



City of Hamilton

SPECIAL CITY COUNCIL AGENDA

21-015

Thursday, August 26, 2021, 9:30 A.M.

Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel: <https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Call to Order

1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

2. DECLARATIONS OF INTEREST

3. COMMUNICATIONS

4. STAFF REPORTS

4.1. Mandatory COVID-19 Vaccination Verification Policy (HUR21008) (City Wide)

Discussion of Confidential Appendix "B" to Report HUR21008 (Item 5.1) will be in Closed Session.

5. PRIVATE AND CONFIDENTIAL

5.1. Appendix "B" to Report HUR21008 - Legal Opinion - Mandatory COVID-19 Vaccination Verification Policy

Pursuant to Section 9.1, Sub-sections (d), (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and Section 239(2), Sub-Sections (d), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Please refer to Item 4.1, for the public report.

6. BY-LAWS AND CONFIRMING BY-LAW

6.1. 150

To Confirm Proceedings of Council

7. ADJOURNMENT



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Human Resources Division

TO:	Mayor and Members City Council
COMMITTEE DATE:	August 26, 2021
SUBJECT/REPORT NO:	Mandatory COVID-19 Vaccination Verification Policy (HUR21008) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lora Fontana (905) 546-2424 Ext. 4091 Leanne Fioravanti (905) 546-2424 Ext. 4223 Michael Kyne (905) 546-2424 Ext. 4617
SUBMITTED BY:	Lora Fontana Executive Director, Human Resources
SIGNATURE:	
SUBMITTED BY:	Stephen Spracklin, City Solicitor
SIGNATURE:	

Discussion of Confidential Appendix “B” to Report HUR21008 in Closed Session is subject to the following requirement(s) of the City of Hamilton’s Procedural By-law and the *Ontario Municipal Act, 2001*:

- Labour relations or employee negotiations;
- Litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

RATIONALE FOR CONFIDENTIALITY

Appendix “B” to Report HUR21008 is being considered in Closed Session as it provides legal advice pertaining to the City’s proposed Mandatory Vaccine Verification Policy and includes an assessment of potential challenges to that Policy. As such, the advice is considered particularly sensitive in that it is relevant to the safety and administration of the City’s workforce and workplaces as well as the conduct of employment and labour relations within the corporation.

RATIONALE FOR MAINTAINING CONFIDENTIALITY

The disclosure of this opinion/assessment outlined in Appendix “B” could adversely affect the City’s ability to appropriately manage its workforce/workplaces, its relationships with its employees, bargaining units and/or their representatives as well as compromising the City’s ability to appropriately defend any challenges to this Policy.

RECOMMENDATIONS

- (a) That Council approve the recommendation that the City implement the Mandatory COVID-19 Vaccination Verification Policy attached as Appendix “A” requiring proof of vaccination in the workplace, including a comprehensive testing, education and communication plan for unvaccinated staff.
- (b) That the Mandatory COVID-19 Vaccination Verification Policy applies to all City employees, including permanent, temporary, full-time, part-time, casual, volunteers, students, members of Council; and members of Council appointed committees.
- (c) That Appendix “B” to Report HUR21008, remain confidential and not be released publicly.

EXECUTIVE SUMMARY

Throughout the Pandemic, the City of Hamilton has been committed to providing a safe working environment for all our employees as well as the community we serve. Ensuring high rates of vaccination remains one of the most important ways we can protect our employees and community. The recent COVID-19 cases have demonstrated that vaccines are effective in preventing the spread of the virus.

Given the City's obligation under Provincial law to take all necessary precautions to protect the health and safety of its workforce, and the need to model a behaviour and commitment to promoting vaccinations, it is recommended that the City implement a mandatory COVID-19 Vaccination Verification Policy for all City employees, including permanent, temporary, full-time, part-time, casual, volunteers and students.

Accordingly, effective September 30, 2021, all City employees will be required to provide proof of their vaccination status. Those employees who have not been vaccinated or who do not disclose their vaccination status by September 30, 2021, will be required to attend mandatory education on the benefits of vaccination.

Unvaccinated employees will then need to provide proof of their first dose no later than October 15, 2021. As of November 15, 2021, it will be mandatory for all staff to have received their first and second doses of a COVID-19 vaccine.

Those employees who continue to be unvaccinated or prefer not to disclose their vaccination status will be subject to a number of provisions, in accordance with the Mandatory COVID-19 Vaccination Verification Policy (See Appendix A).

Finally, the application of the City's Mandatory COVID-19 Vaccination Verification Policy will be 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)*.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Staff continue to determine the costs associated with the implementation of the Mandatory COVID-19 Vaccination Verification Policy.

Staffing: N/A

Legal: Relevant consultation and consideration has taken place in accordance with employment related legislation (i.e. *Ontario Human Rights Code, Employment Standards Act of Ontario, Workplace Safety and Insurance Act, Municipal Freedom of Information and Protection of Privacy Act*, etc).

HISTORICAL BACKGROUND

Generally speaking, COVID-19 vaccinations are available to most Canadians. There continues to be a degree of uncertainty as to what information employers can collect about employee vaccination and whether widespread vaccination in the workplace means fewer health and safety protocols such as physical distancing, masking, disinfecting, etc. Consequently, the City must take all reasonable steps to protect the health and safety of their employees and the workplaces while balancing this with the human rights and privacy rights of employees.

Recently, the Provincial government announced mandatory COVID-19 vaccination policies for high risk settings including hospitals, paramedics, post-secondary institutions, school board employees and licenced child care facilities.

The City of Toronto has also introduced a mandatory vaccination policy for all employees. Effective September 13, 2021, all employees will be required to disclose and provide proof of their vaccination status. Employees who have not been vaccinated or who do not disclose their vaccination status by September 13, 2021, will be required to attend mandatory education on the benefits of vaccination. Unvaccinated staff will be required to provide proof of first dose no later than September 30, 2021. As of October 30, 2021, it will be mandatory for all City of Toronto employees to have received their first and second doses of the COVID-19 vaccine. They will comply with all human rights obligations and accommodations, as prescribed.

More locally, McMaster University recently introduced a mandatory vaccination policy for all students, faculty, staff and visitors attending a McMaster faculty or facility. The new policy requires that anyone accessing campus or a university facility in person upload proof that they are fully vaccinated, or that they have received an exemption from the university for a validated human rights ground. Such grounds include medical conditions which would prevent a person from receiving COVID vaccinations. The university has stated that they will work with those who receive an exemption to ensure they are connected with the appropriate resources to develop a reasonable and appropriate accommodation plan and that the university can put in place appropriate alternative health and safety measures.

In addition, employees working in our Lodges as well as our Paramedics have already implemented procedures in accordance with Provincial mandates and directives. Further, any City employee working at the David Braley Health Sciences Centre are required to meet McMaster's vaccination policy requirements.

All provincial and federal governments have broad powers during a public health emergency to mandate proactive measures to safeguard the population, including requiring vaccination against transmissible diseases. Having said that, they have deferred the decision to mandate vaccinations for those not already covered by Federal or Provincial directives, including vaccine mandates for most Municipal employees.

Consequently, there have been no arbitration or legal decisions around the implementation of a mandatory COVID vaccine policy. This is not to suggest that such legal arguments and decisions will not take place in the future, providing for some much-needed guidance and jurisprudence on the matter. As such, the question of whether a mandatory vaccine policy would be considered a “reasonable precaution” under health and safety legislation has yet to be determined through arbitral decisions and/or Ontario courts.

Given this lack of clarity and legal jurisprudence, the City must make an informed decision as to how to approach this issue and whether or not vaccinations are a workplace requirement.

The City of Hamilton continues to face an increase in positive cases of COVID-19 as well as a levelling off of vaccination rates. As of August 19, 2021, the Hamilton COVID statistics in the Community were as follows:

Daily Increase:	57
Active Cases:	381 (+19)
Average daily new cases for past week:	48
Number of active outbreaks:	11
Number of COVID cases currently hospitalized:	51 (+7)
Percent of 12+ population with one dose:	78.3%
Percent of 12+ population with two doses:	70.4%

It is further reported that approximately 95% of the 17,479 COVID-19 cases in Hamilton have been among people who are unvaccinated. As well, Hamilton is reported as having the lowest level of vaccination within its population in the Province of Ontario. Similarly, the number of positive cases amongst City of Hamilton staff has been increasing over the summer

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Arbitrators and/or the Courts would look to ensure that an employee's privacy and human rights interests are balanced against the interests of the Employer in ensuring the health and safety of employees and the public. Our approach within the workplace must take into consideration this balance between an employer's rights and the employees' rights. These considerations would include (but not limited to) areas such as:

Health and Safety

The City must ensure it is in compliance with the broad duties as prescribed under relevant health and safety legislation, and take every precaution reasonable in the circumstances in order to protect it's employees. This would include consideration for the prevention of workplace disruption and lost time claims due to employee illness, as well as the promotion of optimal health and morale of it's employees.

Human Rights

The City's Mandatory COVID-19 Vaccination Verification Policy must ensure compliance with the *Ontario Human Rights Code* and must also take into account the duty to accommodate employees that are unable to be vaccination on the basis of a protected ground such as physical disability or religion. Any employee who is unable to be vaccinated due to a human rights protected ground (eg. underlying health condition), will trigger an obligation to accommodate an employee to a point of undue hardship.

Privacy

It is generally not unlawful to ask employees if they have been vaccinated against COVID-19, provided it is for work related reasons. Inquiring about an employee's immunization status is subject to provincial privacy legislation such as the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*. *MFIPPA* defines "personal information" to include information relating to the medical history of an individual, which would likely include their immunization status. Such information is permitted by law, provided it is requested for bona fide work-related reasons, and the information is secured and stored appropriately.

RELEVANT CONSULTATION

A communication was sent to all Union Leaders advising them of the City's intention to implement a Mandatory COVID-19 Vaccination Verification Policy, including an invitation to reach out to staff respecting any questions or concerns they may have. To date, a consultative meeting took place between staff and the Union Executive, CUPE

Local 5167, addressing potential components of the policy including scope, education, testing, consequence for non-compliance, protective grounds, privacy provisions and timelines.

Other consultations include legal counsel and various COVID-19 related articles and legal publications. Consultation has also taken place with the City's Public Health.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City has an obligation under Provincial law to take all necessary precautions to protect the health and safety of its workforce and is committed to providing excellent service to our community and building trust and confidence in local government.

With the recent increase in COVID cases in Hamilton particularly, there is undeniable evidence that vaccines are effective in preventing the spread of the virus. Although there is no legislation supporting municipal employers in the development and administration of mandatory vaccination policies, there is arguably a social obligation to mandate such requirements for City employees. Similar to long term care and our post secondary institutions in Hamilton, the City should model the behaviour it would like to see across our community, and demonstrate a similar commitment to promoting vaccinations and ensure the health and safety of everyone.

To help reduce the risk of COVID-19 transmission, the Mandatory COVID-19 Vaccination Verification Policy is an important measure that complements other workplace health and safety measures in place, including daily health screening, mandatory masking, physical distancing, hand hygiene, and enhanced cleaning. The provisions for the Mandatory COVID-19 Vaccination Policy would incorporate a transitional phase, allowing for suitable and appropriate timing for unvaccinated staff or those preferring not to disclose their vaccination status, to attend a mandatory education session on the benefits of vaccination and/or get vaccinated.

Accordingly, it is recommended that, effective September 15, 2021, City employees will be required to provide proof of their vaccination status. Those employees who have not been vaccinated or who do not disclose their vaccination status by September 15, 2021, will be required to attend mandatory education on the benefits of vaccination.

Unvaccinated staff, or staff who have not yet disclosed their vaccination status, will then need to provide proof of first dose no later than September 30, 2021. As of November 1st, 2021, it will be mandatory for all staff to have received their first and second doses of a COVID-19 vaccine.

Provisions of the Mandatory COVID-19 Vaccination Verification Policy would include (but not limited to) the following:

- Vaccination requirements are subject to bona fide medical and human rights exceptions. As well, unique medical and/or religious exemptions will be reviewed on a case by case basis and would be subject to the City's accommodation process, as appropriate.
- No distinction shall be made between employees working from home and those employees physically attending the workplace. Employees currently working from home will be subject to all provisions of the mandatory policy.
- Unvaccinated staff be subject to mandatory regular COVID testing.
- The policy is accompanied with a comprehensive and targeted communication and education strategy for all employees (eg. Education Day, Town Hall meetings, etc.).
- Consultation has taken place with affected union leadership, as requested.
- While education and communication are fundamental components of policy and approach, suitable and appropriate disciplinary action are incorporated into the policy.

Unvaccinated employees or those who prefer not to disclose their vaccination status will be subject to a number of provisions, in accordance with the Mandatory COVID-19 Vaccination Verification Policy (See Appendix A to Report HUR21008).

Finally, the Medical Officer of Health (MOH) for the City of Hamilton has endorsed the benefits of vaccinations and the value of a Mandatory COVID-19 Vaccination Verification Policy in the workplace.

ALTERNATIVES FOR CONSIDERATION

The City could consider not proceeding with a Mandatory COVID-19 Vaccination Verification Policy. Employees would continue to attend the workplace and comply with the current workplace health and safety measures in place, including the daily health screening, mandatory masking, physical distancing, hand hygiene and enhanced cleaning.

By doing so, the City would arguably not be demonstrating a commitment to providing a safe working environment for all employees and the broader community. Recognizing that vaccinations remains one of the most important ways to protect individuals, our working environment and the broader community, implementing a mandatory vaccination verification policy is considered a duty and obligation for the City as an employer, as we continue to manage through a fourth wave of COVID-19.

For these reasons, the alternative of not proceeding with a mandatory COVID-19 vaccination verification policy is not recommended.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HUR21008 – Mandatory COVID-19 Vaccination Verification Policy
Appendix “B” to Report HUR21008 - Legal Opinion - Mandatory COVID-19 Vaccination Verification Policy

Corporate Human Resources Policy Health, Safety and Wellness	 Hamilton	Content Updated: 2021-08-20 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 1 of 10		Approval: YEAR-MM-DD

<i>Mandatory COVID-19 Vaccination Verification Policy</i>	
POLICY STATEMENT	<p>The City of Hamilton (the City) has an obligation under Provincial legislation to take all necessary precautions to protect the health and safety of its workforce and is committed to providing excellent service to our community and to building trust and confidence in local government.</p> <p>To help reduce the risk of COVID-19 transmission, this mandatory workplace vaccination verification policy is an important measure that complements other workplace health and safety measures in place including daily health screening, mandatory masking, physical distancing, hand hygiene and enhanced cleaning.</p> <p>This policy is in line with Public Health guidance and supports the direction that vaccines provide a high level of protection against COVID-19 and related variants. Getting both doses of the COVID-19 vaccine is the best defense against the virus, including the Delta variant.</p> <p>The City is demonstrating its commitment to promoting vaccinations to ensure the health and safety of all members of its workforce and the broader City of Hamilton community.</p>
PURPOSE	<p>The purpose of this policy is to outline the City of Hamilton’s requirement with regard to COVID-19 vaccination and provide direction to employees on the requirement to receive the COVID-19 vaccination, provide proof of vaccination or a bona fide exemption and conditions for attending work without vaccination.</p>
SCOPE	<p>This policy applies to all employees of the City of Hamilton, including full-time, part-time, permanent, temporary, casual, volunteers; and students. New</p>

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	<p>employees will be subject to this policy as a condition of their employment contract with the City of Hamilton.</p> <p>It requires employees to be fully vaccinated from the COVID-19 virus, unless otherwise provided for in this policy, and complete any subsequent doses and requires employees to provide acceptable proof of vaccination.</p> <p>Vaccination requirements are subject to bona fide medical and human rights exceptions. As well, unique medical and/or religious exemptions will be reviewed on a case by case basis and would be subject to the City's accommodation process. In addition to this policy, some workplace groups may have additional mandates or directives or reporting requirements from provincial or federal authorities.</p>
<p>DEFINITIONS</p> <p>COVID-19</p> <p>Vaccine</p> <p>Fully Vaccinated</p>	<p>The following terms referenced in this Policy are defined as:</p> <p>A virus belonging to a large family called coronavirus which includes the 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.</p> <p>For the purposes of this Policy, a Vaccine is defined as a substance used to stimulate the production of antibodies and provide immunity against SARS-CoV-2</p> <p>Having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines approved by the World Health Organization (WHO) (e.g., two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series); and having received the final dose of the COVID-19 vaccine at least 14 days ago.</p>

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<p>Proof of Vaccination</p> <p>Proof of Medical Exemption</p> <p>Educational Program</p>	<p>Documentation issued by the Ontario Ministry of Health, other province or territory or international equivalent indicating individual immunization status against the COVID-19 virus.</p> <p>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.</p> <p>An educational program that has been approved by and/or provided by the City of Hamilton and addresses the following learning components:</p> <ul style="list-style-type: none"> • How COVID-19 vaccines work • Vaccine safety related to the development of the COVID-19 vaccines • Benefits of vaccination against COVID-19 • Risks of not being vaccinated against COVID-19 • Possible side effects of COVID-19 vaccination
<p>TERMS & CONDITIONS</p>	<p>The following apply to this Policy:</p> <p>1. Mandatory COVID-19 Vaccinations</p> <ul style="list-style-type: none"> • All City of Hamilton employees are required to receive both doses of the COVID-19 vaccine and any subsequent recommended boosters to access a City facility for the purpose of conducting work, unless it is medically contraindicated, and they have completed the vaccination education and declared in writing that they do not want to be vaccinated. • Unvaccinated employees who have provided a valid exemption, will only be allowed into a City facility for the purposes of working if they submit to regular antigen testing for

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	<p>COVID-19 and demonstrate a negative result, at intervals to be determined by the employer</p> <p>2. Providing Proof of COVID-19 Vaccination Status</p> <ul style="list-style-type: none"> • Employees are required to provide proof of their vaccination series approved by Health Canada or the World Health Organization by proving one of the following: <ol style="list-style-type: none"> 1. Proof of COVID-19 vaccine administration as per the following requirements: <ol style="list-style-type: none"> a. If the individual has only received the first dose of a two-dose COVID-19 vaccination series approved by Health Canada, proof that the first dose was administered and, as soon as reasonably possible, proof of administration of the second dose; or b. Proof of all required doses of a COVID-19 vaccine approved by Health Canada. • Without proof of vaccination or an approved exemption, staff will not be permitted to attend a City of Hamilton facility. <p>3. Providing Proof of An Approved Exemption</p> <ul style="list-style-type: none"> • The City will comply with its human rights obligations and accommodate employees who are legally entitled to accommodation. • Exemptions will be made for grounds protected by the Ontario Human Rights Code which includes confirmed medical
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	<p>reasons. Human Resources will assist with accommodation questions, concerns and requests.</p> <ul style="list-style-type: none"> • Employees are required to provide proof of their medical exemption by providing one of the following: <ol style="list-style-type: none"> 1. Written proof of a medical reason, provided by either a physician or nurse practitioner in the extended class that sets out: <ol style="list-style-type: none"> a. That the person cannot be vaccinated against COVID-19 and; b. The effective time period for the medical reason (i.e., permanent or time- limited). • The City will work with those who receive an exemption to ensure they are connected with the appropriate resources to develop a reasonable and appropriate accommodation plan and that the City can put in place appropriate alternative health and safety measures. <p>4. Mandatory COVID-19 Vaccination Education</p> <ul style="list-style-type: none"> • In order to ensure that all employees subject to this policy are adequately educated about COVID-19 and the COVID-19 vaccines, unvaccinated workers are to complete a mandatory COVID-19 vaccination education course that has been approved by the City of Hamilton on the risks of being unvaccinated in the workplace and submit proof they have completed the educational program. • Employees who have not been vaccinated or who do not disclose their vaccination status will be required to attend mandatory education on the benefits of COVID-19
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vaccination. These unvaccinated individuals will then need to provide proof of their vaccination status or declare in writing that they will not be vaccinated.

5. Vaccination status Reporting and Documentation

- Vaccination status information will be collected and protected in accordance with privacy legislation.

6. COVID-19 Rapid Antigen Testing

- Employees who wish to access a City facility who do not provide proof that they are fully vaccinated will be required to submit to ongoing testing and provide proof of negative COVID-19 tests.

7. Non-compliance with the Mandatory COVID-19 Vaccination Verification Policy

- In accordance with City of Hamilton Human Resources policies, collective agreements and applicable legislation, directives, and policies, any non-compliance with the Mandatory COVID-19 Vaccination Verification Policy will result in a meeting with the employee, including their Union representative if applicable. Non-compliance is subject to possible discipline.

8. Access to COVID-19 Vaccination Clinics

- Reasonable arrangements will be made to allow for staff to attend COVID-19 vaccination clinics during work time.
- Employees must have approval from their supervisor in advance before attending a clinic during work time.

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	<ul style="list-style-type: none"> • All efforts should be made to allow the employee to use time at the beginning or end of their shift day or to extend lunch and break times as operationally feasible with work schedules to attend vaccination clinics. • Where employees are unable to attend a vaccination clinic during their regularly scheduled work hours, the City will compensate staff for a period of 30 minutes outside of work time to receive a vaccination subject to any limitations under a collective agreement or policy. <p>9. Continued Adherence to Public Health Measures</p> <ul style="list-style-type: none"> • All employees are required to practice Public Health measures to control the spread of COVID-19 regardless of their vaccination status. • Employees must adhere to the City’s health and safety protocols at all times while in the workplace, including handwashing, physical distancing where possible, and the use of Personal Protective Equipment as required by their position.
RESPONSIBILITIES (if applicable)	<p>The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:</p> <p>Management/Supervisors</p> <ul style="list-style-type: none"> • Ensure employees attending work are fully vaccinated against COVID-19 • Ensure employees have submitted proof of their vaccination status or an approved exemption • Support on-site rapid antigen testing, where appropriate • Follow and comply with any federal or provincial mandates or directives

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	<p>regarding the vaccination of staff</p> <ul style="list-style-type: none"> • Continue to enforce workplace precautions that limit the spread of COVID-19 virus • Ensure that employees are aware of the importance of getting vaccinated against COVID-19 • Provide staff with access to information on COVID-19, health and safety precautions, and on the efficacy of the COVID-19 vaccine • Provide staff with information on location and scheduling of vaccination clinics when available • Where feasible, support time from regular duties for staff to attend vaccination clinics in accordance with relevant collective agreement language and/or Corporate Policy <p>Employees</p> <ul style="list-style-type: none"> • Submit proof of vaccination status, rapid test results or an approved exemption • Follow direction provided by the employer in cases where Rapid Antigen Testing identifies a positive case including completion of a laboratory-based polymerase chain reaction (PCR) test • Continue to follow health and safety protocols to ensure personal safety and prevent the spread of COVID-19 before and after vaccination • Remain informed about COVID-19 and COVID-19 vaccination as it relates to your role, personal health and/or professional requirements • Adhere to any additional mandates or directives or reporting requirements from provincial or federal authorities. • Identify opportunities to obtain a COVID-19 vaccination through community clinics
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	<p>or from health care professionals</p> <ul style="list-style-type: none"> • If additional booster doses of the COVID-19 vaccine are required, ensure subsequent doses are also received <p>Human Resources</p> <ul style="list-style-type: none"> • Assist management with any labour relations and health and safety issues arising from application of this policy including liaising directly with Union leadership. • Create procedure for collecting and storing documentation on employee vaccination status. • Secure supplies and create a procedure for Rapid Antigen Testing of unvaccinated employees. <p>Human Rights</p> <ul style="list-style-type: none"> • Assist management with accommodation questions, concerns and requests. <p>Occupational Health Nurse</p> <ul style="list-style-type: none"> • Provide information and guidance to leaders and employees on COVID-19 vaccination and Rapid Antigen Testing as requested • Ensure that any records of COVID-19 vaccination held by the City are stored and used in compliance with privacy legislation and corporate policies
COMPLIANCE	<p>In accordance with City of Hamilton Human Resources policies, collective agreements and applicable legislation, directives, and policies, any non-compliance with the Mandatory COVID-19 Vaccination Policy will result in a meeting with the person, along with a Union representative if applicable. Non-compliance is subject to possible discipline</p>

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	The following related documents are referenced in this Policy: <ol style="list-style-type: none"> <i>Procedure for Rapid Antigen Testing of Unvaccinated Employees (In Progress)</i>
HISTORY	This policy replaces the former procedure named Pandemic Response Procedure - Staff Vaccination for COVID-19 (COH-P-018) dated January 2021

CITY OF HAMILTON

BY-LAW NO. 21-150

To Confirm the Proceedings of City Council at its special meeting held on August 26, 2021

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 26th day August, 2021, in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.
2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 26th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk 