

Revision Date: September 2021

Policy Type: Human Resources

Approval Level: CEO

Distribution: All Employees

Review Schedule: Annually (or as required)

1. PURPOSE STATEMENT

The Markham Public Library (the “Library”) has a legislated obligation to provide a safe workplace for its employees and contractors and further to provide a safe environment for the public to access and use Library facilities.

This Policy takes a balanced approach, focusing on both the Library’s duty under the *Occupational Health and Safety Act* to take all reasonable precautions in the circumstances for the protection of workers and individual privacy considerations with respect to the collection, use, disclosure, retention and disposal of the COVID-19 vaccination status of employees. This Policy is designed to maximize COVID-19 vaccination rates among employees as one of the critical control measures for the hazard of COVID-19. To this end employees, contractors, consultants, students and volunteers are required to be vaccinated against COVID-19

This approach aligns with the Library’s careful approach to COVID-19 response and recovery.

2. APPLICABILITY AND SCOPE STATEMENT

This Policy applies to all employees, students, volunteers as well as contractors and consultants who are working in the Library’s workplaces and worksites.

3. BACKGROUND

COVID-19 is a highly contagious virus that spreads through respiratory droplets and aerosols. There are many variants of the COVID-19 virus currently circulating which are associated with a higher rate of transmission and increased severity. The Library, as an employer, has an obligation under the *Occupational Health and Safety Act, 1990* to take every precaution reasonable in the circumstances for the protection of its workers.

Full vaccination has been shown to be effective in reducing COVID-19 virus transmission and protecting vaccinated individuals from severe consequences of COVID-19 and COVID-19 variants.

Given the continuing spread of COVID-19, including variants, the compelling data demonstrating a higher incidence of COVID-19 among the unvaccinated population and the increasing levels of contact between individuals as businesses, services, and activities have reopened, it is important for Library employees to be fully vaccinated in order to protect themselves against serious illness from COVID-19 as well as to provide indirect protection to others, including colleagues.

In addition to the current health and safety precautions (personal protective equipment, physical distancing, frequent hand washing and hand sanitizing, frequent sanitization of high touch areas, etc., which will be maintained and revised in accordance with public health guidance, the Library

requires all active employees, staff of contractors and consultants acting on behalf of the Library and performing for it, volunteers, interns, and students on placements to:

- Provide proof of full vaccination against COVID-19; or
- Provide a written attestation of a medical reason(s) or Ontario Human Rights Code reason(s) for not being fully vaccinated against COVID-19, with supporting documentation, and comply with health and safety precautions that are established by the Library;

This Policy includes a transitional phase, allowing for suitable and appropriate timing for unvaccinated staff or those preferring not to disclose their vaccination status, to undertake mandatory education on the benefits of vaccination and to become fully vaccinated.

4. DEFINITIONS

Attestation of a medical reason(s) or Ontario Human Rights Code reason(s) – A written statement that sets out that the person cannot be vaccinated against COVID-19.

Contractor – A person or business that undertakes a contract to provide goods or services to the Markham Public Library under terms specified in a contract. Includes paid program presenters who are not employees.

COVID-19 – The infectious disease caused by the coronavirus identified as SARS-CoV-2.

Employee – An employee of the Markham Public Library including but not limited to full time employees, part-time employees, those who are employed on contract, Sunday and casual staff; co-op students and volunteers, and “Employed” shall have a corresponding meaning.

Facility – Any building or structure owned or leased by the Markham Public Library.

Fully vaccinated – Means that 14 calendar days have elapsed after an individual has received the completed series of a COVID-19 vaccine approved by Health Canada or the World Health Organization, as such requirements may change from time-to-time (currently two doses of an approved COVID-19 vaccination), prior to the date on which they attend the workplace. In the event that health authorities recommend additional doses or boosters, such doses or boosters will be considered to form part of the required series of vaccine.

Library – The Markham Public Library.

Polymerase chain reaction (PCR) test – A test that is utilized to directly screen for the presence of COVID-19.

Proof of full vaccination against COVID-19 – The COVID-19 vaccination receipt issued by the Ontario Ministry of Health and Long Term Care confirming the person is fully vaccinated or, if received outside the Province of Ontario, medical records signed by a licensed health care provider indicating vaccine name and date(s) of administration.

Vaccinated – To be “fully vaccinated”.

Workplace – Any Library building, land, premises, location or thing at, upon, in or near which the Employee works, and includes remote workplaces.

Worksite – Any outdoor location deemed to be a Markham Public Library workplace, including a construction site, parking lot, etc.

5. VACCINE REQUIREMENT AND RECORDS

Existing Employees:

In order to return to attend the workplace, all employees are required to be fully vaccinated against COVID-19, and to present evidence satisfactory to the Library. For clarity, fully vaccinated means that 14 calendar days have elapsed after an individual has received the completed series of a COVID-19 vaccine approved by Health Canada or the World Health Organization, as such requirements may change from time-to-time (currently two doses of an approved COVID-19 vaccination), prior to the date on which they attend the workplace.

Acceptable documents serving as evidence of COVID-19 immunization include:

- A digital or physical Dose Administration Receipt; or
- Medical records signed by a licensed health care provider indicating vaccine name and date(s) of administration

Subject to the remainder of this Policy, employees who fail to provide proof of full vaccination:

- will be required to comply with health and safety precautions as directed by the Library while obtaining full vaccination status; and
- will be required to provide proof of a negative PCR and/or rapid antigen test as directed by the Library, prior to coming into the workplace
 - the PCR and/or rapid antigen test shall be at the expense of the employee
 - PCR and/or rapid antigen tests will be required up until November 1st, 2021 or until fully vaccinated, whichever comes first; and
- shall attend mandatory education on the benefits of vaccination; and
- may be subject to disciplinary action, up to and including termination of their employment without notice or pay in lieu thereof.

The Library will assist employees in identifying sites where they can receive COVID-19 vaccinations.

To alleviate any concerns around the scheduling of vaccination appointments, employees can utilize personal time where applicable and where not applicable can utilize the paid Infectious Diseases Emergency Leave (IDEL).

To schedule time off for the purpose of receiving a COVID-19 vaccination, employees must submit a request to their Manager, in writing, identifying the dates and times required off work. As much advance notice as is possible should be provided.

New and Prospective Employees:

All new and prospective employees shall be fully vaccinated against COVID-19 prior to their start date, and any offer of employment shall be conditional upon the Library receiving written confirmation of full vaccination.

If a prospective new employee is not fully vaccinated:

- they may schedule the necessary appointments to become fully vaccinated, but any start date will be delayed to the date on which they become fully vaccinated which will be no more than six weeks beyond the conditional offer date; and/or
- the Library shall have cause for the immediate withdrawal of the offer of employment and/or termination of their employment without notice or pay in lieu thereof.

Contractors:

Staff of contractors acting on behalf of the Library and performing work in any Library facility are required to be fully vaccinated against COVID-19 in order to attend at the Library facility, and must present evidence satisfactory to the Library.

Acceptable documents serving as evidence of full COVID-19 vaccination include:

- A digital or physical Dose Administration Receipt issued by the Ontario Ministry of Health and Long Term Care; or
- Medical records signed by a licensed health care provider indicating vaccine name and date(s) of administration if vaccinations have been received outside of the Province of Ontario.

Individuals failing to provide this proof shall not be allowed to attend the Library facility.

ACCOMMODATION

If an individual cannot provide satisfactory evidence of vaccination, the following will be taken into consideration:

- Proof of vaccination is not possible due to the lack of availability of the vaccine as of the implementation of this Policy;
- The individual's reason for not being vaccinated;
- Documentation to substantiate a medical or protected ground reason for not being vaccinated.

The Library will comply with the Ontario *Human Rights Code* (OHRC) and provide accommodation up to the point of undue hardship for individuals who are unable to be vaccinated for substantiated medical reasons and/or on grounds protected under the OHRC.

Any individual requiring accommodation must provide documentation to substantiate their reason for not being vaccinated. Where accommodation is possible without undue hardship, the individual:

- will be required to comply with Health and Safety precautions as required by the Library
- will be required to provide proof of a negative PCR and/or rapid antigen test as required by the Library which shall be submitted to the Manager, Workforce Development

Note: PCR and/or rapid antigen tests shall be at the expense of the Library

To begin the accommodation request process, email or call the Manager, Workforce Development, Antonella Costa, at acosta@markham.library.on.ca or 416-670-3438.

6. ROLES AND RESPONSIBILITIES**CEO / Directors / Managers / Supervisors shall:**

- Lead by example and encourage vaccinations
- Comply with the terms of this Policy
- Advise employees on leave of the requirement to comply with the Policy prior to their return to the workplace
- Be familiar with the resources related to this Policy, including the FAQs, exemption request forms and timelines for compliance
- Ensure that employees are aware of and in compliance with: this Policy, the importance of being vaccinated as well as other COVID-19 personal protective practices and protocols
- Ensure employees complete their vaccination status, education and any other protocols required by this Policy
- Address issues of non-compliance

Employees, contractors, students and volunteers shall:

- Follow the terms of this Policy
- Follow all health and safety policies and protocols
- Remain informed about the importance of being vaccinated as well as other COVID-19 personal protective practices and protocols
- Provide required evidence of vaccination and other compliance measures in accordance with this Policy
- Complete any required education or training about COVID-19, including regarding vaccinations and safety protocols

Library Administration shall:

- Understand applicable legislation, such as the *Employment Standards Act, 2000*, the *Workplace Safety and Insurance Act, 1997*, the *Ontario Human Rights Code*, the *Occupational Health and Safety Act, 1990*, and the *Municipal Freedom of Information and Protection of Privacy Act*
- Understand the relevant provisions of applicable collective agreements and/or policies and procedures
- Develop the COVID-19 Policy, guidelines and education program including procedures for maintaining vaccination disclosure information, including documentation verifying receipt of a vaccination series, in accordance with privacy legislation.
- Assist employees in meeting their responsibilities under the Policy
- Provide training, guidance and support to management on the application of this Policy
- Ensure the Policy is administered in accordance with the applicable collective agreements and relevant legislation, including the *Employment Standards Act, 2000*, the *Workplace Safety and Insurance Act, 1997*, the *Ontario Human Rights Code* and the *Occupational*

Health and Safety Act, 1990 and the Municipal Freedom of Information and Protection of Privacy Act

- Facilitate the process for non-medical Human Rights exemption requests under the Policy
- Provide support to management on managing approved Human Rights exemptions, employee accommodations and return to work matters related to this Policy
- Ensure employees with an approved Human Rights exemption are accommodated in accordance with the Ontario Human Rights Code, applicable collective agreements and/or policies and procedures
- Ensure all talent acquisition processes align with this Policy and that new hires comply with this Policy prior to their first day of work
- Develop and maintain an education course available to Library employees that is consistent with Provincial recommendations about COVID-19 vaccinations; and facilitate reporting on course completion by staff to Management
- Ensure the Policy is administered in a fair and consistent manner across the organization
- Use the vaccination disclosure information to the extent necessary for implementation of this Policy, for administering health and safety protocols, and infection and prevention control measures in the workplace
- Facilitate the medical exemption request process including the collection and verification of required information and communicating the request outcome (approved, denied) to the requestor and their Manager
- Facilitate and provide recommendations necessary to determine if assistance can be offered to reasonably accommodate the employee in a safe and responsible manner for those with approved medical exemptions
- Collect and maintain employee vaccination disclosure information (proof of vaccination) on behalf of the organization and maintain confidentiality in accordance with applicable privacy legislation
- Support statistical reporting, as required, by the Library and/or in accordance with provincial reporting requirements

7. LIMITATIONS AND EXCEPTIONS

This Policy and the procedures developed under this Policy are subject to change at any time, based on the evolving COVID-19 pandemic situation, industry best practices/guidelines and/or regulatory requirements. The Policy will be reviewed on a regular basis and amended as required as new information, data, and public health guidance regarding the COVID-19 pandemic evolves.