

# Recommendations for Workplace COVID-19 Vaccination Policies: Information for Employers

September 1, 2021

The Medical Officer of Health for the Simcoe Muskoka District Health Unit (SMDHU) strongly recommends all local employers institute and ensure compliance with a workplace COVID-19 vaccination policy to protect workers and the public from COVID-19. This recommendation applies to those employers not included within related provincial policy directives.

Employers have an obligation to maintain a safe work environment for their workers. To help reduce the risk of COVID-19 transmission, a workplace vaccination policy is an important measure employers should implement, along with other public health measures such as COVID-19 screening, physical distancing, masking and hand hygiene.

## WORKPLACE RISK OF TRANSMISSION

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 two metres apart while performing their work?
- 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 personal protective equipment (PPE) to protect workers, as required by the Reopening Ontario Act and/or the SMDHU MOH's Letter of Instruction dated September 1, 2021?
- 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 in order to adequately protect workers and patrons.

## APPLICABLE LEGISLATION

The workplace policy should adhere to the [Occupational Health and Safety Act](#), the [Ontario Human Rights Code](#) and applicable [privacy laws](#).

The information provided in this SMDHU resource is for general information purposes. 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 and circumstances.

## KEY COMPONENTS IN A COVID-19 VACCINATION POLICY

### 1. IDENTIFY THE SCOPE AND PURPOSE.

- Explain purpose of the policy including the risks of COVID-19. Vaccination against COVID-19 is one of the best ways to protect workers. The Delta variant of the coronavirus is more contagious, with greater risk for severe illness and hospitalization.
- Explain who the policy applies to. It is recommended that the policy apply to all employees, staff, contractors, volunteers and students (from hereon termed 'workers'), as relevant.

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- Have a clear communication plan to inform workers about the policy.

## 2. LIST ACTION STEPS WORKERS MUST TAKE.

To prevent the spread of COVID-19 in keeping with your workplace risk of transmission, workplace policies should require workers to provide one of the following:

- Proof of full vaccination:
  - Fully vaccinated means having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines [approved by WHO](#) (e.g., two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series); and having received the final dose of the COVID-19 vaccine at least 14 days ago,
  - Methods of providing such proof could include a vaccination receipt (printed or electronic – i.e. from [the Government of Ontario's website](#))<sup>1</sup>, or vaccination record through CANImmunize App, or a government-led proof-of-vaccination system;
- Written proof of a medical reason, provided by a licensed physician or nurse practitioner that sets out:
  - a documented medical reason for not being fully vaccinated against COVID-19, AND
  - the effective time-period for the medical reason;
- A signed written declaration from a person who is not able to obtain a COVID-19 vaccine for a reason related to a protected ground under the Ontario Human Rights Code, including a description of the need for protection and accommodation.
  - If the workplace risk of transmission is deemed to be low, it may be reasonable to accept a declaration on broader grounds.

## 3. SET DEADLINES FOR WHEN ACTIONS MUST BE TAKEN

Specify a reasonable date when workers must demonstrate compliance with the workplace policy.

## 4. LIST AVAILABLE SUPPORTS FOR VACCINATION

Demonstrate your commitment to supporting workers to get vaccinated. Ways to support workers to get vaccinated include:

- Let them know [where they can get vaccinated](#) (pharmacies, primary care, or the health unit).
- Provide vaccine information from credible sources or translated resources, such as [SMDHU](#).
- Support vaccine champions to initiate conversations with their peers.
- Provide paid leave to get vaccinated or transportation for workers to get vaccinated during paid work time.
- Remind workers that they are entitled to up to [three paid sick days](#), if they have side effects from the vaccine.
- See SMDHU's tips for employers to increase [COVID-19 Vaccine Confidence in the Simcoe Muskoka Workforce](#).

<sup>1</sup> <https://covid-19.ontario.ca/covid-19-vaccine-booking-support#vaccination-receipts>

Individuals with a green photo health card can download or print an electronic COVID-19 vaccine receipt through the provincial portal, or by calling the Provincial Vaccine Booking Line. Individuals who have a red and white health care or who do not have a health card can contact the Provincial Vaccine Booking Line at 1-833-943-3900 for a call centre agent to email them a copy of their first and second dose receipts.

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## 5. PROVISIONS FOR UNVACCINATED WORKERS

For workers who are unable to complete their vaccination series for medical reasons or decline to get vaccinated for other reasons protected by the Human Rights Code, your policy should either:

- List alternative options in which a worker might continue to safely work without being vaccinated, OR
- Indicate your intention to consider reasonable accommodation on a case-by-case basis and, if required, grant such accommodation unless it would amount to undue hardship based on cost or health and safety.

Alternative options or accommodation should reflect your workplace risk of transmission. Some options to consider include:

- Use of additional PPE, worker relocation, and modified work or reassignments.
- 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.

The policy should make clear that no person should experience harassment or discriminatory treatment based on a Code-protected ground because they are unable to be vaccinated.

## 6. NON-COMPLIANCE

Outline the potential consequences for workers who do not fulfill the requirements of the policy. This may entail case by case consideration, consistent with the Occupational Health and Safety Act and the Ontario Human Rights Code.

## 7. 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 information must be protected in accordance with applicable privacy legislation. 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 general public.

When collecting, sharing, storing and disposing of information about a worker's vaccination status:

- Identify ways to safeguard workers' personal health information.
- Limit information collected to the worker's name and date of vaccination for each dose.
- Keep worker vaccination information separate from their personnel file.
- Ensure personal health/vaccination information is kept in a secure manner and only used when required.

## 8. STAFF CONTACT

- Identify who at your organization staff should contact with questions about the policy, to request accommodation, or for more information how to comply with the policy. The policy should also indicate the person to whom workers should provide proof of vaccination.

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## Resources

- Simcoe Muskoka District Health Unit's COVID-19 [Vaccine Information for Employers site](#)
- Ontario Chief Medical Officer of Health's [Directive 6](#) and [Resource Guide](#) for certain health care settings
- [COVID-19 and Ontario's Human right Code – Questions and Answers](#) (Ontario Human Rights Commission)
- [COVID-19 vaccines and workplace health and safety](#) (Government of Ontario)

*Adapted from material produced by the City of Toronto.*

Please contact the Simcoe Muskoka District Health Unit's Health Connection line if you have any questions at 1-877-721-7520, Monday to Friday from 8:30 a.m. to 4:30 p.m.

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