

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 12, 2022

MOVED BY COUNCILLOR E. PAULS.....

Amendment to Item 3.1 of Council Minutes 22-001 respecting the Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide)

WHEREAS, Council on January 12, 2022 approved the amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)), requiring those unvaccinated staff or those who have not disclosed their vaccination status will have until May 31, 2022 to provide proof of full vaccination, or an approved medical exemption, at which time any failure to do so will result in their termination of employment with the City;

WHEREAS, Council on May 25, 2022 further approved the amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)), requiring those unvaccinated staff or those who have not disclosed their vaccination status will have until September 30, 2022 to provide proof of full vaccination, or an approved medical exemption, at which time any failure to do so will result in their termination of employment with the City;

WHEREAS, Council received updated information from Lora Fontana, Executive Director of Human Resources, that the estimated costs of terminating (only unionized) employees is between \$2,793,810.72 and \$7,386,737.99 and that the City's current legal fees on the matter is at \$93,272.07;

WHEREAS, the next arbitration date with Arbitrator Jess Nyman addressing the preliminary matter of whether or not the unpaid leave of absence provisions apply in these circumstances, as contemplated in the policy, is currently scheduled for September 16 and September 23 and Arbitrator Jess Nyman is anticipated to issue a decision on the preliminary matter prior to September 30, 2022, if possible;

WHEREAS, unvaccinated staff or those who have not disclosed their vaccination status may be waiting, based on their medical advice, to obtain the new COVID-19 vaccine set to be available this fall which is better tailored to be effective against the newer, more highly infectious Omicron subvariant strains instead of obtaining the existing COVID-19 booster which has been deemed less effective against the newer, more highly infectious Omicron subvariant strains; and

WHEREAS, it is necessary, due to the upcoming 2022 Municipal Election to extend the date to January 31, 2023 (2022-2026 Term of Council) for those unvaccinated staff or those who have not disclosed their vaccination status to provide proof of full vaccination, or an approved medical exemption, at which time any failure to do so will result in their termination of employment with the City.

THEREFORE, BE IT RESOLVED:

That Item 3.1 of the January 12, 2022 Council Minutes be further **amended** to change the date of September 30, 2022 to **January 31, 2023**, to read as follows:

3.1 Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide)

- (a) That the recommended amendments to the Mandatory COVID-19 Vaccination Verification Policy (attached as Appendix "A" to Report HUR21008(a)), requiring proof of full vaccination in the workplace, and that, those unvaccinated staff, or those staff choosing not to disclose their vaccination status, without an approved medical exemption, be subject to discipline up to and including termination of employment, be approved;
- (b) That those unvaccinated staff or those who have not disclosed their vaccination status will have until **January 31, 2023** to provide proof of full vaccination, or an approved medical exemption, at which time any failure to do so will result in their termination of employment with the City;
- (c) That unvaccinated employees or those who do not disclose their vaccination status, and those employees who are subject to an approved exemption, will be required to continue to participate in the rapid testing program until **January 31, 2023**;
- (d) That, in the event the City is unable to secure an adequate and appropriate supply of rapid tests between the date of the amended policy and **January 31, 2023**, any employee who would otherwise be restricted from attendance at work will be placed on a paid leave of absence, pending the continuation of the program at the earliest available opportunity;
- (e) That the amended Mandatory COVID-19 Vaccination Verification Policy (attached as Appendix "A" to Report HUR21008(a)), continues to apply to all City employees, including permanent, temporary, full-time, part-time, casual, volunteers, students, members of Council and members of Council appointed committees, as appropriate and except where excluded otherwise, subject to the terms and conditions of applicable collective agreements; and,
- (f) That the City Clerk be directed to report to the Governance Review Sub-Committee with recommendations for amendments to the Council Code of Conduct and the Code of Conduct for local Boards and Council mandated Committees to ensure Member compliance with the Corporate Vaccination Policy and how sanctions may be applied to members of Council who do not comply.