

THE CORPORATION OF THE TOWNSHIP OF TARBUTT
BY-LAW 2021-23

A BY-LAW TO ESTABLISH A POLICY REGARDING COVID-19
VACCINATIONS FOR EMPLOYEES AND VOLUNTEERS.

WHEREAS Section 2 (5) subsection (3) of the Municipal Act, S.O. 2001, c 25, as amended, provides that the power of the Council of the Corporation of The Township of Tarbutt shall be exercised by By-Law; and

WHEREAS Section 8 (1) of the Municipal Act, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS Section 9 (1) of the *Municipal Act*, 2001, as amended, grants municipalities the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act; and

WHEREAS Section 9 (3) of the Municipal Act, 2001, as amended, provides that, without limiting the generality of subsections (1) and (2), a by-law under sections 10 and 11 respecting a matter may regulate or prohibit respecting the matter; require persons to do things respecting the matter; and provide for a system of licenses respecting the matter; and

WHEREAS Section 10 (1) of the *Municipal Act*, 2001, as amended, provides that a single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

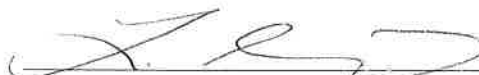
WHEREAS the Council of The Corporation of The Township of Tarbutt has deemed it necessary to establish a policy promoting COVID-19 vaccination to ensure the health and safety of all workers and the community as a key element in the protection against COVID-19; and

WHEREAS the Township, as an employer, has an obligation under the Occupational Health and Safety Act (OHSA) to take every reasonable precaution for the protection of its workers;

NOW THEREFORE The Corporation of The Township of Tarbutt pursuant to the provisions of the *Municipal Act, 2001, as amended*, enacts as follows:

1. THAT the Mayor and the Clerk of The Township of Tarbutt are hereby authorized to execute the Policy attached hereto as Schedule "A".
2. THAT this Policy shall be called the COVID-19 Vaccination Policy.
3. THAT any previous policy or by-law which contradicts the policy established herein be repealed.
4. THAT this Policy be enacted and take effect as of the First day of November, 2021.

This By-Law and attached Policy be read a first, and taken as read a second and third time and finally passed this Twentieth day of October, 2021



Lennox Smith, Mayor



Carol O. Trainor, Clerk

**THE TOWNSHIP OF TARBUTT
POLICY AND PROCEDURE MANUAL
Schedule "A" of By-law 2021 – 23**

Title: **COVID-19 Employee Vaccination Policy**

Policy Number: 2021 – 05

Approved: October 20, 2021

1.0 Purpose

- 1.1 The Township of Tarbutt ("Township") is committed to promoting vaccinations to ensure the health and safety of all workers and the community. The Township has an obligation under the Occupational Health and Safety Act (OHSA) to take every reasonable precaution for the protection of its workers.
- 1.2 The purpose of this policy is to provide guidelines pertaining to the expectations and requirements of staff with respect to COVID-19 and vaccination and will be applied at all times in accordance with the OHSA, the Ontario Human Rights Code and all other applicable law.
- 1.3 Vaccination is a key element in the protection of Township employees against the hazard of COVID-19. This policy is designed to maximize COVID-19 vaccination rates among Township employees as a critical control measure of COVID-19.
- 1.4 To help reduce the risk of COVID-19 transmission, this policy is an important measure that complements other workplace health and safety measures including daily health screening, mandatory masking, physical distancing, hand hygiene and enhanced cleaning.
- 1.5 All other measures to protect workers such as masking, disinfection, hand washing and physical distancing shall continue to be enforced for the duration of the pandemic.

2.0 Scope

- 2.1 This policy applies to all Township employees including full time, part time, permanent, temporary, casual, volunteers; and students, inclusively referred to herein as "workers".
- 2.2 New employees are required to be fully vaccinated against COVID-19, or have scheduled vaccination appointments, as a condition of employment.
- 2.3 The Township shall accommodate all workers seeking to be vaccinated.
- 2.4 This policy is subject to change for reasons including but not limited to the status of the pandemic and/or legislation or public health advice.

3.0 Definitions

- 3.1 "COVID-19" is the infectious disease caused by SARS-CoV-2.

- 3.2 “Educational Program” means an educational program that has been approved and/or provided by Algoma Public Health, which addresses the following learning components:
- i. How COVID-19 vaccines work
 - ii. Vaccine safety related to the development of the COVID-19 vaccines
 - iii. The benefits of vaccination against COVID-19
 - iv. The risks of not being vaccinated against COVID-19
 - v. Possible side effects of COVID-19 vaccination
- 3.3 “Fully vaccinated” means having received the full series or a combination of COVID-19 vaccines approved by Health Canada or the World Health Organization; and having received the final dose of the COVID-19 vaccine at least 14 days prior.
- 3.4 “Proof of full vaccination against COVID-19” means the COVID-19 vaccination certificate or receipt issued by the Ontario Ministry of Health or equivalent.
- 3.5 “Proof of exemption” means that exemptions will be made for not being fully vaccinated against COVID-19 under grounds protected by the Ontario Human Rights Code. Employees are required to provide written proof of their exemption for a reason protected by the Ontario Human Rights Code. Medical exemptions can only be provided by a physician or a nurse practitioner.
- 3.6 “Vaccine(s)” refers to a vaccine approved by Health Canada or the World Health Organization for use in Canada in relation to COVID-19, administered to protect individuals from COVID-19.

4.0 Policy

- 4.1 This Township policy mandates and encourages all workers to be fully vaccinated against COVID-19 as soon as possible, and as recommended by both the provincial and federal governments and public health authorities and the Canadian Centre for Disease Control.
- 4.2 All workers are required to submit official documents regarding their COVID-19 vaccination status before November 1, 2021.
- 4.3 Where a worker does not provide proof of full vaccination against COVID-19, but instead provides written proof of exemption, the employee shall be considered unvaccinated and:
- i. Submit to regular rapid antigen testing for COVID-19 two times every seven (7) days at their own expense; and
 - ii. Provide verification of each negative test result.
 - iii. If a positive test is returned the worker must notify their immediate supervisor and follow instructions provided by the local Health Unit.

- 4.4 Where a worker does not provide proof of full vaccination against COVID-19 or provide a written proof of exemption, or if a worker has received only one dose and has not yet received a second, the employee shall be considered unvaccinated and shall:
- i. Complete a COVID-19 vaccination educational program; and
 - ii. Submit to regular rapid antigen testing for COVID-19 two times every seven (7) days at their own expense; and
 - iii. Provide verification of each negative test result; and
 - iv. Continue to submit to regular rapid antigen testing for COVID-19 until 14 days following the administration of the second dose, at which time the employee will be considered fully vaccinated.
- 4.5 Workers who are on a leave of absence must comply with this policy before returning to work.

5.0 Accommodation

- 5.1 Employees requiring any Ontario Human Rights Code accommodations under this policy may request accommodations by advising their supervisor, and provide medical support to substantiate and/or clarify the accommodation required.
- 5.2 The Township will work with the employee to develop and implement an appropriate accommodation plan to the point of undue hardship

6.0 Confidentiality

- 6.1 Information relating to an employee's proof of vaccination and/or the reason(s) for not receiving a COVID-19 vaccination will remain in the employee's confidential personnel file and will not be disclosed.

7.0 Non-Compliance

- 7.1 Any non-compliance with this policy will result in a meeting with the Personnel Committee. Non-compliance may result in corrective and/or disciplinary action up to and including discharge.