



City of Hamilton
GOVERNANCE REVIEWSUB-COMMITTEE
AGENDA

Meeting #: 22-002
Date: June 23, 2022
Time: 9:30 a.m.
Location: Council Chambers
Council Chambers, Hamilton City Hall
71 Main Street West

Angela McRae, Legislative Coordinator (905) 546-2424 ext. 5987

1. **CEREMONIAL ACTIVITIES**
2. **APPROVAL OF AGENDA**
(Added Items, if applicable, will be noted with *)
3. **DECLARATIONS OF INTEREST**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - 4.1. May 30, 2022
5. **COMMUNICATIONS**
6. **DELEGATION REQUESTS**
7. **CONSENT ITEMS**
8. **STAFF PRESENTATIONS**
9. **PUBLIC HEARINGS / DELEGATIONS**
10. **DISCUSSION ITEMS**
 - 10.1. Renaming of Committees (FCS22055) (City Wide)

- 10.2. Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016 / HR22010) (City Wide) (Outstanding Business List Item)

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1. Amendments to the Outstanding Business List:

- 13.1.a. Items Considered Complete and Needing to be Removed:

- Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide)

- Added: January 12, 2022 - at Council (Item 3.1)

- Completed: June 23, 2022 - at Governance (Item 10.2)

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



Hamilton

GOVERNANCE REVIEW SUB-COMMITTEE

MINUTES 22-002

Monday, May 30, 2022

9:30 am

Council Chambers

Hamilton City Hall

Present: Councillors M. Wilson (Chair), B. Clark, L. Ferguson, M. Pearson, and A. VanderBeek

Absent: Councillor T. Whitehead – Personal

THE FOLLOWING ITEMS WERE REFERRED TO THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE FOR CONSIDERATION:

- 1. Amendment to By-law 16-288, Being a By-law to Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contraventions of the Code of Conduct by Members of Council (Item 5.1)**

(Clark/VanderBeek)

WHEREAS, Council enacted a By-law to Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contraventions of the Code of Conduct by Members of Council, being City of Hamilton By-law No.16-288;

WHEREAS, By-law 16-288 requires the complainant to pay to the City Clerk a refundable fee in the amount of \$100.00 upon the filing of a Complaint;

WHEREAS, the refundable fee may penalize complainants from exercising their statutory rights, and may prevent legitimate complaints from being brought forward due to concerns about financial cost;

THEREFORE, BE IT RESOLVED:

That By-law 16-288, being a By-law to Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contraventions of the Code of Conduct by Members of Council, be amended by deleting subsections 11.(6)(a), (b) and (c) as follows:

- ~~11. (6)(a) — A Complainant shall pay to the City Clerk a refundable fee in the amount of \$100.00 upon the filing of a Complaint.~~

- ~~(b) The fee payable under paragraph 11(6)(a) shall be refunded to the Complainant when the Integrity Commissioner files their report, except where a Complaint is found to be frivolous, vexatious, or not made in good faith the fee shall not be refunded.~~
- ~~(c) Where a Complaint has been stayed, a Complainant may withdraw their Complaint and receive a refund of the fee~~

Result: Motion CARRIED by a vote of 3 to 2, as follows:

YES - Councillor Maureen Wilson
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
NO - Councillor Lloyd Ferguson
NO - Councillor Maria Pearson
YES - Councillor Brad Clark

**2. Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045)
(City Wide) (Item 10.1)**

(Pearson/Wilson)

- (a) That staff be directed to develop and execute public engagement and consultation on the Hamilton Future Fund governance and reserve strategy and report back on the results in January 2023; and,
- (b) That the framework of the public engagement and consultation on Hamilton Future Fund governance and reserve strategy, attached as Appendix "A" to Report FCS22045, be approved.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised that there were no changes to the agenda.

(Clark/VanderBeek)

That the May 30, 2022 Agenda of the Governance Review Sub-Committee be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) March 31, 2022 (Item 4.1)

(Ferguson/Pearson)

That the Minutes of the March 31, 2022 meeting of the Governance Review Sub-Committee be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(d) COMMUNICATIONS ITEMS (Item 5)

(i) Correspondence from Paul Dube, Ontario Ombudsman respecting the Fee charged to file an Integrity Commissioner complaint (Item 5.1):

(Ferguson/Pearson)

That the Correspondence from Paul Dube, Ontario Ombudsman respecting the Fee charged to file an Integrity Commissioner complaint, be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

For further disposition of this matter, refer to Item 1.

(e) ADJOURNMENT (Item 15)

(Ferguson/VanderBeek)

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 10:23 a.m.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

Respectfully submitted,

Councillor M. Wilson, Chair
Governance Review Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Governance Review Sub-Committee
COMMITTEE DATE:	June 23, 2022
SUBJECT/REPORT NO:	Renaming of Committees (FCS22055) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon (905) 546-2424 Ext. 4304
SUBMITTED BY:	Andrea Holland City Clerk Office of the City Clerk
SIGNATURE:	

RECOMMENDATION

- (a) That the following Committees be renamed as follows:
- (i) Waste Management Advisory Committee be renamed to the Waste Management Sub-Committee;
 - (ii) Agricultural and Rural Affairs Advisory Committee be renamed the Agricultural and Rural Affairs Sub-Committee;
 - (iii) Business Improvement Area Advisory Committee be renamed the Business Improvement Area Sub-Committee; and
 - (iv) Community Benefits Protocol Advisory Committee be renamed the Community Benefits Protocol Sub-Committee.
- (b) That the Waste Management Sub-Committee; Agricultural and Rural Affairs Sub-Committee and Business Improvement Area Sub-Committee Terms of Reference, attached as Appendix 'A' to 'C', be approved.

EXECUTIVE SUMMARY

On March 31, 2022, Governance Review Sub-Committee deliberated Report - Review of City of Hamilton's Agencies, Boards, Committees and other Affiliated Entities

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.

SUBJECT: Renaming of Committees (FCS22055) (City Wide) - Page 2 of 4

(LS22016/FCS22025). Staff provided information regarding a review of Council and Committee Structures, with the commitment to return to Governance Review Sub-Committee with recommendations as staff move through their work plan.

“Throughout this analysis, Legal Services and Office of the City Clerk staff identified areas of the current Governance Structure where improvements can be made. Staff are developing a work plan to address these and will be returning with recommendations to committee with these recommendations for discussion and decision. “

Council, at its meeting on June 7, 2022 amended the Terms of Reference of many committees to align quorum for committees with what is outlined in Council’s Procedural By-law 21-021.

The Waste Management Advisory Committee; Agricultural and Rural Affairs Advisory Committee; Business Improvement Area Advisory Committee and the Community Benefits Protocol Advisory Committee, all have members of Council appointed as members, who have voting privileges and as per section 6.2 (17) (below) of the Procedural By-law 21-021, as amended, states that members of Council who are appointed as representatives of an Advisory do not have voting rights:

6.2 Voting Procedures

- (17) Members of Council who are appointed as representatives of an Advisory Committee, do not have voting rights while attending an Advisory Committee meeting.

Alternatives for Consideration – Not Applicable**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The Waste Management Advisory Committee, is not considered an Advisory Committee, as its membership consists of primarily Councillors with the appointment of two (2) citizens, who are tasked with giving overall guidance and direction during the preparation of the City's long-term Solid Waste Management Master Plan and advise

SUBJECT: Renaming of Committees (FCS22055) (City Wide) - Page 3 of 4

Council through the Public Works Committee of the study progress and to receive feedback, advice and direction, as appropriate.

The Agricultural and Rural Affairs Advisory Committee, is not considered an Advisory Committee, as its membership consists of voting members of Council, who are tasked with providing input to Council and City staff on issues that impact agriculture and rural communities, and act as the liaison between those communities and Council, helping to preserve, maintain and advance an economically viable agriculture base in the City of Hamilton.

The Business Improvement Area Advisory Committee, is not considered an Advisory Committee, as its membership consists of a voting member of Council, who are tasked to provide a forum for individual BIAs which encourages and facilitates receiving and sharing of information relating to initiatives affecting small businesses and business districts in the City of Hamilton.

The Community Benefits Protocol Advisory Committee, is also not considered an Advisory Committee, as its membership consists of voting members of Council, which was established on June 27, 2018, however, the Terms of Reference are still being developed by staff.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

None.

RELEVANT CONSULTATION

Clerk's Legislative staff supporting committees

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff are recommending the renaming of the committees noted to ensure that the Council members appointed to them, have voting privileges.

ALTERNATIVES FOR CONSIDERATION

None

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

SUBJECT: Renaming of Committees (FCS22055) (City Wide) - Page 4 of 4

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix 'A' – Waste Management Sub-Committee – Terms of Reference

Appendix 'B' - Agricultural and Rural Affairs Sub-Committee – Terms of Reference

Appendix 'C' - Business Improvement Area Sub-Committee – Terms of Reference

REVISED Appendix 'A' to Report FCS22055

Hamilton

TERMS OF REFERENCE**Waste Management Sub-Committee**

(Formerly the Waste Management Advisory Committee)

1. INTRODUCTION**1.1 Committee Name**

Waste Management Sub-Committee (WMSC)

1.2 Statement of Purpose

To assist the City of Hamilton with the implementation of the 2012 Solid Waste Management Master Plan (SWMMP), 2020 SWMMP Action Items, and to discuss / make recommendations on other solid waste management initiatives.

1.3 Committee Mandate

The mandate of the Waste Management Sub-Committee shall be to:

- a) Give overall guidance and direction during the implementation and maintenance of the City's long-term Solid Waste Management Master Plan,
- b) Give overall guidance and direction during the preparation and implementation of other solid waste management initiatives; and
- c) Advise Council through the Public Works Committee of the progress and to receive feedback, advice and direction, as appropriate.

1.4 Accountability

- a) WMSC is a Sub-Committee that advises Council through the Public Works Committee.
- b) Members of the WMSC are responsible for complying with the Procedural By-law and the Advisory Committee Handbook.

REVISED Appendix 'A' to Report FCS22055**2. COMMITTEE STRUCTURE****2.1 Membership**

The Waste Management Sub-Committee shall be comprised of up to five (5) members, as follows:

- a) Up to three members of City Council; and
- b) Two citizen members.

2.2 Attendance and Vacancies

If a member is absent for three (3) meetings in a calendar year without approval from the WMSC, the member may be subject to replacement.

2.3 Term of Office

The membership term will coincide with the term of Council or until such time as successors are appointed by Council.

3. SUPPORT SERVICES

3.1 The City's Waste Management Division shall provide for the administrative costs of operating the Waste Management Sub-Committee, including the cost of meeting places and clerical support services.

3.2 The City's Waste Management Division shall provide the Waste Management Sub-Committee with reasonable access to the City's consultants and facility operators.

4. MEETINGS

4.1 The Waste Management Sub-Committee shall meet bi-monthly or at the call of the chair.

AGRICULTURE AND RURAL AFFAIRS SUB-COMMITTEE COMMITTEE

TERMS OF REFERENCE (DRAFT)

MANDATE

The Agriculture and Rural Affairs Sub-Committee (ARASC) is a Sub-Committee established by City Council in accordance with these adopted Terms of Reference. The ARASC will provide input to Council and City staff on issues that impact agriculture and rural communities, and act as the liaison between those communities and Council, helping to preserve, maintain and advance an economically viable agriculture base in the City of Hamilton.

SCOPE OF ACTIVITIES

The ARASC's scope of activities, as it relates to their mandate, are as follows:

- To solicit and coordinate the interests and concerns of Hamilton's farming industry, agricultural organizations, farm families and non-farm rural residents, presenting recommendations before City Council as necessary;
- To serve as a community forum for the exchange of information on agricultural and rural affairs matters and encourage public awareness and education of agricultural and rural issues;
- To review and provide advice on federal, provincial and municipal strategies, policies, studies, plans, by-laws and proposal related to agriculture and rural affairs;
- To provide advice on agricultural and rural affairs matters, as they arise, at the request of Council or staff; and,
- To serve as the Tree By-Law Committee, as set forth in By-law No. R00-054, the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law, for the purpose of hearing applicants who are refused a permit for minor exception, and recommending whether the permit should be issued or denied with or without terms and conditions.

REPORTING STRUCTURE

The Agriculture and Rural Affairs Sub-Committee reports to City Council, through the Planning Committee.

COMPOSITION & TERMS

The Agriculture and Rural Affairs Sub-Committee shall be comprised of up to 19 voting members and up to five key stakeholders/advisors (non-voting) as follows:

Voting Members:

- Three members appointed by the Hamilton-Wentworth Federation of Agriculture;
- One member appointed by the Wentworth-Brant Christian Farmers Association;
- One member appointed by the Hamilton-Wentworth Women's Institute;
- One rotating member appointed by the Agricultural Societies (Rockton, Binbrook and Ancaster);

- Two members appointed by the Wentworth Soil & Crop Improvement Association;
- Up to five citizen members appointed by Council; and,
- Up to six Councillors appointed by Council from Wards 9, 10, 11, 12, 13, and/or 15.

Key Stakeholders/Advisors (Non-voting Members):

- The Member Service Representative for Zone 5 from the Ontario Federation of Agriculture;
- One staff representative from the Ontario Ministry of Agriculture, Food and Rural Affairs;
- One member appointed by farmers markets in Hamilton;
- One member appointed from the Chamber of Commerce (Flamborough, Stoney Creek, Hamilton); and,
- One member appointed from the Wentworth Junior Farmers Association.

Quorum shall be a half of the voting membership rounded up to the nearest whole number. Non-voting members are not counted in determining the number required for quorum or in determining whether or not quorum is present.

Volunteer citizen members of the ARASC will be selected as per the City of Hamilton's Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees for the Term of Council (4 years) or until such time as a successor is appointed by Council.

A Chair and Vice-Chair of the ARASC shall be elected for the Term of Council (4 years) or until such time as a successor is appointed.

COMMITTEE SUPPORT

The following resources will be made available to the Agriculture and Rural Affairs Sub-Committee:

- The City Clerk's Division will provide legislative support and be responsible for the administrative costs of operating the Committee meetings;
- City staff liaison(s) from the Economic Development Division and Planning Division; and,
- The Committee may request information or support from other City Divisions and Departments or experts in the field to assist in formulating appropriate decisions and recommendations.

MEETINGS AND GENERAL INFORMATION

Meetings shall be held at the call of the Chair at an appropriate meeting space and time. Regular meetings will not be scheduled during the months of July, August or December, but special meetings may be called during these months.

The Terms of Reference shall be reviewed by the Committee within each Term of Council.

Appendix 'C' to Report FCS22055**Business Improvement Area Sub-Committee
Terms of Reference**

(approved by Council on February 13, 2013)

Mandate

To provide a forum for individual BIAs which encourages and facilitates receiving and sharing of information relating to initiatives affecting small businesses and business districts in the City of Hamilton.

Role of Sub-Committee Members

It shall be the role of the members of the Committee to share with their individual BIAs information received at meetings and consult with, and seek input when required, from its members on matters referred to the Sub-Committee by City Council.

Membership

1. Membership will be open to each BIA who will submit the name of one representative and one alternate to attend meetings of the Sub-Committee
2. One Member of Council
3. Membership is for the Term of Council

Election of Chair and Vice-Chair

A Chair and Vice Chair will be selected from amongst the Sub-Committee members through a nomination process.

City of Hamilton Staff

A member of the City Clerk's Legislative Team will provide legislative support to the Sub-Committee, and the Sub-Committee will follow all processes and procedures established by the City of Hamilton.

Departmental staff will act as Liaisons and provide updates and presentations on matters referred to the Sub-Committee by Council and Senior Management Team.

Meetings



Meetings will be on the second Tuesday of each month.

Reporting Structure

Sub-Committee to report to the General Issues Committee.



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
 City Clerk's Office

TO:	Chair and Members of Governance Review Sub-Committee
COMMITTEE DATE:	June 23, 2022
SUBJECT/REPORT NO:	Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016/HR22010) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Andrea Holland (x5409) Matthew Sutcliffe (x2655)
SUBMITTED BY:	Andrea Holland City Clerk
SIGNATURE:	
SUBMITTED BY:	Matthew Sutcliffe Director, Employee Health and Labour Relations
SIGNATURE:	

RECOMMENDATION(S)

- (a) That Council approve the amendments to the City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees as outlined in Appendix A of Report FCS22016/HR22010;
- (b) That Council choose between Options A, B, and C as outlined within the section Alternatives for Consideration of Report FCS22016/HR22010 and Appendix B of report FCS22016/HR22010; and
- (c) That Council approve the proposed amendments to the Mandatory COVID-19 Vaccination Verification Policy, substantially in the form attached as Appendix B of

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

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SUBJECT: Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016/HR22010) (City Wide) - Page 2 of 8

Report FCS22016/HR22010 with any necessary amendments arising from recommendation (b) above;

EXECUTIVE SUMMARY

On January 12, 2022, Council approved amendments to the Mandatory COVID-19 Vaccination Verification Policy (the “Vaccination Policy”) and directed the City Clerk to report back on the implications of these changes on Members of Council and Appointees. Staff reviewed current recruitment policies against the new requirement for mandatory COVID-19 vaccination and are putting forward amendments to the Mandatory COVID-19 Vaccination Verification Policy and the City of Hamilton Policy respecting the Appointment of Citizens to the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees (the “Appointment Policy”) to clarify the consequence for Members of Council and Appointees who are not compliant with the Vaccination Policy. Staff are recommending amendments to the eligibility criteria within the Appointment Policy; changes to the Vaccination Policy and options for Committee and Council to consider for Council Appointees who are not compliant with the Vaccination Policy

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

At Council’s meeting on January 12, 2022, the following was approved and amended on May 25, 2022:

3.1 Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide) (Partridge/Powers)

(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, those unvaccinated staff, or those staff choosing not to disclose their

SUBJECT: Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016/HR22010) (City Wide) - Page 3 of 8

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 **September 30, 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 **September 30, 2022**;

(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 **September 30, 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;

(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; and,

(f) That the City Clerk be directed to report to the Governance Review Sub-Committee with recommendations for amendments to the Council Code of Conduct and the Code of Conduct for local Boards and Council mandated Committees to ensure Member compliance with the Corporate Vaccination Policy and how sanctions may be applied to members of Council who do not comply.

During the General Issues Committee meeting on January 12, 2022, Council Members asked how the Vaccination Policy and sanctions for non-compliance would be handled for Members of Council and Appointees, given they are not employees. The City Clerk was asked to report back on how this could be managed for these two groups.

SUBJECT: Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016/HR22010) (City Wide) - Page 4 of 8

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Vaccination Policy approved on January 12, 2022 and amended on May 25, 2022 outlines the scope of application as follows:

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 Council appointed committees. New employees will also be subject to this policy as a condition of their employment contract with the City of Hamilton. 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 **September 30, 2022**.

The Vaccination Policy clearly outlines the application of the Policy to all employees, including Members of Council and Appointees; however, it is silent on the consequences of non-compliance for Members of Council and Appointees.

Members of Council

Section 2 of the Council Code of Conduct By-Law 16-290 outlines the Key Statements of General Principle Underlying the Code of Conduct.

SECTION 2: KEY STATEMENTS OF GENERAL PRINCIPLE UNDERLYING THE CODE

2. The key statements of principle that underlie the Code of Conduct are as follows:
- 1) every Member shall serve, and be seen to serve, his or her constituents in a conscientious and diligent manner;
 - 2) every Member shall be committed to performing his or her functions with integrity and to avoiding the improper use of the influence of his or her office, and conflicts of interest, both apparent and real; Council Code of Conduct (Page 6 of 15)
 - 3) every Member shall perform his or her duties in office and arrange his or her private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
 - 4) **Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Council.**

All current Members of Council have publicly stated that they are in compliance with the Vaccination Policy. Any new Members of Council would need to provide proof of vaccination or an approved medical exemption pursuant to the Vaccination Policy after

SUBJECT: Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016/HR22010) (City Wide) - Page 5 of 8

taking office. The Office of the City Clerk plans to include the Vaccination Policy in the Candidates package for Municipal Elections.

Due to the elected status of Members of Council, the Vaccination Policy states that termination for non-compliance does not apply. Staff are recommending an amendment to the Vaccination Policy to outline the implications for non-compliant Members of Council as detailed in Appendix B to Report FCS22016/HR22010. As per the amendment, if a Member of Council does not comply with the Policy, they will be subject to the same requirements and restrictions imposed on employees who have an approved exemption.

As the Council Code of Conduct requires compliance with policies established by Council, any complaints regarding non-compliance with the Vaccination Policy could be brought forward to the Integrity Commissioner for investigation.

Members of Council Appointed Committees

The Office of the Clerk and Human Resources informed all Citizen Appointees of the change in Vaccination Policy and the requirements for mandatory vaccination on or about February 10, 2022 through the Staff Liaisons for distribution to committee members.

When the Vaccination Policy was adopted in August of 2021, Appointees were notified and instructed to supply their vaccination status to Human Resources. In September 2021, all recruitment for employment and volunteering opportunities were amended to require compliance with the Vaccination Policy and was reflected on the City's recruitment webpages as follows:

"Effective Thursday, September 23, 2021: Vaccine Verification

As a condition of employment you are required to provide proof that you are fully vaccinated or provide proof of valid exemption satisfactory to the employer prior to your start date. You must acknowledge and agree to comply with any future vaccine policy requirements as an ongoing condition of employment at the City of Hamilton."

Currently, eligibility for application to citizen member positions is outlined in the Appointment Policy as follows:

Eligibility

1. The Selection Process is open to all residents and business owners of the City of Hamilton who are at least 18 years of age, unless otherwise stated (Note: Additional requirements may be requested by the individual Agency,

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Board, Commission, Advisory (Volunteer) Committee or Sub-Committee, if they are governed by separate legislation, policies or mandates);

2. City Council wishes to ensure that its Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees reflect the diverse nature of the City of Hamilton's population and encourages all residents to apply for appointment opportunities.

To ensure consistency with the Vaccination Policy, Staff are recommending that the paragraph below be approved for inclusion in the Eligibility criteria section of the Appointment Policy. The draft amendment to the Appointment Policy is included as, Appendix A to Report FCS22016/HR22010:

As a condition of participation within the Selection Process, you are required to provide proof that you are fully vaccinated against COVID-19 or provide proof of valid exemption satisfactory to the City in compliance with the City's Mandatory COVID-19 Vaccination Verification Policy prior to your start date. You must acknowledge and agree to comply with the Mandatory COVID-19 Vaccination Verification Policy and any future vaccine policy amendments as an ongoing condition of participation at the City of Hamilton.

This amendment is consistent with recruitment practices for employees and other volunteer opportunities at the City. Other amendments within the Appointment Policy are bolded and highlighted and are for Committee and Council's consideration. Further, in the Alternatives for Consideration section, staff have provided three options with respect to the consequences for those Appointees who are not compliant with the Vaccination Policy in Appendix B to Report FCS22016/HR22010 for consideration. Staff are seeking direction from Council on how they would like non-compliance managed.

RELEVANT CONSULTATION

Consultations in developing this report and recommendations included the Office of the City Clerk, Legal Services, Human Resources and Principles Integrity, the City's Integrity Commissioner.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Staff recommendation (a) and (c) to this report will bring consistency between the recruitment of Appointees and all employees and volunteers in other areas of the organization.

SUBJECT: Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016/HR22010) (City Wide) - Page 7 of 8

Staff have reviewed the Council and Appointees Codes of Conduct and following discussions with the Integrity Commissioner, are recommending the proposed changes to the Vaccination Policy in order to outline compliance.

ALTERNATIVES FOR CONSIDERATION

Staff are providing the following options for consideration and are seeking direction from Committee and Council to administer Council Appointees who are not compliant with the Vaccination Policy.

Staff considered changes to the Code of Conduct, however, in discussions with the Integrity Commission, it was decided that changes to the Vaccination Policy would bring the most consistency and clarity.

Options

- (A) Unvaccinated members of Council appointed committees without an Approved Exemption shall be removed from their positions and shall be replaced accordingly.
- (B) Members of Council appointed committees will be presumed to have an Approved Exemption and shall work with the City to develop a reasonable and appropriate accommodation plan including health and safety measures to protect all Employees and Committee Members, up to the point of undue hardship
- (C) Unvaccinated members of Council appointed committees without an Approved Exemption shall be reported back to Council on a list of non-compliant Appointees by the Clerk.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

SUBJECT: Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016/HR22010) (City Wide) - Page 8 of 8

Appendix A – Amendments to the City of Hamilton Policy Appointment of Citizen Members Agencies, Boards, Commissions and Committees

Appendix B – Amendments to the Mandatory COVID-19 Vaccination Verification Policy

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City of Hamilton Policy respecting the Appointment of Citizens to the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees

Eligibility

1. The Selection Process is open to all residents and business owners of the City of Hamilton who are at least 18 years of age, unless otherwise stated (Note: Additional requirements may be requested by the individual Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee, if they are governed by separate legislation, policies or mandates);
2. **As a condition of participation within the Selection Process, you are required to provide proof that you are fully vaccinated against COVID-19 or provide proof of valid exemption satisfactory to the City in compliance with the City’s Mandatory COVID-19 Vaccination Verification Policy prior to your start date. You must acknowledge and agree to comply with Mandatory COVID-19 Vaccination Verification Policy and any future vaccine policy amendments as an ongoing condition of participation at the City of Hamilton.**
3. City Council wishes to ensure that its Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees reflect the diverse nature of the City of Hamilton’s population and encourages all residents to apply for appointment opportunities.

Public Notice

4. The City Clerk’s Office advertises for all citizen member vacancies on the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees in the Hamilton Spectator and/or relevant Community Newspapers, on the City’s website and through other appropriate methods.

Recruitment

5. Citizen membership on all of the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, with the exception of those terms of office defined by Provincial or Federal legislation, will be to serve for a period of up to four years, which coincides with the Term of Council, or until a successor is appointed by Council.

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6. Citizens are permitted to apply for membership on no more than two (2) of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees.
7. Applications and information regarding all the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees (i.e. Terms of Reference, Mandate, approximate number of meetings per year, etc.) are made available at the City Clerk's Office, at all Municipal Service Centre locations and on the City's website (www.hamilton.ca);
8. Completed application forms are to be returned to the City Clerk's Office or any of the Municipal Service Centres by the application deadline (date and time), as set out in the advertised Public Notice. Applications received after the deadline will not be considered for appointment.
9. Completed applications may be submitted by one of the following methods:
 - (i) Online Application Process on the City's website;
 - (ii) Hand delivered or mailed to the Office of the City Clerk, 1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5;
 - (iii) Delivered to any Municipal Service Centre;
 - (iv) Scanned and forwarded via e-mail to the contact person listed in the Advertisement; or,
 - (v) By Facsimile Transmission at (905) 546-2095
10. Applications shall be kept on file by the City Clerk's Office for the Term of Council. In the event of a vacancy, the Selection Committee or Interview Sub-Committee may consider interviewing applicants whose applications are on file for that term, and the appointment would be for the balance of that Term of Council only.
11. Incumbents who are eligible and willing to seek reappointment to a City Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee must reapply in the same manner as other applicants.

Information Session(s)

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12. An Information Session(s) is scheduled during the beginning of the initial recruitment process (end of the previous Term of Council) and although attendance is not mandatory, attendance is strongly encouraged for new applicants.

At the Information Session(s), citizens are provided with information regarding the various Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, and are afforded the opportunity to ask questions of the Staff Liaisons.

Interested citizens may also fill out and submit an application during the Information Session(s).

Selection Process for Agencies, Boards, Commissions and Sub-Committees

13. A minimum of five (5) members of Council are appointed to the Selection Committee whose mandate will be to:

(i) Review citizen member applications for the City’s Agencies, Boards, Commissions and Sub-Committees;

(ii) Applicants are shortlisted with assistance of staff, where appropriate, based on the applicant information provided;

(iii) Interview candidates that have provided confirmation of compliance with the City’s Mandatory COVID-19 Vaccination Verification Policy;

(iv) Make recommendations to City Council for the appointment of citizens to the various Agencies, Boards, Commissions and Sub-Committees.

Selection Process for Advisory (Volunteer) Committees

14. A minimum of three (3) members of each Standing Committee (plus two alternates) are appointed to the respective Standing Committee Interview Sub-Committee whose mandate will be to:

(i) Review citizen member applications for the City’s Advisory (Volunteer) Committees;

(ii) Applicants are shortlisted with assistance of staff, where appropriate, based on the applicant information provided;

(iii) Interview candidates that have provided confirmation of compliance with the City’s Mandatory COVID-19 Vaccination Verification Policy;

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(iv) Make recommendations to the respective Standing Committee for the appointment of citizen members to the various Advisory (Volunteer) Committees. These recommendations are ratified by Council.

Selection Process for the Hamilton Aboriginal Advisory Committee

15. local Hamilton Aboriginal Community leadership, will recommend to Council the appointment of residents from the Hamilton Aboriginal community, to sit on the Hamilton Aboriginal Advisory Committee. *(Approved by Council on July 10, 2015)*

Selection Process for Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees Established during the Term of Council

16. When an Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee is established during the Term of Council, the respective process outlined in Section 12 and 13 will be followed.

Interview Process

17. The Selection Committee or Interview Sub-Committee may, at its discretion, with the assistance of staff, shortlist candidates using the following criteria:

- (i) Related competencies;
- (ii) Previous committee experience; and,
- (iii) Number of citizens who applied for vacancy(ies).

18. Interviews will be conducted, where required, with those applicants who are most suited to serve on the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees as follows:

- (i) Applicants will be notified verbally or by e-mail of their interview date and time by the City Clerk’s office;
- (ii) The allotted time for each interview will be approximately ten (10) minutes in length;

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- (iii) An established set of interview questions will be developed by staff in relation to the mandated role of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee in consultation with the City Clerk’s Office;
- (iv) The City Clerk’s Office will notify all applicants in writing once the appointments have been approved by Council;
- (v) Applicants may be required to have background checks.

19. One (1) City of Hamilton Legislative Coordinator or Staff Liaison to the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee, shall attend the interviews and serve as a resource person.

Roles and Responsibilities of Appointed Citizen Members of the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees

20. Citizen members of the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees are encouraged to make themselves familiar with the Terms of Reference, the Roles, Responsibilities and Expectations of New Members and mandated activities of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee(s) to which they are making application to.

21. Citizen members of the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees:

- (i) are required to attend and participate fully in the meetings;
- (ii) who miss more than three (3) meetings without Committee without Committee approval, may be subject to replacement on the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee and may not be eligible for re-appointment; and
- (iii) upon appointment, are required to sign a Committee Member Acknowledgement Form (attached hereto as Schedule “B”), provided by the City Clerk’s Office, ***prior to attending the first meeting*** of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee to which they are appointed. Such declaration will remain on file in the Office of the City Clerk for the duration of the citizen’s appointment.

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22. Citizen members of the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees are bound by the *Municipal Conflict of Interest Act* found at the following link: <https://www.ontario.ca/laws/statute/90m50> and attached as Appendix “D” to the Advisory Committee, Procedural Handbook.
23. Citizen members of the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees are to comply with the Hamilton Advisory Committee/Task Force Code of Conduct (attached hereto as Schedule “D”).

Appointment at Pleasure of Council

24. Despite the set term of appointment of up to 4 years or until a successor is appointed, all citizen members are appointed at the pleasure of City Council and City Council retains the right to remove any citizen appointed member at any time and for any reason, unless legislation provides otherwise.

Filling of Vacancies

25. Vacancies on the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees can occur throughout the Term of Council, due to a member’s resignation, should a vacancy occur during the Term of Council, the following process will be followed:
- (i) The Committee member who is resigning shall do so formally in writing by providing a completed and signed copy of the Committee Member Resignation Form (attached hereto as Schedule “C”) to the appropriate Legislative Coordinator, in the City Clerk’s office, stating which Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee the Committee member is resigning from and general reasons why (the inclusion of private/personal information is not required).
 - (ii) The Committee Member Resignation Form will be placed on a Standing Committee or Council Agenda to be formally received by Committee/Council; and, consideration of the vacancy shall be forwarded to the Selection Committee or Interview Sub-Committee for review.
 - (iii) The Selection Committee or respective Interview Sub-Committee will consider whether to fill the vacancy from those applicants who applied in the initial call for applications, or to re-advertise.

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- (iv) If the vacancy occurs within 12 months of the end of the Term of Council, and there are insufficient applicants on file to fill the vacancy the vacancy will not be filled, and the quorum of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee will be adjusted accordingly.

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Schedule “A”

SELECTION COMMITTEE & INTERVIEW SUB-COMMITTEE GUIDING PRINCIPLES

1. The Selection Committee and Interview Sub-Committees are committed to fulfilling the recruitment and selection of its citizens to the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees in an open, transparent and equitable manner.
2. The Selection Committee and Interview Sub-Committees are committed to a public recruitment process which is communicated well in advance and which encourages a broad range and diverse participation of citizens, free of barriers.
3. The Selection Committee and Interview Sub-Committees are committed to a competitive recruitment process which seeks suitable candidates evaluated on interest, merit and related competencies.
4. The Selection Committee and Interview Sub-Committees are committed to unbiased decision making essential to a fair and impartial selection process.

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Schedule "B"



Hamilton

COMMITTEE MEMBER ACKNOWLEDGEMENT FORM

I _____ in consideration of the City of Hamilton appointing me to the _____, for the _____ term, acknowledge, undertake and agree as follows:

1. I will make all reasonable efforts to attend all meetings of this body to which I have been appointed and to participate in an impartial manner with the understanding that:
 - (a) If I am absent from more than three meetings, I may be subject to replacement on the Committee and not be eligible for re-appointment.
2. I will exercise all of the roles and responsibilities of a member of the body to which I have been appointed.
3. I shall respect and co-operate with the other Committee members and City staff.
4. I shall not disclose to any member of the public any confidential information, acquired by virtue of my position.
5. As a volunteer Committee member, I have received, read and have a general understanding of the City of Hamilton Advisory Committee Procedural Handbook **and Code of Conduct for Local Boards.**
6. **I agree to comply with the City's Mandatory COVID-19 Vaccination Verification Policy as amended as an ongoing condition of participation within the Selection Process or as an Appointee to the City's Agencies,**

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Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees.

Dated at City of Hamilton, in the Province of Ontario this ____ day of _____, 20__.

Applicant:

Witness:
(Must be at least 18 years if age.)

(Please Print Your Name)

(Please Print Your Name)

(Please Sign)

(Please Sign)

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Schedule "C"



Hamilton

COMMITTEE MEMBER RESIGNATION FORM

I, _____, would like to submit my resignation, effective _____, 20__, from the _____, for the following reason(s):

- My circumstances have changed and I know longer have the time to effectively participate on the Committee.
- Personal reasons.
- Other (please explain briefly):

Additional Comments (optional)

Signature

Date

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Schedule “D”**HAMILTON ADVISORY COMMITTEE/TASK FORCE CODE OF CONDUCT**

Council has adopted this Code of Conduct for the guidance of Appointees to Advisory Committees and Task Forces providing recommendations to Standing Committees and to assist Appointees in performing their duties in a manner which will promote the public’s confidence in these Advisory Committees and Task Forces operating with integrity, transparency and courtesy.

It is recognized that the Code of Conduct cannot anticipate all possible fact situations in which Appointees may be called upon to exercise judgement as to the appropriate standard of conduct. When this occurs, Appointees are to ensure that their decisions maintain the Advisory Committee or Task Force’s integrity, transparency and courtesy.

This Code of Conduct does not apply to Members of Council who are subject to the Council Code of Conduct.

Failure to comply with this Code of Conduct may result in the Advisory Committee or Task Force:

- (1) requesting an apology from the Appointee; and/or
- (2) removing the Appointee from the Advisory Committee or Task Force for a portion or all of their term.

1. GOOD CONDUCT

Appointees shall act with honesty and integrity including:

- acting in a manner that contributes to the public’s confidence in the Advisory Committee or Task Force; and
- not engaging in conduct that may, or may appear to, constitute an abuse of their position as an Appointees.

2. MEETINGS

Appointees shall maintain proper control over meetings demonstrating respect for everyone who is involved in a proceeding.

Appointees are expected to attend all meetings of the Advisory Committee or Task Force. If an Appointee misses more than three meetings during their term, the Chair, after hearing and considering any explanation provided by the Appointee, may remove

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the Appointee from the Advisory Committee or Task Force for the remainder of their term.

3. COLLEGIALLY

Appointees shall respect and co-operate with other Appointees and the Advisory Committee or Task Force staff.

4. GIFTS OR BENEFITS

Appointees shall not accept a gift or benefit that may appear as being offered because they are Appointees.

5. CONFIDENTIAL INFORMATION

Appointees shall not disclose to any member of the public any confidential information acquired by virtue of their position.

6. MEDIA COMMUNICATION

Except for the Chair, who may accurately communicate a recommendation or direction, Appointees shall not comment to the media.

Should the media contact an Appointee directly, the Appointee shall refer the media to the Chair or, in the absence of the Chair, to the Vice Chair.

Incorporating revisions:

<u>Record Number</u>	<u>Effective Date</u>
FCS220016	June 23, 2022

Corporate Human Resources Policy Health, Safety and Wellness	 Hamilton	Content Updated: 2022-05-25 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 1 of 14		Approval: TBD

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 such measures as daily health screening, 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 COVID-19 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's requirements with regard to COVID-19 vaccination and provide direction to Employees, Members of Council and members of Council appointed committees on the requirement to receive a 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 ("Employees"), and including Members of Council</p>

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	<p>and members of Council appointed committees. New Employees will also be subject to this policy as a condition of their employment contract, volunteer position or student placement with the City of Hamilton.</p> <p>It requires Employees, Members of Council and members of Council appointed committees to be fully vaccinated against the COVID-19 virus and requires everyone to provide proof of vaccination satisfactory to the City.</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 ("Approved Exemptions").</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>
<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 protection from SARS-CoV-2</p> <p>Having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines as</p>

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<p>Proof of Vaccination</p> <p>Proof of Medical Exemption</p> <p>Members of Council Appointed Committees</p>	<p>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>Citizen Members of Committees, Boards and Tribunals of Council who have been selected and appointed by Council</p>
<p>TERMS & CONDITIONS</p>	<p>The following apply to this Policy:</p> <p>1. Mandatory COVID-19 Vaccinations</p> <p><i>Employees</i></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 September 30, 2022. Employees who have not provided proof that they are fully vaccinated or an Approved Exemption satisfactory to the employer are required to participate (or continue to participate) in the City's rapid antigen testing program until September 30, 2022. Unvaccinated Employees, and unvaccinated Employees who have provided an Approved Exemption, will only be allowed into a City facility for the purposes of working if they submit to regular antigen testing for COVID-

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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 an **Approved 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.

Members of Council

- All Members of Council are required to be fully vaccinated against COVID-19, unless subject to an **Approved Exemption by September 30, 2022.**
- Unvaccinated (or non-disclosing) Members of Council will be presumed to have an **Approved Exemption** and shall work with the City to develop a reasonable and appropriate accommodation plan including health and safety measures to protect all Employees, up to the point of undue hardship.

Members of Council Appointed Committees

- All members of Council appointed committees are required to be fully vaccinated against COVID-19 unless subject to an **Approved Exemption by September 30, 2022.**

[OPTION A]

- Unvaccinated members of Council appointed committees without an **Approved Exemption** shall be removed from their positions and shall be replaced accordingly.

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[OPTION B]

- Members of Council appointed committees will be presumed to have an Approved Exemption and shall work with the City to develop a reasonable and appropriate accommodation plan including health and safety measures to protect all Employees and Committee Members, up to the point of undue hardship

[OPTION C]

- Unvaccinated members of Council appointed committees without an Approved Exemption shall be reported back to Council on a list of non-compliant Appointees by the City Clerk

[END OF OPTIONS]

- All new members of Council appointed committees are required to provide proof that they are fully vaccinated or provide proof of Approved Exemption satisfactory to the City prior to their start date. By participating in the Council appointed committee, they acknowledge and agree to comply with any future vaccine policy requirements as an ongoing condition of participation.

2. Operational Area Exemptions:

- Employees in the following three operational areas will be subject to the following differential terms and conditions under the policy as follows:
 - Employees at the Lodges remain required to provide proof of vaccination in order to attend at work, with those

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	<p>employees failing to provide such evidence to remain on an unpaid leave of absence until September 30, 2022, and with employees at the Lodges required to continue participation in daily Rapid Antigen Testing until further notice;</p> <ul style="list-style-type: none"> ○ Employees at Hamilton Paramedic Services who have failed to disclose proof of vaccination remain required to participate in Rapid Antigen Testing prior to commencing each shift until September 30, 2022; ○ Employees at the Red Hill Child Care Centre who have failed to disclose proof of vaccination remain required to participate in Rapid Antigen Testing three times per week until September 30, 2022; ● Should circumstances warrant, or should the City receive guidance, direction, or recommendations from public health, the Province, or the Federal government, the City may alter the rapid antigen testing process in place in any one of the above operational areas (i.e. by changing testing frequency, the method of testing, reporting requirements, etc.) with appropriate notice to Employees. ● For clarity, Rapid Antigen Testing will only continue beyond September 30, 2022 for employees at the Lodges (who will continue to undergo daily testing until further notice). The Rapid Antigen Testing Program will otherwise end for all other employees after September 30, 2022. <p>3. Providing Proof of COVID-19 Vaccination Status</p>
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	<ul style="list-style-type: none"> • Employees, Members of Council and members of Council appointed committees 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"> ○ Proof of all required doses of a COVID-19 vaccine approved by Health Canada and recommended by Ontario Ministry of Health. <p>4. 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, Members of Council and members of Council appointed committees 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, Members of Council and members of Council appointed committees 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:
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	<ul style="list-style-type: none"> - That the person cannot be vaccinated against COVID-19 and; - The effective time period for the medical reason (i.e., permanent or time- limited). <ul style="list-style-type: none"> • 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, up to the point of undue hardship. <p>5. 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>6. Non-compliance with the Mandatory COVID-19 Vaccination Verification Policy</p> <p><i>Employees</i></p> <ul style="list-style-type: none"> • In accordance with City 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><i>Members of Council</i></p> <ul style="list-style-type: none"> • Unvaccinated Members of Council shall comply with their approved accommodation plan from the City and failure to comply may result in a complaint to the Integrity Commissioner.
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Members of Council Appointed Committees

[OPTION A]

- Unvaccinated members of Council appointed committees without an Approved Exemption shall be removed from their positions and shall be replaced accordingly.

[OPTION B]

- Members of Council appointed committees will be presumed to have an Approved Exemption and shall work with the City to develop a reasonable and appropriate accommodation plan including health and safety measures to protect all Employees and Committee Members, up to the point of undue hardship

[OPTION C]

- Unvaccinated members of Council appointed committees without an Approved Exemption shall be reported back to Council on a list of non-compliant Appointees by the Clerk

[END OF OPTIONS]

7. Access to the Rapid Antigen Test Program

- 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).
- Employees are required to return to work at the earliest possible opportunity once testing kits are made available, and the Employee

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	<p>can test, on the next applicable testing date.</p> <p>8. Access to COVID-19 Vaccination Clinics</p> <ul style="list-style-type: none"> • Reasonable arrangements will be made to allow for Employees 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>9. 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 Protective Equipment as required by their position. • In the event that circumstances change, such that Public Health, the province, the federal government, and/or other sources of information indicate that reintroduction of
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	<p>elements of this Policy are required or recommended, such changes will be proposed and brought before Council for Direction.</p>
<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"> • Follow and comply with any federal or provincial mandates or directives regarding the vaccination of Employees • 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 Employees with access to information on COVID-19, health and safety precautions, and on the efficacy of the COVID-19 vaccine • Provide Employees 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"> • Continue to follow health and safety protocols to ensure personal safety and prevent the spread of COVID-19 before and after vaccination.

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	<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 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 are required to participate (or continue to participate) in the City’s rapid antigen testing program until September 30, 2022 (when the program will come to an end, with the exception of the operational areas identified where testing will continue beyond this date). • 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 employer’s 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.
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	<ul style="list-style-type: none"> • Create procedure for collecting and storing documentation on employee vaccination status. • 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. <p>City Clerk</p> <ul style="list-style-type: none"> • Confirm that all members of Council appointed committees are fully vaccinated or have an Approved Exemption. • Create necessary policies and procedures for removing/replacing members of Council appointed committees as necessary in accordance with this policy. • Create necessary policies and procedures to ensure all new members of Council appointed committees provide proof of full vaccination or an Approved Exemption.
<p>COMPLIANCE</p>	
<p>HISTORY</p>	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <p>City of Hamilton’s Senior Leadership Team External Legal Counsel Human Resources Leadership Team Union Representatives from each of the City’s unions.</p>

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	<p>This policy replaces the former policy named Mandatory COVID-19 Vaccination Verification Policy dated 2022-01-06.</p> <p>This policy was amended by Council on May 25, 2022 , to extend the compliance date to September 30, 2022 for Employees</p> <p>This Policy was amended by Council on (Date) to provide staff direction on the administration of the Policy for Members of Council and Council Appointees.</p>
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