



CITIZEN COMMITTEE REPORT

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

Background

1. On October 22, 2021 members of the City of Hamilton Committee Against Racism (CAR) received a letter from W. Matthew Sutcliffe, LL.B., Director, Employee Health and Labour Relations, City Manager's Office, Human Resources stating that CAR members must adhere to the City of Hamilton Mandatory COVID-19 Vaccination Verification Policy (the Policy) and must receive two doses of an approved COVID-19 vaccine and upload their proof of vaccination to the City of Hamilton (the City) by November 20, 2021, otherwise participate in education and rapid testing.
2. On February 11, 2022 CAR members received a second letter from W. Matthew Sutcliffe outlining an amendment to the Policy which requires 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.

3. On February 14, 2022 the Government of Ontario announced that commencing March 1, 2022 proof of vaccination requirements will no longer be required and will become voluntary for Ontario municipalities and businesses.
4. On February 18, 2022 a CAR member requested that the letter and vaccine requirement be placed on the CAR 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 CAR chair invited W. Matthew Sutcliffe to attend the CAR meeting to answer this question and any other questions committee members may have.
5. On February 22, 2022 CAR held its monthly meeting. At the meeting Mr. Sutcliffe told members that the City of Hamilton 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 be disproportionately harmed by unemployment, mental health, poverty and other social determinants of health fallouts.
6. Government-enforced medical interventions have a complex and traumatic history for 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.

7. The City of Hamilton 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 consent to nor agree with the Mandatory COVID-19 Vaccination Verification Policy and denounces the City's use and enforcement of vaccination mandates.

Recommendations

The City of Hamilton Committee Against Racism recommends the following:

- i. that the City remove the Mandatory COVID-19 Vaccination Verification Policy requiring all City staff and volunteers to be vaccinated as a condition of employment or volunteering;
- ii. that the City compensate staff and volunteers that have been placed on unpaid leave and/or reprimanded due to choosing not to be vaccinated and/or not disclosing their vaccination status;
- iii. that the City reinstate race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, and creed as protected grounds for non-discrimination;
- iv. that the City take a leadership role in advocating for Hamilton services to remove vaccination mandates and proof of vaccination systems; and,
- v. that the City create a policy to ensure all City vendors comply with the requirement that they may not enforce vaccination mandates and/or proof of vaccination systems.

Analysis / Rationale

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 non-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 would 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.