


Corporate Human Resources Policy Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 1 of 11		Approval: 08-12-2022

Mandatory COVID-19 Vaccination Verification Policy

POLICY STATEMENT	<p>The City of Hamilton (the City) has an obligation under Provincial legislation to take all necessary precautions to protect the health and safety of its workforce and is committed to providing excellent service to our community and to building trust and confidence in local government.</p> <p>To help reduce the risk of COVID-19 transmission, this mandatory workplace vaccination verification policy is an important measure that complements other workplace health and safety measures in place including daily health screening, mandatory masking, physical distancing, hand hygiene and enhanced cleaning.</p> <p>This policy is in line with Public Health guidance and supports the direction that vaccines provide a high level of protection against COVID-19 and related variants. Getting fully vaccinated against COVID19 is the best defense against the virus, including the variants.</p> <p>The City is demonstrating its commitment to promoting vaccinations to ensure the health and safety of all members of its workforce and the broader City of Hamilton community.</p>
PURPOSE	<p>The purpose of this policy is to outline the City of Hamilton's requirement with regard to COVID-19 vaccination and provide direction to Employees on the requirement to receive the COVID-19 vaccination and provide proof of vaccination or a bona fide exemption.</p>
SCOPE	<p>This policy applies to all Employees of the City of Hamilton, including full-time, part-time, permanent, temporary, casual, volunteers; and students, 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 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.</p> <p>Vaccination requirements are subject to bona fide medical and human rights exceptions. All exemption requests will be reviewed</p>

Corporate Human Resources Policy			Content Updated: 2022 - 08- 022
Health, Safety and Wellness			Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21			
Page 2 of 11			Approval: 08-12-2022
	<p>on a case by case basis and are subject to the City’s accommodation process.</p> <p>In addition to this policy, some workplace groups may have additional mandates or directives or reporting requirements from provincial or federal authorities.</p>		
DEFINITIONS	The following terms referenced in this Policy are defined as:		
COVID-19	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.		
Vaccine	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		
Fully Vaccinated	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.		
Proof of Vaccination	Documentation issued by the Ontario Ministry of Health, other province or territory or international equivalent indicating individual immunization status against the COVID-19 virus.		
Proof of Medical Exemption	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.		

- Employees and Members of Council 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:
 - Proof of COVID-19 vaccine administration as per the following requirements:
 - a. Proof of all required doses of a COVID-19 vaccine approved by Health Canada and recommended by Ontario Ministry of Health.
- ## **2. Providing Proof of An Approved Exemption**
- The City will comply with its human rights obligations and accommodate Employees and Members of Council who are legally entitled to accommodation.

Corporate Human Resources Policy Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21		
Page 5 of 11		Approval: 08-12-2022

- 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 and Members of Council are required to provide proof of their medical exemption by providing one of the following:
 - Written proof of a medical reason, provided by either a physician or nurse practitioner in the extended class that sets out:
 - a. That the person cannot be vaccinated against COVID-19 and;
 - b. The effective time period for the medical reason (i.e., permanent or time- limited).
- The City will work with those who receive an exemption to connect them with the appropriate resources to develop a reasonable and appropriate accommodation plan including health and safety measures to protect all workers.

3. Vaccination Status Reporting and Documentation

- Vaccination status information will be collected and protected in accordance with relevant legislation.

4. Non-compliance with the Mandatory COVID-19 Vaccination Verification Policy

The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).

- In accordance with City of Hamilton Human Resources policies, collective agreements and applicable legislation, directives, and policies, any non-compliance with the requirements of the Mandatory COVID-19 Vaccination Verification Policy will result in disciplinary measures, up to and including termination of employment.
- Subject to any valid exemptions, Employees failing to provide proof of being fully vaccinated against COVID-19 by September 30, 2022 will be terminated from their employment with the City as of that date.


The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).


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 can test, on the next applicable testing date.


5. Access to COVID-19 Vaccination Clinics

- Reasonable arrangements will be made to allow for staff to attend COVID-19 vaccination clinics during work time.
- Employees must have approval from their supervisor in

Corporate Human Resources Policy Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 7 of 11		Approval: 08-12-2022
	<p>advance before attending a clinic during work time.</p> <ul style="list-style-type: none"> • 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>6. 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. 	
RESPONSIBILITIES (if applicable)	<p>The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:</p> <p>Management/Supervisors</p> <p>The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).</p> <div data-bbox="581 1621 1328 1894"> <ul style="list-style-type: none"> • Ensure Employees attending work are fully vaccinated against COVID-19 • Ensure Employees have submitted proof of their vaccination status or an approved exemption </div> <ul style="list-style-type: none"> • Follow and comply with any federal or provincial mandates or 	

Corporate Human Resources Policy Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21		
Page 8 of 11		Approval: 08-12-2022
	<p>directives regarding the vaccination of staff</p> <ul style="list-style-type: none"> • Continue to enforce workplace precautions that limit the spread of COVID-19 virus • Ensure that Employees are aware of the importance of getting vaccinated against COVID-19 • Provide staff with access to information on COVID-19, health and safety precautions, and on the efficacy of the COVID-19 vaccine • Provide staff with information on location and scheduling of vaccination clinics when available • Where feasible, support time from regular duties for staff to attend vaccination clinics in accordance with relevant collective agreement language and/or Corporate Policy <p>Employees</p> <p>The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).</p> <div data-bbox="589 1381 1308 1526"> <p>Submit proof of vaccination status, or an approved exemption</p> </div> <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. • 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. 	

Corporate Human Resources Policy Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21		
Page 9 of 11		Approval: 08-12-2022
	<ul style="list-style-type: none"> Identify opportunities to obtain a COVID-19 vaccination through community clinics or from health care professionals If additional booster doses of the COVID-19 vaccine are required, ensure subsequent doses are also received <p>The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).</p> <div data-bbox="578 833 1349 1161" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <ul style="list-style-type: none"> Employees not fully vaccinated against COVID-19 or who have not yet disclosed their vaccination status prior to September 30, 2022 are required to participate (or continue to participate) in the City's rapid antigen testing program until September 30, 2022 or such time they meet the requirements of this policy. </div> <ul style="list-style-type: none"> For employees who are required to participate in rapid antigen screening, in the event of an interruption to the City's rapid antigen testing program (e.g. due to a lack of supply) and an Employee is placed on a paid leave of absence; the Employee is expected to return to active duty at the employers determination once testing kits are made available, and the Employee can test, on the next applicable testing date. <p>Human Resources</p> <ul style="list-style-type: none"> Assist management with any labour relations and health and safety issues arising from application of this policy including liaising directly with Union leadership. Create procedure for collecting and storing documentation on Employee vaccination status. Assist management with accommodation questions, concerns and requests. <p>Occupational Health Nurse</p>	

Corporate Human Resources Policy Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 10 of 11		Approval: 08-12-2022
	<ul style="list-style-type: none"> • Provide information and guidance to leaders and Employees on COVID-19 vaccination. • Ensure that any records of COVID-19 vaccination held by the City are stored and used in compliance with privacy legislation and corporate policies. 	
COMPLIANCE	<p>In accordance with City of Hamilton Human Resources policies, collective agreements and applicable legislation, directives, and policies, any non-compliance with the requirements of the Mandatory COVID-19 Vaccination Verification Policy will result in disciplinary measures, up to and including termination of employment.</p> <p>Non-compliance with the Policy by Members of Council will result in a complaint to the Integrity Commissioner.</p> <p>The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).</p> <div data-bbox="594 1295 1401 1528"> <p>Subject to any valid exemptions, Employees failing to provide proof of being fully vaccinated against COVID-19 by September 30, 2022 will be terminated from their employment with the City as of that date.</p> </div>	
HISTORY	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <p>City of Hamilton's Senior Leadership Team Legal Services Division Human Resources Leadership Team Union Representatives from each of the City's unions.</p> <p>This policy replaces the former policy named Mandatory COVID-19 Vaccination Verification Policy dated 2021-08-26.</p>	

Corporate Human Resources Policy Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21		
Page 11 of 11		Approval: 08-12-2022
	This policy was approved by Council on January 12, 2022. Amendments to the Policy (Suspended Provision) approved by Council on August 12, 2022.	

DRAFT

Authority: Item #, Audit, Finance and
Administration Committee Report
22-016 (Governance Review
Sub-Committee Report 22-004)
CM: September 28, 2022
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council

WHEREAS Council enacted a Council Procedural By-law being City of Hamilton By-law No. 21-021;

AND WHEREAS it is necessary to amend By-law 21-021.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 21-021, be **amended** to reflect the following amendments:

- (i) **1.1** In this By-law,

“Advisory Committee” means a group of appointed residents established by Council for the purpose of providing advice on matters that are related to the specific mandate of the committee.

“Hearing” means a Meeting or hearing in a proceeding to which the *Statutory Powers and Procedure Act* applies.

“Main Motion” means a proposal by a member that begins the process of making any decision for consideration of Council or a Committee, that is moved by a member and seconded by another member.

“Motion” means a proposal by a member for the consideration of Council or a Committee included in the published agenda, that is moved by a member and seconded by another member. A Motion may be Procedural or Substantive in nature.

“Procedural Motion” means any motion concerning the manner or time of consideration of any matter before the Council or the Committee, as opposed to the substance thereof, and includes, without limitation, the following: a motion to adjourn; to call the question; to go into committee of the whole; to recess; to refer; to defer; to go into a closed meeting; to suspend the rules of procedure and to lift.

“Sub-Committee” means a Committee established by Council, comprised of some Members of Council and in certain circumstances also citizen members. Sub-Committees report up to an assigned Standing Committee with members of Sub-Committees being appointed by Council.

“Task Force” means a temporary ad hoc group of appointed citizens established by Council for the purpose of providing advice on matters related to a specific mandate of the task force.

- (ii) **2.3** Notwithstanding any other provisions of this By-Law, where Council or a Committee convenes for the purpose of holding a Hearing, the provisions of the relevant statute, the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22, as amended or re-enacted from time to time, together with any procedures and practices established by the Council or Committee, shall govern the Hearing, as applicable.
- (iii) **3.1 First Council Meeting**
 - (1) The First Meeting of Council shall be held at a time and place to be fixed by the Clerk provided that it shall not be held later than 31 days after the term of Council commences.
 - (2) The IN-PERSON Proceedings of the First Meeting of Council shall include:
 - (3) Despite subsection 3.1(2), and provided all requirements of the Act relating to the First Meeting of Council can be satisfied, the First Meeting of Council may be held as a VIRTUAL or HYBRID proceeding in the event of an Emergency.
- (iv) **4.2** During the consideration of Standing Committee Reports and Selection Committee Reports a member may:
 - (a) request that a matter contained within the Committee Report be voted on separately at Council;
 - (b) amend a matter contained within the Committee Report;
 - (i) in the event, an amendment is considered to be contrary to the main motion within the Committee Report, Council will follow the following process:
 - 1. The main motion within the Committee Report shall be voted upon;
 - (a) if the vote result is deemed to be Carried, the matter is considered closed; and
 - (b) if the vote result is deemed to be lost, the amendment considered to be contrary to the main motion within the Committee

Report, may be introduced if duly moved and seconded.

(v) **5.2 Appointment of Committee Chairs and Vice Chairs**

- (6) Despite subsection 5.2(1)(c) the role of Chair of the General Issues Committee Budget meetings may be chaired by the Mayor or a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.
- (7) The role of Vice-Chair of the General Issues Committee Budget meetings may be vice-chaired by a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Vice-Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.

(vi) **5.3 Standing Committee Membership**

- (4) Emergency & Community Services Committee shall be comprised of a minimum of 7 Members of Council.

(vii) **5.11 Order of Business**

- (1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:
 - (a) Ceremonial Activities
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Delegation Requests
 - (g) Staff Presentations
 - (h) Delegations
 - (i) Consent Items
 - (j) Public Hearings
 - (k) Discussion Items
 - (l) Motions
 - (m) Notice of Motions
 - (n) General Information/Other Business
 - (o) Private and Confidential
 - (p) Adjournment

(viii) **5.12 Delegations**

- (10) Delegations respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on a Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
 - (11) Delegations which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Committee agenda and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.
 - (12) Notwithstanding subsections 5.12(9), 5.12(10) and 5.12(11), a Standing Committee member may add the delegation request on a Standing Committee Agenda.
- (ix) **9.1** Except as provided in this Section 9, all Committee and Council meetings shall be open to the public.
 - (x) **9.2** For the purpose of Sections 9.3, 9.5, 9.6 and 9.7, "Committee" shall mean any committee of which at least 50% of the members are also members of Council.
 - (xi) **9.3** A meeting of Council or a Committee or part thereof may be closed to the public if the subject matter being considered is:
 - (xii) **9.8** A vote may be taken during a meeting that is closed to the public pursuant to Sections 9.3, 9.4 and 9.5, if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board is permitted.
 - (xiii) **13.6** In the event of a conflict between the provisions of this By-Law and the Act, or any other legislation, the provisions of the Act and legislation shall prevail, to the extent of the conflict.
 - (xiv) **13.7** In the event of a conflict between the provisions of this By-Law and the Terms of Reference for any Sub-Committee, Advisory Committee or Task Force, the provisions of this By-law shall prevail, to the extent of the conflict.

(xv) **Appendix A – General Issues Committee**

Specific duties shall include:

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the General Issues Committee
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the General Issues Committee

(xvi) **Appendix B – Board of Health**

Specific duties shall include:

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Board of Health
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Board of Health

(xvii) **Appendix C – Public Works Committee**

Specific duties shall include:

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Public Works Committee

(xviii) **Appendix D – Planning Committee**

Specific duties shall include:

- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible City participation at any Ontario Land Tribunal (OLT) Hearings to consider the appeal of Committee of Adjustment decisions
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Planning Committee

(xvix) **Appendix E – Emergency & Community Services Committee**

COMPOSITION

The Emergency & Community Services Committee shall be comprised of a minimum of **7** members of Council, plus the Mayor as ex-officio.

General:

To report and make recommendations to Council on matters relating to:

- ~~• Advisory Committees that report to the Emergency & Community Services Committee~~

Specific duties shall include:

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Emergency & Community Services Committee

(xx) **Appendix F - Audit, Finance & Administration Committee**

Delegated Authority:

- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997* and Section 257.85 of the *Education Act*.

Specific duties shall include:

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Audit, Finance and Administration Committee
- To consider recommendations from the City Auditor as per the Office of the City Auditor Charter (Schedule F1 to Appendix F).

(xxi) **Appendix J - HEARING PROCEDURES FOR SECTION 20 DEVELOPMENT CHARGES ACT, 1997 COMPLAINTS AND SECTION 257.85 EDUCATION ACT COMPLAINTS**, deleted in its entirety.

2. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.
3. This By-law come into force on the day it is passed.

PASSED this 28th day of September, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk