



**City of Kingston
Report to Council
Report Number 21-256**

To: Mayor and Members of Council
From: Brad Joyce, Commissioner, Transportation and Public Works
Craig Desjardins, Acting Commissioner, Corporate Services
Resource Staff: Deanne Roberge, Director Human Resources & Organization
Development
Date of Meeting: November 2, 2021
Subject: COVID-19 Vaccination Policy Option

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

On September 1, 2021, the Ontario government announced that starting September 22, Ontarians need to be fully vaccinated and provide proof of vaccination along with photo ID to access certain public settings and facilities. Ontario has also developed and implemented an enhanced digital vaccine certificate with unique QR (Quick Response) code that verifies vaccination status when scanned.

Throughout the pandemic, the City of Kingston has demonstrated its ongoing commitment to ensure the health and safety of all its employees. Council may wish to introduce a COVID-19 vaccination policy, such as provided in Exhibit A, that would be applicable to all employees, full-time, part-time, temporary, volunteers, students, with the exception of employees of Rideaucrest Home which have separate legislative requirements. The Policy attached can also apply to members of Council. This policy, which would require the provisioning of proof of vaccination status to City of Kingston Occupational Health, is consistent with the obligation to provide a safe and protected workplace for all. The policy provided has an effective date of January 3, 2022, to allow those who are not yet fully vaccinated, the time necessary to get so. The policy would also

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allow the City to meet the requirements of third party operators in City facilities such as the Grand Theatre and special events venues, where the City must confirm that all staff working in the facility during the event have been fully vaccinated.

The City acknowledges its obligations under the Ontario Human Rights Code and would comply with its duty to accommodate. Employees who are not vaccinated due to a reason protected under the Human Rights Code may request accommodations, and are obligated to cooperate in this process and provide the necessary documentation.

This Policy is in accordance with all prescribed legislation, including, but not limited to, the Ontario Human Rights Code and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Alternatively, Council could opt not to implement a COVID-19 vaccination policy and continue to rely on the preventative and protective measures the corporation has implemented and will continue to modify in accordance with Public Health recommendations to reduce and mitigate the effects of COVID-19. This could put at risk the City's ability to host certain performing arts shows at the Grand Theatre and potentially, sport tourism bookings such as major tournaments.

Recommendation:

That Council consider and provide direction on one of the following options:

1. **That** Council direct staff to implement a COVID-19 Vaccination Policy as attached in Exhibit A to Report Number 21-256 and that this Policy apply to members of Council and City employees as established in the Policy.

OR

2. **That** Council direct staff to not implement a COVID-19 Vaccination Policy as attached in Exhibit A to Report Number 21-256, but to continue with other preventative and protective measures in accordance with Public Health recommendations.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Brad Joyce, Commissioner,
Transportation and Public Works**

ORIGINAL SIGNED BY COMMISSIONER

**Craig Desjardins, Acting
Commissioner, Corporate
Services**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Community Services

Peter Huigenbos, Commissioner, Business, Environment & Projects

Jim Keech, President & CEO, Utilities Kingston

Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer

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Options/Discussion:

The Provincial government recently announced mandatory COVID-19 vaccination policies for high-risk settings including but not limited to hospitals, Long Term Care Homes, paramedics, post-secondary institutions, and school boards. Municipalities across Ontario, such as City of Toronto, City of Barrie, City of Guelph, City of Ottawa, City of Sarnia, City of Windsor, etc. have all introduced vaccination policies for all city staff.

Although there is no Provincial mandate to introduce a vaccine policy, it is prudent for municipalities to consider this for worker and public safety. Structure of such a policy should be based on available data as well as taking into consideration the Ontario Human Rights Code, Employment Standards Act of Ontario, Workplace Safety and Insurance Act, Municipal Freedom of Information and Protection of Privacy Act, and Occupational Health & Safety Act.

Another consideration for Council, is that performing arts promoters and sports league such as the Ontario Hockey League require that any staff working at the venues where they are performing or playing, be fully vaccinated. In response, some municipalities are implementing policies consistent with this requirement. The draft policy notes that unvaccinated employees may experience a loss of work opportunities due to the requirements of third party service providers.

With the introduction of vaccines across Ontario and Canada, evidence has shown the decrease in the number of COVID-19 related illnesses, especially in those who are fully vaccinated. Kingston Frontenac Lennox and Addington Public Health has indicated that eighty-four percent (84%) of residents are now fully vaccinated in our area.

On September 29, 2021, staff issued a survey to all staff regarding their current vaccination status. This survey was open for a week and provided the following data for Council's consideration:

- 1,188 employees responded to the survey out of a total of 1469, providing an 81% survey return rate and a statistical margin of error of only 1.2%.
- 1,065 are fully vaccinated, with a further eight (8) indicating they had first dose and were scheduled for their second dose before 30 days of the survey. This equates to 90.3% being fully vaccinated by Oct 5.
- Six (6) employees had received their first dose but have not scheduled to receive a second dose.
- 16 employees are not vaccinated and have not decided whether to get vaccinated.
- 48 employees representing 4.0% are not vaccinated; 46 for personal reasons and two (2) indicating for medical reasons.
- 45 employees (3.8%) chose not to disclose their vaccination status

"Fully Vaccinated" means having received the full series of COVID-19 vaccine or combination of COVID-19 vaccines approved by Health Canada with at least 14 days having elapsed since receipt of the last dose. To maintain fully vaccinated status, employees must also receive each

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dose/booster that may be required or recommended by the Public Health Agency of Canada or other applicable authorities.

For the application of a COVID-19 Vaccination Policy, 'Proof of Vaccination Status' or 'Proof' means:

- COVID-19 vaccination receipts issued by the Ontario Ministry of Health, other province or territory or international equivalent confirming the person is Fully Vaccinated, with a vaccine approved by Health Canada; or
- In accordance with the enhanced COVID-19 vaccine certificate system implemented by the Ontario government.

In the policy attached as Exhibit A, employees who are unvaccinated (not due to protected reasons under Human Rights Code) or prefer not to disclose their vaccination, would be required to attend an education training on the benefits of receiving the vaccine. Additionally, all employees who are unvaccinated or do not disclose their vaccination status would be required to participate in COVID-19 Antigen Rapid Testing at intervals determined by Occupational Health.

Council has the option to not implement a COVID-19 vaccination policy and rather continue to rely on the many preventative and protective measures already implemented. These will continue to be modified in accordance with Public Health recommendations to reduce and mitigate the effects of COVID-19. This includes but is not limited to, health screening, mandatory masking, physical distancing, hand hygiene, increased air exchange and enhanced cleaning.

Existing Policy/By-Law:

None

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

Costs for COVID-19 rapid antigen testing of staff that cannot provide proof of full vaccination are approximately \$40/test. The total cost to be absorbed by the City of Kingston for the first two months during which the policy stipulates those costs are to be borne by the employer, is dependent on the number of unvaccinated staff. If the staff vaccination rate remains as is reflected by the survey (i.e. 90.3%), 142 employees would be required to have the rapid antigen testing completed. Based on a weekly frequency rate and cost of \$40/test, that would equate to \$36,800 for the two months.

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Contacts:

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Other City of Kingston Staff Consulted:

Lacricia Turner, Director, Recreation & Leisure Services

Colin Wiginton, Director, Arts & Culture Services

Rachel Sheldon, Supervisor, Occupational Health, Safety & Wellness

Exhibits Attached:

Exhibit A – DRAFT City of Kingston COVID-19 Vaccination Policy

Draft

City of Kingston – COVID-19 Vaccination Policy

1. Purpose

The City of Kingston [**“the City”**] is committed to taking all reasonable precautions to protect the health and safety of its workforce, its customers and recognizes the importance of immunization in reducing the risk of serious infection and transmission of infection from COVID-19.

This Policy is designed to maximize COVID-19 vaccination rates as one of the critical control measures against COVID-19.

2. Scope

This policy applies to all City employees, full-time or part-time, including persons with remote work agreements (or otherwise working from home), volunteers, students, and members of council (defined for this Policy only as “employees”). Certain divisions of the city may have additional obligations under division-specific policies regarding COVID-19 vaccination or under regulations, legislation or guidelines applicable to them. New City employees have specific requirements, as a condition of hire, as set out in this Policy.

Employees, volunteers and students working at Rideaucrest Home are subject to a separate Policy, in accordance with the sector-specific Directives and requirements.

3. Effective Date and Amendments

This Policy is to take effect on January 3, 2022. It is subject to change based on evolving scientific evidence and Public health directives/guidance.

4. Definitions

“Fully Vaccinated” means having received the full series of COVID-19 vaccine or combination of COVID-19 vaccines approved by Health Canada with at least 14 days having elapsed since receipt of their last dose. To maintain fully vaccinated status, employees must also receive each dose/booster that may be required or recommended by Public Health Canada.

“**Boosters**” means any dose, booster or boosters that may be required or recommended by Public Health Canada.

‘**Proof of Vaccination Status**’ or ‘**Proof**’ means the COVID-19 vaccination receipts issued by the Ontario Ministry of Health, other province or territory or international equivalent confirming the person is vaccinated, with a vaccine approved by Health Canada. Proof may be required in accordance with the Ontario government enhanced COVID-19 vaccine certificate system.

5. Policy Requirements

a) New Hires

New hires will be required, as a condition of hire to provide Proof of Vaccination Status demonstrating that they are Fully Vaccinated and agree, as a condition of continued employment, to maintain their Fully Vaccinated status (including Boosters) and provide any subsequent Proof of Vaccination Status, as may be required by the City, subject only to the duty to accommodate under the Ontario *Human Rights Code*.

b) Current Employees

(1) Disclosure of Vaccination Status (Applicable to all employees):

All employees must on or before January 3, 2022, declare their COVID-19 vaccination status to Occupational Health on the Form provided at Schedule “A” hereto, and provide Proof of Vaccination Status as defined in this Policy.

(2) Failure to Provide Proof Confirming Fully Vaccinated Status

Failure of an employee to provide Proof, as defined by this Policy, of Fully Vaccinated Status on or before January 3, 2022 (as above) shall result in the employee being required to participate in:

(a) A One-Time COVID-19 Education Session by January 3, 2022

Employees who have confirmed that they are not Fully Vaccinated owing to valid and approved reasons pursuant to the Ontario Human Rights Code shall not be required to participate in the Education Session. The Education Session shall address how COVID-19 vaccines work, vaccine safety, benefits of the COVID-19 vaccination, risks of not being vaccinated against COVID-19 and possible side effects of COVID-19 vaccination. Attestation to the completion of the COVID-19 education shall be required. Education shall be completed during an employee’s regular

working hours and will be coordinated through the Human Resources department.

(b) Regular Rapid Antigen Testing as determined by the City

Commencing on January 3, 2022, such testing shall be required regardless of the reason that an employee is not Fully Vaccinated. Testing shall be done on non-working time subject to exceptions as may be approved by the City for reasons required under the Ontario Human Rights Code.

Weekly testing shall be completed by an external service provider, or - at the discretion of the Employer - internally through Occupational Health. Employees must schedule their appointment and have the Rapid Antigen Testing completed on Monday, Tuesday, or Wednesday of each week with the results submitted to Occupational Health on the day of their testing. Frequency of the testing may be changed by Occupational Health on the advice of Public Health.

Employees are responsible for the payment of the testing and can submit receipt of testing to Occupational Health for reimbursement. As of March 1, 2022, employees will be solely responsible for the payment of ongoing required testing.

Employees who receive a positive Rapid Antigen Test result must not report to work and must immediately inform Occupational Health. Thereafter, the employee will be required to immediately self-isolate, complete a nasopharyngeal swab (PCR) test at one of the local community testing sites and contact Occupational Health to report the results upon receipt and to allow contact tracing processes to take place, as needed. Employees will thereafter follow the direction of Occupational Health which shall be determined based on the results of the PCR test.

c) Public Access to Premises

The City will comply with applicable government Regulations and guidance in respect of proof of vaccination requirements.

6. Accommodation Under the Ontario Human Rights Code

Despite any other provision in this Policy, the City of Kingston acknowledges its obligations under the Ontario *Human Rights Code* and will comply with its duty to accommodate.

Employees and candidates for employment who are not vaccinated due to a reason protected under the *Code* may request accommodations by advising Occupational Health as outlined in Schedule “A” to this Policy. Employees must cooperate in this process and provide necessary documentation.

Employees who are not vaccinated for medical reasons must provide written documentation from a physician or a registered nurse in the extended class that sets out:

1. A documented medical reason for not being Fully Vaccinated.
2. The effective time period for the medical reason.

7. Continued Compliance with Health and Safety Precautions

Regardless of vaccination status, all individuals attending at the City’s workplaces will continue to be required to follow public health protocols including but not limited to compliance with established workplace access controls (e.g. screening), wearing a mask or face covering, using provided PPE, maintaining appropriate physical distancing and self-monitoring of potential COVID-19 symptoms when at work or otherwise engaged in City business. Employees who do not provide Proof of Vaccination Status confirming that they are Fully Vaccinated may be subject to enhanced safety protocols.

8. Consequences of Non-compliance with Policy

Failure to adhere to the requirements of this Policy may result in discipline up to and including the termination of employment. Employees who work with third party service providers may experience a loss of work opportunities if they are not fully vaccinated.

9. Collection, Access and Safeguarding of Information

All Information relating to an individual’s Proof of Vaccination Status and COVID-19 testing results will be securely stored and collected and accessed solely for the purposes of administering this policy, for the purpose of addressing health and safety concerns in the workplace and to manage any COVID-19 cases or outbreaks.

10. Ongoing Review

Given the rapidly evolving nature of the COVID-19 pandemic, this Policy is subject to regular review and amendment.

Schedule "A"

Declaration of COVID-19 Vaccination Status

Vaccination status for _____ as of _____
(enter name) (enter date)

Fully vaccinated:

I received my final dose of a vaccine series approved by Health Canada more than 2 weeks ago. I have attached my Vaccination Receipt(s).

Fully vaccinated in waiting period:

I have received my final dose of a vaccine series approved by Health Canada, but 2 weeks have not passed since my final dose. The 2 weeks will be completed on _____. I have attached my Vaccination Receipt(s).

Partially vaccinated:

I have received 1 dose of a vaccine series approved by Health Canada and I plan to receive my second dose on: _____. I have attached my vaccination Receipt.

Not vaccinated:

For reasons of personal choice.

Not vaccinated:

I am unable to receive a COVID-19 vaccination for reasons protected under the Ontario Human Rights Code. I have attached a document advising of the human rights ground on which I rely. I understand that the City may require further information to verify my request and determine next steps.