

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Lynne Livingstone, City Manager
Subject: Proof of COVID-19 Vaccination Administrative Policy
Date: August 30, 2021

Recommendation

That, on the recommendation of the City Manager, the following report entitled, 'Proof of COVID-19 Vaccination Administrative Policy' **BE RECEIVED** for information.

Executive Summary

Since COVID-19 first emerged in the London area at the beginning of 2020, the City of London has maintained an ongoing commitment to take actions to protect the health and safety of its employees and residents. This has been a priority through every stage of the COVID-19 response. As circumstances have evolved and information about the transmissibility of the Delta variant and the most effective ways of preventing the spread of COVID-19 has become more clear, the City of London is establishing a Proof of COVID-19 Vaccination Administrative Policy.

Linkage to the Corporate Strategic Plan

Council's 2019-2023 Strategic Plan includes the Strategic Area of Focus 'Leading in Public Service.' This includes the Expected Result 'The City of London is a leader in public service as an employer, a steward of public funds, and an innovator or service' and the Strategy 'Maintain a safe and healthy workplace.'

Analysis

1.0 Background Information

1.1 Background

Since COVID-19 first emerged as an issue, the City's response has been guided by a set of principles. At the forefront has been the mission and values that have been set through the 2019-2023 Strategic Plan for the organization.

Mission:

To be a responsive and modern public service partner that fosters change to build a better London for all.

Values:

Good governance
Driven by community
Acting with compassion
Moving forward with innovation

Guiding principles:

Based on the mission and values, guiding principles were defined early in the City's process to respond to COVID-19. These principles serve as the foundation for all decisions made relating to the COVID-19 pandemic and include:

- Health and safety for residents and staff is a priority and is an ongoing commitment.
- Every effort will be made to minimize the harm to people and organizations impacted by decisions.
- Efforts to support economic recovery and those most vulnerable will be prioritized.
- Adherence to legislation and Collective Agreements.
- A consistent, enterprise-wide approach will be taken.
- Communicating about service changes will be transparent, frequent, and ongoing.

Commitment to Health and Safety:

Throughout its response to COVID-19, the City has maintained an ongoing commitment to the health and safety of its employees and residents. This has been a priority through every stage of the COVID-19 response. Throughout all operations, health and safety precautions have been incorporated, including efforts that allow for health screening upon entry of City facilities, appropriate personal protective equipment, physical distancing, frequent hand washing and hand sanitizing, and frequent sanitization of high touch areas.

Throughout the pandemic, as health guidance has changed, all efforts have been made to ensure that City practices and procedures are aligned with these changes, taking every precaution to prevent the spread of COVID-19.

2.0 Discussion and Considerations

2.1 Discussion

Proof of COVID-19 Vaccination Administrative Policy

In response to evolving data around the transmissibility of the Delta variant, increasing COVID-19 cases both locally and provincially, and the most effective means of preventing the spread of COVID-19, the City of London is establishing a Proof of COVID-19 Vaccination Administrative Policy (attached as Appendix A).

The introduction of this Administrative Policy is a continuation of the City's ongoing commitment to maintaining the health and safety of its employees and the community that we serve, as well as a further measure to reduce the spread of COVID-19 in the workplace. The City, as an employer, has an obligation under the *Occupational Health and Safety Act*, 1990 to take all necessary precautions to protect its employees. Public Health officials indicate that vaccination against COVID-19 is the most effective public health measure to reduce the spread of COVID-19, offering a high level of protection against COVID-19 and related variants.

In addition to all other health and safety precautions the City of London has introduced and will continue to maintain (Personal Protective Equipment, physical distancing, frequent hand washing and hand sanitizing, frequent sanitization of high touch areas, etc.), the Proof of COVID-19 Vaccination Administrative Policy will require all active City of London employees, staff, staff of contractors and consultants acting on behalf of the Corporation and performing work in City facilities and buildings, volunteers, interns and students on placements to:

- Provide proof of full vaccination against COVID-19; or
- Provide a written attestation of the medical reason(s) or Ontario Human Rights Code reason(s) for not being fully vaccinated against COVID-19 and undertake regular testing; or

- Complete a COVID-19 vaccination educational session and undertake regular testing.

This Administrative Policy will be in place for an undefined period of time, as long as the risks and impacts of the COVID-19 pandemic are present. It will be reviewed on a regular basis and amended if required as information and data regarding COVID-19 evolves and informed by the advice of Public Health.

The Administrative Policy will come into effect on September 15, at which time all active City of London employees, staff, staff of contractors and consultants acting on behalf of the Corporation and performing work in City facilities and buildings, volunteers, interns and students on placements will be asked to submit the information outlined in the Policy. The implementation of requirements for regular testing and/or vaccination educational sessions, as outlined in the Administrative Policy, will commence on October 1, 2021.

All information, including personal health information, collected for the purposes of this Administrative Policy will be treated in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

The development of this Administrative Policy was informed by discussions with public health officials and union leaders. A review of the actions being taken with respect to this matter by the province of Ontario and other municipalities was also completed.

A complementary Administrative Practice and Procedure will be finalized in the coming weeks to support and guide the implementation of this Administrative Policy. Employees were provided with advance notice that a policy was being developed and have received a copy of the Policy that is attached to this report. The detailed practices and procedures related to this policy will be finalized and shared with employees as soon as they are complete. This will include information about how and where to securely submit proof of vaccination or exemptions, how to complete educational sessions, and where and how to be tested. Ongoing communications will ensure that questions are addressed and that employees have the information they need to be able to comply with the Policy.

3.0 Financial Impact/Considerations

3.1 Financial Impact

The City of London has secured third party support to administer rapid testing as outlined in the Proof of COVID-19 Vaccination Administrative Policy. The associated cost is approximately \$2,000 to \$3,000 per week. The financial impact of these costs will be accommodated within the approved 2020-2023 Multi-Year Budget.

Conclusion

COVID-19 continues to have many impacts in our community. The City of London is committed to taking actions to protect the health and safety of its employees and residents. The Proof of COVID-19 Vaccination Administrative Policy is the next step in the City's ongoing commitment to maintaining the health and safety of its employees and the community, as well as a further measure to reduce the spread of COVID-19 in the workplace and in our community.

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Recommended by: Lynne Livingstone, City Manager

cc. Strategic Leadership Team



Proof of COVID-19 Vaccination Administrative Policy

1. Scope and Purpose

The purpose of the Proof of COVID-19 Vaccination Administrative Policy (the “policy”) is to reduce the risk of COVID-19 in the workplace and to provide a safe environment for employees and the public to access and use City facilities. COVID-19 is a highly contagious virus that spreads through respiratory droplets and aerosols. The Delta Variant of Concern currently circulating in London is associated with a higher rate of transmission and increased severity. The City of London, as an employer, has an obligation under the *Occupational Health and Safety Act*, 1990 to take every precaution reasonable in the circumstances for the protection of its workers.

Vaccination, in combination with health and safety precautions, have been identified by public health as the single most effective means of reducing the transmission of COVID-19 in the workplace and in our community. Individuals who are unvaccinated are at higher risk of contracting and transmitting COVID-19 in our workplace and in the community. In addition to the current health and safety precautions (personal protective equipment, physical distancing, frequent hand washing and hand sanitizing, frequent sanitization of high touch areas, etc.), which will be maintained and revised in accordance with public health guidance, the City of London requires all active employees, staff, staff of contractors and consultants acting on behalf of the Corporation and performing work in City facilities and/or buildings, volunteers, interns, and students on placements to:

- Provide proof of full vaccination against COVID-19; or
- Provide a written attestation of a medical reason(s) or Ontario Human Rights Code reason(s) for not being fully vaccinated against COVID-19 and undertake regular testing; or
- Complete a COVID-19 vaccination educational session and undertake regular testing.

The policy is indefinite in nature to address the risks and impacts of the COVID-19 pandemic, noting the duration of the pandemic is unknown. The policy will be reviewed on a regular basis and amended as required as new information, data, and public health guidance regarding the COVID-19 pandemic evolves.

2. Legislative Framework

Occupational Health and Safety Act, R.S.O. 1990, c.0.1

Human Rights Code, R.S.O. 1990 c. H. 19 (“Ontario Human Rights Code”)

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990 c. M.56 (“MFIPPA”)

3. Applicability

This policy applies to:

- City of London employees;
- Staff of contractors and consultants acting on behalf of the Corporation and performing work in City facilities, buildings;
- Volunteers; and

- Interns and students on placements.

This policy does not apply to employees, student placements and volunteers working at Dearness Home who are governed by policies and procedures mandated by the Minister of Long Term Care, Chief Medical Officer of Health, the Province of Ontario or other regulatory or legislative authority.

4. Definitions

'Attestation of a medical reason(s) or Ontario Human Rights Code reason(s)' means a written statement that sets out that the person cannot be vaccinated against COVID-19.

'Fully vaccinated' means having received the full series of a COVID-19 vaccine or a combination of COVID-19 vaccines approved by Health Canada; and having received the final dose of the COVID-19 vaccine at least 14 days ago.

'Proof of full vaccination against COVID-19' means the COVID-19 vaccination receipt issued by the Ontario Ministry of Health confirming the person is fully vaccinated.

'Vaccinated' means to be "fully vaccinated".

5. The Policy

5.1 All persons to whom the policy applies shall comply with one of the following:

- a. Provide proof of full vaccination against COVID-19 by September 29, 2021; or
- b. Where a person does not provide proof of full vaccination against COVID-19, but instead provides a written attestation of a medical reason(s) or Ontario Human Rights Code reason(s) for not being vaccinated against COVID-19 by September 29, 2021, the person shall:
 - i. Submit to regular testing for COVID-19, at intervals to be determined by the City of London, and in consultation with public health
 - ii. Provide verification of the negative test result in a manner that enables the City of London to confirm the result at its discretion; or
- c. Where a person does not provide proof of full vaccination against COVID-19 or provide a written attestation of a medical reason(s) or Ontario Human Rights Code reason(s) for not being vaccinated against COVID-19 by September 29, 2021, the person shall:
 - i. Complete a COVID-19 vaccination educational session which addresses:
 - how COVID-19 vaccines work
 - vaccine safety related to the development of the COVID-19 vaccines
 - the benefits of vaccination against COVID-19
 - the risks of not being vaccinated against COVID-19
 - possible side effects of COVID-19 vaccination; and
 - ii. Submit to regular testing for COVID-19, at intervals to be determined by the City of London, and in consultation with public health; and
 - iii. Provide verification of the negative test result in a manner that enables the City of London to confirm the result at its discretion; or

- d. Where a person has received one dose of the COVID-19 vaccine and has not yet received their scheduled second dose, the person shall:
 - i. Submit to regular testing for COVID-19, at intervals to be determined by the City of London, and in consultation with public health
 - ii. Provide verification of the negative test result in a manner that enables the City of London to confirm the result at its discretion; and
 - iii. Continue to submit to regular testing for COVID-19 until 14 days following the administration of the second dose, at which time the individual will be considered fully vaccinated.

5.2 Inactive employees who are on a leave of absence are not required to comply with s. 5.1 so long as they remain on a leave of absence. Employees must comply with 5.1 within three (3) days of returning from leave.

5.3 Active employees, staff, staff of contractors and consultants acting on behalf of the Corporation and performing work in City facilities and/or buildings, volunteers, interns and students on placement are required to comply with this policy. A finding of non-compliance by an employee will result in corrective and/or disciplinary action. A finding of non-compliance by volunteers, interns, and students on placement may result in corrective action reasonable in the circumstances.

5.4 Any employees, staff, staff of contractors and consultants acting on behalf of the Corporation and performing work in City facilities and/or buildings, volunteers, interns and students on placement hired following September 29, 2021, must comply with 5.1 within three (3) days of the first day they begin work.

5.5 All employees, staff, staff of contractors and consultants acting on behalf of the Corporation and performing work in City facilities and/or buildings, volunteers, interns and students on placement must continue to adhere to all policies, procedures and directions related to COVID-19.

6. Collection of Information and Privacy Considerations

All information gathered as part of the Proof of COVID-19 Vaccination Administrative Policy will be handled by a dedicated team for the purposes outlined in the policy.

All information, including personal health information, will be treated in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

7. Accommodations

Employees requiring any further Ontario Human Rights Code accommodations under this policy may request accommodations by advising their manager and/or People Services' Return to Work and Attendance Support Services. The City of London is committed to fulfilling its obligations under the Ontario Human Rights Code.