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Date: September 8, 2021
To: Mayor and Council
Author: Jennifer Galea, Manager of Human Resources
RE: Mandatory COVID-19 Vaccination Policy
Report No.: HR-2021-01

RECOMMENDED ACTION

That Council approves a mandatory COVID-19 vaccination policy for the Town of Kingsville in the form attached to this report.

BACKGROUND

On August 24, 2021, the Ontario government amended O. Reg. 364/20 (Rules For Areas At Step 3 And At The Roadmap Exit Step) to permit the Chief Medical Officer of Health or a local medical officer of health in consultation with the Chief Medical Officer of Health to require businesses and organizations to establish, implement and ensure compliance with a COVID-19 vaccination policy. In large part, this is due to the spread of the Delta variant of COVID-19 which is causing increased cases of illness.

The Chief Medical Officer of Health has issued a directive requiring public hospitals, home and community care service providers, and ambulance services to have a COVID-19 vaccination policy that at a minimum will require:

- Full vaccination against COVID-19;
- A medical reason for not being vaccinated against COVID-19; or
- Completion of a COVID-19 vaccination educational session.

If the employee, staff, contractor, volunteer, or student does not provide proof of being fully vaccinated but instead relies upon a medical reason or an education session, they must:

- Submit to regular antigen point of care testing for COVID-19 and demonstrate a negative result, at intervals to be determined by the organization, which must be at a minimum once every seven days.

- Provide verification of the negative test result in a manner determined by the organization that enables it to confirm the result at its discretion.

The Windsor-Essex County Health Unit (WECHU) has encouraged all employers to consider implementing an employee vaccination policy to protect their workforce and to ensure the continuity of operations in the event of a positive case within their teams. The WECHU has also recommended that businesses serving the public consider patron/customer vaccination verification as part of their vaccination policy.

In addition, employers are legally required under the *Occupational Health and Safety Act* to take every reasonable precaution to protect the health and safety of workers. This includes protecting workers from hazards posed by infectious diseases. It is also important to ensure that members of the public who access municipal facilities to obtain services are kept safe.

For these reasons, employers at all levels of government are establishing mandatory vaccination policies:

- The federal government of Canada has announced that all federal employees and those working in some federally regulated industries (airlines, railways, etc.) will have to be vaccinated.
- The Ministry of Education intends to introduce a vaccination disclosure policy for all publicly-funded school board employees, and staff in private schools as well as for all staff in licensed child care settings for 2021-22 school year, with rapid antigen testing requirements for staff who are not immunized against COVID-19.
- Vaccination policies will also be implemented in other high risk settings such as post-secondary institutions, licensed retirement homes, women's shelters and congregate group homes and day programs for adults with developmental disabilities, children's treatment centres and other services for children with special needs, and licensed children's residential settings.
- On September 3, 2021, all five Erie St Clair hospital organizations (Bluewater Health, Chatham Kent Health Alliance, Erie Shores HealthCare, Hôtel Dieu Grace Healthcare, and Windsor Regional Hospital) moved forward with a staff vaccination policy. The media release states:

*After reviewing, examining, and discussing our local conditions and after discussion with our respective Boards of Directors, the five hospitals of the former Erie-St. Clair LHIN have collectively agreed to implement a progressive plan to ensure that all employees, credentialed staff, and volunteers (not including those with accommodation for a medical exemption or under the Ontario Human Rights Code to full vaccination), will be subject to progressive policies beyond mandatory education and testing, **leading to***

unpaid leave and/or termination for cause. *Mandatory vaccination for new staff will also be implemented by all hospitals to support this effort.*

As of September 22, 2021, Ontarians will need to be fully vaccinated against COVID-19 (two doses plus 14 days) and provide their proof of vaccination along with photo ID to access certain public settings and facilities.

The new requirement applies to the following settings:

- Restaurants and bars (excluding outdoor patios, as well as delivery and takeout)
- Nightclubs (including outdoor areas of the establishment)
- Meeting and event spaces, such as banquet halls and conference/convention centres
- Facilities used for sports and fitness activities and personal fitness training, such as gyms, fitness and recreational facilities with the exception of youth recreational sport
- Sporting events
- Casinos, bingo halls and gaming establishments
- Concerts, music festivals, theatres and cinemas

Individuals with medical exemptions will be required to provide a doctor's note in order to gain entry to these settings until the recognized medical exemptions can be integrated as part of a digital vaccine certificate.

Pursuant to this new provincial requirement, as of September 22, 2021, employees of the Town of Kingsville who work in public facilities covered by the province's mandatory vaccination requirement will need to provide proof of vaccination per the province's requirements in order to attend to their work in these facilities. This provincial requirement will apply to all Town of Kingsville employees, members of the public, members of Council and committees, and anyone who has to enter such facilities, such as the Kingsville Arena or Grovedale facilities.

Beginning October 22, 2021, an enhanced digital vaccine receipt with a unique QR code, and accompanying verification app, will be made available to residents of Ontario.

DISCUSSION

Across Ontario, many cities and towns are implementing mandatory vaccination policies for their employees. For example, the cities of Toronto, Hamilton and Windsor are doing so. Within Essex County, the Town of Leamington and County of Essex have implemented mandatory vaccination policies for employees.

Administration has prepared a policy for mandatory vaccination (Appendix 'A').

This mandatory vaccination policy will apply to all Town employees, members of Council, members of Committees of Council, and will include students and volunteers, including volunteer firefighters.

This policy will require employees, and other applicable persons, to be fully vaccinated with a COVID-19 vaccine by October 30, 2021. For a two-dose vaccine series, employees must receive one dose of COVID-19 vaccine by September 30, 2021, and two doses of COVID-19 vaccine by October 30, 2021. For a single dose vaccine series (e.g. Johnson & Johnson), employees must receive the dose by September 30, 2021.

By having staff vaccinated, and requiring the general public to be vaccinated according to the new provincial rules for entrance into facilities, we will be keeping everyone safe.

Administration will review other statutes and considerations that apply to a workplace vaccination policy to ensure we are compliant.

LINK TO STRATEGIC PLAN

To promote a safe community.

Effectively manage corporate resources and maximize performance in day-to-day operations.

Link to Council 2021-2022 Priorities

- ☒ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☐ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance

- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☐ No direct link to Council priorities

FINANCIAL CONSIDERATIONS

Unknown at this time. There may also be costs associated with claims that may be filed under the Human Rights Code and other labour and employment-related matters as a result of a mandatory vaccination policy.

Additionally, there may be costs in administering the policies which we can utilize the covid funding we have been provided.

CONSULTATIONS

County of Essex
Municipality of Leamington
City of Windsor
City of Toronto
Senior Management Team

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Manager of Human Resources

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