

**Administration**

Office of the Regional Clerk

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September 1, 2021

**CL 15-2021, August 26, 2021**

**LOCAL AREA MUNICIPALITIES****NIAGARA PENINSULA CONSERVATION AUTHORITY****NIAGARA REGIONAL POLICE SERVICE****SENT ELECTRONICALLY****Re: Memorandum CAO 17-2021 COVID-19 Vaccination Policy Update**

Regional Council, at its meeting held on August 26, 2021, passed the following motion:

1. That CAO 17-2021, being a memorandum from R. Tripp, Chief Administrative Officer, dated August 26, 2021, respecting COVID-19 Vaccination Policy Update, **BE RECEIVED**;
2. That staff **BE DIRECTED** to develop and implement a policy, and any required procedures, to require all Regional employees to be fully vaccinated against COVID-19, at the earliest opportunity, subject to and in compliance with any applicable legal directives and requirements, including but not limited to applicable human rights obligations, accommodation of employees legally entitled to accommodation, MFIPPA and PHIPA;
3. That Regional Council **APPROVE** that the applicable provisions of the above-mentioned vaccination policy include members of Regional Council who wish to attend in-person meetings (including Committee and Council), conduct business on Regional property or facilities, or attend official events in their capacity as a Regional Councillor; and
4. That a copy of this resolution **BE PROVIDED** to the Local Area Municipalities, and the Region's agencies boards and commissions, namely NRPS and NPCA.

A copy of Memorandum CAO 17-2021 is attached for your reference.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann Marie'.

Ann-Marie Norio  
Regional Clerk

CLK-C 2021-145

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**MEMORANDUM**

**CAO 17-2021**

**Subject:** COVID-19 Vaccination Policy Update

**Date:** August 26, 2021

**To:** Regional Council

**From:** Ron Tripp, P.Eng., Acting Chief Administrative Officer

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This memo is to provide an update on the Region's efforts concerning the Ontario Provincial Government (the "Province") making COVID-19 vaccination policies mandatory for high-risk settings.

**Background**

As members of Council are aware, on August 17, 2021, the Province announced its intention to require businesses operating in certain high-risk settings to implement COVID-19 vaccination policies. In addition, and citing concerns about the transmissibility of the Delta variant, the Province also announced, among other things, that it was pausing the it's exit from the Roadmap to Reopen.

The Province cites this direction is intended to protect vulnerable patients and staff in settings where the risk of contracting and transmitting COVID-19 and the Delta variant is higher, as a result the Chief Medical Officer of Health has issued a directive mandating hospitals and home and community care service providers to have a COVID-19 vaccination policy for employees, staff, contractors, students and volunteers, and for ambulance services to have a COVID-19 vaccination policy for paramedics.

The vaccination policy must be effective no later than September 7, 2021, and at a minimum will require these individuals to provide proof of one of three things:

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

Individuals who do not provide proof of full vaccination against COVID-19 will be required to undertake regular antigen testing. Businesses will be required to track and report on the implementation of their policies to the Province. This is similar to the vaccination policy requirements currently in place for long-term care homes, which have already been in effect since July 1, 2021.

Vaccination policies will also be required to be implemented in other higher-risk settings such as:

- Public funded schools and private schools;
- Licensed child care settings;
- 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.

Lastly, the directive also requires businesses to collect, maintain, and disclose statistical (non-identifiable) information as requested by the Province.

### Region Next Steps

In order to achieve compliance to the Province's directive, a working group has been established with staff representation from each of our identified high risk settings; with the support of staff from Human Resources, Legal Services, and Public Health. The focus of this group is to establish, implement, and ensure compliance with a COVID-19 vaccination policy and procedures. I have been in discussions with the Local CAO group, kept them apprised of our direction, including have committed to keep the lines of communication on this issue open with them.

The vaccination policy and procedures will require staff, contractors, volunteers, and students to provide one of the following:

1. Proof of full vaccination against COVID-19 (i.e. proof of having received the full series of a vaccine or combination of vaccines approved by the World Health Organization, and having received the final dose of the vaccine at least 14 days ago);
2. Written proof of a medical reason, provided by a physician or registered nurse in the extended class that sets out: (i) a documented medical reason for not being fully vaccinated against COVID-19, and (ii) the effective time-period for the medical reason; or
3. Proof of completing an educational session about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason. Such education session may be one prepared by the Region or another

one that must be approved by the Region and, at minimum, address the following topics:

- a. How COVID-19 vaccines work;
- b. Vaccine safety related to the development of the COVID-19 vaccines;
- c. The benefits of vaccination against COVID-19;
- d. Risks of not being vaccinated against COVID-19; and
- e. Possible side effects of COVID-19 vaccination.

Further, under the directive, Region's policy must also require that where staff, contractors, volunteers, or students do not provide proof of being fully vaccinated, they must submit to regular antigen point of care testing for COVID-19 and demonstrate a negative result at least once every seven days, or more frequently as may be determined by the Region. Outside of long term care, the Region will not be providing this test. As a result, the onus will fall on staff, contractors, volunteers, or students to provide the Region with verification of the negative test in a prescribed manner that enables the Region to confirm the result.

It should be noted that the directive provides for accommodation of unvaccinated individuals who provide a medical basis for their unvaccinated status, the more general duty to accommodate under the Human Rights Code (the "Code") can be triggered for reasons other than disability. For instance, creed is also a protected ground under the Code. Where, for example, an individual provides a religious basis for being unvaccinated, the duty to accommodate under the Code may be triggered. These considerations will be captured in our policy, and are still being reviewed at this time.

Finally, the policy will ensure that the required statistical data will be recorded and maintained.

We are still awaiting further details to be released from the Province, including more information and clarity from the various ministries. We are aware that the City of Toronto, the Province, and perhaps additional municipalities will soon also announce they are implementing vaccination policies that apply to all employees. At the moment our focus remains on following the Province's directive that businesses operating in identified high-risk settings will require policies to be implemented by September 7, 2021. That said, our focus on the development of a vaccination policy and procedures will also remain nimble in the event it is determined appropriate to pivot and act quickly to implement such a policy in other areas, including as far as including all Region staff, contractors, volunteers, or students. Council will continued to be provided any updates as appropriate.

Respectfully submitted and signed by

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Ron Tripp, P.Eng.  
Acting Chief Administrative Officer