



City of
Peterborough

To: **Members of the General Committee**

From: **Richard Freymond, Commissioner of Corporate and Legislative Services**

Meeting Date: **March 6, 2023**

Subject: **Rescindment of the COVID-19 Workplace Vaccination Policy, Report CLSHR23-003**

Purpose

A report to recommend rescinding the COVID-19 Workplace Vaccination Policy.

Recommendation

That Council approve the recommendation outlined in Report CLSHR23-003 dated March 6, 2023 of the Commissioner of Corporate and Legislative Services as follows:

That the COVID-19 Workplace Vaccination Policy as attached in Appendix A to Report CLSHR23-003 dated March 6, 2023, be rescinded.

Budget and Financial Implications

There are no budget or financial implications to approving this Report.

Background

Council approved a COVID-19 Workplace Vaccination Policy on September 27, 2021, with amendments to the COVID-19 Workplace Vaccination Policy July 18, 2022.

In accordance with the Occupational Health and Safety Act, COVID-19 is an Infectious Disease and as such presents a health and safety hazard. All employers must take every precaution reasonable in the circumstances for the protection of workers including

protection against Infectious Diseases. The mandatory policy was a key part of the City's overall strategy and commitment to maintaining a safe and healthy workplace in light of the COVID-19 pandemic and the risk of COVID-19 transmission.

When this policy was adopted in September 2021, it was intended to be indefinite in nature to address the risks and impacts of the COVID-19 pandemic. While COVID-19 continues to circulate worldwide, many of the federal and provincial regulations have been lifted as vaccination rates increased, immunity from infection grew, antivirals became available, and overall case counts and hospitalization rates decreased. Until recently, Peterborough remained in a “moderate” to “high” risk phase of the pandemic according to the Peterborough Public Health COVID-19 Risk Index. As of Wednesday February 15, 2023, Peterborough Public Health COVID-19 Risk Index moved into the “low” risk category for transmission, although has since returned to “moderate” as of February 22, 2023.

The City has monitored government directives and public health guidance throughout the pandemic and efforts have been made to ensure that City practices and procedures are aligned with these changes. To date, the City has upheld the requirements of the COVID-19 Workplace Vaccination Policy. Now, with the easing of federal and provincial restrictions, and following suit with most municipalities that had implemented mandatory vaccination policies, the COVID-19 Administration Working Group is recommending that Council rescind the COVID-19 Workplace Vaccination Policy.

By rescinding this policy, new hires will no longer be required to provide proof of vaccination and existing staff who are unvaccinated will no longer be required to perform regular COVID-19 Rapid Antigen Testing (RAT). The City's response to ensuring a safe and healthy workplace in light of the COVID-19 pandemic and minimizing the risk of COVID-19 transmission has been layered. Staff continue to be encouraged to modify their behaviours based on their own risk tolerance. This includes frequent hand washing, physical distancing when possible and staying home when sick. Masking remains appropriate in some circumstances.

It is typical for the City to implement workplace health, safety and emergency procedures from time to time to ensure the wellbeing of its employees. Staff have given preliminary thought to a generic Human Health Emergency policy and anticipate bringing the document forward at a future date for Council consideration that will allow appropriate measures to be taken in the event of a future Human Health Emergency such as a pandemic, in accordance with health regulations and guidance.

Submitted by,

Richard Freymond
Commissioner of Corporate & Legislative Services

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Attachment:

Appendix A – COVID-19 Workplace Vaccination Policy



COVID-19 Workplace Vaccination Policy

Department:	Corporate and Legislative Services
Division:	Human Resources
Section/Function:	Health and Safety
Approval Level:	Council
Effective Date:	2021-09-27
Revision #:	2

1.0 Purpose

- 1.1 The City of Peterborough ("City") is committed to promoting and maintaining a work environment that is free from health and safety hazards. This mandatory policy is a key part of the City's overall strategy and commitment to maintaining a safe and healthy workplace in light of the COVID-19 pandemic and the risk of COVID-19 transmission
- 1.2 In accordance with the **Occupational Health and Safety Act**, COVID-19 is an Infectious Disease and as such presents a health and safety hazard. All employers must take every precaution reasonable in the circumstances for the protection of workers including protection against Infectious Diseases.
- 1.3 The purpose of this policy is to outline the City of Peterborough's requirement with regard to the COVID-19 vaccination.
- 1.4 The City recognizes that community partners and other stakeholders who use City facilities or host events within City facilities may request that City employees comply with specific requirements. The City will commit to complying with reasonable requests in the spirit of the purpose of this Policy provided that the requests do not contradict or lessen the measures outlined in this Policy.
- 1.5 This policy is designed for use together with, and not as a substitute for, other COVID-19 prevention measures, including the City of Peterborough's Health and Safety Policy and associated COVID-19 protocols.
- 1.6 The policy is indefinite in nature to address the risks and impacts of the COVID-19 pandemic, the duration of which is unknown. The City continues to monitor and review government directives and Public Health guidance and reserves the right to alter this Policy.



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2.0 Application

- 2.1 This Policy applies to all active City employees, elected officials, volunteers, placement students, and staff of contractors and consultants acting on behalf of the Corporation and performing work in City facilities and buildings.
- 2.2 This policy applies to Employees who are working remotely, as they must be able to attend the Workplace as required.

3.0 Definitions/Acronyms

City - The Corporation of the City of Peterborough, its elected officials, advisory committees, agencies, boards, and commissions excluding Peterborough Police Service, Peterborough and Kawartha's Economic Development and Peterborough Housing Corporation.

Contractor – staff of contractors and consultants acting on behalf of the Corporation and performing work in a City Workplace.

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.

Educational Program - An educational program that has been approved by and/or provided by the City and addresses the following learning components:

- How COVID-19 vaccines work
- Vaccine safety related to the development of the COVID-19 vaccines
- Benefits of vaccination against COVID-19
- Risks of not being vaccinated against COVID-19
- Possible side effects of COVID-19 vaccination

Employee - refers to paid staff of the City.

Exemption – A valid medical reason for not being able to be Fully Vaccinated.

Fully Vaccinated - Having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines approved by the Public Health Agency of Canada (P.H.A.C.) including any subsequent vaccinations or boosters that are recommended when they become available and having received the final dose of the COVID-19 vaccine at least 14 days prior or as defined by P.H.A.C.



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Individual – An Employee, Contractor, elected official, volunteer, or unpaid co-op or placement student.

Infectious Disease- Infectious diseases are caused by pathogenic microorganisms, such as bacteria, viruses, parasites, or fungi. These diseases can spread from the environment or from one person to another resulting in illness.

Public Health – A government organization which provides a combination of programs, services, and policies that protect and promote the health of all people. The local Public Health Unit is under the direction of a Medical Officer of Health.

Rapid Antigen Testing - A rapid diagnostic test suitable for point-of-care testing that directly detects the presence or absence of an antigen. It is commonly used for the detection of SARS-CoV-2, the virus that causes COVID-19.

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.

Workplace – an indoor City operated or owned facility, building or vehicle.

4.0 Policy Statements

4.1 Mandatory Vaccinations and Proof of Vaccination:

- a) The City requires that all Individuals and Contractors covered by this policy be Fully Vaccinated against COVID-19. This is consistent with Public Health's guidance to help prevent the infection and spread of COVID-19, and as an integral part of its public health and safety measures.
- b) The City requires that all Individuals covered by this policy provide Proof of Vaccination, unless an Exemption has been granted. Proof of Vaccination will be collected in accordance with the **Municipal Freedom of Information and Protection of Privacy Act** and the City's Health Information Procedure.
- c) For the initial implementation of this policy, Proof of Vaccination must be provided by October 15, 2021 for first dose vaccinations and by November 12, 2021 for second dose vaccinations. Deadlines for subsequent vaccinations or boosters will be established by the employer at that time to allow individuals a grace period to become Fully Vaccinated.



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- d) The City requires all new Employees, as a condition of employment, to provide Proof of Vaccination that they are Fully Vaccinated prior to their first day of employment.
- e) The City requires all Contractors to be Fully Vaccinated. An attestation that their staff entering a City Workplace have been Fully Vaccinated will be required as proof of vaccination. The Emergency Control Group has delegated authority to pause the attestation requirement at times when community COVID-19 risk is low and to reinstate the measures when risk levels increase to moderate or high levels in accordance with Provincial and local Public Health regulations and guidance.
- f) If the City identifies that an Employee has submitted a Vaccination Record that is fraudulent or altered in any way, the employee may be subject to disciplinary action, up to and including termination from employment.

4.2 Exemptions:

- a) The City will provide reasonable accommodations to an Individual who is unable to be Fully Vaccinated due to an Exemption.
- b) The City will require the Individual to take alternative COVID-19 prevention measures including regular Rapid Antigen Testing (RAT), the use of Personal Protective Equipment (PPE) and other protective measures to protect the Individual and to ensure that the Individual does not pose any threat to the health or safety of others in the workplace. The Emergency Control Group has delegated authority to pause the RAT and PPE measures at times when community COVID-19 risk is low and to reinstate the measures when risk levels increase to moderate or high levels in accordance with Provincial and local Public Health regulations and guidance.
- c) The City will require proof of the medical or other grounds proposed by an Individual claiming they have an Exemption.
- d) The City will make a determination about requested accommodations considering various factors and based on an individualized assessment in each situation.

4.3 Unvaccinated Individuals:

- a) Employees and Elected Officials
 - Individuals will be required to complete an Educational Program approved by the City by October 15, 2021.
 - Any alterations to work requirements will be solely at the City's discretion, if deemed feasible, and will vary by position. Alterations may range from unpaid leave of absence to regular Rapid Antigen testing, as noted below. Some City



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positions are required to be Fully Vaccinated as they work with vulnerable populations or as a result of requests by other organizations. In these situations, alterations will not be available.

- City Employees and Elected Officials, who elect not to be vaccinated for reasons other than an Exemption and who do not perform positions where Fully Vaccinated is deemed to be a job requirement, will be subject at regular intervals to provide a negative Rapid Antigen Testing (RAT) result (and/or any other required testing) within 24 hours of entering the Workplace, at their own expense and on their own time. Additional Health and Safety prevention measures in the workplace will be required including the use of Personal Protective Equipment (PPE). The Emergency Control Group has delegated authority to pause the RAT and PPE measures at times when community COVID-19 risk is low and to reinstate the measures when risk levels increase to moderate or high levels in accordance with Provincial and local Public Health regulations and guidance.
- Employees who fail to meet the requirements of this policy may request a leave of absence in accordance with the Leave of Absence procedure. An unauthorized leave of absence, including those due to operational issues, will be subject to disciplinary action in accordance with the City's Progressive Discipline Procedure.

b) Volunteers, Placement Students and Contractors

- Volunteers, placement students and Contractors who elect not to be vaccinated for reasons other than an Exemption will not be permitted to enter a Workplace.

4.4 Vaccination Appointments for City Employees:

- a) Employees are encouraged to schedule their vaccination appointment outside of work hours, wherever possible. When an Employee is required to attend a vaccination appointment during scheduled work hours, the Employee will be paid for a reasonable amount of time to attend.

4.5 The City will continue to monitor and review government directives and Public Health guidance and reserves the right to alter this Policy.



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5.0 Appendix, Related Documents & Links

Note: All references refer to the current version, as may be amended from time to time.

5.1. Pertinent Resources:

- [Municipal Freedom of Information and Protection of Privacy Act](#)
- [Occupational Health and Safety Act](#)
- Education Program

5.2. Related Policies:

- # 0014; General Employment Policy
- # 0001; Health & Safety

5.3. Related Procedures:

- # 0053-P01; COVID-19 Workplace Vaccination Procedure
- # 0014-P18; General Employment Accommodation Program Procedure
- # 0014-P15; Health Information Procedure
- # 0014-P11; Leave of Absence Procedure
- # 0014-P16; Return to Work Employment Accommodation Procedure

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6.0 Amendments/Reviews

Date (yyyy-mm-dd)	Section # Amended	Comments
2021-09-27	N/A	Report CLSHR21-007 with Policy submitted to General Committee on September 22, 2021. Carried by Council on September 27, 2021.
2021-10-20	Sections #3 & #5	<p>Revision #1 – Approved by Administrative Staff Committee – Report CLSHR21-011</p> <p>Section #3; Definition of Exemption modified to be consistent with definition in related COVID-19 Workplace Vaccination Procedure.</p> <p>Section #5 – Update of Related Documents & Links</p> <p>Policy Document format has been updated to become compliant with the Accessibility for Ontarians with Disabilities Act (AODA) Regulation 191/11 Integrated Accessibility Standards</p>
2022-07-25	4.1(e); 4.2(b); 4.3(a)	Revision #2 – Approved by Council through Report CLSHR22-011 on July 25, 2022. Changes to 4.1 (e); 4.2(b); 4.3(a) – specified delegated authority to the Emergency Control Group;

Next Review Date:	January 1, 2023
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