

Vaccines in the Workplace



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- **Vaccination Passports**
- **Vaccination Policies in the Workplace**

Vaccine Passports

Where Is Proof Required?

Businesses or Organizations	Additional Information
Indoor areas of meeting and event spaces	Includes banquet halls, conference and convention centres (with limited exceptions)
Indoor and outdoor areas of food or drink establishments with dance facilities, including nightclubs and restoclubs and other similar establishments	Excludes delivery and takeout
Indoor areas of restaurants, bars, and other food and drink establishments without dance facilities	Excludes outdoor areas (i.e., outdoor patios), delivery and takeout
Indoor areas of facilities used for sports and recreational fitness activities, including waterparks, and personal fitness training	Includes gyms, fitness/sporting/recreational facilities, pools, leagues sporting events, waterparks, and indoor areas of facilities where spectators watch events Limited exceptions apply
Indoor areas of casinos, bingo halls, and other gaming establishments	
Indoor areas of concert venues, theatres, and cinemas	
Indoor areas of bathhouses, sex clubs and strip clubs	
Indoor areas of horse racing tracks, car racing tracks and other similar venues	Includes indoor only for horse racing and car racing and other similar venues
Indoor areas where film and TV productions take place with studio audiences	Does not include cast and crew members

Vaccine Passports

What is Required for Patrons to Enter?

- Valid ID
- Proof of being “fully vaccinated” at least 14 days prior to entry

Vaccine Passports

“Proof of Vaccination”

- Vaccine “receipt” received at time of vaccination, or
- Online version, can be downloaded here:
https://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/guidance_proof_of_vaccination_for_businesses_and_organizations.pdf
- Mobile app coming later this month

Vaccine Passports

Exemptions

- » Persons entering NOT as patrons, including:
 - Workers, repair persons, delivery persons, etc.
- » Persons entering in transitory manner:
 - Use of washroom, accessing outdoor area, making a purchase, buying tickets, etc.
- » Children under **12** (must show ID)
- » Persons under **18** for purpose of participating in sport
- » Weddings and funerals

Vaccine Passports

Exemptions (cont'd)

Medical exemptions:

- » Written document
- » By physician or nurse practitioner

Vaccine Passports

Penalties

Individuals:

- Up to \$100,000 and up to 1 year in jail

Companies:

- Up to \$10,000,000

Directors / Officers:

- Up to \$500,000 and 1 year in jail

Charges under criminal code?

Vaccination Policies in the Workplace

Workplace Vaccine Policies

Are Workplace Vaccination Policies Mandatory?

- OHSA States that Employers & Managers “must take all reasonable steps” to ensure workers’ safety
- Reopening Ontario Act states that employers **MUST** comply with advice, recommendations and instructions issued by medical officer of health

Workplace Vaccine Policies

**Mandatory Policy Regarding Vaccination
VS
Mandatory Vaccination Policy**

Workplace Vaccine Policies

What Type of Vaccination Policy Does my Workplace Need?

- Risk Assessment a MUST
- Involve JHSC or Rep in both the assessment of risk AND developing your policy

Workplace Vaccine Policies

What is Involved in a Risk Assessment

- Risk assessment should be done on each position (example: field workers vs office workers)
- Consider whether there is a proven heightened risk in the setting
- Physical space
- Position specific considerations
- Consideration regarding workers/public
- Are other measures enough to protect workers?

Workplace Vaccine Policies

Legal Test for Any Workplace Policy

- Necessary?
- Reasonable?
- Only as intrusive as it has to be to protect workers & others
- Does it discriminate based on religion, disability, or other protected grounds?

Workplace Vaccine Policies

Human Rights Accommodations

Vaccination Passports (Patrons)

- Only medical exemptions allowed

Workplace Vaccination Policies (Workers)

- Medical exemptions
- May need to allow other exemptions (religion, creed, etc)

Workplace Vaccine Policies

Ontario Human Rights Commission

- Vaccination requirements “generally permissible”
- Covid Testing permissible as an alternative or an accommodation
- Personal preferences and singular beliefs do not have to be accommodated and do not fall within the “creed” exemption

http://www.ohrc.on.ca/en/news_centre/ohrc-policy-statement-covid-19-vaccine-mandates-and-proof-vaccine-certificates

Workplace Vaccine Policies

BFOR?

- *Bona Fide Occupational Requirement*
- The organization must show on a balance of probabilities that the requirement:
 - Was adopted for a purpose or goal that is rationally connected to the function being performed
 - Was adopted in good faith, in the belief that it is necessary to fulfill the purpose or goal
 - Is reasonably necessary to accomplish its purpose or goal
 - it is impossible to accommodate the claimant without undue hardship.

“Undue Hardship”

- Considerations: cost, outside sources of funding, if any and health and safety requirements, if any
- Not considerations: employee morale, business inconvenience, third-party preferences

Workplace Vaccine Policies

How to Determine / Verify Vaccination Status

Resources

Workplace Policies

Gov't of Ontario, Covid-19 vaccines and workplace health & safety

<https://www.ontario.ca/page/covid-19-vaccines-and-workplace-health-and-safety>

Workplace Vaccination Policy Toolkit (Toronto)

<https://www.toronto.ca/home/covid-19/covid-19-reopening-recovery-rebuild/covid-19-reopening-guidelines-for-businesses-organizations/covid-19-guidance-employers-workplaces-businesses/covid-19-vaccine-information-for-employers/>

Vaccination Passports

Ministry of Health, Questions & Answers:

https://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/fq_proof_of_vaccination_for_businesses_and_organizations.pdf

Gov't of Ontario, Proof of COVID-19 Vaccination:

https://covid-19.ontario.ca/proof-covid-19-vaccination?gclid=Cj0KCQjwwNWKBhDAARIsAJ8HkhfWb2ktYhWX8LW0w7uPKFF23TrxKqxW9MvyJNq2AVERmddRarKBoIMaAuCvEALw_wcB&gclidsrc=aw.ds

A low-angle, upward-looking photograph of several tall skyscrapers in a city, likely New York City. The buildings are made of glass and steel, and their lines converge towards the top of the frame. The sky is a pale, overcast grey. The overall tone is professional and modern.

Thank You

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