

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
Submitted by:	Tracey Vaughan, Chief Administrative Officer tvaughan@cobourg.ca	Meeting Type: Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
Meeting Date:	October 4, 2021		
Report No.:	Office of the CAO-006-21		
Submit comments to Council			

Subject/Title: Town of Cobourg Vaccination Policy Update

RECOMMENDATION:

THAT Council receive this staff report for information purposes; and

FURTHER THAT Council endorse and authorize the development and implementation of a mandatory COVID-19 Vaccination Policy requiring all Town Employees, Volunteers and Consultants to disclose and provide proof of vaccination status subject to the Human Rights Commission recently passed policy statement and documented medical exemptions; and

FURTHER THAT the COVID-19 Vaccination Policy be brought to Council for adoption at the October 12, 2021 Regular Council Meeting mandating all Town employees, volunteers, consultants comply with the following timelines:

1. Employees must disclose their vaccination status to the Human Resources Department by **October 22, 2021**; and
2. Employees are required to be fully vaccinated with a Health Canada or World Health Organization approved COVID-19 vaccine series by **November 29, 2021** to ensure the best protection possible.

FURTHER THAT Council provide direction to Staff to include a provision within the COVID-19 Vaccination policy to incorporate Members of Council within the Policy; and

FURTHER THAT Members of Council provide proof of vaccination status to the Human Resources Department, to demonstrate leading by example in the establishment of the COVID-19 Vaccination Policy for the Town of Cobourg.

3. PURPOSE

To meet the Town's obligations under Federal and Provincial law and the *Occupational Health and Safety Act* ("OHSA"), implementing a vaccination policy for its workforce is a course of action to encourage and promote the maximization of vaccination rates and ensure that all reasonable preventative precautions and measures are in place to protect the health and safety of all employees, volunteers, and contractors.

4. ORIGIN AND LEGISLATION

The *Occupational Health and Safety Act* and Regulations requires employers to "Do everything reasonable in the circumstances for the protection of a worker." [clause 25(2)(h)]. Evidence to date supports vaccination as an effective measure against COVID-19, however, employers are limited to imposing vaccination on their workers, and, only if this is not in contravention to a Human Rights medical reason which makes vaccination for that worker unsafe.

The Human Rights Commission recently released a policy statement that, "mandating and requiring proof of vaccination to protect people at work or when receiving services is generally permissible under the Human Rights Code (Code) as long as protections are put in place to make sure people who are unable to be vaccinated for Code-related reasons are reasonably accommodated."

This includes accommodating individuals who are not able to receive the COVID-19 vaccine for medical or disability-related reasons, unless doing so would "significantly interfere with people's health and safety." (http://www.ohrc.on.ca/en/news_centre/ohrc-policystatement-covid-19-vaccine-mandates-and-proof-vaccine-certificates)

5. BACKGROUND

In August of 2021, in response to evolving data around the transmissibility of the Delta variant, the Provincial government announced mandatory COVID-19 vaccination policies for high-risk settings. Further to this, under the recent advice of public health authorities and recommendations of both the Federal and Provincial government, all employers were encouraged to be proactive and consider mandating a vaccination policy for all their employees.

In response to this recommendation, the Federal government, a growing number of municipalities, post-secondary institutions, hospitals and some larger private sector employers have announced that they have or are already proceeding to create and implement mandatory vaccination policies and procedures for their respective workplaces.

Throughout the pandemic the Town of Cobourg has diligently assessed and followed the guidance of the government and public health agencies. The Town

has instituted all prescribed health and safety measures and has implemented reasonable steps to safeguard the health and well-being of employees; community members we serve; and others who spend time in our facilities. COVID-19 vaccinations are available to all Canadians. According to public health organizations, vaccinations reduce the risk of contracting the virus and are effective at preventing hospitalization and death. An effective vaccination policy acts as another preventative safety measure that an employer can adopt to help mitigate transmission of the COVID-19 virus in the workplace.

6. ANALYSIS

The Federal government and all Provincial governments have broad powers during a public health emergency to mandate proactive measures to safeguard the population including requiring vaccination against transmissible diseases. They have however, deferred the decision to mandate vaccinations to employers not covered by Federal or Provincial directives, including municipal employees.

The Town based in its continued commitment to compliance with all applicable public health and occupation health and safety advice has an obligation to support the implementation of a COVID 19 Vaccination policy as an additional preventative control measure to address the hazard of COVID-19 in the workplace.

The policy would complement other workplace health and safety measures in place, including daily screening, mandatory masking, physical distancing, hand hygiene, and enhanced cleaning. The provisions for the COVID-19 Vaccination Policy would incorporate a transitional phase, allowing for suitable and appropriate timing for unvaccinated staff or those preferring not to disclose vaccination status, to attend a mandatory education session on the benefits of vaccination. In addition, the timing allows for those who have not yet been vaccinated to become fully vaccinated by the timeframes outlined in this report.

In the development of this policy, the Town is committed to ensuring compliance with all applicable public and occupational health and safety, human rights, privacy, and other pertinent laws governing workplaces. Consultation with legal counsel has taken place at a preliminary level and has helped shape the direction of the Vaccination Policy for the Town of Cobourg that will be presented to Council for adoption.

Staff is recommending that the policy be introduced to all Town employees, volunteers, consultants, with the following timelines:

1. Individuals must disclose their vaccination status to the Human Resources Department by **October 22, 2021**.

Individuals who, **by October 22, 2021**, disclose that they have not received two (2) doses of COVID-19 vaccine (or a single dose in the case of a single dose vaccine series), or who have not disclosed their vaccination status as required, shall attend mandatory education on the benefits of vaccination.

2. Individuals are required to be fully vaccinated with a Health Canada or World Health Organization approved COVID-19 vaccine series by **November 29, 2021** to ensure the best protection possible.

Individuals who have not yet received a valid vaccine dose prior to the forthcoming **November 29, 2021** date, will be required to update their vaccination status in accordance with the established process and by the dates set out in the policy, and as outlined by the Ministry of Health vaccination timelines of four (4) weeks between doses.

While this policy remains in force all new employees upon hire will be required to disclose their vaccination status and will be subject to the terms of the Vaccination policy.

As outlined separately within the recommended action, Staff is providing the option to Council to consider the inclusion of Members of Council to be within the provisions of the COVID-19 Vaccination Policy. As Council is aware, individual members of Council are not employees of the Corporation in the same sense as full-time employees. The *Municipal Act, 2001* as amended provides the authority of Council and the processes that can be put into place to govern Members of Council and when penalties can be placed upon an individual Member.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There will be additional costs to implement self-rapid antigen testing. Further review on the costs and how they are to be funded is required and will be coming to Council.

8. CONCLUSION

THAT Council endorse and authorize the development and implementation of a mandatory COVID-19 Vaccination Policy requiring all Town Employees, Volunteers and Consultants to disclose and provide proof of vaccination status subject to the Human Rights Commission recently passed policy statement and documented medical exemptions.

Report Approval Details

Document Title:	Town of Cobourg Vaccination Policy Update - Office of the CAO-006-21.docx
Attachments:	
Final Approval Date:	Sep 28, 2021

This report and all of its attachments were approved and signed as outlined below:

Tracey Vaughan, Chief Administrative Officer - Sep 28, 2021 - 3:10 PM