



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Ingrid Svelnis & Rick Harrison

Position: CAO & Fire Chief

Title / Subject: Township of Brock Proof of COVID-19 Vaccination Policy

Date of Report: October 25, 2021

Date of Meeting: October 25, 2021

Report No: 2021-CO-050

1.0 Issue / Origin COVID-19 Vaccination Policy

2.0 Background

Covid-19 emerged at the beginning of 2020 and since its arrival, the Township of Brock has continued to maintain their commitment to take all necessary steps to protect the health and safety of our employees and residents. The Township continues to take all necessary precautions to protect the health and safety of our workforce from the hazards of COVID-19.

The Township is establishing this Proof of COVID-19 Vaccination Policy in response to ever changing circumstances such as increased infection rates due to the Delta variant to support our on-going efforts. The vaccination policy will provide us with the opportunity to better understand the vaccination rates for our “employees” and allow us to focus on how we can maximize our efforts to keep our employees safe.

The Township is committed to continue all other health and safety precautions that have already been implemented such continued use of PPE (Personal Protective Equipment), physical distancing, frequent hand washing, hand sanitizing and our pre-screening tool.

3.0 Analysis

Under the Occupational Health and Safety Act, 1990, the Township of Brock as the employer has an obligation to take all necessary precautions to protect its employees. Public Health officials indicate that vaccination against COVID-19 is the most effective public health measure to reduce the spread of the virus.

The Proof of COVID-19 Vaccination Policy will require all Township of Brock “employees” to:

- a) Provide proof of full vaccination by November 30, 2021;
- b) Covered individuals who are unable to be vaccinated for COVID-19 for medical reasons must provide written proof (using form attached) of the medical exemption by November 30, 2021 with the requirements listed;
- c) Covered individuals who are unable to be vaccinated for COVID-19 for reasons covered under the Human Rights Code (Ontario) (the “Code”), must present and substantiate their valid legal jurisdiction (using form attached) by November 30, 2021
- d) Where an “employee” does not provide proof of first vaccination against COVID-19 nor provide written proof of a medical exemption or a reason under the Code for not being vaccinated against COVID-19 by November 30, 2021, the “employee” shall complete a COVID-19 vaccination education session;
- e) Providing proof of full vaccination against COVID-19, as per this policy, will be a condition of employment for any new hires.

The Proof of vaccination policy will be in place for an undefined period of time, as long as the impacts and risks of COVID-19 are present. The policy will be reviewed regularly and amended as required based on information and data and with advice of Public Health.

The policy will come into effect November 30, 2021. The unvaccinated employee program will come into effect January 3, 2021.

4.0 Related Policies / Procedures

Covid-19 Response Planning

5.0 Financial / Budget Assessment

The Township of Brock will cover the cost of testing for those individuals who provide the necessary documentation which substantiates they are unable to be vaccinated due to an approved medical or Ontario Human Rights exemption. Those who chose not to be

vaccinated, without the approved exemptions, will be responsible to cover the costs of testing themselves.

6.0 Climate Change Impacts

Nothing noted

7.0 Communications

Education sessions will be held with all employees as well as on-going communication opportunities as the pandemic changes.

8.0 Conclusion

The Proof of Covid-19 Vaccination Administrative Policy is the next step forward in the Townships commitment to maintain the health and safety of our employees, while reducing the spread of COVID-19 in the workplace and our community.

9.0 Recommendation

That report 2021-CO-050 be received for information.

Township of Brock Corporate Policy



Policy Name: Proof of COVID-19 Vaccination Policy

Policy Type: Administration & Personnel

Policy Number: AP23

Reference:

Date Approved:

Date Revised:

Approval By:

Point of Contact:

Policy Statement:

The Township of Brock is committed to ensuring a safe working environment for all employees and patrons at all Township owned facilities. The Township of Brock also has an obligation under Provincial legislation and the Occupational Health and Safety Act (OHSA), 1990, to take all necessary precautions to protect the health and safety of its workforce. The Township is committed to take every precaution to protect the health and safety of our workers from the hazards of COVID-19.

In addition to all other health and safety precautions, the Township of Brock has introduced and will continue to maintain and support Personal Protective Equipment (PPE), physical distancing, frequent hand washing and hand sanitizing, frequent sanitation of high touch areas in order to protect our employees.

This Administrative Policy will be in place for an undefined period of time, as long as the risks and impacts of the COVID 19 pandemic are present.

1.0 Purpose:

- 1.1** To meet the Township of Brock's obligations under provincial legislation to take all necessary and reasonable precautions to protect the health and safety of its workforce and to protect the broader communities within the Township of Brock;
- 1.2** To follow Public Health guidance and direction that vaccines provide a high level of protection against COVID-19 and related variants;

- 1.3 To ensure employees have access to information required to make informed decisions about COVID-19 vaccination;
- 1.4 To take steps to reduce the risk of COVID-19 in the workplace and provide a safe environment for employees and the public;
- 1.5 To provide direction to employees on the requirement to receive COVID-19 vaccination, provide proof of vaccination, or a bona fide exemption;
- 1.6 To outline the Township of Brock's expectations with regards to COVID-19 vaccinations.

2.0 Definitions:

Contraindications: Refers to a condition that serves as a reason not to take a certain medical treatment due to the harm that it would cause the patient.

COVID-19: A virus belonging to a large family called coronavirus which includes a virus that causes the common cold and more severe disease such as Severe Acute Respiratory Syndrome (SARs) and Middle East Respiratory Syndrome (MERS-COV). The virus that causes COVID-19 is a novel coronavirus, named SARS-CoV-2.

COVID-19 Education Program: A program approved by and/or provided by the Township and addresses the following learning components:

- (i) How COVID-19 vaccines work;
- (ii) Vaccine safety related to the development of the COVID-19 vaccines;
- (iii) Benefits of vaccination against COVID-19;
- (iv) Risks of not being vaccinated against COVID-19

Employee(s): For the purpose of this policy, this term shall be used to refer to members of Council, employees of the Municipality, including full-time, part-time, contract employees, volunteers, students and volunteer firefighters.

Fully Vaccinated: A person is considered fully vaccinated if they received the full series of a COVID-19 vaccine authorized by the Health Canada.

Partial Vaccinated: A person is considered partial vaccinated when a 2-dose vaccine series is not complete, i.e. has received only 1 dose of a 2-dose series OR if less than 14 days have elapsed since completion of the vaccine series.

PCR Test: The polymerase chain reaction (PCR) test for COVID-19 is a molecular test that analyses an upper respiratory specimen, looking for genetic material (ribonucleic acid or RNA) of SARS-CoV-2, the virus that causes COVID-19.

Proof of Vaccination: Documentation issued by the Ontario Ministry of Health, other province or territory or international equivalent indicating individual immunization status against the COVID-19 virus. In Ontario, this would be an employee's COVID-19 vaccine receipt. For people who have been vaccinated outside of Ontario, acceptable proof is based on the criteria provided by the province/state, territory and/or country in which they received their vaccine but only NACI approved vaccines will be accepted. Proof shall include name, date of birth, date of vaccination, vaccine name, lot number and name of the health care administering the vaccine.

Proof of Medical Exemption: Written proof of a medical exemption that was provided by a physician or nurse practitioner that documents the medical reason for not being vaccinated against COVID-19 and the effective time period for the medical exemption.

Rapid Antigen Test: An approved rapid test suitable for detecting the presence of viral proteins (antigens) expressed by the COVID-19 in the respiratory tract.

Unvaccinated: The employee has not received any COVID-19 vaccine approved by the World Health Organization or Health Canada or is not willing to share their COVID-19 vaccination status with the Township of Brock.

Vaccine: For the purpose of this Policy, a Vaccine is defined as a substance used to stimulate the production of antibodies and provide immunity against specific diseases. Includes all required doses for a fully defined vaccination and includes subsequent booster vaccination dose(s) as required by Public Health.

3.0 Administration:

3.1 This policy shall be implemented and administered by the Chief Administrative Officer (Director) and the Fire Chief (CEMC) of the Emergency Control Group.

4.0 Policy:

4.1 Employee(s) Responsibilities:

- (i) Disclose their vaccination status and comply with the provisions outlined in this policy;
- (ii) Submit the requested vaccination documentation in accordance with this policy;
- (iii) Continue to follow health and safety protocols to ensure personal safety and prevent the spread of COVID-19;
- (iv) Adhere to the Federal and Provincial or Health Unit legislation, directives, or mandates requiring vaccination;
- (v) If additional booster dose of the COVID-19 vaccine are required, ensure subsequent doses are also received in a timely manner.

4.2 Senior Management Responsibilities:

- (i) Provide employees with direction for access to information on COVID-19 and the associated health and safety precautions;
- (ii) Where feasible, support time from regular duties for staff to attend vaccination clinics;
- (iii) Follow and comply with any Federal or Provincial or Health Unit legislation, directives, or mandate regarding vaccination of staff;
- (iv) Continue to enforce workplace precautions that limit the spread of COVID-19 virus;
- (v) Manage staff who do not comply with the requirement of this policy, in consultation with the C.A.O.

4.3 C.A.O (Director) and Fire Chief (CEMC) Responsibilities:

- (i) Receive and protect employee's disclosure of vaccination status;
- (ii) Receive and protect employee's disclosure of exemption to be vaccinated against COVID-19;
- (iii) Assist with answering questions related to the policy including Ontario Human Rights Code exemption, medical exemptions, accommodation requests, etc.;
- (iv) Assist employees wishing to become vaccinated by supporting supervisors to provide arrangements to be vaccinated at the beginning or end of their shift or through extended breaks, as operationally feasible to attend vaccination clinics;
- (v) Develop, deliver, educate, evaluate and manage the Unvaccinated Employee program;
- (vi) Receive employee antigen tests- as per the prescribe schedule for the employee.

4.4 Procedures:

- (i) All Township employees are required to disclose their present COVID-19 vaccination status to the CAO and/or CEMC by November 30, 2021;
- (ii) Fully vaccinated employees are required to show proof of their vaccination to the CAO and/or CEMC by November 30, 2021, a copy of the vaccination receipt can be obtained by logging into Ontario's portal to download or print the receipt at <https://covid19.ontariohealth.ca/>
- (iii) Proof of vaccination shall be verified in a manner that ensures medical confidentiality is maintained;
- (iv) Documentation showing proof of vaccination will be kept by the CAO in a confidential secure file;
- (v) Partially vaccinated employees are urged to become fully vaccinated, then provide their proof of vaccination to the CAO and/or CEMC by January 3, 2022.

4.5 Employee Vaccination:

- (i) The Township is requiring that all employees, who are able, to become fully vaccinated against COVID-19 by January 3, 2022 as a measure to protect their health and the health of their co-workers and members of the public;
- (ii) Notwithstanding that an individual is fully vaccinated, they are still required to adhere to applicable testing and personal protective requirements mandated by Public Health authorities and/or the Township.

4.6 Accommodation:

- (i) Vaccination requirements are subject to bona fide medical and human rights exceptions. Unique medical exemptions will be reviewed on a case-by-case basis and are subject to the Township accommodation process;
- (ii) The Township will comply with all human rights obligations and accommodate employees who are legally entitled to accommodation;
- (iii) Request for medical accommodation shall be made by providing the CAO with a COVID-19 Vaccine Exemption Form for Staff. This form is to be completed by a Physician or Nurse Practitioner. The Township, at its sole discretion, may refer medical accommodation requests to a third-party disability adjudicator;
- (iv) Senior Management, in consultation with the CAO, will work with staff who receive an approved exemption to develop an appropriate accommodation plan with alternative health and safety measures.

4.7 Unvaccinated Employees

- (i) Employees choosing not to become vaccinated by January 3, 2022 will be deemed an Unvaccinated Employee and shall be required to participate in the Unvaccinated Employee Program;
- (ii) Employees who are not able to get Fully Vaccinated as a result of a medical contraindication or other Code-protected reason must provide Proof of Medical Exemption or discuss the reason, with the CAO, as it related to the Human Rights Code if not for medical reasons;
- (iii) The OHRC (Ontario Human Rights Commission) and relevant human rights laws recognize the importance of balancing people's right to non-discrimination and civil liberties with public health and safety, including the need to address evidence-based risks associated with COVID-19;
- (iv) Receiving COVID-19 vaccine is voluntary, but at the same time, the OHRC's position is that a person who chooses not to be vaccinated based on personal preference does not have the right to accommodation under the Code.

4.8 Unvaccinated Employee Program

- (i) The CAO and/or CEMC shall be responsible to routinely evaluate the Unvaccinated Employee Program;
- (ii) Any changes to Unvaccinated Employee Program shall be the sole discretion of the CAO and/or CEMC;
- (iii) Any changes to the Unvaccinated Employee Program shall be based on the adherence to this policy as it relates to individual employees;

Employees required to participate in the Unvaccinated Employee Program will:

- (i) Participate in the COVID-19 Education Program;
- (ii) The employee shall wear the appropriate personal protective equipment (PPE) in accordance with the Township policy and do so even after such precautions are no longer required by applicable Public Health authorities contingent on Township policy;
- (iii) The employee may be subject to regular rapid antigen screening tests or equivalent as determined by the CAO and/or CEMC;
- (iv) Provide all rapid antigen screening test results to the CAO and/or CEMC if testing is required;
- (v) Employees who screen positive on a rapid antigen test shall not be allowed to work and will be required to take a PCR test and follow the direction of the Public Health Unit;
- (vi) Public Health isolation requirements resulting from choosing to remain unvaccinated will be unpaid by the Township, with exception of any provincial legislation. Staff who are eligible may use their sick time and if unavailable vacation or banked time.

5.0 COVID-19 Education Program

- (i) Employees who do not intend to be Fully Vaccinated must complete a mandatory Education Program approved by the CAO and/or CEMC by the date assigned;
- (ii) This will ensure they are adequately informed about the COVID-19 vaccines and the risks associated with not being immunized.

6.0 Non-Compliance

- (i) Employees who do not comply with this policy shall be subject to a discipline hearing with the CAO;
- (ii) Employees who do not comply with this policy may be subject to discipline measures;
- (iii) Discipline measures shall be at the sole discretion of the CAO.

7.0 Inactive employees who are currently on an approved leave of absence (as of the issuance of this policy) are not required to comply while they remain on a leave of absence.

8.0 Inactive employees who are currently on an approved leave of absence must comply with this policy when returning from leave.

9.0 All future employees of the Township of Brock shall be required to be fully vaccinated prior to their start of employment.

10.0 Retention and Disclosure of Information

- (i) The Township will maintain all information obtained in accordance with this policy in accordance with privacy legislation;
- (ii) This information will only be used to the extent necessary for implementation of this policy, for administering health and safety protocols, and infection and prevention control measures in the workplace.

11.0 Collection of Information and Privacy Considerations

- (i) Documentation which provides proof of first and full vaccinations against COVID-19 as required under this policy will be kept in a confidential secure file in the office of the CAO;
- (ii) Documentation showing results of required rapid antigen and/or PCR test, as required under this policy will be kept in a confidential secure file in the office of the CAO;
- (iii) The Township will use this information to restrict access to Township facilities, as necessary, and ensure compliance with any applicable legislation, regulations and guidelines by the Federal, Provincial and Municipal Governments and Public Health;
- (iv) The Township will also use this information for the purpose of ensuring compliance with the policy, protecting health and safety of individuals and making operational decisions;
- (v) Proof of vaccination and rapid antigen testing records shall not be disclosed to any third party without the consent of the individual who the records pertain to or only as required by law;
- (vi) The only individuals who require access to these records for the implementation of this policy shall have access;
- (vii) The records will be destroyed after two years, or such longer period required or recommended by Public Health or as deemed necessary to respond to COVID-19 pandemic and in accordance with the record retention by-law;
- (viii) Any covered individuals who are found to have submitted fraudulent proof of full vaccination against COVID-19 or fraudulent negative test results to avoid workplace safety measures will be held accountable and subject to disciplinary action up to and including termination with cause.

12.0 The Township will continue to actively monitor all COVID-19 workplace safety measures in place, including this policy. In consideration of the evolving public health and legislative context and advice from Public Health experts; and make any amendments necessary, which may include additional or alternate precautions to protect the health and safety of all workers and maintain healthy and safe workplaces.

13.0 Legislative and other authorities

- [Section 25\(2\)\(h\) of the Occupational Health and Safety Act](#)
- [Ontario Human Rights Code](#)

14.0 Appendices

- Covid-19 Vaccine Exemption Form for Staff – Medical Exemption
- Covid-19 Vaccine Exemption Form for Staff – Statement of Creed/Religious Belief

15.0 APPROVED BY THE C.A.O.& C.E.M.C

APPROVED BY COUNCIL:



COVID-19 Vaccine Exemption Form for Staff

**The medical exemptions outlined below are derived from National Advisory Committee on Immunization (NACI), the Resource Guide from the Chief Medical Officer of Health's Directive #6 and the guidance documents from the Ministry on Vaccine Information and Special Populations.*

SECTION 1: To be completed by the **staff employed directly by the Township of Brock** (employee)

Name

Employee ID#

SECTION 2: To be completed by a Physician or Nurse Practitioner:

The above staff member of the Township of Brock requires a medical exemption to the COVID-19 vaccine for the following reason(s):

☐ Severe allergic reactions or anaphylaxis to a previous dose of a COVID-19 vaccine or to any of its components.

i. Has your patient been assessed by an allergist/ immunologist to review methods for possible (re)administration of a COVID-19 vaccine? Yes ☐ No ☐

ii. If not assessed by an allergist/ immunologist, has the referral been initiated?
Yes ☐ No ☐, if not please explain why?

☐ Delaying second dose because of a diagnosed episode of myocarditis/pericarditis after receipt of an initial dose of an mRNA vaccine.

☐ For time-limited reasons (e.g., timing around a procedure or other medical treatment).

i. If time-limited, please indicate how long it is expected to last: _____

☐ Thrombosis and thrombocytopenia following vaccination: Patients who have experienced venous or arterial thrombosis with thrombocytopenia following vaccination with a viral vector COVID-19 vaccine should not receive a second dose of a viral vector COVID-19 vaccine.

i. To be re-evaluated on: _____ (dd/mm/yyyy)

☐ Other: Based on new and emerging information on medical contraindications of receiving the COVID-19 vaccine (please provide details): _____

Office Stamp:

Health Care Provider Name: _____

Signature of Health Care Provider: _____

Date of Assessment (dd/mm/yyyy): _____



STAFF CONSENT

By signing this form, I understand the Health Practitioner's assessment and strategies.

I consent to releasing the information outlined below to my employer, in accordance with provisions of provincial legislation/statutes and the Township of Brock's Policies and Procedures. By signing below, I am authorizing any health professional who treats me to provide me and my employer with information about my medical accommodation requirement.

Employee Signature

Date (dd/mm/yyyy)

The COVID-19 Vaccine Exemption Form shall be presented to the CAO upon completion.



Request for COVID-19 Vaccine Exemption Form for Staff Statement of Creed/Religious Belief

SECTION 1: To be completed by the **staff employed directly by the Township of Brock** (employee)

Name

Employee ID#

SECTION 2: Important Information – Please read

The Township of Brock requires that all employees who work at the Township of Brock be vaccinated against COVID-19 unless they have a valid exemption. In order to receive a valid exemption for non-medical reasons, an individual must complete this Statement of Creed/Religious Belief form and have it sworn or affirmed before a Commissioner of Oaths. The employee must submit the properly completed form to the Human Resources department

SECTION 3: Declaration of Requester

Please explain within the text box below or by way of an attached letter why you are unable to be vaccinated due to your religion/creed. Please ensure you provide background on your religious belief/creed and connect the religious belief/creed to the reason you are requesting an exemption. If possible, please provide supporting documentation published by religious leaders or others practicing your religion/creed.



SECTION 4: Declaration of Religious Leader

I, _____ (Name of religious leader) certify that, due to a religious belief and/or creed, the named person should be exempted from the requirements of the Township of Brock's employees to be vaccinated against COVID-19 with a Health Canada-approved vaccine.

Please state the reason(s) for the accommodation request here. Please describe the religious belief(s) and/or creed(s) that preclude the person from being vaccinated.

SECTION 5: Signature of Religious Leader

Name of Religious Leader:

Business Address:

Unit Number:

Street Number:

P.O Box:

City/Town:

Province/State/Country:

Postal Code:

Signature of Religious Leader: _____

Date: _____

(dd/mm/yyyy)

SECTION 6: Important Information – Please read

I, _____ am an employee of the Township of Brock and make oath or solemnly affirm and say as follows:

1. The requirements of the Township of Brock's mandatory vaccination policy for persons working at the Township of Brock conflict with my sincerely held convictions based on my creed/religion.

2. I understand that should an outbreak occur, Durham Region Public Health or the Township of Brock may impose additional restrictions or requirements on me for health and safety reasons which may not apply to others at the



Township of Brock who have been fully vaccinated.

3. I understand that the Township of Brock may require me to follow additional health and safety protocols, including, but not limited to:

- a. Mandatory COVID testing and disclosure of test results
- b. Masking and/or physical distancing; and/or
- c. Remote working
- d. Education Sessions

4. I understand that I may choose to be vaccinated at a later date.

5. I request that I be exempted from the vaccination requirements of the Township of Brock.

SECTION 7 – SIGNATURE OF COMMISSIONER OF OATHS

SWORN OR SOLEMNLY AFFIRMED before me	
at _____ (Municipality) _____ (Province/State) _____ (Country) On _____ (dd/mm/yyyy) _____ Signature of Commissioner of Oaths _____ Type or print name if signature is illegible	_____ Signature of Requester
As per section 366 of the Criminal Code, it is an offence to make a false document, knowing it to be false, with intent that a person should be induced, by the belief that it is genuine, to do or to refrain from doing anything	

Your information on this form is collected, used, and disclosed under the authority of the Occupational Health and Safety Act and in accordance with Municipal Freedom of Information and Protection of Privacy Act. Questions regarding the collection, use, and disclosure of your information may be directed to Chief Administrative Officer.

The COVID-19 Vaccine Exemption Form shall be presented to the CAO upon completion.



STAFF ACKNOWLEDGEMENT

By signing this form, I understand that information confirming my exemption (if one is required) will be collected by the Chief Administrative Officer who will confirm my exemption status, as necessary for health and safety purposes, and with my manager.

Employee Signature

Date (dd/mm/yyyy)