

# COVID-19 (Novel Coronavirus) Workplace Vaccination Policies

## Guidance on how to maintain a workplace vaccination policy

March 2, 2022

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### Guidance

Vaccines are a safe and effective way to protect individuals from severe illness and hospitalization related to COVID-19. The decision to get vaccinated against COVID-19 is not just a personal decision, it's a decision that impacts our health system capacity and the wellbeing of the community.

Under Ontario's *Occupational Health and Safety Act*, employers are required to take every reasonable precaution to protect the health and safety of workers from all hazards in the workplace ([s. 25(2)(h)]). This includes protecting workers from the transmission of infectious diseases like COVID-19. Supporting workers to get fully vaccinated through mandatory vaccination policies is one of the most crucial steps that can be taken to protect workers and patrons from COVID-19 related illness. Workers should be encouraged to obtain a third "booster" dose of the COVID-19 vaccine as it increases short-term protection against symptomatic infection with the Omicron variant. When workers are fully vaccinated against COVID-19 they are less likely to be severely ill if they acquire COVID, which will result in reduced impact to workplace operations through extended employee absenteeism.

**The Medical Officer of Health of Southwestern Public Health (SWPH) recommends that all employers and business operators that have implemented a workplace vaccination policy for employees maintain this policy at this time.** Additionally, all workplaces should encourage and facilitate employees to obtain booster doses of the COVID-19 vaccine as recommended by the National Advisory Committee on Immunization.

This resource provides guidance on steps that can be taken to establish a mandatory COVID-19 vaccination policy and provides an example of a COVID-19 vaccination policy and procedure (Appendix A).

### Applicable Legislation

Any policy adopted should adhere to the *Occupational Health and Safety Act*, the *Ontario Human Rights Code*, Employment Standards Act, and applicable privacy laws.

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The information provided in this guidance is for general information purposes only. It does not contain legal advice and should not be relied on or treated as legal advice. Those persons, businesses, or organizations for whom these recommendations are intended are encouraged to seek their own legal advice with respect to their own specific workplaces, organizations, and circumstances. SWPH will not be approving or reviewing individual vaccine policies from businesses and organizations.

## Workplace Risk of Transmission Considerations

Assess your workplace risk of transmission by considering the following:

- Does your workforce have a high vaccination rate (i.e. over 90% fully vaccinated), if known?
- Can workers keep at least 2 metres apart while performing their work on site?
- Are there times when masks must be removed in the workplace by employees, customers/patrons or members of the public?
- Are workers required to be in close contact with others?
- How long and how often are workers in close contact with other workers or patrons?
- Does your workplace have physical barriers when workers cannot keep distance from each other, good ventilation, and/or personal protective equipment (PPE) to protect workers?
- Do you have workers who may be at risk for severe illness from COVID-19, or do your workers work closely with patrons at risk for severe illness? Some people may have reduced immunity due to age, pre-existing health conditions, or medical treatments.
- Is your workplace able to offer alternative work for people who require accommodation, for example, remote work?

The outcome of your workplace risk assessment should help determine the specific nature of your workplace policy to adequately protect workers and patrons.

## Key Components of a Workplace Vaccination Policy

### Identify the scope and purpose

- Develop a communication plan that explains the purpose of the policy including the risks of COVID-19. Vaccination against COVID-19 is one of the best ways to protect

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employees from severe illness, hospitalization, and death. The Omicron variant of the COVID-19 virus is more transmissible than previous variants. Highlight the benefits of having a high COVID-19 vaccination rate in the workplace, including reduced risk of infection and outbreak, reduced absenteeism, and enhanced staff and customer confidence in returning to the business.

- Explain who the policy applies to. It is recommended that the policy apply to all employees, volunteers and students, if applicable (herein referred to as workers).
- Explain that the policy may change as the status of the pandemic changes and/or legislation or public health advice changes.

## List action steps workers should take

- To prevent the spread of COVID-19, workplace policies should require workers to provide one of the following:
  - a. Proof of full vaccination:
    - Methods of providing proof of vaccination could include providing a vaccination receipt (printed or electronic) or providing proof through a proof-of-vaccination system. Individuals can print off copies of their vaccination receipt from the [Province's COVID-19 Vaccination Portal](#) with their health card.
    - While individuals may be considered fully vaccinated after having 2 doses of the COVID-19 vaccine, workplaces should encourage employees to obtain booster doses as advised by the [National Advisory Committee on Immunization](#). A third “booster” dose of the COVID-19 vaccine is particularly important in protecting against severe illness from the Omicron variant.
  - b. Written proof of a medical exemption to receiving the COVID-19 vaccine from a licensed physician or nurse practitioner that sets out:
    - i. That the person cannot be vaccinated against COVID-19; **and**
    - ii. The effective time-period for the medical reason (is it permanent or time-limited). If a time-limited exemption applies, ensure that once the period of time has expired, that the worker provides evidence that steps have been taken to be vaccinated in accordance with this policy.

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- Employees who are not willing to get a COVID-19 vaccine for a reason related to a protected ground from the *Ontario Human Rights Code* and are seeking accommodation should be considered on a case-by-case basis perhaps with the assistance of legal counsel.
  - i. The Ontario Human Rights Commission provides helpful [questions and answers on COVID-19 and the Ontario Human Rights Code](#) that may be prudent to review.
- The policy should indicate where workers can provide proof of vaccination while also addressing privacy concerns.

## Set deadlines for when actions must be taken

- Specify a reasonable date when workers must adhere to the requirements of the workplace vaccination policy.
- For example: Workers must be fully vaccinated with a COVID-19 vaccine series by [enter date]. Workers must receive one dose of a COVID-19 vaccine by [enter date] and their second dose of a COVID-19 vaccine by [enter date] based on recommended intervals from the Ministry of Health. For optimal protection, booster (or third) doses are also recommended for all staff who are eligible to receive one.

## List supports for vaccination

- Provide information about COVID-19 vaccines from credible sources such as the [Ministry of Health](#) and [Southwestern Public Health](#). Encourage workers to discuss any concerns they might have with their healthcare provider.
- Share information about [upcoming vaccination clinics](#) in your community. Consider hosting a vaccination clinic in your workplace ([apply here](#)).
- Encourage workers to obtain a third "booster" dose of the COVID-19 vaccine as it increases protection against symptomatic infection with the Omicron variant.
- Where possible, provide paid leave and/or transportation for staff to get vaccinated.

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- Remind workers that they are **entitled to up to three paid sick days** if they have side effects after getting vaccinated. The **Ontario COVID-19 Worker Income Protection Benefit** has been extended until July 31, 2022.
- Workers who do not have a copy of their vaccination receipt can download their COVID-19 vaccine receipt at <http://covid19.ontariohealth.ca/>.
- Personnel who do not have an up-to-date health card can contact Southwestern Public Health (or the health unit where they obtained their vaccine) for help in obtaining a copy of their vaccination receipt.

## Establish provisions for unvaccinated individuals

- List alternative options, if available for individuals not yet eligible to receive the COVID-19 vaccine (those under age 12) and individuals who decline the vaccine for medical exemptions and/or reasons protected by the *Ontario Human Rights Code*.
- Rapid testing protocols can also be considered. It is important to note that these protocols are not preventive and are not a replacement for vaccination. Both fully vaccinated and unvaccinated individuals can participate in rapid antigen test screening, provided adequate testing supplies are available. If supply is limited, unvaccinated staff and those with only two doses of COVID-19 vaccine should be prioritized for rapid antigen screening. If rapid antigen tests are used for voluntary screening, it is recommended that tests be conducted 3-5 times per week using an oral-nasal swab. Please note that rapid antigen tests are not as effective at picking up the Omicron variant of the COVID-19 virus in individuals who are not symptomatic or in the first 1-2 days after symptoms develop. View our **Guidance for Rapid Antigen Test Use** for more information.
- In the event of a COVID-19 outbreak, employees who have not received the currently recommended COVID-19 vaccine booster dose(s) should not be permitted to work in the outbreak area. Employees without vaccination records should be assumed to be unvaccinated.
- If relocation or reassignment is not possible, consider if unvaccinated workers may use vacation or unpaid leave until some later time when it is safe for them to return to the workplace.

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## Establish consequences for non-compliance

- Outline the potential consequences for workers who do not fulfill the requirements of the policy. Implications may vary on a case-by-case consideration depending on the employer's risk assessment and general duty under the Occupational Health and Safety Act.

## Address privacy considerations

- The policy should protect a worker's privacy as much as possible and specify how individual vaccination status of workers will be used, shared, and disposed of by employers to mitigate the health-related risks of COVID-19.
- Information about workers' vaccination status must be protected in accordance with applicable privacy legislation and should be collected confidentially. Knowing your workers' vaccination status may be important to help you take appropriate action quickly in the event of COVID-19 cases in your workplace, to protect workers, their families, and the public.
- When collecting, sharing, storing, and disposing of information about a worker's vaccination status, identify ways to safeguard workers' personal health information:
  - a. Limit information collected to the workers name and date of vaccination for each dose.
  - b. Limit the number of employees who have access to vaccination status information to those who require this information to ensure compliance with the vaccination policy.
  - c. Individuals should be instructed to use the least intrusive mechanism to disclose vaccination status. Limit information collected to what is necessary.
  - d. Ensure personal health/vaccination information is stored securely and protected in accordance with privacy legislation. It should only be used when required.

## Designate a staff contact

- Identify who workers should contact for questions about the policy and to whom individuals should disclose proof of vaccination.

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## Ensure continued compliance with other public health measures

- Getting fully vaccinated against COVID-19 does not replace the need for following other effective and proven COVID-19 public health measures. Individuals and employers must continue to comply with COVID-19 prevention measures as outlined by the [Ontario government](#) and [Southwestern Public Health](#), including screening, wearing a mask or face covering, physical distancing where feasible, hand hygiene, and monitoring for symptoms of COVID-19 or other recommendations as current.

## Establish open and transparent communication

- Have a clear communication plan for staff to introduce the policy.
- Establish continuous dialogue with workers to provide education as necessary, and to manage understanding and expectations related to the mandatory vaccine policy and COVID-19 prevention measures.

## Frequently Asked Questions

### If employees do not want to get vaccinated, can employers require that they get a vaccine?

Receiving a COVID-19 vaccine is voluntary, however employers may be able to require proof of vaccination to ensure fitness to safely perform work or protect other people.

The *Ontario Human Rights Code* and other similar laws try to balance people's right to non-discrimination and civil liberties with public health and safety. Organizations may need to address requests for accommodation based on protected grounds under the Ontario Human Rights Code.

The Ontario Human Rights Commission provides helpful [questions and answers on COVID-19 and the Ontario Human Rights Code](#) that may be prudent to review. Businesses and organizations are encouraged to consult with their legal counsel if necessary, when developing or revising COVID-19 vaccination policies.

### What do I do if an employee develops side effects after receiving their vaccination? Can they attend work?

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COVID-19 vaccines, like all vaccines, may cause side effects, although not everyone experiences them. Those who do experience them, mostly report mild side effects within the first 1-2 days after vaccination. The most common side effects are localized reactions such as pain, swelling, and colour changes in the skin (e.g. red, purple) at the injection site, and tiredness, headache, muscle pain, joint pain, chills, and mild fever.

In the 48 hours after receiving a COVID-19 vaccination, if an employee develops headache, fatigue/tiredness, muscle ache or joint point (and no others), the employee feels well enough to work, and when symptoms only developed after vaccination, the employee can continue to work.

[Active screening of employees](#), including after vaccination, is recommended. If COVID-19 is suspected, employees should be excluded from work and seek further medical evaluation.

Ontario's [Guidance for Employers Managing Workers with Symptoms within 48 hours of COVID-19 Immunization](#) provides more information which may be helpful to review.

## **Is paid leave available for employees to get vaccinated or if they have side effects from the vaccine?**

Ontario workers may qualify for up to [three days of paid sick leave](#) at regular wages, up to \$200 per day. This benefit is available until July 31, 2022 and can be used to take time off work to get vaccinated or to stay home if they have side effects from the vaccine. It is important to note that these three days are not in addition to existing paid sick days, if offered by the employer.

More information can be found on the [Ontario COVID-19 worker income protection benefit webpage](#).

## **Where can I learn more about rapid testing as an option for employees?**

Rapid antigen testing is an additional screening method that can help to identify cases of COVID-19 early, before they are spread to others. Organizations can test and get results in about 15 minutes on site. Some organizations, workplaces and communities in Ontario may be able to access free test kits through the [Provincial Rapid Antigen Screening Program](#). Small and medium sized organizations can also access free rapid antigen screening kits through [local Chamber's of Commerce](#).

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Southwestern Public Health has developed [Guidance for Rapid Antigen Test Use](#) that provides more information on use of these tests. If rapid antigen tests (RATs) are used for voluntary screening, it is recommended that tests be conducted 3-5 times per week using an oral-nasal swab. Both fully vaccinated and unvaccinated individuals can participate in RAT screening, provided adequate testing supplies are available. If supply is limited, unvaccinated staff and those with only two doses of COVID-19 vaccine should be prioritized for rapid antigen screening.

There are several distinct uses for RATs, including screen testing. Screen testing is frequent, systematic testing of people who are asymptomatic and without known exposure to a COVID-19 case with the goal of identifying cases that are pre-symptomatic or asymptomatic. Screen testing may be less effective with the currently circulating Omicron variant of COVID-19 as rapid antigen tests are not as effective at picking up low levels of the virus, especially in individuals without COVID-19 symptoms or in the first 1-2 days after developing symptoms. RAT screening programs are not a replacement for following public health measures such as COVID-19 vaccination, wearing a face mask, physical distancing, limiting contacts, and staying home when sick. Individuals in non-highest risk settings participating in routine asymptomatic RAT testing who have a positive result do not require a polymerase chain reaction (PCR) or rapid molecular test to confirm their diagnosis. A positive RAT is highly indicative that the individual has COVID-19, and the individual is required to self-isolate as per [public health guidance](#).

RATs can also be used in individuals with symptoms of COVID-19 to help assess the likelihood that symptoms are related to COVID-19, however, one negative RAT result in individuals with symptoms is not enough to rule out COVID-19 infection. [Learn more](#).

## **Do we have to follow public health measures, like wearing masks, when all our employees are vaccinated?**

Yes, masking is considered to be mandatory as prescribed under the *Reopening Ontario Act*. While COVID-19 vaccines are effective at protecting individuals against COVID-19 and preventing serious outcomes due to COVID-19, such as serious illness, hospitalization, and death, the virus continues to circulate, particularly with the highly transmissible Omicron variant. All public health measures should continue to be followed after being fully vaccinated, including staying home when unwell, completing active screening before work, wearing a mask, practicing good hand hygiene, cleaning and disinfecting surfaces, and optimizing ventilation.

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Public health measures remain an important part of our response to COVID-19 because:

- although COVID-19 vaccines approved for use in Canada provide substantial protection against severe illness, no vaccine is 100% effective
  - we now know that protection may decrease over time
- we've learned that fully vaccinated individuals can still be infected and transmit the COVID-19 virus
- as it gets colder and when more of our activities move indoors, we may come into closer contact with others outside of our household

## Additional Resources

- [Ontario Human Rights Commission COVID-19 and Ontario Human Rights Code – Questions and Answers](#)
- [Guidance for Rapid Antigen Test Use – Southwestern Public Health](#)
- [Southwestern Public Health – Guidance for Workplaces and Employers](#)
- [Ontario Rapid Antigen Screening Program](#)

## Acknowledgements

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## Appendix A: Sample COVID-19 Vaccination Policy and Procedure

This Sample COVID-19 Vaccination Policy and Procedure was developed to help guide workplaces as they craft their own COVID-19 vaccination policies. This sample policy and procedure should not be considered legal advice and employers and persons responsible for a business that is open are encouraged to seek legal advice or assistance in developing their vaccination policy. Each organization should evaluate risks associated with COVID-19 when considering and adapting the template.

*[POLICY TITLE] (e.g. COVID-19 Vaccination Policy and Procedure)*

### **PURPOSE**

To ensure that *[Organization's Name]* employees are adequately immunized to minimize their risk of infection and to reduce the risk of transmission to others.

*[Organization's Name]* is committed to protecting employees and others from hazards in the workplace, including infectious and vaccine preventable diseases and to maintaining a protected workforce.

### **BACKGROUND (statement on the importance of vaccines in the fight against COVID-19)**

On March 11, 2020, the World Health Organization declared COVID-19 a pandemic virus. The first case in the Southwestern Public Health region was reported on March 23, 2020. In Ontario, the more transmissible Omicron variant is now circulating widely.

Vaccination, in combination with public health measures already in place, is safe and effective at reducing virus spread and protecting against serious illness, hospitalization and death. Based on current data, the rate of hospitalization and ICU admission is higher in unvaccinated individuals compared to fully vaccinated individuals. A booster dose (third dose) of the vaccine provides further protection, particularly against the Omicron variant.

COVID-19 is an acute respiratory illness caused by severe acute respiratory syndrome coronavirus (SARS-CoV-2). It may be characterized by fever, cough, shortness of breath, and other symptoms. Asymptomatic infection is also possible. The risk of severe disease increases with age, however, it is not limited to the elderly and is elevated in those with underlying medical conditions.

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## LEGISLATIVE FRAMEWORK

Under the *Occupational Health and Safety Act*, all workplace parties have a duty to keep the workplace safe. This includes taking every reasonable precaution in the circumstances to protect the worker (OHSA, Section 25(2)(h)) and the responsibility to assess the workplace for risks, including that of COVID-19 transmission.

This policy is applied in accordance with the *Ontario Human Rights Code*, *Employment Standards Act*, *Occupational Health and Safety Act* and any other applicable legislation and/or collective agreement.

Information collected under this policy and procedure is collected in compliance with relevant legislation including but not limited to the *Personal Health Information Protection Act* and the *Ontario Human Rights Code*.

## APPLICATION (*statement of to whom the policy applies*)

This policy applies to [All who are required to follow the policy (e.g., All employees, including students, volunteers, and new hires)] as a condition of employment to ensure fitness to safely perform work, minimize and prevent absenteeism due to vaccine preventable diseases, reduce the risk of transmission to co-workers and [add applicable parties. E.g. clients, customers]. This includes anyone who is eligible to receive a COVID-19 vaccine according to the Southwestern Public Health website.

## REQUIREMENTS (*statement of the actions required per the policy*)

[All who are required to follow the policy (e.g., All employees, including students, volunteers, and new hires)], regardless of the work they perform, are required to receive the COVID-19 vaccine and any related boosters (with rare exceptions accommodated for medical conditions).

Employees must disclose their vaccination status to [Organization's Name] by [reasonable date for individuals to prove their status or get their vaccine (e.g. all staff are required to be fully vaccinated with a COVID-19 vaccine series by October 30, 2021. Staff must receive one dose of COVID-19 vaccine by September 30, 2021, and their second dose of COVID-19 vaccine by October 30, 2021.)].

[All who are required to follow the policy (e.g., All employees, including students, volunteers, and new hires)] will be required to provide one of the following:

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- Proof of COVID-19 vaccine administration as per the following requirements:
  - a. If the individual has only received the first dose of a two-dose COVID-19 vaccine series approved by Health Canada or the World Health Organization, proof that the first dose was administered and, as soon as reasonably possible, proof of administration of the second dose; or
  - b. Proof of all required doses of a COVID-19 vaccine approved by Health Canada or the World Health Organization.For employees requiring proof of vaccination, please refer to the Ontario Ministry of Health's website to obtain this: <https://covid19.ontariohealth.ca>
- Written documentation from a licensed physician or nurse practitioner that sets out:
  - a. That the person cannot be vaccinated against COVID-19; **and**
  - b. The effective time period for the medical reason (i.e. permanent or time-limited)

All employees' COVID-19 vaccination information will be protected with appropriate safeguards and will only be used or disclosed for the purposes outlined in this policy.

**POLICY IMPLICATIONS** (*statement of potential responses to requirements of the policy. Please note: Implications will vary depending on the employer's risk assessment and general duty under the Occupational Health and Safety Act*)

## Provisions for Unvaccinated Employees with Accepted Exemptions

[*Organization's Name*] policy will be in accordance with the *Ontario Human Rights Code* protected grounds, to the point of undue hardship. Employees who are unable to receive vaccines or tests for medical reasons or any relevant *Ontario Human Rights Code* protected ground will be required to [*Insert the appropriate Organizational action*] and/or follow applicable safety measures.

Personal and/or philosophical objections to the COVID-19 vaccine will not be accepted for granting an exemption from receiving the COVID-19 vaccine or any related boosters.

## Non-Compliance with Policy Requirements

Any employees refusing to comply with the requirements under this policy will be subject to disciplinary action, up to and including termination from employment.

This policy and the consequences for breach of this policy will be applied in a manner which complies with the *Ontario Human Rights Code*, *Employment Standards Act*,

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*Occupational Health and Safety Act*, and any other applicable legislation.

## **PROCEDURE** (*workplace relevant procedures/steps to action the above policy*)

- **Vaccination Status**

- a. *[Include the specific process for obtaining employee vaccination receipts. Include how often these records will be reviewed and by whom, if necessary.]*
- b. *[Include the process for how new hires will be required to submit their vaccination status prior to their start date.]*
- c. Where required vaccination is declined, *[Organization Designate (e.g. Occupational Health and Safety (OHS))]* will discuss with the employee the potential health and safety risks associated with being unvaccinated.
  - i. If the individual is unable to receive the COVID-19 vaccination based on a medical reason, they will be required to provide a letter from a licenced physician or nurse practitioner stating that they cannot be vaccinated against COVID-19 and the effective time period for the medical reason and submit the letter to the *[Organizational Designate]*.
- d. When a COVID-19 vaccination is received, the employee must notify *[Organization Designate]* of the completion of indicated vaccinations by providing a copy of the record report to ensure accurate records.
- e. Employees who do not provide proof of vaccination, or those who have submitted the applicable exemption form will be considered unvaccinated.
- f. *[Organization Designate]* will track and report on overall employee vaccination rates. Individual vaccination status will not be shared beyond what is required for compliance monitoring and ensuring the health and safety of *[Organization's Name]*.
- g. Unvaccinated employees will *[insert what will happen if Employees are not exempt and do not get vaccinated (e.g. disciplinary action, termination of employment)]*

- **Monitoring and Follow-Up to Ensure Up-to-Date Vaccination and Testing**

- a. Current employees who submit written proof of medical exemption or who are not able to obtain COVID-19 vaccine for a reason related to a protected ground under the Ontario Human Rights Code can decide to receive the vaccine at any time. The current employee can contact *[Organization Designate]* for assistance and/or to send the vaccination record.

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- b. *[Insert any other documentation that may need to be added/stored in an employee's file related to the mandatory COVID-19 vaccine]*
- **Follow-Up Regarding Outstanding Requirements**
  - a. *[Organization Designate] will [Specify how (e.g. by email, phone, meeting)] a reminder to employees who have not provided required COVID-19 immunization documentation [add in a timeline from the first contact/requires (e.g. within 2 weeks of initial request of vaccination proof)].*
  - b. *[Include what to do if the employee does not provide proof after vaccination] (e.g. send a second reminder email with the employees manager cc'd)].*
  - c. *If the employee has not provided required vaccination documentation by the date specified in the second email reminder, [Organization Designate] will notify the appropriate leader to ensure a meeting is arranged as soon as possible.*
  - d. *Continued non-compliance will be addressed by the leader with the support of Human Resources in accordance with [Organization's related discipline policy].*

## **ACKNOWLEDGEMENTS** *(additional context for policy)*

The organization reserves the right to amend this policy as may be necessary or appropriate and as the status of the COVID-19 pandemic changes and/or legislation or public health advice changes.