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## The Corporation of the City of Stratford Policy Manual

**Policy Number:** H.1.33

**Policy Section:** Human Resources

**Department:** Human Resources

**Date Adopted:** August 31, 2021 (Corporate Leadership Team)

**Date Amended:** January 6, 2022 (Issued)

**Scheduled for Review:**

**Date of Last Review:**

**Policy Type:** Administrative Policy

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### Mandatory Vaccination Policy

**Policy Statement:**

The City of Stratford is committed to taking every reasonable precaution for the protection of the health and safety of workers from the hazard of COVID-19 as required by the *Occupational Health and Safety Act* ("**OHS**A"). The "City" is also committed to compliance with all applicable public and occupational health and safety, human rights, privacy, and other laws in the development and implementation of this policy.

Vaccination is a key element in the protection of City employees against the hazard of COVID-19. This policy is intended to maximize COVID-19 Vaccination rates and safety at the "City's" workplaces as one of the critical preventatives and control measures for the hazard of COVID-19 in the workplace. To this end City employees, contractors and volunteers are required to be vaccinated against COVID-19.

**Purpose:**

Consistent with its duty to provide and maintain a workplace that is free of recognized hazards, the City has adopted this policy to safeguard the health and well-being of employees and their families; community members we serve; and others who spend time in our facilities from infectious conditions that may be mitigated through an effective vaccination program. This policy is intended to comply with all federal and provincial laws. It is based upon guidance provided by Health Canada, the recommendations of the federal and provincial governments, the Public Health Agency of Canada, regional public health authorities (HPPH), and the Canadian Medical Association as applicable

**Scope:**

This policy is applicable to all City of Stratford employees, volunteers and contractors in our facilities where the "City" has any duties as an employer as defined by the OHS Act. It does not apply to community members and visitors. The policy applies to the COVID-19 vaccine that is being made available to our employees. Some employees depending on their profession within the City of Stratford may also be subject to the provisions of vaccine policies and requirements from other governing bodies. (i.e. Ministries)

**DEFINITIONS**

"City" means The Corporation of the City of Stratford

"City Business" means all business activities related to The Corporation of the City of Stratford's operations, whether conducted on or outside of city work facilities. It does not include work performed remotely from the covered individual's own home.

"City Facilities" includes, but is not restricted to, all land, property, structures, installations, vehicles or equipment owned, leased, operated, used, or otherwise controlled by the City for the purpose of conducting business operations. It does not include an Employee's own home.

"Employee" includes all City unionized and non-unionized employees, full-time, part-time casual, call in and students.

"Volunteers" include any person who performs a service for the City without compensation up to but not limited to committee members, advisory board members, special project or event personnel.

"Contractor" means a person or business which provides goods or services to the City under terms specified in a contract. Some contractors may permanently reside in the City's facilities. Within the scope of this policy, this definition only includes contractors who are working within indoor City facilities for continuous and sustained work of more than one day. Exemptions may be given for emergency work by the Chief Administrative Officer of the City or a Director of the City.

"COVID-19" is the infectious disease caused by SARS-CoV-2, a highly contagious virus.

"PPE" is Personal Protective Equipment that is required to be worn to minimize exposure to hazards that cause serious workplace injuries and illnesses

"Proof of Vaccination" refers to an electronic vaccination record of an individual's COVID-19 immunization date(s) issued by the government of the province, territory, or country in which the individual was immunized. Members can access a copy of their electronic vaccination record through the provinces' website at <https://covid-19.ontario.ca/>

“Proof of Medical Exemption” refers to written proof of a medical reason, provided by a physician or nurse practitioner in the extended class that sets out: (i) a documented medical reason for not being fully vaccinated against COVID-19, and (ii) the effective time-period for the medical reason (i.e. permanent, or time-limited).

“Vaccine(s)” refers to a vaccine approved by Health Canada for use in Canada in relation to COVID-19.

“Vaccination” refers to the administration of a vaccine(s) to protect individuals from COVID-19. It may include the administration of one or more doses of vaccine.

“Partially Vaccinated” refers to an individual who has received one or more doses of a vaccine recommended or required to produce an immune response to COVID-19 but has not been fully vaccinated.

“Fully Vaccinated” refers to an individual who has received all recommended doses of a Vaccine recommended or required to produce an immune response to COVID-19, including recommended or required boosters. Employees unable to become Fully Vaccinated as a result of vaccine shortages may be considered “Fully Vaccinated” at the discretion of the City.

### **Continued Compliance with all health and safety precautions:**

Unless a legislated or regulatory exemption applies, all City Employees are expected and required to continue to comply with applicable health and safety measures to reduce the hazard of COVID-19, including but not limited to compliance with established workplace access controls (e.g. active screening), wearing a mask or face covering, using provided personal protective equipment (PPE), maintaining appropriate physical distancing and self-monitoring for potential COVID-19 symptoms when at work or otherwise engaged in City business.

### **Roles and Responsibilities:**

#### Management

All levels of management of the City are responsible for the administration of this Policy in accordance with applicable legislation.

#### Human Resources:

Will provide legislative and policy interpretation, guidance and support to managers and employees. Human Resources will also update the Policy to ensure it observes all aspects of safety, diversity and inclusion.

### Employees and Volunteers:

All are responsible for compliance with this Policy and shall comply with all applicable legal obligations in doing so, including with respect to public health measures such as physical distancing, wearing a mask or other required PPE, and staying home if they are sick.

### Contractors

All contractors who work in our City Facilities will be subject to this Policy and will be required to comply with all applicable protocols described in this Policy.

## **Guidelines and Procedures:**

### **COVID Vaccination Requirement**

#### **Mandatory Vaccination for all Employees**

Full vaccination has shown to be effective in reducing COVID-19 virus transmission and protecting vaccinated individuals from severe consequences of COVID-19 and COVID-19 variants including the Delta and Omicron variant currently circulating in Ontario. The City mandates that all employees must be fully vaccinated by March 11, 2022 unless the employee has been granted an exemption as outlined in this policy.

As requirements and recommendations evolve, the City will allow reasonable time to obtain additional doses.

Employees whom this policy applies who are inactive, on a leave of absence, or on another form of extended leave are not required to comply with this policy so long as they remain on a leave. Those employees shall liaise with Human Resources to ensure compliance prior to a return to active duty.

Employees with questions regarding the benefits, risks and precautions for vaccines are encouraged to speak with their healthcare professional. Employees are entitled to use their sick bank paid accumulation to attend a vaccination appointment.

## **Unvaccinated Employees**

Effective January 6, 2022, employees who are not fully vaccinated shall provide signed, dated documentary proof of a negative COVID-19 rapid antigen test conducted by a pharmacist or other medical professional on their scheduled test dates each week until such time as they are fully vaccinated and provide proof of full vaccination to Human Resources. The negative COVID-19 rapid antigen test shall be administered on the employee's own time and at their own expense. Unvaccinated employees who fail to provide the required documentation of a negative COVID-19 rapid antigen test as prescribed by this policy shall not be allowed to enter the workplace until such time as the member is compliant with this requirement. Any missed time resulting from a member failing to comply with this procedure will be documented as unpaid leave.

Effective March 11, 2022, employees who remain unvaccinated and have not been approved for an accommodation shall be placed on an unpaid leave of absence for ten (10) weeks, during which time they are expected to become fully vaccinated.

Any employee who remains unvaccinated as of ten (10) weeks from their unpaid leave date may be subject to termination of their employment.

## **Policy Compliance**

In accordance with the City's Human Resources policies, collective agreements and applicable legislation, directives, and policies, any non-compliance with this mandatory COVID-19 vaccination policy will result in a meeting with the employee, including their Union representative if applicable. Non-compliance is subject to corrective action up to and including termination of employment. Examples of non-compliance include remaining unvaccinated unless an exemption has been approved, not declaring vaccine status, submitting fraudulent documentation (proof of vaccination, antigen test results, documents supporting exemption), not participating in the education program, not wearing required PPE (masks), not adhering to the testing requirements, etc.

## **Workplace Accommodation**

### **Accommodation for Employees Who Cannot Be Vaccinated**

The City is committed to a workplace free from discrimination and harassment in accordance with Ontario human rights laws. The City will accommodate employees from the strict application of this Policy who qualify based on one or more of the protected grounds of discrimination in the *Human Rights Code* up to the point of undue hardship. Employees seeking accommodation are required by law to self-identify the specific prohibited ground of discrimination they believe vaccination would infringe and also participate in the accommodation process, including, but not limited to, providing information to establish the existence of a protected grounds, related restrictions and possible methods of accommodation. To discuss possible exemptions and related accommodation under this policy, eligible Employees should complete the Workplace Accommodation Request Form (Appendix B) and contact human resources.

There is no requirement under the Human Rights Code to accommodate a personal refusal to be fully vaccinated arising from a political belief and/or principle. Political belief, strong personal opinions, such as the objection to receiving the vaccination on a principled basis, are not protected grounds under the Code.

When a request for an accommodation is received human resources shall ensure all relevant information is collected and reviewed and shall determine whether the request meets the requirements for exemption and accommodation. Human Resources will review all accommodation plans relating to the application of this policy a minimum of every six (6) months or as per the stated review date.

## **Vaccination Status Request and Privacy**

### The Purposes of the Request, Collection, Use and Disclosure of Vaccination Status Information

Vaccination status information, including vaccine type, and the date, time, and location for each vaccine dosage, will be collected, used and disclosed pursuant to the City Employee Code of Conduct Policy, the terms of this Policy, the *Municipal Freedom of Information and Protection of Privacy Act* (“**MFIPPA**”) and other applicable provincial privacy legislation, where it exists. Vaccination status information will only be collected, used and disclosed as required for the reasonable purpose of:

1. taking all reasonable precautions during the pandemic to ensure the health and safety of everyone in the workplace through appropriate health and safety planning based on vaccination status;
2. administering this policy.

The City also reserves the right to disclose limited vaccination status information, such as the fact that an employee is vaccinated and the date of vaccination, if legislated to stakeholders for the purposes of facilitating contractual obligations and verification, and will provide advanced notice to the relevant employee.

### **Employee Procedures:**

### **The Terms of the Collection, Use and Disclosure of Vaccination Status Information**

The collection, use or disclosure of this information will be based on the following terms:

1. All Employees and Volunteers are required to disclose and provide proof of their vaccination status to the City’s Human Resources Department as directed in

accordance with this Policy and will be asked to complete the COVID-19 Vaccination Verification Form - Schedule "A" and provide a copy of their certificate of vaccination so that the City can confirm their vaccination status and record essential information;

2. Employees who require a *Human Rights Code* ground exemption will complete the Workplace Accommodation Request Form - Schedule "B" and return the form to Human Resources for review. If your request is based on a disability, please ensure that you have provided Human Resources with medical documentation (A medical certificate completed by a licensed physician or nurse practitioner) identifying your restrictions/limitations. See attached form.
3. Employees who remain unvaccinated due to a substantiated and approved Human Rights Code related accommodation request in accordance with this Policy may be subject to additional health and safety measures including but not limited to the following:
  - a. Health declaration screening
  - b. Mandatory Use of PPE - mask or face coverings and any other required PPE that is instituted to mitigate transmission of COVID-19
  - c. Mandatory rapid testing, redeployment to a different location, modification of workspace including vehicles
  - d. Modified duties and customized workplace arrangements
  - e. In the event of a COVID-19 outbreak, unvaccinated and partially vaccinated workers (who have only received one dose of a two-dose COVID-19 vaccine series) are not permitted to work in the outbreak area and will be temporarily relocated and/or removed from City Facilities. If a workplace COVID-19 outbreak is declared the City will follow the directions of public health and the Ministry of Labour.
4. All unvaccinated Employees will complete a vaccination education course, with a signed declaration stating that they understand the risks of COVID-19 and the benefits of vaccination. The vaccination education course will include information on:
  - a. How the COVID-19 vaccines work;
  - b. Vaccine safety related to the development of the COVID-19 vaccines;
  - c. The benefits of vaccination against COVID-19;
  - d. Risks of not being vaccinated against COVID-19; and possible side effects of COVID-19 vaccination
5. COVID-19 Testing – Unvaccinated Employees will be subject to self administered COVID-19 rapid testing every 72 hours (2 times per week). Unvaccinated day care employees will be required to follow Ministry of Education requirements. For unvaccinated Fire Suppression employees who work in the Fire Department, testing would be done at the beginning of every 24 hour shift based on their work schedule. Unvaccinated members in all other divisions of the fire

department will follow the corporate policy as applicable to all other corporate Employees.

6. The City's Human Resources Department will keep confidential all Employees' vaccination status and underlying medical condition (if this is also disclosed), in accordance with **MFIPPA** and applicable privacy and health laws. Specifically, this information will only be shared and accessed on a need-to-know basis by human resources, solely for the purposes outlined above, or to comply with a legal order to disclose the information;
7. The information will be securely stored and maintained by Human Resources in a separate file. Employees may exercise their access and rectification rights as set out sections of the Code of Conduct related to MFIPPA and as required under applicable privacy legislation; and
8. This information will only be retained for the duration of the employment or service relationship and will be destroyed thereafter. Subject to official guidance on the outcome of the COVID-19 pandemic, it may be destroyed earlier, in which case a general notification will be communicated.

### **Obligations and Amendments**

This Policy will be administered in accordance with the City's obligations under the *Human Rights Code*, the *Occupational Health and Safety Act*, its collective agreements, and all public health regulations and guidelines.

The City reserves the right to alter and amend this Policy as needed.



## Appendix "A"

# COVID-19 IMMUNIZATION VERIFICATION FORM

Please note this information will be maintained in a separate confidential secure file from your Employee file and access will be limited only to Human Resources.

Employee Name:

Department:

### Certification of Vaccination

Please check the box below that coincides with your vaccination status.

- I am fully vaccinated. (Employees are considered "fully vaccinated" 14 days after completing the second vaccine dose of a two-dose COVID-19 vaccine (e.g. Pfizer, Moderna or AstraZeneca) and/or any required or recommended boosters. (Please attached a copy of the documentation of vaccination for your first and second dose. To obtain a copy go to <https://covid19.ontariohealth.ca/>)
- I am not yet fully vaccinated – I received my first does of COVID-19 Vaccine on \_\_\_\_\_ and my second vaccine appointment was/is scheduled on \_\_\_\_\_, or I received my final dose less than two weeks ago. (Please attached a copy of documentation of vaccination of your first dose. To obtain a copy go to <https://covid19.ontariohealth.ca/>)
- I have not been vaccinated. (If you are not vaccinated due to medical or Human Rights Code grounds, please check this box. Please complete the Workplace Request for Accommodation Form (COVID-19 Vaccination Exemption form and return it to Human Resource)
- I decline to respond.

(Employees who indicate they decline to respond on the form or refuse to complete and return the form will be assumed to not be fully vaccinated for purposes of application of preventative safety protocols up to and including PPE (masks and face coverings), maintaining physical distancing, workspace or work shift modification, rapid testing and completion of COVID-19 Vaccine Education program.)

### Acknowledgement and Attestation

I comprehend and attest that the information provided in this form and any attached documentation is accurate and true to the best of my ability

\_\_\_\_\_

\_\_\_\_\_

Employee Signature

Date

**Please submit completed forms to Human Resources through interoffice mail in a sealed enveloped marked Private and Confidential or by email [HR@stratford.ca](mailto:HR@stratford.ca).**

For HR Use Only      Date Received: \_\_\_/\_\_\_/20\_\_\_      Proof of Vaccination Received    Yes     No



## Appendix "B"

### Workplace Accommodation Employee Request Form (COVID-19 Vaccination Exemption)

**Employee Name:**

**Job Title:**

**Department:**

**Supervisor/Manager:**

It is the policy of the City to provide reasonable accommodation to employees who have a legitimate need connected to a Human Rights protected ground under the Ontario Human Rights Code.

Employees requesting accommodation are responsible for providing the City with the following:

- Providing the City with full information on their needs and the cause(s) of the needs;
- Providing proof of condition or circumstance requiring accommodation
- Cooperating with any reasonable requests for assessments (usually in relation to disability related accommodations
- Collaborating with the development of the accommodation plan; and
- Participating in any evaluation of the accommodation

If you are unsure whether your circumstances fall under the City's Workplace Accommodation for Employees, you can consult with Human Resources.

#### **Which protected ground (s) \* form the basis of this Accommodation request?**

- |                                             |                                          |
|---------------------------------------------|------------------------------------------|
| <input type="checkbox"/> race               | <input type="checkbox"/> age             |
| <input type="checkbox"/> religious beliefs  | <input type="checkbox"/> ancestry        |
| <input type="checkbox"/> colour             | <input type="checkbox"/> place of origin |
| <input type="checkbox"/> gender             | <input type="checkbox"/> marital status  |
| <input type="checkbox"/> gender identity    | <input type="checkbox"/> disability      |
| <input type="checkbox"/> gender expression  | <input type="checkbox"/> family status   |
| <input type="checkbox"/> sexual orientation | <input type="checkbox"/> ethnic origin   |

## Medical Exemption for COVID-19

\*If your request is based on a disability this section of the form must be completed by a licensed practitioner (Nurse / Nurse Practitioner, Physician / Surgeon) who has your complete health history and can easily verify your needs.

Patient Name: \_\_\_\_\_ Date of Birth \_\_\_\_\_

### VERIFICATION BY THE LICENSED PRACTITIONER:

Please indicate the medical reason(s) for which the individual named above should receive an exemption from the City of Stratford's requirement to be vaccinated.

This form is based on examination and applicable documented history at the time of the request for an exemption from the vaccination requirement, not after the fact. I certify that this assessment falls within my legislated scope of practice.

Licensing Body and Registration Number

Licensing Body and Registration Number		Full Name (please print)	
Signature		Date	
Business stamp, with address and telephone			

**Other Human Rights Code Ground Exemption request**

If your request is based on other protected grounds, please provide a contact that can verify your restrictions or limitations list them in the box below with the details of your request.

**Contact name:**

**Telephone #:**

Please confirm that you have read the following statements by checking the corresponding boxes:

I authorize the Corporation of the City of Stratford to speak to my contact about my case and to request from the contact documentation that confirms my requirement for a Human Rights Code ground exemption for the COVID-19 vaccine.

I certify that the information I have provided is accurate and complete as of the date of this submission. I understand that I may be subject to disciplinary action if any of the information I provided in support of this exemption is false or misleading.

Please explain the basis for your exemption request:

**Employee Signature:**

**Date:**

**Please submit completed forms to Human Resources through interoffice mail in a sealed envelope marked Private and Confidential or by email [HR@stratford.ca](mailto:HR@stratford.ca).**

You will be notified in writing if your exemption has been granted or denied. If the exemption is approved, it will remain in effect for the duration that indicated on this form. Individuals with an approved exemption may be required to comply with

COVID19 testing and other preventive measures as specified in the exemption approval. Such measures may be updated by later notification. Should the exemption be denied, you will be informed as to the reasons why and will have the opportunity to submit additional information.

Please note this information will be maintained in a separate confidential secure file from your employee file and access will be limited only to Human Resources.

For HR Use Only

Date Received: \_\_\_/\_\_\_/20\_\_\_