

## THE CORPORATION OF THE CITY OF WINDSOR POLICY

Service Area:	<b>Office of Corporate Services</b>	Policy No.:	<b>HRHAS – POL – 0002</b>
Department:	<b>Human Resources</b>	Approval Date:	
Division:	Occupational Health, Safety & Wellness	Approved By:	
		Effective Date:	
Subject:	<b>COVID-19 Vaccination</b>	Procedure Ref.:	
<b>Review Date:</b>	Sep 2022 or earlier as warranted	<i>Pages:</i>	Replaces: N/A
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### 1. Policy

**1.1.** The Windsor-Essex County Health Unit (WECHU) has encouraged all employers to implement a vaccination policy to improve the protection of our community and continue to curb the spread of COVID-19<sup>1</sup>.

**1.2.** The Corporation of the City of Windsor (the City) requires all staff to be fully vaccinated against COVID-19, as outlined in this policy.

**1.3.** The COVID-19 pandemic has caused significant morbidity and mortality and has created a public health crisis<sup>2, 3, 4</sup>. The City remains committed to providing a safe workplace for all employees and will take all reasonable precautions to protect employees from illness and injury, including COVID-19.

**1.4.** Vaccines are safe, effective, and the best way to protect individuals and those around them from serious illnesses. Individuals cannot get COVID-19 from the vaccine<sup>5</sup>.

**1.5.** Recent reports in Canada<sup>6</sup> indicate that less than 1% of those who were fully vaccinated have become sick with COVID-19. While they are not 100% effective, vaccines can reduce your risk of developing COVID-19 and make your symptoms milder if you do get the virus. COVID-19 vaccines are not live vaccines, cannot cause infection in a person, and cannot alter a person's DNA<sup>7</sup>.

**1.6.** COVID-19 vaccines are an important tool to help stop the spread of the virus and allow individuals, families, and workers to safely resume normal life. A growing body

<sup>1</sup> Windsor-Essex County Health Unit, "News Release: Health Unit Institutes Employee Vaccination Policy".

<sup>2</sup> Statistics Canada, "Excess Mortality In Canada During The COVID-19 Pandemic".

<sup>3</sup> Public Health Agency of Canada, "Coronavirus (COVID-19) | IPAC Canada"

<sup>4</sup> Canadian Public Health Association, "Review Of Canada's Initial Response To The COVID-19 Pandemic".

<sup>5</sup> Public Health Agency of Canada, "COVID-19: Vaccine Safety And Side Effects".

<sup>6</sup> Public Health Agency of Canada, "COVID-19: Effectiveness And Benefits Of Vaccination".

<sup>7</sup> Windsor-Essex County Health Unit, "COVID-19 Vaccine Myths, Facts, And Faqs".

of evidence indicates that people who are fully vaccinated are less likely than unvaccinated persons to transmit COVID-19 to others<sup>8</sup>.

**1.7.** The City is committed to human rights accommodations where a person is unable to vaccinate for reasons protected by the Ontario *Human Rights Code*. Such situations will be assessed on a case-by-case basis. The City reserves the right to ask for information to substantiate the grounds, further to our normal workplace accommodation process.

## **2. Purpose**

**2.1.** As an employer, the City has the primary responsibility for ensuring that safe conditions prevail within the workplace and to take appropriate and effective measures to protect the health and safety of employees.

**2.2.** To assist the City in providing a safe work environment and appropriately collecting, using, and safeguarding vaccination status information.

## **3. Scope**

**3.1.** This policy applies to all employees of the Corporation of the City of Windsor. Some departments (such as Huron Lodge, Windsor Fire and Rescue Services, and Transit Windsor) may be subject to different requirements imposed by governmental or public health authorities in which case the more stringent protocol applies. Transit Windsor will be subject to this policy and will follow federal regulations where they exist.

**3.2.** This policy applies to the Mayor and all members of City Council as defined by the *Municipal Act*.

**3.3.** This policy also applies to all City Council Advisory Committee members, City contractors and City volunteers who attend City facilities.

**3.4.** This policy will be in place for one year after implementation unless it is reviewed and extended by City Council, based on the recommendations of Health Canada, the Ontario Ministry of Health, and the WECHU.

## **4. Definitions**

**City Facility:** Any building (i.e. indoor space) operated in whole or in part by the Corporation of the City of Windsor.

**Contractor:** A person, corporation, or other entity that performs work on behalf of or under the direction of the Corporation of the City of Windsor.

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<sup>8</sup> Public Health Agency of Canada, "COVID-19: Effectiveness And Benefits Of Vaccination"

**COVID-19:** A virus belonging to a large family called coronavirus which includes the virus that causes the common cold and more severe diseases such as Severe Acute Respiratory Syndrome. The virus that causes COVID-19 is a novel coronavirus, named SARS-CoV-2.

**Fully vaccinated:** Have received the full series of an accepted COVID-19 vaccine or a combination of accepted vaccines approved by Health Canada and received the last dose more than 14 days ago. This includes any additional booster shots mandated by Health Canada, the Ontario Ministry of Health, or the WECHU.

## **5. Responsibility**

### **5.1. Mayor and City Council**

**5.1.1.** The Mayor and City Council are responsible to support the health and wellness of City employees and residents through the approval of budget dollars allocated to this policy and for compliance under the Occupational Health and Safety Act (the OHSa) and the Canada Labour Code (the CLC) as may be amended from time to time.

**5.1.2.** Actively promote and support this policy including modelling compliance.

### **5.2. The Chief Administrative Officer (the CAO)**

**5.2.1.** Provide sufficient human and financial resources to support this policy as may be identified by legislation or Human Resources.

**5.2.2.** Actively promote and support this policy through direct communication, educational support, reinforcement, and modelling compliance.

**5.2.3.** Provide guidance, direction, and final authority when issues arise and the Corporate Leadership Team and the Executive Director of Human Resources are unable to come to a resolution.

### **5.3. Commissioners**

**5.3.1.** Provide sufficient human and financial resources to support this policy as may be identified by legislation or Human Resources.

**5.3.2.** Actively promote and support this policy through direct communication, educational support, reinforcement, and modelling compliance.

### **5.4. Executive Directors**

**5.4.1.** Make all reasonable efforts to promote employee awareness of this policy and other corporate vaccine communication efforts and training opportunities.

**5.4.2.** Endeavour to ensure that employees in their areas of responsibility comply with the requirements of this policy.

**5.4.3.** If they have volunteers working in their area who physically access City facilities, ensure those volunteers are fully vaccinated.

## **5.5. Executive Director of Human Resources**

**5.5.1.** Review and update this policy as warranted, including to reflect the latest scientific research, guidance, and legislation from the federal government, the provincial government, Health Canada, the Ontario Ministry of Health, the Public Health Agency of Canada, Public Health Ontario, the WECHU, and any other relevant health bodies.

**5.5.2.** Support the ongoing development of activities and training related to vaccine promotion and education.

## **5.6. Deputy City Solicitor, Provincial Offences, Purchasing & Risk Management**

**5.6.1.** Communicate with City contractors who physically access City facilities to inform them of the vaccination expectations outlined in this policy.

## **5.7. Managers and Supervisors**

**5.7.1.** Schedule employees to attend and/or participate in all required vaccine training and education programs, confirming their attendance, successful completion, and demonstration of training content.

**5.7.2.** Support the activities and events facilitated by the City regarding vaccines through active participation and promotion.

**5.7.3.** Allow employees under their direction to obtain a COVID-19 vaccination during work hours if at all possible.

**5.7.4.** Encourage employees under their direction who express vaccine hesitancy to seek out further information from official sources such as the WECHU or Health Canada.

## **5.8. Manager of Health, Safety and Wellness**

**5.8.1.** Oversee the collection and retention of and restrict access to confidential vaccine-related information.

**5.8.2.** Facilitate the scheduling and delivery and/or provision of vaccine-related training and educational programs.

## **5.9. Disability Management Specialists (DMS)**

**5.9.1.** Monitor employees within their respective areas of responsibility for compliance to this policy.

**5.9.2.** Develop individual accommodations for employees in their area who require an accommodation based on protected grounds under the Ontario *Human Rights Code* up to the point of undue hardship.

**5.9.3.** Develop individual plans for employees in their area who are partially vaccinated and in the process of becoming fully vaccinated.

**5.9.4.** Collect and store all documentation concerning employee accommodation needs as per the usual workplace accommodation process.

## **5.10. Employees**

**5.10.1.** Comply with all requirements of this policy.

**5.10.2.** Attend and/or participate in all required vaccine training and educational programs.

**5.10.3.** Be forthcoming when disclosing their vaccination status or accommodation needs.

**5.10.4.** Provide Human Resources with documentation issued by the Ministry of Health, Health Canada, the Windsor-Essex-County Health Unit, the Government of Canada, or the Government of Ontario proving that they are fully vaccinated (this may include vaccination receipts or an enhanced digital vaccine receipt).

**5.10.5.** If an accommodation is required based on reasons protected by the Ontario *Human Rights Code*, contact a Disability Management Specialist in Human Resources and provide documentation on the reason for the accommodation need. Employees should do this as soon as possible so that the accommodation plan will be in place before November 15<sup>th</sup>, 2021.

**5.10.6.** Continue to follow public health measures and mandated policies and requirements to reduce the spread of COVID-19 regardless of vaccination status.

## **6. Governing Rules and Regulations**

**6.1.** The City **strongly** recommends that all employees become vaccinated against COVID-19, if they can, as a measure to protect their health and the health of the community.

**6.1.1.** The City encourages employees to identify opportunities to obtain a COVID-19 vaccination through community clinics, pharmacies, or health care professionals

and ensure they receive both doses of the vaccine and any mandated booster shots.

**6.1.2.** Employees should visit WEVax.ca for the latest information on vaccine availability, how to register for vaccines, vaccination procedures, find answers to some commonly asked questions, or book an appointment.

**6.1.3.** In addition to WEVax.ca, employees can visit WECHU.org for the latest public health advice and local COVID-19 data or call 211 for general information on government, health, and community programs.

**6.2.** Understanding how vaccines are approved, how they work, and possible side effects is important. Employees who may be experiencing vaccine hesitancy are encouraged to review some of the information provided by the WECHU available at [WECHU.org](https://www.wechu.org).

**6.3.** In order to limit the impact of the COVID-19 virus on our co-workers, contractors, visitors, volunteers, customers, and on our operations generally, the City will require that all employees, onsite volunteers, the Mayor, and City Council members are fully vaccinated by **November 15<sup>th</sup>, 2021**.

**6.4.** Beginning immediately, all newly hired employees and onsite volunteers need to provide proof from the Ministry of Health, Health Canada, the Windsor-Essex-County Health Unit, the Government of Canada, or the Government of Ontario to the Human Resources Business Partner that they are fully vaccinated before they may start work.

**6.5.** Starting November 15<sup>th</sup>, 2021, City contractors onsite will be required to be fully vaccinated to enter City facilities.

**6.6.** Employees who are unable to be vaccinated for medical reasons or other grounds protected by the Ontario *Human Rights Code* can request an accommodation (Note: documentation will be required by HR). Please contact your Disability Management Specialist (DMS) in Human Resources for more information.

**6.7.** It is expected that all employees will be truthful regarding their vaccination status or accommodation need. If the City becomes aware that an employee has not been truthful, this will result in disciplinary consequences up to and including termination of employment.

## **6.8. Employees who are fully vaccinated**

**6.8.1.** Proof of vaccination status from the Ministry of Health, Health Canada, the Windsor-Essex County Health Unit, the Government of Canada, or the Government of Ontario must be uploaded to MyInfo on Dashboard no later than **November 15<sup>th</sup>, 2021**.

**6.8.2.** Employees will need to submit proof that they have received the second dose in the full series of an accepted COVID-19 vaccine or a combination of accepted vaccines **and** received the last dose more than 14 days before the deadline.

**6.8.3.** Acceptable proof includes any of the following options:

- If you were emailed a vaccine receipt after you received your vaccine:
  - ✓ Download that receipt and upload it to MyInfo on Dashboard.
- If you were given a vaccine receipt in person after receiving your vaccine:
  - ✓ Scan this receipt upload it to MyInfo on Dashboard.
  - ✓ Take a picture of the receipt and upload it to MyInfo on Dashboard.
- If you do not have a vaccine receipt, you can log in to the provincial portal at [covid19.ontariohealth.ca](https://covid19.ontariohealth.ca) to download your COVID-19 vaccine receipt. To log in and get your receipt, you will need your green photo health card (expired cards will be accepted). If you have a red and white health card or would prefer using the phone, call the provincial vaccine booking line at 1-833-943-3900 and the call centre agent can email you a copy of your receipt. Receipts are available for vaccines received in Ontario regardless of where you were vaccinated (mass immunization clinic, hospital, pharmacy, primary care setting, etc).
  - ✓ Download the receipt and upload it to MyInfo on Dashboard.
- If you are unable to upload your vaccine receipt to MyInfo on Dashboard, you can print, photocopy, or take a picture of your receipt and:
  - ✓ Submit it through interoffice mail to your Disability Management Specialist in Human Resources; or
  - ✓ Submit it to your Disability Management Specialist in person.
- If you received one or both vaccinations outside of Ontario, you can register your information through the [WECHU](#) online registration form.
  - Contact your Disability Management Specialist in Human Resources for details on what documentation to submit.

## **6.9. Employees who require an accommodation**

**6.9.1.** Employees who are unable to be vaccinated for medical reasons or other grounds protected by the Ontario *Human Rights Code* can request an accommodation.

**6.9.2.** If an employee provides documentation confirming that they are unable to be vaccinated, individual accommodation options will be assessed.

**6.9.3.** For the health and safety of all those who attend City facilities, employees who are unable to be vaccinated will not be able to attend City facilities without providing a negative COVID-19 test result in accordance with this policy. Testing

requirements may be included as part of the employee's workplace accommodation and will be reviewed on a case.

**6.9.4.** Employees must submit proof of their accommodation need to the Disability Management Specialist in Human Resources and have an approved accommodation plan in place no later than **November 15<sup>th</sup>, 2021** or they will be considered unvaccinated and placed on an unpaid leave. To avoid being placed on an unpaid leave, employees who require an accommodation should get in touch with their DMS as soon as possible.

**6.9.5.** Written proof of the medical reason for accommodation will need to be provided from a physician and include the following:

- The reason that the employee cannot be vaccinated against COVID-19; and
- The effective time period for the medical reason and the expiry date (i.e. permanent or time-limited).
- The Corporation reserves the right to ask for more specific documentation from the physician.

**6.9.6.** If the medical reason is time-limited, within 30 days of expiring, proof of vaccination must be provided. If not received, the employee will be considered unvaccinated.

**6.9.7.** Accommodations based on creed will need to be reviewed, validated, and approved.

**6.9.8.** The Corporation reserves the right to ask for additional and substantial information on the reasons for the accommodation needs.

## **6.10. Employees who are partially vaccinated**

**6.10.1.** Employees who are not fully vaccinated on November 15<sup>th</sup>, 2021, but are in the process of becoming fully vaccinated should contact their Disability Management Specialist in Human Resources to establish a personalized plan for the period from November 15<sup>th</sup>, 2021, until they are fully vaccinated.

**6.10.2.** This includes employees who:

- have received one dose of the vaccine and are getting their second dose as soon as possible; or
- received their second dose less than 14 days ago.

**6.10.3.** Employees who have only received one dose may need to submit proof that they have scheduled an appointment for their second dose as soon as they are eligible as per the Windsor-Essex County Health Unit guidelines.



## **6.11. Employees who are not fully vaccinated**

**6.11.1.** Employees who elect not to submit documentation showing they are fully vaccinated or are in the process of becoming fully vaccinated, and are without a documented medical or human rights accommodation plan in place will be placed on an unpaid leave of absence starting **November 15<sup>th</sup>, 2021**.

**6.11.2.** This includes employees who:

- Have chosen not to be vaccinated at this time;
- Are partially vaccinated and have not provided documentation to Human Resources as outlined above in 6.10.; or
- Choose not to disclose their vaccination status.

**6.11.3.** These employees **will be placed on an unpaid leave on absence** and will not be permitted to use sick time, vacation days, floating holidays, banked overtime, management overtime, or any other pay or time off options instead.

**6.11.4.** Employees will not be permitted to alter their schedule to work from home full-time because they choose not to become fully vaccinated or choose not to declare their vaccination status.

**6.11.5.** Human Resources will review the status of employees on leave every 13 weeks (or more often if necessary) to assess the continued need for leave. This review will include any changes regarding the pandemic, medical advice, legislation, and the employee's vaccination status.

**6.11.6.** Employees who become fully vaccinated at some point after November 15<sup>th</sup>, 2021, must upload their documentation to MyInfo on Dashboard before they can return to work (as outlined above in section 6.8.3). Please note that falsifying information will lead to discipline up to and including termination.

## **6.12. Employees who are not currently attending City facilities**

**6.12.1.** Employees who are currently off work on Long-term Disability or WSIB will **not** be required to prove documentation regarding their vaccination status until they return to work.

**6.12.2.** Human Resources will obtain their vaccination documentation as part of the return to work process.

## **6.13. Volunteers**

**6.13.1.** Volunteers who choose not to be fully vaccinated will not be allowed to physically access City facilities as of November 15<sup>th</sup>, 2021.

**6.13.2.** Any department that has volunteers in their area working in City facilities will be required to ensure those volunteers provide proof that they are fully vaccinated no later than November 15<sup>th</sup>, 2021.

**6.13.3.** Any onsite volunteer who does not provide documentation issued by the Ministry of Health, Health Canada, the Windsor-Essex-County Health Unit, the Government of Canada, or the Government of Ontario proving that they are fully vaccinated will not be eligible to continue volunteering at City facilities as of November 15<sup>th</sup>, 2021.

#### **6.14. Contractors**

**6.14.1.** City contractors who are not fully vaccinated will not be allowed to physically access City, facilities as of November 15<sup>th</sup>, 2021.

**6.14.2.** Contractors must ensure that all of their employees accessing City facilities are fully vaccinated. Every contractor will need to provide the City with written assurance that they have verified that all of their employees who will be accessing City facilities are fully vaccinated.

**6.14.3.** Contractors who fail to follow this policy or falsify information may be subject to void contracts and denial of access to City facilities.

#### **6.15. Collection and Use of Information Relating to Vaccination Status**

**6.15.1.** Employee vaccination status responses will be treated with the utmost confidentiality and will be kept in a secure and confidential location in the MyInfo section of Dashboard. Access will be restricted to a small number of employees in Human Resources. Employee's managers and supervisors **will not** have access to this information.

**6.15.2.** Information regarding employees' vaccination status will only be used to apply this policy. Vaccination status information will not be used for other employment purposes such as promotions or work assignments.

**6.15.3.** Information will be stored in accordance with applicable privacy legislation and will only be kept for as long as required to fulfil the identified purpose. The information will be destroyed when no longer required.

#### **6.16. Time Off for Vaccinations**

**6.16.1.** If an employee requires time off to obtain a COVID-19 vaccine, they should request authorization from their supervisor in advance.

**6.16.2.** Supervisors will make all reasonable efforts to allow employees to obtain their COVID-19 vaccination during work time. Employees will be paid for this time.

**6.16.3.** If an employee experiences symptoms following their vaccination and are unable to work or are not cleared by the DMS to attend work, they may use a bank (sick/vacation/MOT/BOT), paid/unpaid infectious disease emergency leave (if eligible), or take an unpaid leave of absence.

**6.16.4.** If a Collective Agreement includes restrictions for overtime eligibility if an employee is off sick, this article may be waived if an employee is experiencing symptoms after receiving a COVID-19 vaccine or if they are sent home by a DMS for precautionary purposes and use sick time. Please contact Employee Relations for more information (519-255-6515 or [NWolf@citywindsor.ca](mailto:NWolf@citywindsor.ca)).

## **6.17. Other COVID-19 Protective Measures**

**6.17.1.** Other businesses and partners (e.g. agencies, community partners, service providers, etc.) that employees work with may have different standards and COVID-19 safety measures in place. Employees are expected to comply with those standards and safety measures.

**6.17.2.** In addition to all other existing health and hygiene practices and policies, the City requires that all employees do the following for the protection of our customers and residents:

- Adhere to any applicable federal or provincial mandate, directive, or legislation requiring vaccination and to the requirements outlined within the applicable mandate, directive, or legislation.
- Remain informed about COVID-19 and COVID-19 immunization as it relates to their role and/or professional requirements.
- Continue to follow health and safety protocols to ensure your safety and prevent the spread of COVID-19 before and after vaccination. This includes handwashing, physical distancing, wearing masks, the use of Personal Protective Equipment (PPE) as required by their position, etc.

## **6.18. Available Resources**

- WECHU: [COVID-19 Vaccine Information Sheet](#)
- WECHU: [COVID-19 Vaccine Approval Process and Safety](#)
- WECHU: [COVID-19 Vaccine Myths, Facts, and FAQs](#)
- Government of Canada: [The facts about COVID-19 vaccines](#)
- Government of Ontario: [COVID-19 communication resources](#)
- Ministry of Health: [COVID-19 Vaccine Information Sheet](#)

## **6.19. Governing Legislation**

- Accessibility for Ontarians with Disabilities Act, 2005
- Canada Labour Code
- Canadian Human Rights Act
- Constitution Acts, 1867 to 1982
- COVID-19 Emergency Response Act

- Emergencies Act
- Emergency Management and Civil Protection Act
- Employment Standards Act, 2000
- Human Rights Code
- Municipal Act, 2001
- Municipal Emergency Act, 2020
- Occupational Health and Safety Act
- Quarantine Act
- Reopening Ontario (A Flexible Response to COVID-19) Act, 2020
- Workplace Safety and Insurance Act, 1997

## **7. Records, Forms and Attachments**

**7.1.** Records will be retained in accordance with the record retention requirements of the Municipal Freedom of Information and Protection of Privacy Act and the City of Windsor's Records Retention Disposal By-Law 12599, as amended from time to time.

**7.2.** Appendix A: HR Information Sheet: Vaccination Policy

**7.3.** Appendix B: Public Health Ontario Evidence Brief: Risk of COVID-19 Transmission from Vaccinated Cases.

### **7.4. References**

"Coronavirus (COVID-19) | IPAC Canada". *Public Health Agency of Canada*, 2021, <https://ipac-canada.org/coronavirus-resources.php>.

"COVID-19 Vaccine Myths, Facts, And Faqs". *Windsor-Essex County Health Unit*, 2021, [www.WECHU.org/cv/covid-19-vaccine-myths-facts-and-faqs](http://www.WECHU.org/cv/covid-19-vaccine-myths-facts-and-faqs).

"COVID-19: Effectiveness And Benefits Of Vaccination". *Public Health Canada*, 20 Aug 2021, [www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19/vaccines/effectiveness-benefits-vaccination.html](http://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19/vaccines/effectiveness-benefits-vaccination.html).

"COVID-19: Vaccine Safety And Side Effects". *Public Health Canada*, 13 Aug 2021, [www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19/vaccines/safety-side-effects.html](http://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19/vaccines/safety-side-effects.html).

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"News Release: Health Unit Institutes Employee Vaccination Policy". *Windsor-Essex County Health Unit*, 27 Aug 2021, [www.wechu.org/newsroom/news-release-health-unit-institutes-employee-vaccination-policy](http://www.wechu.org/newsroom/news-release-health-unit-institutes-employee-vaccination-policy).

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