



City of Hamilton
GENERAL ISSUES COMMITTEE
ADDENDUM

Meeting #: 22-001
Date: January 12, 2022
Time: 9:30 a.m.
Location: 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

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

6. DELEGATION REQUESTS

- *6.1. Tys Theysmeyer, Head of Natural Areas, Royal Botanical Gardens, respecting Item 10.6 - Report PW19008(n), Chedoke Creek Order Update

(For January 12, 2022 GIC)

- *6.2. Chris McLaughlin, Bay Area Restoration Council, respecting Item 10.6 - Report PW19008(n), Chedoke Creek Order Update

THIS REQUEST HAS BEEN WITHDRAWN.

10. DISCUSSION ITEMS

- *10.7. Advisory Committee for Persons with Disabilities Report 21-013, December 14, 2021
- *10.8. Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008)(a) (City Wide)

13. GENERAL INFORMATION / OTHER BUSINESS

*13.1. Amendments to the Outstanding Business List

*13.1.a. Items to be removed:

*13.1.a.a. Potential Solutions to the Chedoke Creek Matter

(Addressed on this agenda as Item 10.6 - Report PW19008(n))

*13.1.a.b. Mayor's Task Force on Economic Recovery

(Addressed as item 7.1 on today's agenda - Report PED22005)

14. PRIVATE AND CONFIDENTIAL

*14.2. Amendments to the City's Mandatory Vaccine Verification Policy (LS22008) (City Wide)

Pursuant to Section 9.1, Sub-sections (d), (e) and (f) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (d), (e) and (f) 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; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Submitted on Wednesday, January 5, 2022 - 1:46pm Submitted by anonymous user:
162.158.126.165 Submitted values are:

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Tys Theysmeyer

Name of Organization: Royal Botanical Gardens

Contact Number: 9055271158

Email Address: ttheysmeyer@rbg.ca

Mailing Address: 680 Plains Rd W.

Reason(s) for delegation request: Royal Botanical Gardens Support
for Chedoke Creek Remediation in support of item 10.6 Jan 12

2022 GIC committed

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Spill Remediation and Watershed Planning

- Congratulations to the City of Hamilton staff for the extensive work to date, and the collaborative work with the Royal Botanical Gardens and other stakeholders
- Information gathered and resulting actions will be critical to updates of the existing Wastewater and Stormwater Master Plans and ultimately delisting the Hamilton Harbour Great Lakes Area of Concern
- Information will be critical to restoring the broader function of Cootes Paradise Nature Sanctuary established under the RBG Act (1941)
- Watershed planning identified a number of priority projects



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Tys Theijsmeijer, Head of Natural Areas
January 2021

RBG Support for Chedoke Spill Remediation

Spill Technical Goal: Mitigate 47,000 kg Phosphorus and 312,000 kg Nitrogen from Kjeldahl Nitrogen

- Most of the spilled sludge has moved to the harbour
- All of the spilled water has moved to harbour, but with excess nutrients deposited in the bottom of both Cootes Paradise Marsh and Hamilton Harbour

TARGETED DREDGE Component

The goal of the targeted dredge project is to return the area to its estimated condition prior to the beginning of the spill event and to provide reasonable complementary **offsetting** remediation projects to account for additional environmental impacts that may not be addressed by dredging alone.

OFFSETTING PROJECTS

Some of the technologies which will be assessed over the course of the plan execution include, but will not be limited to:

- 1) Floating vegetated mats
- 2) Small scale Aeration systems
- 3) Shoreline plantings
- 4) Beneficial sediment reuse and sediment stabilization



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Overarching Goal of Cootes Paradise (RBG Act 1941)

(Reinvention of the 1927 Dundas Crown Game Preserve & 1860s commercial fish sanctuary)

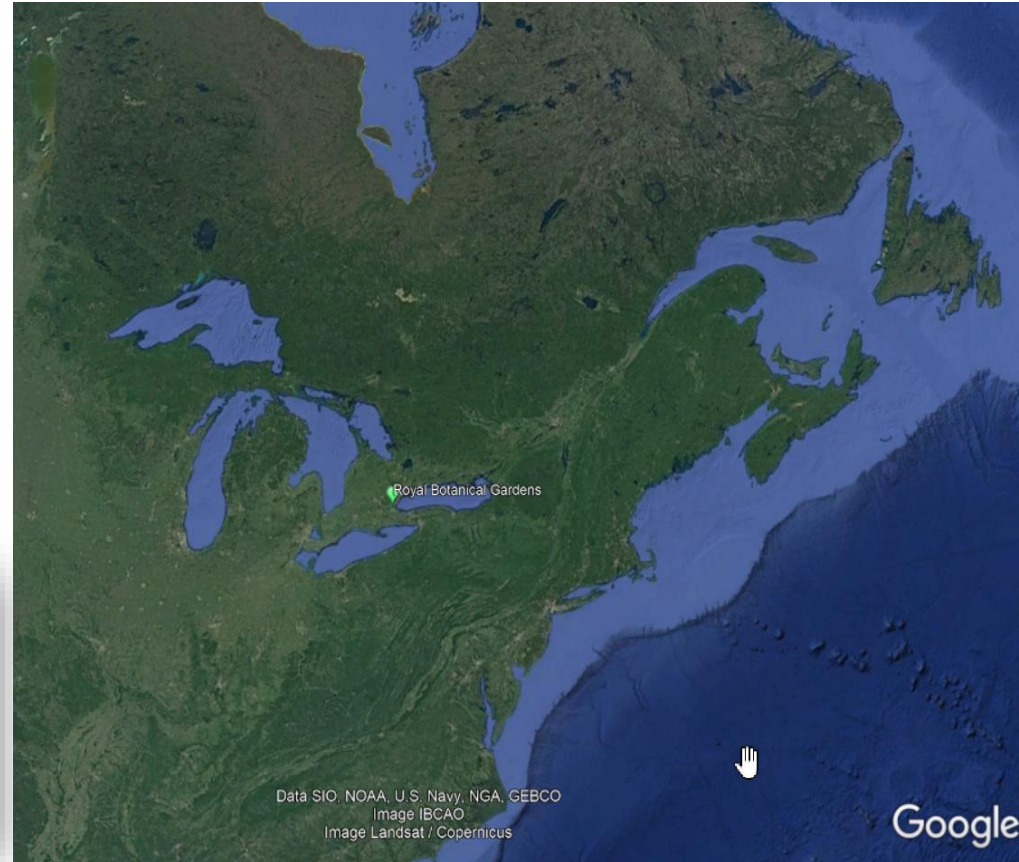
Paraphrased

1. Support international Ecosystems of Lake Ontario Fisheries and large-scale bird migrations
2. Protect locally and globally rare native species
3. Environmental and Human Well being Education
4. Low impact recreation

Royal Botanical Gardens Provincial Act 1941, rev1954, rev. 1959, rev1989

RBG Act 1989
 Section 3.

Bill Pr7	ROYAL BOTANICAL GARDENS	1989
(b)	to maintain nature preserves;	
(c)	to protect specific environments and flora and fauna that are of special value as parental stocks or may be in danger of extinction;	
(d)	to exhibit its collections to the public in cultivated and natural areas, museums and galleries;	
(e)	to conduct botanical, horticultural and related biological research;	



Data SIO, NOAA, U.S. Navy, NGA, GEBCO
 Image IBCAO
 Image Landsat / Copernicus

Commercial Fishery Potential

Yellow Perch – Spring Spawning female from Cootes Paradise Fishway



04/02/2014

The Background of the Remediation

The Documents

1. Chedoke Watershed Water Quality Framework, the basis of the Cootes Paradise and West Harbour remediation
2. Lower Chedoke Creek Spill Remediation Plan
3. Cootes Paradise and West Harbour Remediation Plan – also called Cootes Paradise Remediation Plan
4. Royal Botanical Gardens 25 Year Masterplan Framework (2021)

Cootes Paradise Remediation (Chedoke Watershed Water quality Framework)

Current Challenges and Context Summary

1. **CSOs**
2. 403 runoff
3. Landfill leachate
4. Railyards
5. Urban stormwater

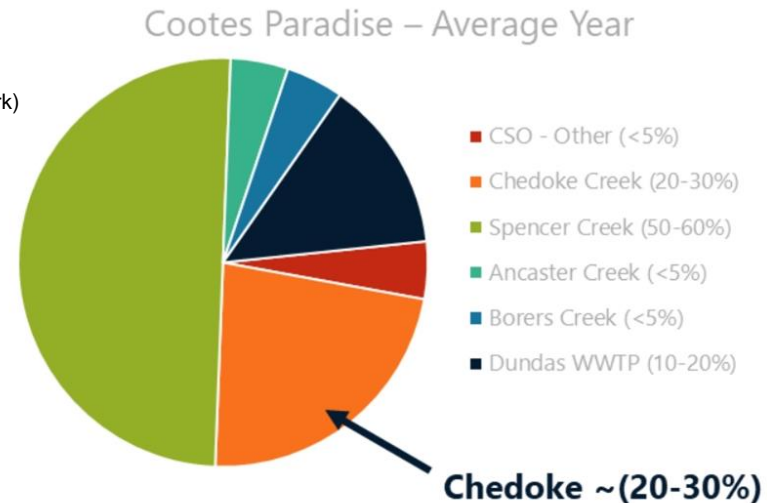
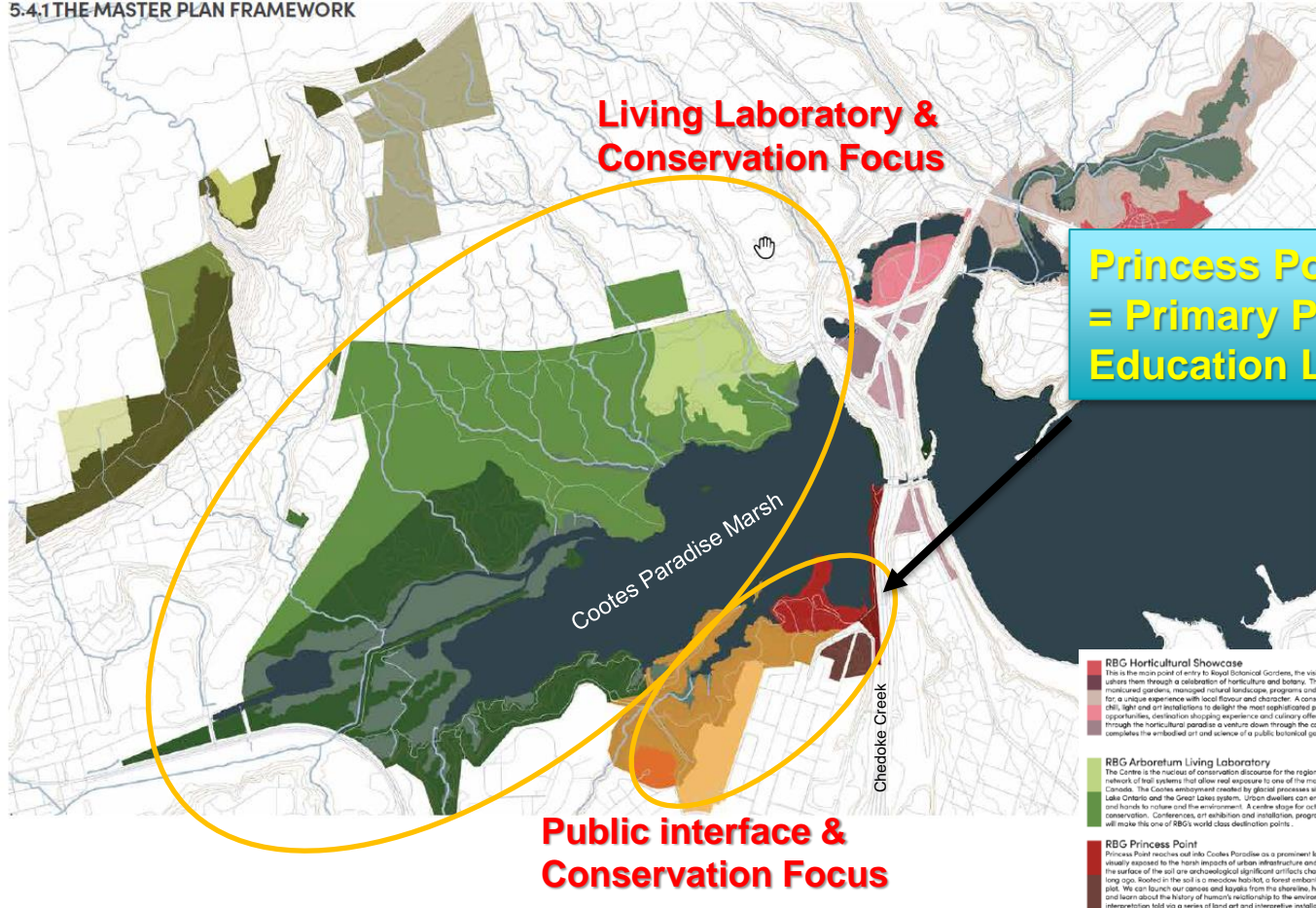


Figure 1. Cootes Paradise Average Year Total Phosphorus Loading
From Watershed Framework – Total Loadings

Royal Botanical Gardens Masterplan Framework

5.4.1 THE MASTER PLAN FRAMEWORK



Living Laboratory & Conservation Focus

Princess Point/Chedoke Inlet = Primary Public Access and Education Location

Cootes Paradise Marsh

Chedoke Creek

Public interface & Conservation Focus

- RBG Horticultural Showcase**
 Entry to the Royal Botanical Gardens, the visitor centre welcomes the public and unites them through a celebration of horticulture and botany. The world-class offering of curated, monitored gardens, managed natural landscapes, programs and activities will offer visitors from near and far, a unique experience with local flavor and character. A conservatory series to another winter's harsh day, light and horticulturalists to design the most sophisticated gardens. Intimate concert and performance opportunities, destination shopping experience and culinary offerings that stand alone. After wandering through the horticultural paradise a venture down through the conservation showcase of Hendrie Valley completes the embodied art and science of a public botanical garden.
- RBG South Shore Commons**
 Escarpment Commons Park, this once vibrant community park and hub, reclaims its purpose through the amenities, programs and offerings of RBG. The platform that interfaces with the community of Hamilton will speak a grassroots voice to all members of the local community and beyond. An urban park with a farmer's and crofter's market space, families with picnic baskets can connect with each other before hitting the trails on the South Shore of Cootes Paradise. Food, wine, and nature club activities will arm all community folk with the tools to live a healthy engaged life. Indoor and outdoor space is designed to bring people together to work, talk and move together.
- RBG Arboretum Living Laboratory**
 The Centre is the nucleus of conservation discourse for the region. The Visitor Centre sits at the head of a network of trail systems that allow real exposure to one of the most dynamic ecological parcels of land in Canada. The Centre environment created by glacial processes sits at a critical point for observation of Lake Ontario and the Great Lakes system. Urban dwellers can engage in activities that connect our minds and hands to nature and the environment. A center stage for outfalls shared by the vision of conservation, conferences, art exhibition and installation, programs, concerts and performances, visitors will make this one of RBG's world class destination points.
- RBG Princess Point**
 Princess Point reaches out into Cootes Paradise as a prominent landmark that is both remote from, yet visually adjacent to the harsh impacts of urban infrastructure and past industrial development. Beneath the surface of the soil are archaeological significant artifacts charting the activities of its land's inhabitants long ago. Rooted in the soil is a meadow habitat, a forest embankment and a young Butternut restoration plot. We can touch our senses and layers from the shoreline, have a repair's edge lunch at the dock cafe and learn about the history of human's relationship to the environment through this landscape of interpretation told via a series of land art and interpretive installation.
- RBG Paradise Special Protection Zone**
 Human presence is an integral component of conservation science and action. Successful conservation requires that we identify a natural system's tolerance to human presence and respect the boundaries set by the capacity thresholds. The Special Protection Zone are globally recognized special habitat areas with species that are sensitive to many natural factors. The protection zone is a no-road zone for humans to encourage the unique migrant and resident species to flourish. The presence of the diversity organisms who rely on this zone are one of RBG's biggest success stories.
- RBG Escarpment Retreat**
 Nature has the power to heal us, invigorate our souls and inspire us to take deep breaths and embrace the moment. Retreat to a nature immersion experience that is a break from the urban life. Hugging the top and base of the escarpment will engage in hiking, biking, climbing, outdoor education activities, outdoor sports, delicious food and beverage. The nature lover, the outdoor activity enthusiast will find a place to relax and a place to run and play in one of Ontario's most splendid natural landscapes.

Excess Nutrients Problem – Phosphorus Inflowing

(total inflowing vs standing excess concentrations)

PROBLEM PHOSPHORUS SUPPLIES

MAJOR WATER SUPPLIES TO COOTES PARADISE MARSH
 (HAMILTON CONSERVATION AUTHORITY 2019 CREEK DATA)

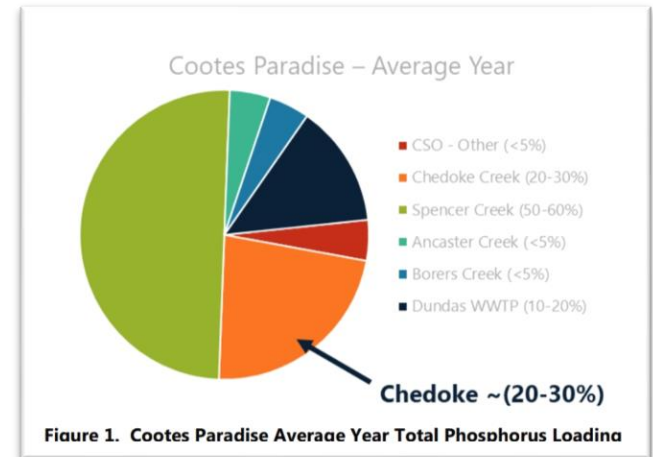
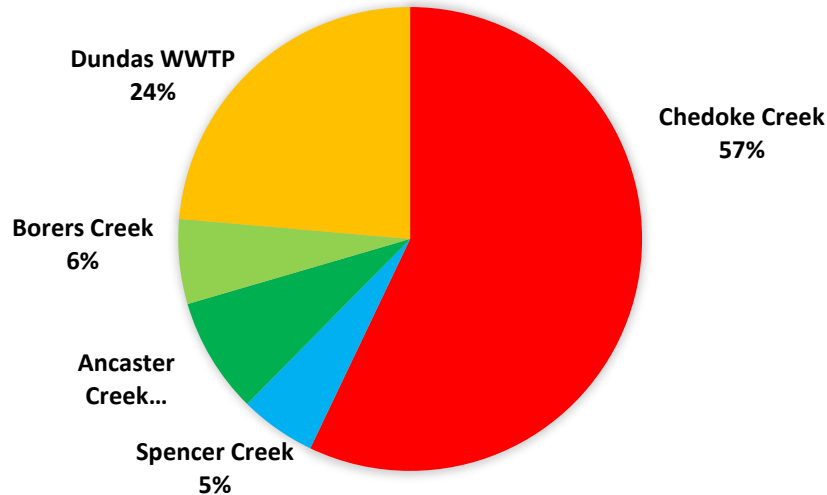


Figure 1. Cootes Paradise Average Year Total Phosphorus Loading

From Watershed Framework – Total Loadings

Federal & Provincial Guidelines: < 30ug/l Phosphorus

Smothering Algae That Occurs Annually

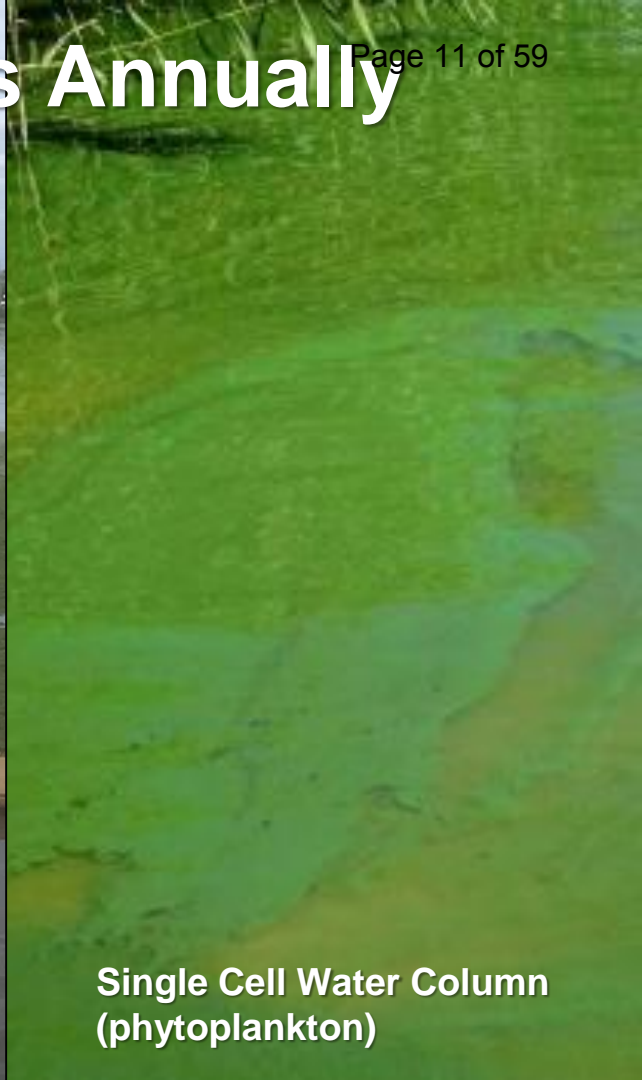
Federal & Provincial Guidelines < 30ug/l Phosphorus



Sheets of the bottom



Filamentous Rafts



Single Cell Water Column
(phytoplankton)

Spill Mitigation

Primary Measures

1. 47 tonnes of Phosphorus removed
2. 312 Tonnes of Nitrogen (TKN) removed

Process

A mix of off-setting projects, as much of the spilled sludge and all of the water have passed through Chedoke Cr and Cootes Paradise area

Focus CSOs (Combined Sewer Overflows)

Existing City of Hamilton Policy Wastewater Plan Objective:

- **1 overflow spill for a 5-year precipitation event** (Note: Main King CSO Tank design predates this)

Summary Table of CSO Events to Cootes Paradise in 2020

#	Receiving Waters	CSO Outfall	Total Events	Total Hours	Total Volume (m3)
1	Chedoke Creek	Main/King Tank ¹	7	91.4	191,213
2	Chedoke Creek	Royal Tank ¹	2	6.5	15,189
3	Chedoke Creek	Aberdeen Avenue ²	4	0.9	131
4	Chedoke Creek	Tope Road ²	13	24.8	11,390
5	Chedoke Creek	Glen Road	N.A.	N.A.	N.A.
6	Chedoke Creek	Royal #2 (Delbrook)	N.A.	N.A.	N.A.
7	Westdale Creek	Sterling Avenue ²	11	8.8	13,776
8	Ancaster Creek	Ewen/McMaster Tank ¹	1	0.9	258
9	Desjardins Canal	Dundas EQ tank ¹	1	N/A	N/A
		Total	39	133.5	231,957

¹ Numbers based on actual measurements of overflows provided by City's SCADA system.

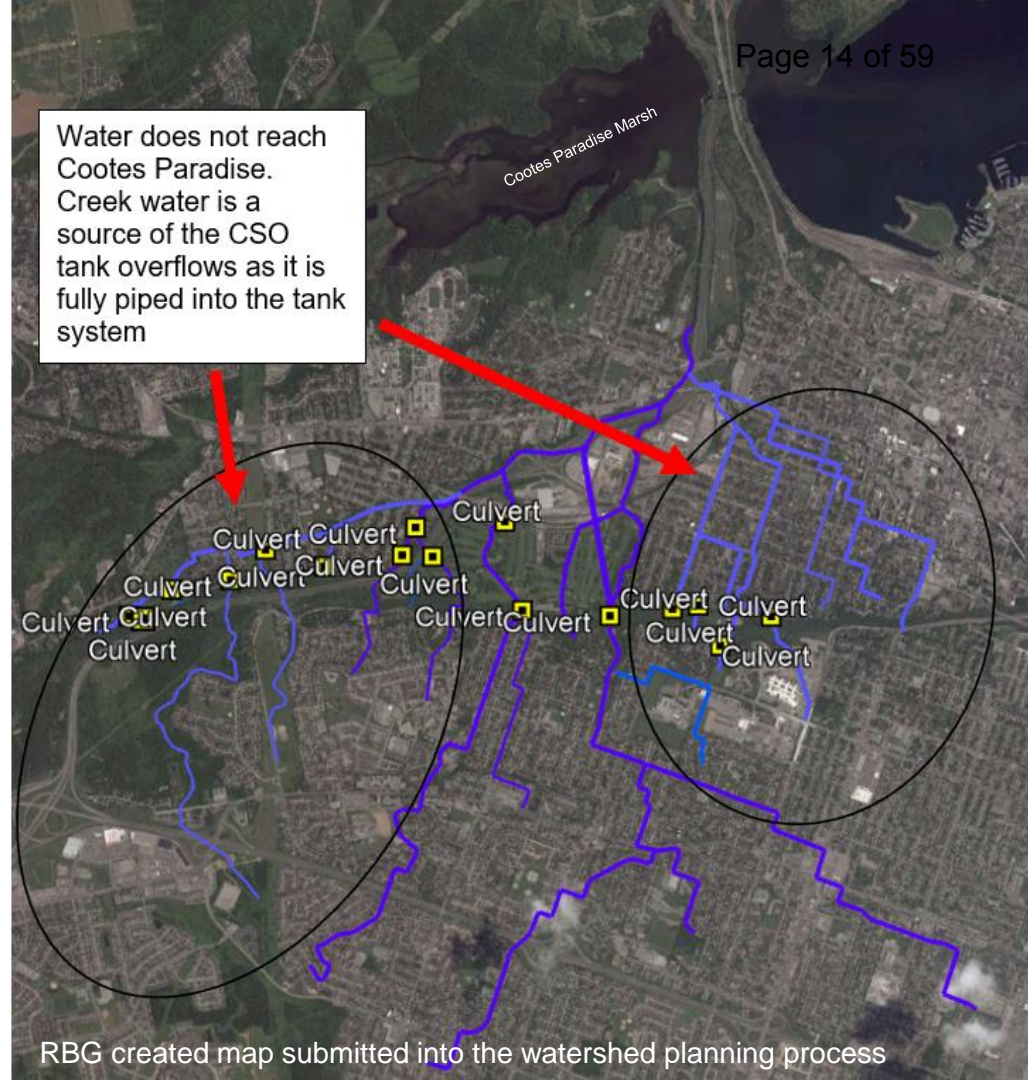
² Numbers based on estimates of computer simulations using Updated MIKE URBAN Detailed Sewer Model of combined and sanitary sewer system.

Note: ongoing operational improvements have been occurring at Main-King Tank to reduce spills

Chedoke Watershed Opportunities

RBG highlighted projects from the remediation plan collaboration

1. Royal CSO Tank creek separation
2. Local infiltration and downspout disconnection
3. Main channel daylighting in Aberdeen Avenue area
4. Separate Sewer system are, enhanced street sweeping
5. Cross connection issues resolved
6. **Short term** interim measures downstream to mitigate continuing issues



Water does not reach Cootes Paradise. Creek water is a source of the CSO tank overflows as it is fully piped into the tank system

RBG created map submitted into the watershed planning process

- Chedoke Remediation is detailed, and a long-term project, and requiring interim mitigation steps.
- Chedoke is the number one source of pollution to Cootes Paradise & the West harbour overall and critical to Delisting of HHRAP
- RBG is ready to collaborate on remediation projects to recovery water quality and improve public access in support of Hamilton's Vision and growth into the future

Thank You



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**Landscaping for urban stormwater runoff infiltration
"Rain Gardens"**



Hamilton

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES
REPORT 21-013**

4:00 p.m.

Tuesday, December 14, 2021

**Due to COVID-19 and the Closure of City Hall,
this meeting was held virtually.**

Present: A. Mallett (Chair), S. Aaron, P. Cameron,
J. Cardno, M. Dent, L. Dingman, A. Frisina,
L. Janosi, J. Kemp, P. Kilburn (Vice-Chair),
T. Manzuk, C. McBride, M. McNeil, T. Murphy,
K. Nolan, T. Nolan, R. Semkow

Absent

with Regrets: Mayor F. Eisenberger – City Business

Absent: S. Geffros

Chair Mallett called the meeting to order and recognized that the Committee is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do

Committee for Persons with Disabilities Related
to Police Services

12. GENERAL INFORMATION / OTHER BUSINESS

12.5 Appointment of Committee Chair and Vice-Chair for 2022

The agenda for the December 14, 2021 meeting of the Advisory Committee for Persons with Disabilities was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

(i) November 9, 2021 (Item 3.1)

The minutes of the November 9, 2021 meeting of the Advisory Committee for Persons with Disabilities, were approved, as presented.

(d) COMMUNICATIONS (Item 4)

(i) David Lepofsky, Accessibility for Ontarians with Disabilities Act Alliance respecting City of Hamilton Pilot Project for E-Scooters (Item 4.1)

The Communication Item from David Lepofsky, Accessibility for Ontarians with Disabilities Act Alliance respecting City of Hamilton Pilot Project for E-Scooters, was received.

(ii) Reconsideration of Item 5 of Advisory Committee for Persons with Disabilities Report 20-007, respecting the Ban of Electric Scooters from Public Property (City Wide)

Item 5 of Advisory Committee for Persons with Disabilities Report 20-007, respecting the Ban of Electric Scooters from Public Property (City Wide), which was approved at the Advisory Committee for Persons with Disabilities meeting on December 8, 2020, and reads as follows, was reconsidered:

5. Ban of Electric Scooters from Public Property (City Wide) Item 7.4(a)

WHEREAS, the Advisory Committee for Persons with Disabilities was requested by Council to give our advice regarding whether they should allow rental electric scooters (also known as e-scooters or kick scooters) to operate in the City of Hamilton;

WHEREAS, the Transportation Working Group of the Advisory Committee for Persons with Disabilities has researched the impact of permitting the operation of electric scooters in other cities, including Montreal, Calgary and Ottawa;

WHEREAS, it is the opinion of the Advisory Committee for Persons with Disabilities that electric scooters pose a serious danger to persons with disabilities. Allowing unlicensed, untrained people of varying ages and maturity levels to operate silent, high speed vehicles without regulation is an unnecessary safety risk to all

pedestrians, but it is of particular concern to seniors and the disabled as they might not see or hear them, nor would they be able to move out of the way quick enough to avoid injury;

WHEREAS, rental electric scooters do not require a docking station and their congestion, abandonment and improper parking in dense urban areas can cause serious issues such as blocked sidewalks, curb cuts, business entrances, wheelchair ramps, etc. and pose a serious obstruction or tripping hazard when they are left on the ground, especially for persons with vision loss;

WHEREAS, other Canadian cities such as Montreal and Toronto have implemented a ban on the use of electric scooters in their communities;

WHEREAS, the province of Ontario has permitted Ontario cities to self-determine whether to permit electric scooters on its roads and sidewalks;

WHEREAS, there are no provincial regulations in place, especially for commercially rented electric scooters, regarding the use of electric scooters on roads and sidewalks apart from an age limit of 16 years to operate;

WHEREAS, electric scooters can run at a speed of close to, or in excess of, 30km/hour posing a significant safety risk to persons with disabilities particularly those with mobility or sensory disabilities;

WHEREAS, there are no provincial regulations requiring operators of electric scooters, particularly rental electric scooters, to possess either a license or insurance to operate;

WHEREAS, the province does not require operators of electric scooters, especially rental electric scooters, to undertake any specific or regulated training in order to own or operate an electric scooter;

WHEREAS, other disability advisory committees in the Province of Ontario have recommended a ban on the use of electric scooters, particularly rental electric scooters, on municipal sidewalks and roadways because of their risk to safety of others, particularly persons with physical and sensory disabilities; and,

WHEREAS, the term e-scooter (rented or owned) refers to vehicles typically intended for transportation, and not mobility due to disability, so power wheelchairs and mobility scooters (3- or 4-wheel devices) do not fall within the scope of this motion;

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities for the City of Hamilton respectfully requests that City Council ban the use of electric and commercial rental electric scooters on all City roads, sidewalks, pathways and in all other areas of the City until such time that electric scooters, particularly commercial rental electric scooters,

and their operators are trained, licensed, insured and are fully and completely regulated by the province of Ontario in the same manner as any other motor vehicle in the province of Ontario.

Item 5 of Advisory Committee for Persons with Disabilities Report 20-007, respecting the Ban of Electric Scooters from Public Property (City Wide), which was approved at the Advisory Committee for Persons with Disabilities meeting on December 8, 2020, and reads as follows, was considered:

5. Ban of Electric Scooters from Public Property (City Wide) (Item 7.4(a))

WHEREAS, the Advisory Committee for Persons with Disabilities was requested by Council to give our advice regarding whether they should allow rental electric scooters (also known as e-scooters or kick scooters) to operate in the City of Hamilton;

WHEREAS, the Transportation Working Group of the Advisory Committee for Persons with Disabilities has researched the impact of permitting the operation of electric scooters in other cities, including Montreal, Calgary and Ottawa;

WHEREAS, it is the opinion of the Advisory Committee for Persons with Disabilities that electric scooters pose a serious danger to persons with disabilities. Allowing unlicensed, untrained people of varying ages and maturity levels to operate silent, high speed vehicles without regulation is an unnecessary safety risk to all

pedestrians, but it is of particular concern to seniors and the disabled as they might not see or hear them, nor would they be able to move out of the way quick enough to avoid injury;

WHEREAS, rental electric scooters do not require a docking station and their congestion, abandonment and improper parking in dense urban areas can cause serious issues such as blocked sidewalks, curb cuts, business entrances, wheelchair ramps, etc. and pose a serious obstruction or tripping hazard when they are left on the ground, especially for persons with vision loss;

WHEREAS, other Canadian cities such as Montreal and Toronto have implemented a ban on the use of electric scooters in their communities;

WHEREAS, the province of Ontario has permitted Ontario cities to self-determine whether to permit electric scooters on its roads and sidewalks;

WHEREAS, there are no provincial regulations in place, especially for commercially rented electric scooters, regarding the use of electric scooters on roads and sidewalks apart from an age limit of 16 years to operate;

WHEREAS, electric scooters can run at a speed of close to, or in excess of, 30km/hour posing a significant safety risk to persons with disabilities particularly those with mobility or sensory disabilities;

WHEREAS, there are no provincial regulations requiring operators of electric scooters, particularly rental electric scooters, to possess either a license or insurance to operate;

WHEREAS, the province does not require operators of electric scooters, especially rental electric scooters, to undertake any specific or regulated training in order to own or operate an electric scooter;

WHEREAS, other disability advisory committees in the Province of Ontario have recommended a ban on the use of electric scooters, particularly rental electric scooters, on municipal sidewalks and roadways because of their risk to safety of others, particularly persons with physical and sensory disabilities; and,

WHEREAS, the term e-scooter (rented or owned) refers to vehicles typically intended for transportation, and not mobility due to disability, so power wheelchairs and mobility scooters (3- or 4-wheel devices) do not fall within the scope of this motion;

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities for the City of Hamilton respectfully requests that City Council ban the use of electric and commercial rental electric scooters on all City roads, sidewalks, pathways and in all other areas of the City until such time that electric scooters, particularly commercial rental electric scooters,

WHEREAS, the Advisory Committee for Persons with Disabilities supports a ban on all Electric Scooters, private, rental or otherwise, from operating anywhere within the City of Hamilton;

THEREFORE BE IT RESOLVED:

Item 5 of Advisory Committee for Persons with Disabilities Report 20-007, respecting the Ban of Electric Scooters from Public Property (City Wide), was *amended*, to read as follows:

5. Ban of Electric Scooters from Public Property (City Wide) (Item 7.4(a))

WHEREAS, the Advisory Committee for Persons with Disabilities was requested by Council to give our advice regarding whether they should allow rental electric scooters (also known as e-scooters or kick scooters) to operate in the City of Hamilton;

WHEREAS, the Transportation Working Group of the Advisory Committee for Persons with Disabilities has researched the impact of permitting the operation of electric scooters in other cities, including Montreal, Calgary and Ottawa;

WHEREAS, it is the opinion of the Advisory Committee for Persons with Disabilities that electric scooters pose a serious danger to persons with disabilities. Allowing unlicensed, untrained people of varying ages and maturity levels to operate silent, high speed vehicles without regulation is an

unnecessary safety risk to all pedestrians, but it is of particular concern to seniors and the disabled as they might not see or hear them, nor would they be able to move out of the way quick enough to avoid injury;

WHEREAS, rental electric scooters do not require a docking station and their congestion, abandonment and improper parking in dense urban areas can cause serious issues such as blocked sidewalks, curb cuts, business entrances, wheelchair ramps, etc. and pose a serious obstruction or tripping hazard when they are left on the ground, especially for persons with vision loss;

WHEREAS, other Canadian cities such as Montreal and Toronto have implemented a ban on the use of electric scooters in their communities;

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WHEREAS, there are no provincial regulations in place, especially for commercially rented electric scooters, regarding the use of electric scooters on roads and sidewalks apart from an age limit of 16 years to operate;

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities for the City of Hamilton respectfully requests that City Council ban the use of electric and commercial rental electric scooters on all City roads, sidewalks, pathways. ~~**and in all other areas of the City until such time that electric scooters, particularly commercial rental electric scooters, and their operators are trained, licensed, insured and are fully and completely regulated by the province of Ontario in the same manner as any other motor vehicle in the province of Ontario.**~~

Main Motion, *as Amended*, to read as follows:

5. Ban of Electric Scooters from Public Property (City Wide) (Item 7.4(a))

WHEREAS, the Advisory Committee for Persons with Disabilities was requested by Council to give our advice regarding whether they should allow rental electric scooters (also known as e-scooters or kick scooters) to operate in the City of Hamilton;

WHEREAS, the Transportation Working Group of the Advisory Committee for Persons with Disabilities has researched the impact of permitting the operation of electric scooters in other cities, including Montreal, Calgary and Ottawa;

The verbal update from James Kemp, respecting the Housing Issues Working Group Meeting, was received.

(iii) Outreach Working Group Update (Item 6.3)

(1) Outreach Working Group Meeting Update

The Outreach Working Group held the 2021 media event for the International Day of Persons with Disabilities and has started planning for the 2022 event. The 2022 Disability Calendar was distributed to stakeholders.

The verbal update from Paula Kilburn respecting the Outreach Working Group Meeting, was received.

(2) Outreach Working Group Meeting Notes – October 19, 2021 (Item 6.3 (a))

The October 19, 2021, Meeting Notes of the Outreach Working Group, were received.

(3) Outreach Working Group Meeting Notes – November 4, 2021 (Item 6.3 (b))

The November 4, 2021, Meeting Notes of the Outreach Working Group, were received.

(iv) Transportation Working Group Update (Item 6.4)

(1) Transportation Working Group Meeting Update

The Transportation Working Group discussed updating ATS policies, the annual AODA Accessibility Event on December 3, 2021, and the Grey Cup and the involvement of DARTS.

The verbal update from Shahan Aaron respecting the Transportation Working Group Meeting, was received.

(2) Transportation Working Group Meeting Notes – November 23, 2021 (Item 6.4(a))

The Transportation Working Group Meeting Notes of November 23, 2021, were received.

(v) Strategic Planning Working Group Update (Item 6.5)

No update.

(f) STAFF PRESENTATIONS (Item 7)

(i) Accessible Transportation Services Update (Item 7.1)

Michelle Martin, Manager – Accessible Transportation Services addressed Committee respecting updates to Accessible Transportation Services (ATS) policies, with aid of a presentation.

The presentation respecting from updates to Accessible Transportation Services (ATS) policies, was received.

Due to time constraints, the following items, were deferred to the January 11, 2022 meeting of the Advisory Committee for Persons with Disabilities:

(i) DISCUSSION ITEMS (Item 9)

- (1) ACPD Research Proposal with CityLAB and McMaster affiliates: Office for Community Engagement and the Research Lab (Item 9.1)

(ii) NOTICES OF MOTION (Item 11)

- (1) Invitation to the City of Hamilton Chief of Police to Discuss Topics of Interest to the Advisory Committee for Persons with Disabilities Related to Police Services (Item 11.1)

(iii) GENERAL ISSUES / OTHER BUSINESS (Item 12)

- (1) Accessibility Complaints to the City of Hamilton (Item 12.1)
- (2) *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) Update (Item 12.2)
- (3) Presenters List for the Advisory Committee for Persons with Disabilities (Item 12.3)
- (4) Update on Presentation to All Advisory Committee Meeting - Deferred from October 12, 2021 and November 9, 2021 (Item 12.4)

(g) ADJOURNMENT (Item 14)

There being no further business, the Advisory Committee for Persons with Disabilities was adjourned at 6:26 p.m.



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Human Resources Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	January 12, 2022
SUBJECT/REPORT NO:	Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008)(a) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lora Fontana (905) 546-2424 Ext. 4091 Matthew Sutcliffe (905)546-2424 Ext. 2655
SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	

RECOMMENDATIONS

- (a) That the recommended amendments to the Mandatory COVID-19 Vaccination Verification Policy (attached as Appendix "A" to Report HUR21008(a)), requiring proof of full vaccination in the workplace, and that, save and except members of Council and members of Council appointed committees, those unvaccinated staff, or those staff choosing not to disclose their vaccination status, without an approved medical exemption, be subject to discipline up to and including termination of employment, be approved;
- (b) That those unvaccinated staff or those who have not disclosed their vaccination status will have until May 31, 2022 to provide proof of full vaccination, or an approved medical exemption, at which time any failure to do so will result in their termination of employment with the City;
- (c) That unvaccinated employees or those who do not disclose their vaccination status, and those employees who are subject to an approved exemption, will be required to continue to participate in the rapid testing program until May 31, 2022;

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- (d) That, in the event the City is unable to secure an adequate and appropriate supply of rapid tests between the date of the amended policy and May 31, 2022, any employee who would otherwise be restricted from attendance at work will be placed on a paid leave of absence, pending the continuation of the program at the earliest available opportunity; and,
- (e) That the amended Mandatory COVID-19 Vaccination Verification Policy (attached as Appendix “A” to Report HUR21008(a)), continues to apply to all City employees, including permanent, temporary, full-time, part-time, casual, volunteers, students, members of Council and members of Council appointed committees, as appropriate and except where excluded otherwise, subject to the terms and conditions of applicable collective agreements.

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.

Approximately 93% of the City’s workforce is fully vaccinated. There are 474 employees participating in the Rapid Antigen Testing Program, as well as 68 employees on an unpaid leave of absence (due to refusal for disclosing their vaccination status or participate in rapid testing). Appendix “B” and “C” to Report HUR21008(a) provides a breakdown of their status in accordance with union affiliation and department accordingly.

Given the limited supply and current inability to secure a stable and reliable supply of rapid antigen tests, and the need for their reallocation to higher risk groups and settings, it is recommended that the City amend its Mandatory COVID-19 Vaccination Verification Policy for all City employees, including permanent, temporary, full-time, part-time, casual, volunteers and students. While there may be supplies available so that the rapid testing program may continue on an interim basis, guarantees are difficult to confirm. In addition, the science continues to evolve as it relates to the accuracy of the rapid tests, and the frequency required to detect rapidly spreading variants such as omicron. The ultimate goal of the City has always been to achieve full vaccination by all employees, and the rapid testing program was never intended to continue in perpetuity.

Those employees who continue to be unvaccinated or have not disclosed their vaccination status will be subject to a number of provisions, in accordance with the amended Mandatory COVID-19 Vaccination Verification Policy (See Appendix “A” to Report HUR21008(a)).

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More specifically, these employees will continue to participate in the testing program and have until May 31st, 2022, to provide proof of their “fully vaccinated” status. Any employee failing to provide this proof of full vaccination by this date will have their employment with the City terminated, effective June 1st, 2021. This termination provision will not be applicable to elected members of City Council or their citizen appointees.

Initially the City did not have confirmation of the availability of rapid tests beyond January 17, 2022. This week, a private supplier has confirmed an additional supply of rapid tests that will enable the City to provide an appropriate notice period to staff in order to appropriately phase out the rapid testing program. As such, the City will continue to source additional rapid test kits to ensure sufficient supply until May 31, 2022.

Staff have received no further confirmation from the Province as to potential shipment of tests, including any confirmation on quantities to be received beyond those tests already received but will continue to work with them to secure future supplies, as best as possible.

As the availability of tests is not the responsibility of employees who the City provided the testing alternative to, it is further recommended that for any brief periods of time that an employee is unable to attend at work through participating in the testing program, that such employees be provided a paid leave until the earliest opportunity for them to rejoin the testing program. Those unvaccinated employees without an approved exemption, or those electing to not disclose their vaccination status, will continue in the rapid testing program, and that program will continue, until May 31, 2022.

Municipalities in Ontario have taken different approaches regarding mandatory vaccination. Durham, Niagara Region, Toronto, York Region and others have not given employees the option of rapid testing and instead opted for a mandatory vaccination policy in August 2021 with a termination provision after a period of notice. Mississauga, Burlington, Halton and Peel still have a testing option available to employees. Burlington revised their policy on January 7, 2022 which requires employees rapid testing to submit proof of vaccination by April 1, 2022 and firefighters to submit by March 1, 2022 as a condition of employment. Hamilton has a larger number of unvaccinated employees compared to other municipalities. This may be attributed to the fact that our policy does not currently have a termination provision.

Alternatives for Consideration – See Page 8

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: To date, the City has received the Rapid Antigen Tests from the Province free of charge, and accordingly, have not incurred any costs. As such, employees have received the tests from the City free of charge. In order to phase out the rapid test program, the City will potentially incur a cost of approximately \$80,000 to ensure an adequate of test kits until May 31, 2022.

Staffing: No additional staff has been hired to support the rapid antigen test program, however this program has resulted in a significant impact on staff workload, particularly within Human Resources. This will increase in the event that the science advice is such that the frequency of tests must increase in the future in order for testing to be effective.

Legal: Private and Confidential legal advice is being provided in a separate report (LS22008), which will also be on the January 12, 2022 General Issues Committee agenda.

HISTORICAL BACKGROUND

On August 26, 2021, Council approved the COVID-19 Mandatory Vaccination Verification Policy requiring proof of full vaccination in the workplace, that included a component for a comprehensive testing program, education and communication plan for unvaccinated staff, including those staff choosing not to disclose their vaccination status.

This mandatory COVID-19 Mandatory 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.

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

- Vaccination requirements are subject to bona fide medical exemptions.
- No distinction was made between employees working from home and those employees physically attending the workplace. Employees currently working from home have been subject to all provisions of the mandatory policy. In order to ensure a consistent treatment of staff, as well as ensure adequate availability of staff for attendance at work, or for redeployment requirements, those affected staff working from home have been subject the rapid testing program, until recently;

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- On December 19, 2021, the rapid testing program was discontinued for those employees working from home in order to preserve and reallocate the supply to higher risk groups and settings.
- Unvaccinated/non-disclosing staff have been subject to mandatory regular COVID testing (i.e. Monday and Thursday of each week).
- The policy was accompanied with a comprehensive and targeted communication and education strategy for all employees (e.g. Education Day, Town Hall meetings, etc.).
- Consultation took place with affected union leadership, as requested.
- While education and communication are fundamental components of policy and approach, suitable and appropriate disciplinary action have been incorporated into the policy.

Since the implementation of the rapid antigen program referenced in the policy on November 4, 2021, Human Resources has administered these tests for approximately 474 employees. Since this time, approximately 25 employees have tested positive through rapid testing, resulting in those employees not entering the workplace, thereby preventing any further risk related to the potential spread of COVID.

Since November 4, 2021, the group of employees subject to rapid testing completed and submitted the results of more than 7,000 rapid antigen tests, with each submission reviewed and acted upon by human resources staff.

Currently, there are approximately 68 employees on an unpaid leave as a result of non-compliance with our Mandatory COVID-19 Vaccine Verification Policy (due to refusal for disclosing their vaccination status or participate in rapid testing). As a result of its application, the policy has likely had a direct impact upon the City's almost 93% "fully vaccinated" rate.

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

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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Arbitrators and/or the Courts would look to ensure that an employee's rights are balanced against the interests of the Employer in ensuring the health and safety of employees and the public. In addition, in a non-union context, the Courts will consider the impact of these changes to the Policy and whether sufficient Notice of this change has been provided. Adjudicators will also critically evaluate the reasonableness of the policy in relation to these rights to ensure that they are respected, and that other reasonable, less intrusive options were not available. Our approach within the workplace must take into consideration this balance between an employer's rights and the employees' rights.

RELEVANT CONSULTATION

A communication was sent to all Union Leaders advising them of the City's intention to make changes to the Mandatory COVID-19 Vaccination Verification Policy as a result of changes in the environment. All bargaining agents were invited to meet to discuss options for moving forward given recent resource challenges and the impact upon the rapid antigen testing program. Meetings have been scheduled/were held with groups across several days. Each of these meetings provided an opportunity for questions to be asked, concerns to be raised, options to be considered, and consultation to occur. The City remains committed to continue to work with union leaders to support them and our employees in moving forward with any proposed changes.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In light of the unprecedented spike in COVID related cases, particularly as the result of the Omicron variant, the City has responded to a high number of COVID related absences. While the testing component of the COVID-19 Mandatory Vaccine Verification Policy has allowed the City to manage the spread of the virus within our workplaces (and provide an alternative to vaccination to employees who so choose), the recent challenges to securing a sufficient and sustainable supply of rapid antigen tests create concern about its ongoing viability.

Municipalities in Ontario have taken different approaches regarding mandatory vaccination. Durham, Niagara Region, Toronto, York Region and others have not given employees the option of rapid testing and instead opted for a mandatory vaccination policy in August 2021 with a termination provision after a period of notice. Mississauga, Burlington, Halton and Peel still have a testing option available to employees. Burlington revised their policy on January 7, 2022 which requires employees rapid testing to submit proof of vaccination by April 1, 2022 and firefighters to submit by March 1, 2022 as a condition of employment. Hamilton has a larger number of unvaccinated employees compared to other municipalities. This may be attributed to the fact that our policy does not currently have a termination provision.

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Currently, there are 474 employees participating in the Rapid Antigen Testing Program, as well as 68 employees on an unpaid leave of absence (due to refusal for disclosing their vaccination status or participate in rapid testing). Appendix "B" to Report HUR21008(a) and Appendix "C" to Report HUR21008(a) provides a breakdown of their status in accordance with union affiliation and department accordingly.

On December 19, 2021 the City discontinued the testing program for those employees working exclusively from home, in part to preserve the limited number of available tests for those employees working outside of their homes/attending at City facilities. These employees will only be required to participate in the rapid antigen testing program in the event that they are redeployed within the organization (ie. redeployed to vaccination clinics).

Accordingly, it is recommended that the Policy be amended to eliminate the provisions for rapid antigen tests, effective May 31, 2022, for those unvaccinated employees without an approved medical exemption, including those employees that have not disclosed their vaccination status. Ongoing unpredictable supply issues, the potential costs of pursuing private solutions to allow for the program to continue, and the resourcing required to administer such a program on an ongoing basis all support the recommendation that the rapid testing program end, with an appropriate period of notice, effective May 31, 2022. At that time, as with new employees, the expectation will be that, unless subject to an approved exemption, employees will have disclosed that they are fully vaccinated in order to remain an employee of the City.

The timeframe between the requested amendments to this policy and the deadline for providing proof of vaccination (over approximately four and a half months' notice), provide ample time for employees to achieve fully vaccinated status, and report that they have become fully vaccinated by May 31, 2022.

It is further recommended that for any period of time or which the City is unable to provide rapid antigen tests, that paid leave be provided to support unvaccinated employees or those who have elected to not disclose their status. It is anticipated, given current discussions, that any lack of testing supply would, at this time, be brief. Should supply issues become ongoing and unresolvable, the City will make future recommendations as to how to address such circumstances. Otherwise, those employees electing to not disclose will continue in the rapid testing program, and that program will continue, until May 31, 2022.

For clarity, the addition of language that provides for a termination option would not apply to elected members of Council and members of Council appointed committees. Accordingly, the following provisions would apply:

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- All unvaccinated employees, without an approved exemption, or those who have elected to not confirm their vaccination status as of May 31, 2022 will be terminated from their employment effective June 1st, 2022.
- In the event that external factors affect the ability of the City to support the rapid antigen test program for any period of time, employees will be provided with paid time off until the earliest opportunity allowing them to re-enter the program and return to active duty.

ALTERNATIVES FOR CONSIDERATION

1. The City may consider allowing unvaccinated employees to attend at a work location (while following all other health and safety measures).

Accordingly, the City could consider not proceeding with the Mandatory COVID-19 Vaccination Verification Policy, or its proposed amendments. Unvaccinated employees would continue to attend the workplace in the absence of any proof of a negative rapid antigen test, and simply 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 not be able to ensure the health and safety of its employees as well as the communities in which they serve. While allowing unvaccinated employees to attend the workplace without proof of a negative rapid antigen test could be permitted, it will inevitably result in a higher number of COVID related cases amongst our employee population as well as within the broader community. Allowing unvaccinated employees to attend work without proof of a negative test would compromise the City's previously demonstrated commitment to providing a safe working environment for all employees and the broader community, and may not meet our legal obligations under the *Occupational Health and Safety Act* to take every precaution reasonable in the circumstances for the protection of a worker.

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

2. A number of additional options have been considered to further the rapid testing program (for example, by reducing testing periods to extend supply, allowing employees to provide their own tests, etc.), but each of these has been determined to increase the risk to the City. For example, while the overwhelming majority of those in the rapid testing program are entirely compliant, the City has had to address the submission of fraudulent (altered, fake, inaccurate, etc.) results, which

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compromise the integrity of the program. Allowing employees to provide test results using tests from an unknown source or manufacturer would not provide the confidence in the program that has been achieved.

Further, as a result of documented asymptomatic transmission, changes to the screening tool or changes to the testing schedule would increase risk of exposure and bring the City out of compliance with best practice and potentially public health guidelines. This increased risk tolerance does not align with the City's legal obligations to take every precaution reasonable in the circumstances.

For these reasons, the alternative of not proceeding with an amended 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(a) – Amended Mandatory COVID-19 Vaccination Verification Policy

Appendix "B" to Report HUR21008(a) – Employees in Rapid Testing Program by Unions

Appendix "C" to Report HUR21008(a) - Employees in Rapid Testing Program by Departments

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Mandatory COVID-19 Vaccination Verification Policy

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 fully vaccinated against COVID19 is the best defense against the virus, including the variants.</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 and provide proof of vaccination or a bona fide exemption.</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. Including members of Council and members of</p>

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	<p>Council appointed committees. New employees will also 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 against the COVID-19 virus and requires employees to provide proof of vaccination satisfactory to the employer by May 31, 2022.</p> <p>Vaccination requirements are subject to bona fide medical and human rights exceptions. All exemption requests will be reviewed on a case by case basis and are subject to the City's accommodation process.</p> <p>In addition to this policy, some workplace groups may have additional mandates or directives or reporting requirements from provincial or federal authorities.</p>
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<p>DEFINITIONS</p> <p>COVID-19</p> <p>Vaccine</p> <p>Fully Vaccinated</p> <p>Proof of Vaccination</p> <p>Proof of Medical Exemption</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 protection from SARS-CoV-2</p> <p>Having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines as defined by the Ontario Ministry of Health and Long-term Care and the employer.</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>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 be fully vaccinated against COVID-19 to access a City facility for the purpose of conducting work, unless subject to an approved exemption by May 31, 2022.

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	<ul style="list-style-type: none"> • Employees who have not provided proof that they are fully vaccinated or a valid exemption satisfactory to the employer are required to participate (or continue to participate) in the City’s rapid antigen testing program until May 31, 2022. • Unvaccinated employees, and 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 COVID-19 and demonstrate a negative result, at intervals to be determined by the employer. • As a condition of employment, new hires are required to provide proof that they are fully vaccinated or provide proof of valid exemption satisfactory to the employer prior to their start date. By signing the conditional offer letter, they acknowledge and agree to comply with any future vaccine policy requirements as an ongoing condition of employment at the City of Hamilton. <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 and recommended by Ontario Ministry of Health by providing one of the following: <ul style="list-style-type: none"> • Proof of COVID-19 vaccine administration as per the following requirements: <ul style="list-style-type: none"> a) Proof of all required doses of a COVID-19 vaccine approved by Health
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	<p>Canada and recommended by Ontario Ministry of Health.</p> <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 reasons. Human Resources will assist with accommodation questions, concerns and requests. • Employees are required to provide proof of their medical exemption by providing one of the following: <ul style="list-style-type: none"> • 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 connect them with the appropriate resources to develop a reasonable and appropriate accommodation plan including health and safety measures to protect all workers.
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	<p>4. Vaccination Status Reporting and Documentation</p> <ul style="list-style-type: none"> Vaccination status information will be collected and protected in accordance with relevant legislation. <p>5. Non-compliance with the Mandatory COVID-19 Vaccination Verification Policy</p> <ul style="list-style-type: none"> In accordance with City of Hamilton Human Resources policies, collective agreements and applicable legislation, directives, and policies, any non-compliance with the requirements of the Mandatory COVID-19 Vaccination Verification Policy will result in disciplinary measures, up to and including termination of employment. Subject to any valid exemptions, employees failing to provide proof of being fully vaccinated against COVID-19 by May 31, 2022 will be terminated from their employment with the City as of that date. Because of the nature of the relationship between the City and its elected Council (and citizen appointees), termination for non-compliance does not apply to Council (or their citizen appointees) <p>6. Access to the Rapid Antigen Test Program</p> <ul style="list-style-type: none"> In the event that an employee cannot participate in the City's rapid antigen testing program as a result of the inability of the City to provide rapid test kits, the employee will be placed upon a paid leave of absence until they are able to meet the requirements of the next test date in the program (i.e. the City has made test kits available).
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	<ul style="list-style-type: none"> • Employees are required to return to work at the earliest possible opportunity once testing kits are made available, and the employee can test, on the next applicable testing date. <p>7. Access to COVID-19 Vaccination Clinics</p> <ul style="list-style-type: none"> • 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. • 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>8. Continued Adherence to Public Health Measures</p> <ul style="list-style-type: none"> • Fully vaccinated employees are required to practice Public Health measures to control the spread of COVID-19. • Employees must adhere to the City’s health and safety protocols while in the workplace, including daily health screening, mandatory masking, physical distancing, hand hygiene, enhanced cleaning and the use of Personal
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	Protective Equipment as required by their position.
<p>RESPONSIBILITIES (if applicable)</p>	<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 • Follow and comply with any federal or provincial mandates or directives regarding the vaccination of staff • 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, or an approved exemption • Continue to follow health and safety protocols to ensure personal safety and

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	<p>prevent the spread of COVID-19 before and after vaccination</p> <ul style="list-style-type: none"> • 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 or from health care professionals • If additional booster doses of the COVID-19 vaccine are required, ensure subsequent doses are also received • Employees not fully vaccinated against COVID-19 or who have not yet disclosed their vaccination status prior to May 31, 2022 are required to participate (or continue to participate) in the City's rapid antigen testing program until May 31, 2022 or such time they meet the requirements of this policy. • In the event of an interruption to the City's rapid antigen testing program (e.g. due to a lack of supply) and an employee is placed on a paid leave of absence; the employee is expected to return to active duty at the employers determination once testing kits are made available, and the employee can test, on the next applicable testing date. <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
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	<p>vaccination status.</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. • 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 requirements of the Mandatory COVID-19 Vaccination Verification Policy will result in disciplinary measures, up to and including termination of employment.</p> <p>Subject to any valid exemptions, employees failing to provide proof of being fully vaccinated against COVID-19 by May 31, 2022 will be terminated from their employment with the City as of that date.</p> <p>Because of the nature of the relationship between the City and its elected Council (and citizen appointees), termination for non-compliance does not apply to Council (or their citizen appointees)</p>
HISTORY	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <p>City of Hamilton’s Senior Leadership Team Legal Services Division Human Resources Leadership Team Union Representatives from each of the City’s unions</p>

<p>Corporate Human Resources Policy Health, Safety and Wellness</p>	 Hamilton	<p>Content Updated: 2021 - 01- 06 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018</p>
<p>Policy No: HR-66-21 Page 11 of 11</p>		<p>Approval: TBD</p>

	<p>This policy replaces the former policy named Mandatory COVID-19 Vaccination Verification Policy dated 2021-08-26.</p> <p>This policy was approved by Council on January 12, 2022.</p>
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Appendix “B” to Report HUR21008(a)
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Employees in Rapid Testing Program by Union

EMPLOYEES IN RAPID TESTING PROGRAM				EMPLOYEES ALREADY ON UNPAID LEAVE	
Union Employees	FT	PT	LOA	FT	PT
CUPE 5167 Inside	123	21	2	4	5
CUPE 5167 Outside	79	6	1	4	5
HPFFA Local 288 (firefighters)	45	1	0	0	0
CLAC (Volunteer firefighters)	0	11	0	0	4
CUPE 1041 (sups & PMs)	19	0	0	1	0
HOWEA (Water)	4	0	0	0	0
ATU Inside	8	0	0	0	1
ATU Outside (operators, service)	74	3	1	2	16
ONA Public Health	8	2	0	0	1
OPSEU (paramedics)	11	0	0	0	2
CUPE Lodges	0	0	0	1	10
ONA Lodges	0	0	0	1	0
Subtotal:	371	44	4	13	44
Non-Union Employees					
Non-union	34	0	0	0	1
Non-union Recreation	0	0	0	0	10
Non-union COVID support	6	0	0	0	0
Non-union (crossing guards)	0	13	0	0	0
Subtotal:	40	13	0	0	11
Total	474			68	

Appendix "C" to Report HUR21008(a)
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Department	Division	Rapid Antigen Test
CityHousing Hamilton	Admin	9
CityHousing Hamilton	Operations	5
CityHousing Hamilton Total		14
	Communications & Strategic Initiatives	
City Manager's Office	Initiatives	1
City Manager's Office	Human Resources	2
City Manager's Office Total		3
	Clerks	
Corporate Services	Clerks	2
Corporate Services	Customer Services	3
Corporate Services	Financial Planning Admin & Policy	1
	Financial Services Taxation & Corp	
Corporate Services	Controller	4
Corporate Services	IT Services	10
Corporate Services	Legal and Risk Management	2
Corporate Service Total		22
	RCF&ESS	
Healthy & Safe Communities	RCF&ESS	1
Healthy & Safe Communities	CorpServ-FFPAP-F&A	2
Healthy & Safe Communities	Children Neighbourhood Devel	6
Healthy & Safe Communities	Hamilton Fire Department	57
Healthy & Safe Communities	Paramedics	11
Healthy & Safe Communities	Housing Services	4
Healthy & Safe Communities	Public Health Services	24
Healthy & Safe Communities	Ontario Works	8
Healthy & Safe Communities	Recreation	44
Healthy & Safe Communities Total		157
	Admin	
Planning & Economic Dev	Admin	1
Planning & Economic Dev	Building	12
Planning & Economic Dev	CorpServ-FFPAP-F&A	1
Planning & Economic Dev	Economic Develop	3
Planning & Economic Dev	Growth Management	4
Planning & Economic Dev	License and By-Law	9
Planning & Economic Dev	Planning	3
Planning & Economic Dev	Tourism and Culture	3
Planning & Economic Dev	Transportation Planning & Parking	18
Planning & Economic Dev Total		54
	Admin	
Public Works	Admin	1
Public Works	Energy Fleet & Facilities	16

Appendix "C" to Report HUR21008(a)
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Department	Division	Rapid Antigen Test
Public Works	Engineering Services	35
Public Works	Hamilton Water	20
Public Works	Transportation Ops & Mtnce	50
Public Works	Transit	83
Public Works	Transportation	2
Public Works	Waste, Waste Collection	17
Public Works Total		224
Total		474