professional would be required and exempted from taking the vaccine shot. The Human Rights claim(s) would be something an employee would report on with the justification to the Township's HR Coordinator in confidence related religious and ethnic freedoms.

The legal issues at this point that we need to be concerned about is related to the Employment Standards Act and latitude that the Township can place an employee on unpaid job-protected infectious disease emergency leave. If there is a concern from any employee about their health and safety and exposure in the workplace to the COVID-19 disease, unpaid leave is an option for the Township, if accommodation is not a viable option for the individual's job description responsibilities.

Southgate staff recommend that Southgate Council approve the draft Southgate COVID-19 Vaccination Policy and consider approval by municipal by-law on October 6, 2021. With that said we see this policy being amended frequently in the coming months to accommodate changes in legislation, public health protocols, science and legal decisions.

### **Financial Impact or Long Term Implications**

There is no financial impact to the municipality as a result of this report to the 2021 budget other than Human Resources (HR) time to roll out and manage the policy.

HR will also have to deliver staff education and training if required to some staff, plus the time that may be required to recruit and hire casual and/or part time replacement staff to infill and support the municipal operation.

### **Communications & Community Action Plan Impact:**

This report has been written and presented to Council to communicate accurate information to the public.

This report and the policy has been created to communicate that the Township of Southgate has a COVID-19 Vaccination Policy for its employees, student and volunteers that they have the assurance when dealing with customer service experience or on property contacts and meetings. Council and committee members are part of the policy to provide the assurance during future in person meetings everyone is protected or they can use the hybrid meeting features with virtual meetings for those that are not vaccinated, cannot be immunized or want the safety of remote access to meeting events.

### **Concluding Comments:**

1. That Council receive this staff report CAO2021-064 as information.
2. That Council approve the draft Southgate Vaccination Policy as presented at the September 15, 2021 meeting.
3. That Council approve the Southgate Vaccination Policy by Municipal By-law at the October 6, 2021 meeting.

Respectfully Submitted,

**CAO approval:** Original Signed By

Dave Milliner – CAO [dmilliner@southgate.ca](mailto:dmilliner@southgate.ca)

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- Attachment 1 – Ontario Reg. 577/2021
- Attachment 2 – Recommendations for Establishing a COVID-19 Workplace Vaccination Policy
- Attachment 3 – Exert from the Employment Standards Act
- Attachment 4 – Updated Southgate Vaccination Policy #87