




<b>Corporate Human Resources Policy</b>	 Hamilton	Content Updated: 2022-04-05
Health, Safety and Wellness		Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21		
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### ***Mandatory COVID-19 Vaccination Verification Policy***


<b>POLICY STATEMENT</b>	<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 and the impact of COVID-19 upon employees, vaccination 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 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>
<b>PURPOSE</b>	<p>The purpose of this policy is to outline the City's requirements with regard to COVID-19, suspending mandatory vaccination provisions, provide direction to employees and Members of Council on the recommendation to receive a COVID-19 vaccine and identify areas of the organization that will continue to require participation in Rapid Antigen Testing and/or provision of proof of vaccination (or a bona fide exemption).</p>
<b>SCOPE</b>	<p>This policy applies to all employees of the City of Hamilton, including full-time, part-time, permanent, temporary, casual, volunteers; and students, and including Members of Council.</p> <p>New employees will also be subject to this policy as a condition of their employment contract with the City.</p> <p>The Policy requires new employees to be fully vaccinated against the COVID-19 virus as a condition of employment.</p>

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	<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 (or are continuing with) additional mandates or directives or reporting requirements from provincial or federal authorities. These operational areas are identified within this policy and the specific requirements for each listed area are addressed below.</p>	
<b>DEFINITIONS</b>	The following terms referenced in this Policy are defined as:	
<b>COVID-19</b>	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.	
<b>Vaccine</b>	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	
<b>Fully Vaccinated</b>	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.	
<b>Proof of Vaccination</b>	Documentation issued by the Ontario Ministry of Health, other province or territory or international equivalent indicating individual immunization status against the COVID-19 virus.	
<b>Proof of Medical Exemption</b>	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.	
<b>TERMS &amp; CONDITIONS</b>	The following apply to this Policy: <ul style="list-style-type: none"> <li>Employees who have not provided proof of vaccination will continue to participate in the Rapid Antigen Testing Program (testing Mondays and Thursdays) until May 2, 2022 when Rapid Antigen Testing will be suspended (except where</li> </ul>	

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<p>noted, below).</p> <ul style="list-style-type: none"> <li>• Employees who are on an unpaid leave of absence as a result of failure to comply with this Policy will be returned to the workplace effective May 2, 2022, not including those staff on unpaid leaves of absence at the Lodges. It is understood that there may be some adjustment of this date to accommodate an orderly return of these employees to the City.</li> <li>• 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.</li> </ul> <p><b>1. Operational Area Exemptions:</b></p> <ul style="list-style-type: none"> <li>• Employees in the following three operational areas will be subject to the following differential terms and conditions under the policy as follows:           <ul style="list-style-type: none"> <li>○ Employees at the Lodges remain required to provide proof of vaccination in order to attend at work, with those employees failing to provide such evidence to remain on an unpaid leave of absence until further notice, and with employees at the Lodges required to continue participation in daily Rapid Antigen Testing until further notice;</li> <li>○ 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 further notice;</li> <li>○ 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 further notice;</li> </ul> </li> <li>• Should circumstances warrant, or should the City receive guidance, direction, or recommendations from public health,</li> </ul>		

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<p>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.),</p> <p><b>2. Providing Proof of COVID-19 Vaccination Status</b></p> <ul style="list-style-type: none"> <li>• Employees and Members of Council who 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"> <li>○ Proof of COVID-19 vaccine administration as per the following requirements:</li> <li>○ Proof of all required doses of a COVID-19 vaccine approved by Health Canada and recommended by Ontario Ministry of Health.</li> </ul> </li> </ul> <p><b>3. Providing Proof of An Approved Exemption</b></p> <ul style="list-style-type: none"> <li>• The City will comply with its human rights obligations and accommodate employees and Members of Council who are legally entitled to accommodation.</li> <li>• 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.</li> <li>• Employees and Members of Council are required to provide proof of their medical exemption by providing one of the following:           <ul style="list-style-type: none"> <li>○ Written proof of a medical reason, provided by either a physician or nurse practitioner in the extended class that sets out:               <ul style="list-style-type: none"> <li>- That the person cannot be vaccinated against COVID-19 and;</li> <li>- The effective time period for the medical reason (i.e., permanent or time- limited).</li> </ul> </li> </ul> </li> </ul>		

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<ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b>4. Vaccination Status Reporting and Documentation</b></p> <ul style="list-style-type: none"> <li>• Vaccination status information will be collected and protected in accordance with relevant legislation.</li> </ul> <p><b>5. Non-compliance with the Mandatory COVID-19 Vaccination Verification Policy</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b>6. Access to the Rapid Antigen Test Program</b></p> <ul style="list-style-type: none"> <li>• 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).</li> <li>• 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.</li> </ul> <p><b>7. Access to COVID-19 Vaccination Clinics</b></p> <ul style="list-style-type: none"> <li>• Reasonable arrangements will be made to allow for staff to attend COVID-19 vaccination clinics during work time.</li> <li>• Employees must have approval from their supervisor in advance before attending a clinic during work time.</li> <li>• 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</li> </ul>		

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	<p>and break times as operationally feasible with work schedules to attend vaccination clinics.</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>8. Continued Adherence to Public Health Measures</b></p> <ul style="list-style-type: none"> <li>Fully vaccinated employees are required to practice Public Health measures to control the spread of COVID-19.</li> <li>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.</li> <li>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 elements of this Policy are required or recommended, such changes will be proposed and brought before Council for Direction.</li> </ul>	
<p><b>RESPONSIBILITIES (if applicable)</b></p>	<p>The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:</p> <p><b>Management/Supervisors</b></p> <ul style="list-style-type: none"> <li>Follow and comply with any federal or provincial mandates or directives regarding the vaccination of staff</li> <li>Continue to enforce workplace precautions that limit the spread of COVID-19 virus</li> <li>Ensure that employees are aware of the importance of getting vaccinated against COVID-19</li> <li>Provide staff with access to information on COVID-19, health and safety precautions, and on the efficacy of the COVID-19 vaccine</li> <li>Provide staff with information on location and scheduling of</li> </ul>	

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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

**Employees**

- Continue to follow health and safety protocols to ensure personal safety and prevent the spread of COVID-19 before and after vaccination.
- Remain informed about COVID-19 and COVID-19 vaccination as it relates to your role, personal health and/or professional requirements.
- Adhere to any additional mandates or directives or reporting requirements from provincial or federal authorities.
- Identify opportunities to obtain 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 May 2, 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.

**Human Resources**

- 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"> <li>• Create procedure for collecting and storing documentation on employee vaccination status.</li> <li>• Assist management with accommodation questions, concerns and requests.</li> </ul> <p><b>Occupational Health Nurse</b></p> <ul style="list-style-type: none"> <li>• Provide information and guidance to leaders and employees on COVID-19 vaccination.</li> <li>• Ensure that any records of COVID-19 vaccination held by the City are stored and used in compliance with privacy legislation and corporate policies.</li> </ul>	
<p><b>COMPLIANCE</b></p>	<p>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>	
<p><b>HISTORY</b></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> <p>This policy replaces the former policy named Mandatory COVID-19 Vaccination Verification Policy dated 2022-01-06.</p> <p>This policy was approved by Council on April 20, 2022.</p>	