


Corporate Human Resources Policy	 Hamilton	Content Updated: 2022-09-28
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


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><i>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 at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre.</i></p> <p><i>New Employees at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre will 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.</i></p> <p>Vaccination requirements are subject to bona fide medical and human rights exceptions. All exemption requests will be reviewed</p>

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		<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.	

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TERMS & CONDITIONS	The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022.
Suspended Provisions	<div style="border: 1px solid black; padding: 10px; background-color: #f0f0f0;"> <p>The following apply to this Policy:</p> <p>1. Mandatory Covid-19 Vaccinations</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 a valid 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 a valid exemption, will only be allowed into a City facility for the purposes of working if they submit to regular antigen testing for COVID-19 and demonstrate a negative result, at intervals to be determined by the employer. </div>
Operational Areas Subject to Differential Terms and Conditions Requirements for New Employees	<ul style="list-style-type: none"> • 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"> ○ Employees at the Lodges will continue to be required to provide proof of vaccination in order to attend work. Employees failing to provide such evidence will remain on

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Requirements for Members of Council Additional Provisions	<p>an unpaid leave of absence until further notice. Employees at the Lodges are 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 continue to be required to participate in Rapid Antigen Testing prior to commencing each shift until further notice; ○ Employees at the Red Hill Child Care Centre who have failed to disclose proof of vaccination will continue to be required to participate in Rapid Antigen Testing three times per week until further notice. <p>• 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 of Hamilton.</p> <p>• All Members of Council are required to be fully vaccinated against COVID-19, unless subject to an approved exemption. Failure to comply will result in a complaint to the Integrity Commissioner.</p> <p>1. Providing Proof of COVID-19 Vaccination Status</p> <ul style="list-style-type: none"> • That for employees at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre who are still 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"> a. Proof of all required doses of a COVID-19 vaccine approved by Health Canada and recommended by Ontario Ministry of Health. <p>2. 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 and Members of Council who are 	

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	<p>legally entitled to accommodation.</p> <ul style="list-style-type: none"> 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: <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: <ol 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). 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. <p>3. 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>4. Non-compliance with the Mandatory COVID-19 Vaccination Verification Policy</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>	


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- 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.

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	<p>5. Access to COVID-19 Vaccination Clinics</p> <ul style="list-style-type: none"> 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 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>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) Management/ Supervisors	<p>The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:</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>	

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Employees	<div data-bbox="581 359 1347 674"> <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 directives regarding the vaccination of staff • 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>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="610 1703 1317 1871"> <ul style="list-style-type: none"> • Submit proof of vaccination status, or an approved exemption </div>	


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- 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 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

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).

- 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.

- 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 employer's determination once testing kits are made available, and the Employee can test, on the next applicable testing date.

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Human Resources	<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. 		
Occupational Health Nurse	<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 style="border: 1px solid black; padding: 10px;"> <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>		

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HISTORY	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <ul style="list-style-type: none">• City of Hamilton’s Senior Leadership Team• Legal & Risk Management Services• Human Resources Leadership Team• Union Representatives from each of the City’s unions <p>This policy replaces the former policy named Mandatory COVID-19 Vaccination Verification Policy dated 2021-08-26.</p> <p>This policy was approved by Council on January 12, 2022.</p> <p>Amendments to the Policy (Suspended Provisions) approved by Council on August 12, 2022, were finalized by Council on September 28, 2022.</p>		