

DRAFT



## CITIZEN COMMITTEE REPORT

<b>To:</b>	Audit, Finance & Administration Committee
<b>From:</b>	Committee Against Racism  _____ Taimur Qasim, Chair
<b>Date:</b>	March 4, 2022
<b>Re:</b>	City of Hamilton Mandatory COVID-19 Vaccination Verification Policy

### Background

1. On February 11, 2022 members of the City of Hamilton's Committee Against Racism (CAR) received notification from W. Matthew Sutcliffe, LL.B., Director, Employee Health and Labour Relations, City Manager's Office, Human Resources which indicated that the City of Hamilton Council had approved amendments to the City of Hamilton's Mandatory COVID-19 Vaccination Verification Policy. The Policy requires that all volunteers and Council-appointed committee members be fully vaccinated or provide an approved medical exemption. The letter further stated that if members have made the personal decision to either not receive an approved vaccine and/or not to share that information with the City prior to May 31, 2022, they will be in violation of the Policy.
2. On February 14, 2022 the Government of Ontario announced it will lift proof of vaccination requirements on March 1, 2022

3. On February 18, 2022 a CAR member requested that the letter and vaccine requirement be placed on the CAR February 22, 2022 meeting agenda for discussion among the Committee and asked City staff if the Policy will be enforced after March 1, 2022 when the Province of Ontario has made proof of vaccination voluntary. The City Staff Liaison's to CAR invited W. Matthew Sutcliffe to attend our meeting to answer this question and any other questions committee members may have.

4. On February 22, 2022 CAR held its monthly meeting. At the meeting Mr. Sutcliffe told members that the City of Hamilton (the City) had not yet decided if they would uphold the proof of vaccination requirement after it was no longer mandated by the Province and that he would let CAR members know when he found out. Further, he clarified that as the Policy now stands, should CAR members choose not to get vaccinated or disclose their vaccination status and should they not meet the eligibility for an approved medical exemption they would be prohibited from participating on the Committee. This is very concerning to CAR members in a number of ways outlined below. Mr. Sutcliffe further explained that any requests for exemptions and accommodations made under the previously protected grounds of non-discrimination based on race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, or creed are no longer being accepted by the City and the only exemptions being considered are approved medical exemptions as outlined in the letter. This is very concerning to the CAR as having these criteria as protected grounds of non-discrimination is crucial to maintaining health equity of Black people, Indigenous people and other people of Colour (BIPOC). Mr. Sutcliffe clarified that the Policy applies to all City staff and stated that some City staff are currently off on unpaid leave for not having received the required two doses or not disclosing their vaccination status and should they not report that they have received the approved two doses by the deadline they will be facing termination. This is very concerning to the CAR as BIPOC people and communities will likely be disproportionately harmed by unemployment, mental health, poverty and other social determinants of health fallouts.

5. Members of CAR raised a number of issues pertaining to these concerns. These issues included historical experiences of government-enforced medical interventions which traumatized BIPOC /racialized people, particularly Black and Indigenous peoples. The historical and contemporary contexts of systemic racism and resulting structural disparities cause racism to continue to be a public health crisis, resulting in Black people, Indigenous people and people of Colour excessively susceptible to lower health outcomes. Rigid mandates and coercing people to take two (or more) vaccinations with very little room for accommodation

as a condition of employment and/or participating in activities unduly harm BIPOC communities who are already disproportionately affected by issues surrounding health equity and the social determinants of health.

6. The City of Hamilton's Committee Against Racism is responsible for reporting on issues and concerns pertaining to racism and providing advice to address the impacts of racism in Hamilton. As such, the Committee Against Racism does not agree with the way in which this Mandatory COVID-19 Vaccination Verification Policy potentially impacts BIPOC communities.

7. Mr. Sutcliffe did acknowledge the City's awareness of challenges faced by BIPOC communities as evidenced by the primary determinants of health and their experience with historic racism and trauma. He indicated that included in the strategies of the City's vaccine rollout were direct contacts with BIPOC community leaders and the provision of accurate and medically sound data and information to combat mistrust and information.

## **8. Recommendations**

CAR acknowledges and applauds the City of Hamilton's efforts at implementing its Covid 19 vaccine rollout but does have concerns with its Mandatory COVID-19 Vaccination Verification Policy. Based on the evolving national and provincial statements about vaccine mandates, is likely that the vaccine mandates will be removed in the near future. However, given the Committee's concerns identified above, we recommend the following:

i. Develop a framework for public health related mandates to include credible consultation with BIPOC communities. This includes but is not limited to addressing the impact of the vaccination mandate on City staff and volunteers; and, the exploration of strategies to correct discrimination against the persons who chose not to be vaccinated.

## **Analysis / Rationale (not edited)**

1. It is widely known that Black and Indigenous peoples and other people of colour were used as medical experimental subjects against their will and with no informed consent countless times in our history and as such do not trust the government or its institutions as readily as white people. It is also known that

rigid, top-down “rules” and “interventions” end up privileging some and further disadvantaging those already on the margins. Further, including race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, and creed as protected grounds of discrimination is a health equity strategy that aids in mitigating excessive harms faced by BIPOC peoples. Should BIPOC peoples choose not to participate in an experimental medical intervention their bodily sovereignty must to be respected and the City has the duty to accommodate.

2. The Committee Against Racism responds to the needs of all people of Hamilton, not just vaccinated people who choose to disclose their personal health information to the government. As such, should only vaccinated people who have disclosed their status be permitted to represent the voices of the people, the Committee would be perpetuating and upholding the very division and discrimination we are working towards eliminating.

3. The Policy could substantially affect the composition of the Committee Against Racism. The Committee stands a significant chance of disbanding as many committee members may refuse to disclose their vaccination status, may not have the required two doses, or may choose to leave on the principle of refusing to uphold division and discrimination. As such, if enough members are removed from or leave the Committee there would be no opportunity to do the work, much less to even achieve quorum, and the Committee would cease to exist.