

**Subject:** Town Policy Requiring Staff Vaccination**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0169 – Town Policy Requiring Staff Vaccination, for information purposes.**

**Background:**

The law and appropriate employer and public health responses to the Covid-19 pandemic continues to evolve. At time of writing, hundreds of Ontario municipalities and other large public and private sector employers have adopted corporate policies, which require staff to be double vaccinated if they do not qualify for one of the two exemptions established by Charter Rights. While there is some variation across Ontario in how employers are addressing non-compliance with policy, a general consensus has emerged that vaccination is necessary for a return to pre-Covid socialization norms, and so supports strong employer reaction. The Town's policy provides staff with time to become compliant, and provides the legally mandated exemptions for health and creed, but ultimately treats non-compliance, other than exemption, as a disciplinary matter.

This policy has been drafted in a manner so as to not apply to elected officials. Given that elected officials are not employees, it was felt that in this instance treating elected officials as if they are members of the public would be most appropriate.

**Analysis:**

The Town's Emergency Operations Centre ("EOC" - involving about a dozen staff and Pelham Library leadership) and the Emergency Control Group ("ECG" – a smaller and more specialized group of municipal leaders) have both reviewed the various policy options available to the Town of Pelham. Specifically, policies from the Region of Niagara, City of Hamilton, Peel Region, City of St. Catharines, City of London, City of Brampton and City of Toronto were reviewed.

The Ontario Human Rights Tribunal ("OHRT") has issued a position paper indicating its general theoretical approach to the question of mandatory vaccinations. In

essence, the OHRT accepts that mandatory vaccinations are a proportionate response to a public health crisis, that there is not a blanket right not to be vaccinated, and that two exemptions, if applicable, will generally be accepted as basis not to vaccinate: medical exemption whereby being vaccinated will cause harm to human health, and the exemption of creed, which is a sincerely held belief at the core of one's being, most commonly (but not necessarily) expressed as religious belief. The Town's mandatory vaccination policy allows for the two aforementioned exemptions. Where exemptions are provided, the staff involved must still ensure the health and safety of both themselves and their colleagues. The Town will require weekly proof of negative Covid-19 tests from exempt staff for them to attend at work. This testing will be at staff expense.

After adapting some of the language to be appropriate to the Town of Pelham, the EOC and ECG both concluded that addressing non-exempt, non-compliance as a disciplinary matter was in keeping with staff expectations. The policy was enacted on Monday, September 20, 2021. At time of writing there have been no complaints, challenges or staff protests. Several staff have indicated strong support for the Town's policy position on this issue.

This policy does not apply to elected officials who are not considered employees. Members of council will be treated like any other member of the public: when seeking admission to the MCC elected officials will be required to show the same levels of vaccination, unless an exemption applies. Admission to other Town facilities does not currently require proof of vaccination; however, business is to be conducted promptly. If Council wishes other treatment than what is described above, please bring a motion to address same.

### **Financial Considerations:**

There are virtually no costs associated with this report. During the transitional period the employer will pay for testing of employees who are not vaccinated or not yet fully vaccinated. After December 10, 2021, staff will have to personally obtain negative Covid-19 test results on a weekly basis, at their own expense, to continue to be able to attend Town facilities and work.

### **Alternatives Reviewed:**

Several variations of the attached policy were considered. Not having a policy or permitting staff to be unvaccinated was deemed not acceptable to either the EOC or ECG. Given that most patrons of the MCC must be double vaccinated, it would also be hypocritical to apply a lesser standard to Town staff who work in the building.

## **Strategic Plan Relationship: Strong Organization**

The attached policy regime is meant to keep all staff and members of the public healthy. As a service organization, staff are the Town's key asset and any course of action which increases their health and thereby capacity to serve strengthens the organization.

### **Consultation:**

Externally, various senior staff have participated in reviews and discussions of the merits of policy options on this topic, including but not limited to the Municipal Law Department Association of Ontario, the Ontario Municipal Administrators Association, the Niagara CAO working group, the Niagara Region EOC, Niagara Region Fire Departments and the Ontario Municipal Human Resource Association. All member of the Town's Senior Leadership Team, as well the Human Resources Co-ordinator/Health and Safety Co-ordinator, the Communications Specialist, the Manager of Public Works and the acting CEO of the Pelham Public Library were involved in the creation of this policy.

On a documentary level, equivalent policies from several municipal organizations were reviewed/consulted, as was medical guidance from both the Province and Niagara Public Health.

### **Other Pertinent Reports/Attachments:**

The policy, frequently asked questions and the documentation for exemptions have been attached to this report.

### **Prepared and Submitted by:**

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