



Office of the Medical Officer of Health
Public Health Services
Healthy and Safe Communities Dept.
City of Hamilton
110 King Street West, 2nd Floor
Hamilton, Ontario L8P 4S6
P: (905) 546-2424 ext. 3502

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HAMILTON MEDICAL OFFICER OF HEALTH STRONGLY RECOMMENDING COVID-19 WORKPLACE VACCINATION POLICIES

Hamilton's Medical Officer of Health, Dr. Elizabeth Richardson, is strongly recommending that local employers address the need for a workplace vaccination policy to protect their workers and the public from COVID-19. This recommendation is provided pursuant to *O. Reg. 364/20, Schedule 1, ss 2(2.1)*, following consultation with the Office of the Chief Medical Officer of Health.

RECOMMENDATIONS FOR ESTABLISHING A COVID-19 WORKPLACE VACCINATION POLICY

Employers have an obligation to maintain a safe work environment for their workers. To help reduce the risk of COVID-19 transmission, all employers should address the need for a workplace vaccination policy. A workplace vaccination policy is an important measure employers can implement to protect their workers and the public.

Promoting vaccine uptake is important to help reduce COVID-19 workplace outbreaks and build confidence for a safer return to work. The COVID-19 vaccine is the best way to protect your workplace from the risks of COVID-19. It is safe and highly effective at reducing virus spread and protecting against serious illness.

Workplaces can help encourage vaccination by creating a supportive environment that makes it easier for workers to get vaccinated, and by providing information from trusted sources. COVID-19 vaccination provides an important layer of protection for workers, their families and the community.

Your workplace policy should be in writing and adhere to the *Occupational Health and Safety Act*, the *Ontario Human Rights Code* and privacy laws.

PLEASE NOTE:

The information provided in this document does not contain legal advice and should not be relied on or treated as legal advice. Those for whom these recommendations are intended should seek their own legal advice to address their specific workplace circumstances.

DEVELOPING A WORKPLACE VACCINATION POLICY

Assess your workplace risk of COVID-19 transmission. For example:

- How many workers are part of your workforce?
- Can workers keep at least two metres apart while performing their work?
- Are there circumstances in which masks can or must be removed in the context of workplace activities? (This includes workers, customers/patrons and members of the public entering the workplace.)
- Are workers required to be in close contact with others, at the workplace or in the community while performing their work?
- How long and how often are workers in close contact with other workers, customers/patrons or the public?
- Does your workplace have: physical barriers when workers cannot keep distance from each other, customers/patrons or the public; 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? 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?

Key Components in a 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 who work in a location with common areas and/or where workers can have contact with other workers, customers/patrons or the public. The Delta variant of the coronavirus is more contagious, with greater risk for severe illness and hospitalization.
- Explain who the policy applies to. Will the policy apply to all workers (i.e., not just employees but also contractors (including staff from 3rd party agencies), volunteers, students etc.)? Is there a separate policy for customers/patrons?
- Explain that the policy may change as the status of the pandemic changes and/or legislation or public health advice changes.
- Have a clear communication plan to inform workers about the policy.

2. List action steps workers must take.

When determined by the employer to be reasonably necessary to prevent the spread of COVID-19 in the workplace or in the community while performing their work, workplace policies should require workers to provide proof of vaccination, with vaccines approved by Health Canada or the World Health Organization.

Alternatively, workers who do not provide proof of vaccination may need to, for example:

- Indicate that they have a medical exemption, including if the reasons are temporary or permanent. The medical exemption should be written by a licenced doctor or nurse practitioner and does not need to include the reason for the exemption.
- Complete a vaccination education course, with a signed declaration stating that they have reviewed and understood the content. The vaccination education course should include information on:
 - How the COVID-19 vaccines work;
 - Vaccine safety related to the development of the COVID-19 vaccines;
 - The benefits of vaccination against COVID-19;
 - Risks of not being vaccinated against COVID-19; and,
 - Possible side effects of COVID-19 vaccination.

3. Set deadlines for when the actions must be taken.

Specify a reasonable date when workers must demonstrate compliance with various elements of 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:

- Providing vaccine information from credible sources or translated resources
- Supporting vaccine champions to initiate conversations with their peers
- Providing paid leave to get vaccinated
- Reminding workers that they are entitled to up to three paid sick days, if they have side effects from the vaccine
- Providing transportation support to get vaccinated
- Hosting a workplace immunization clinic (if you are interested in having vaccine at your workplace or hosting a workplace clinic please contact phscovidvaccine@hamilton.ca)

5. Provisions for Unvaccinated Workers

Your policy should list alternative options for workers who decline to get vaccinated for reasons protected by Ontario's Human Rights Code, including those unable to complete their vaccination series for medical reasons. The appropriate response(s) may depend on the work of the worker, the type of workplace and consideration of the duty to accommodate (if applicable). Some options to consider include:

- Use of additional PPE, worker relocation and modified work or reassignments.
- In the event of a COVID-19 outbreak, unvaccinated and partially vaccinated workers (who have only received one dose of a two-dose COVID-19 vaccine series) should not be permitted to work in the outbreak area. Workers without vaccination records should be assumed to be unvaccinated.
- If reassignment is not possible, consider other options including whether unvaccinated workers should receive paid or unpaid leave or use vacation days until it is safe for them to return to the workplace.

6. Non-Compliance

Outline the potential consequences for workers who do not fulfill the requirements of the policy.

7. Privacy considerations

The policy should specify how individual vaccination status of employees will be used 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, customers/patrons and the general public. This may include sharing that information with public health officials.

When collecting information about a worker's vaccination status:

- Identify ways to safeguard workers' personal health information
- Limit information collected to what is reasonably necessary, e.g., copy of the proof 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 about how to comply with the policy. The policy should also indicate the person to whom workers should provide proof of vaccination.

9. Continued adherence to COVID-19 prevention measures

Vaccination does not replace the need for strict adherence to established COVID-19 public health measures. Employers must continue to implement all COVID-19 prevention measures for their sector outlined in provincial guidelines, including but not limited to: O. Reg. 364/20, s.9; and Hamilton Public Health Services guidance including, but not limited to: screening, physical distancing, wearing of masks and eye protection, hand hygiene, infection prevention and control, and a COVID-19 safety plan.

Resources:

Available on Hamilton Public Health Services webpage at: hamilton.ca/vaccinepolicy

Sincerely,

Dr. Elizabeth Richardson, MD, MHSc, FRCPC

Medical Officer of Health

Public Health Services – Office of the Medical Officer of Health

Healthy and Safe Communities Department

City of Hamilton

elizabeth.richardson@hamilton.ca

P: (905) 546-2424 ext. 3501