

# ADMINISTRATIVE POLICY

## Mandatory COVID-19 Vaccination

A2003



Approved by Town Manager:	August 11, 2021	Administrative Responsibility:	Human Resources
Modified on:		Last Review Date:	August 11, 2021
Replaces:		Next Review Date:	
Related Documents			

### 1.0 Policy

This policy outlines the requirement for all Town of Banff employees, non-employee/specialty contractors, and municipal program volunteers to be fully vaccinated against COVID-19. The Town of Banff (“Employer”) has been a municipal leader in establishing protocols to prevent the spread of COVID-19 within the workplace throughout the pandemic. COVID-19 and the health threat it poses is unprecedented and as public health measures lessen, vaccines are the best defense we have. COVID-19 is a recognized workplace hazard and vaccinations are considered an engineering control to address and mitigate the risk of transmission in the workplace.

### 2.0 Purpose

The Town of Banff fosters and maintains a healthy and safe environment in the best interests of all employees, clients and other stakeholders. As a part of the Employer’s efforts to do so, and having regard to the unprecedented risks posed by the COVID-19 pandemic to the health and safety of individuals, organizations and broader society, the Employer is mandating that all employees be fully vaccinated as a condition of continued employment, unless Exempt.

### 3.0 Definitions

The following terms in this Policy have the following meanings:

- “**COVID-19**” means the disease caused by the SARS-CoV2 virus, including any new strains of such virus, and for the purposes of this policy a reference to the “COVID-19 pandemic” includes a reference to COVID-19.
- “**Employee**” means all Town of Banff employees, non-employee/specialty contractors and municipal program volunteers, as determined by the Director of Human Resources in the event of uncertainty.
- “**Exempt**” means an exemption from the requirement to receive a Vaccine pursuant to section 4.6 of this Policy.
- “**Vaccine**” means a full dose of a vaccine for the SARS-CoV2 virus which has been approved for use by Health Canada on an interim or permanent basis.

## 4.0 Policy Details

- 4.1 Unless Exempt, all current Employees must be fully vaccinated by the deadline established by the Employer as a term and condition of continued employment.
- 4.2 Employees hired by the Employer will be required to provide proof to the Employer of having received a Vaccine, unless Exempt.
- 4.3 Employees who fail or refuse to comply with this Policy will be subject to the following, at the discretion of the Employer, having regard to the circumstances:
  - a. termination of such Employee's employment for just cause;
  - b. being placed on an unpaid leave of absence until such time as the Employee complies with this Policy;
  - c. such other consequence as determined by the Employer.
- 4.4 The Employer is responsible for:
  - a. providing Vaccine educational materials to Employees;
  - b. providing existing employees with up to three hours of regular pay in order to attend an appointment for the (first and) second dose of COVID-19 vaccination.
  - c. establishing or modifying deadlines for Employees to receive a Vaccine or to submit a request to be Exempt, having regard to the availability of the Vaccine from health authorities;
  - d. maintaining records confirming Vaccines by Employees, and records relating to whether an Employee is Exempt, in accordance with applicable privacy legislation; and
  - e. processing Employee requests to be Exempt and ensuring that such requests to be Exempt are handled pursuant to applicable human rights legislation, where applicable.
- 4.5 Employees are responsible for:
  - a. taking all necessary steps to protect the health and safety of themselves and others in the workplace;
  - b. complying with all Employer policies and protocols to address the COVID-19 pandemic;
  - c. fully cooperating with the Employer when making a request to be Exempt;
  - d. providing proof in a form satisfactory to the Employer of having received a Vaccine or submitting a request to be Exempt in accordance with the deadline established by Human Resources;
- 4.6 An Employee may request that he or she be Exempt from the requirement to receive a Vaccine by submitting to the Employer a request for exemption based on one of the following:
  - a. a medical condition which, in the opinion of a physician, renders the Employee unable to safely receive a Vaccine, provided that such request is submitted with a note or letter from such physician confirming the need for an exemption;
  - b. a sincerely held religious belief or practice which prohibits the Employee from receiving a Vaccine, provided that such request is submitted with records which, in the opinion of the Employer acting reasonably, establishes such belief or practice;

- c. a reason other than those set out in sections 4.6(a) or (b), along with such information as the Employer may reasonably require to consider the request to be Exempt, and its impact on the health and safety of the workplace.
- 4.7 Upon receipt of a request from an Employee that they be Exempt, the Employer shall consider the request in accordance with human rights legislation (where applicable) and shall communicate to such Employee whether the request is granted or refused. The Employer may require additional information as determined on a case-by-case basis.
- 4.8 Where an exemption is granted, the Employer may consider reasonable alternatives which would address the risk of the COVID-19 pandemic and may make alterations to the terms and conditions of the Employee's employment where necessary to achieve reasonable accommodation, including without limitation requiring the Employee to work from home, requiring the Employee to take on modified job duties to reduce risks to health and safety in the workplace, requiring the Employee to utilize personal protective equipment, or other alterations.
- 4.9 The decision by the Employer regarding a request to be Exempt is final, subject to the discretion of the Employer to reconsider the request.
- 4.10 Having regard to the sensitivity of medical information, the Employer shall take reasonable steps to ensure that the information provided by Employees pursuant to this Policy is treated as confidential, is only made available to those persons who have a demonstrated need to know the information, and is maintained only for such time as is necessary, having regard to the COVID-19 pandemic and applicable legislation. Specifically, an employee may satisfy the requirement of providing proof of vaccination by showing to the Director of Human Resources (or designate) their vaccination certificate without leaving a copy of the certificate with the Employer.
- 4.11 This Policy may be amended or replaced by the Employer in its discretion, having regard to changing circumstances.

## 5.0 Procedures

The Town of Banff has had great success in avoiding workplace transmission of COVID-19. The pandemic is anticipated to be active for many more months and possibly years. In order to provide a further layer of safety and protection, mandatory vaccinations are required of all Employees, unless an exemption applies.

### 5.1. Policy PPE06 COVID-19 Safety Protocols:

- a. Employees will be advised when workplace safety measures are changed throughout the pandemic.  
Decisions to relax or enhance safety protocols will be made according to both local and workplace measures such as confidence in hazard controls to protect workers, employee immunization levels, positive cases in the community, nature of interaction and client-based services (particularly those in contact with vulnerable sectors).

## 6.0 Related Documents and Resources

- 6.1 Procedure PPE06 COVID-19 Safety Protocols
- 6.2 [COVID-19 Vaccine – Questions and Answers July 2021](#)
- 6.3 Alberta Human Rights -  
[https://www.albertahumanrights.ab.ca/employment/employee\\_info/Pages/employee\\_rights\\_and\\_responsibilities.aspx](https://www.albertahumanrights.ab.ca/employment/employee_info/Pages/employee_rights_and_responsibilities.aspx)
- 6.4 Occupational Health and Safety –  
<https://open.alberta.ca/dataset?tags=Occupational+Health+and+Safety>
- 6.5 Government of Alberta – Workplace Safety –  
<https://ohs-pubstore.labour.alberta.ca/covid-19>
- [6.6 Town of Banff Mandatory COVID-19 Vaccination Policy FAQ's](#)



## **Policy A2003 - Mandatory COVID- 19 Vaccination**

### **Questions and Answers**

#### **Why should I be vaccinated for COVID-19?**

Since the start of the pandemic, the Town of Banff has ensured safety protocols are assessed and updated to provide maximum protection for our employees.

Vaccination is an effective control to protect against the COVID-19 virus. Vaccines have been proven to help make people immune to the virus and new variants. Abundant medical evidence indicates vaccines are effective in preventing serious illness, hospitalization and death due to a COVID-19 infection.

Mandatory vaccination in our workplace, along with other engineering controls such as ventilation systems and physical barriers are the most effective ways to ensure employees are protected from one another and any individuals they come in contact with during the course of their work.

We encourage employees to seek out the available resources and make informed decisions about their health. Resource documents can be found in section 6.0 of the Mandatory COVID- 19 Vaccination Policy and below.

#### **Why is the Town making COVID-19 vaccination mandatory?**

As people are returning to the workplace, Alberta Occupational Health and Safety requires all employers to review and update their hazard assessment to address the changing conditions related to COVID-19.

Workplace benefits of a Town of Banff mandatory COVID-19 vaccination policy include the ability to provide safer re-entry into the physical workplace, allow multi-occupant vehicle use, open lunchrooms and common areas and be able to get together in person again to renew our social connections.

When we know that all employees have been fully vaccinated as a result of a mandatory policy, we can feel confident that we have done everything possible to prevent Covid 19 from spreading in our workplace, or to those that we provide service to. It also provides peace of mind to our staff in knowing that the people they are spending their days with have vaccine protection. It is our hope that as we review and revise our covid protocols moving forward, we can do so with greater confidence in knowing all of our staff have the vaccine.

#### **When does this policy take effect?**

The policy takes effect immediately (August 12, 2021).

Employees will be given 6 weeks to receive both doses of the vaccine. Given the high availability of vaccine in Alberta, it is reasonable to expect that all employees could receive two doses by no later than Thursday, September 23<sup>th</sup>.

#### **What happens until everyone is vaccinated?**

Right now, nothing changes with any of our protocols until we know that all employees at a worksite are fully vaccinated (this means two weeks post second dose).

As information around Covid-19 transmission continues to evolve, we will adapt and make appropriate changes to our protocols and this policy as stated in policy section 4.11.

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Developing a protocol for rapid testing to be used prior to any employee indoor meetings or sharing of workspaces (i.e. vehicles or offices) so that we can ensure all employees have received negative tests prior to engaging with others in close contact.

### **How do I provide confirmation of vaccination or exemption?**

We recognize this is personal and we want to respect the confidentiality of information. We are **not** collecting, maintaining or retaining documents related to this policy. Here's how we will track the information:

- You will provide a screen shot or other *visual* proof of vaccination
- You will provide visual proof of an eligible exemption (ie - specific medical certificate of exemption or documentation from a religious leader)
- These will be sent by e-mail to:
  - [Barbara.king@banff.ca](mailto:Barbara.king@banff.ca)
  - [Kayla.elford@banff.ca](mailto:Kayla.elford@banff.ca)
  - [heather.sthilaire@banff.ca](mailto:heather.sthilaire@banff.ca)
- Screen shots (or methods of proof) will be permanently disposed of once entered in the tracking system

The tracked information will be permanently disposed of when we are confident the risks associated with covid-19 are resolved or that the safety of you and all employees can be achieved in more traditional workplace practices.

### **If people are vaccinated, what are they worried about if I'm not?**

Vaccines are the most effective tool, but they aren't 100%. It's important to understand that this is a new virus and we learn more about it every day. Breakthrough infections can happen, and hospitalizations can still happen even among those who are fully vaccinated. Vaccine reduces the chance of these things substantially, but it doesn't completely eliminate the risk.

More evidence is emerging that shows that vaccinated people can still acquire (without even knowing it) and transmit Covid 19 to others, including those who are currently not eligible for vaccination (like children under 12 or people with compromised immune systems).

Many Town of Banff employees have children under 12 in their lives, and because we care about our employees and their families, we want to do everything we can to protect them and their loved ones.

In order to beat this virus, it's essential that as many people be vaccinated as possible. Experts have recently said that we need to be aiming for as high as possibly 90% of the population to be fully vaccinated in order address emerging variants of concern such as the Delta variant.

### **Is it legal to make vaccines mandatory in a workplace?**

We have sought legal advice and guidance throughout the development of this policy. The quick answer is, yes, it is legal to make vaccines mandatory as a condition of employment.

Individual rights absolutely exist to not get vaccinated. Those rights don't extend themselves when an individual decision impacts the health and safety of another. For the safety of all of us, this is the decision we are taking at the Town of Banff. We have precedent where employees are required to follow safety protocols and have immunization due to certain workplace risks, such as protection against tetanus, for certain roles.

Creating a policy like this isn't easy or taken lightly. Our guiding principle and intent is to protect all of our employees with the most effective tool we have right now – vaccinations - to prevent this virus from spreading in our workplace.

## **Taking Care of Banff – our People, our Community, our Park**

### **What happens to me if I don't get vaccinated?**

An exemption process is described in section 4.6 of the policy. Without an approved exemption, all Town of Banff employees will require full vaccination in order to fulfill their job duties.

Those that are not vaccinated and do not have mitigations in place due to an approved exemption, will be subject to one of the provisions in section 4.3 of the policy according to the individual circumstances of that employee.

Tracking will be reviewed after September 23<sup>rd</sup>. Mitigations for exemptions and actions for non-vaccinations will be determined in collaboration between the Town Manager, the Director of the employee's division and the Director, Human Resources.

### **What happens to my employee housing if I don't get vaccinated?**

Your lease agreement is linked to employment with the Town of Banff. The mandatory vaccine is a condition of that employment as stated in this policy.

If you have a concern about the impact on your housing if you choose not to be vaccinated or if you are exempt for an eligible reason, please contact Human Resources. We will review your situation on the basis your individual circumstance.

### **Where can I find more information about the effectiveness of vaccines?**

You should speak to your personal physician, or if you do not have one right now, visit the PCN website and find a [local MD accepting new patients](http://bowvalleypcn.ca/clinics/pages/default.aspx?acceptingnew=1) (http://bowvalleypcn.ca/clinics/pages/default.aspx?acceptingnew=1) Any of the MDs accepting new patients will be able to assist and answer questions.

The following videos / podcasts may be of assistance:

- Fearful of needles / pain – intended for teens (scroll down on this page to access a specific [podcast](#))
- Hesitant about vaccine – also intended for teens (scroll down on this page to access a specific [podcast - https://www.19tozero.ca/healthcare-worker-resources](https://www.19tozero.ca/healthcare-worker-resources))

Other important resources (also in Policy):

- [COVID-19 Vaccine – Questions and Answers July 2021](#)
- Alberta Human Rights - [https://www.albertahumanrights.ab.ca/employment/employee\\_info/Pages/employee\\_rights\\_and\\_responsibilities.aspx](https://www.albertahumanrights.ab.ca/employment/employee_info/Pages/employee_rights_and_responsibilities.aspx)
- Occupational Health and Safety – <https://open.alberta.ca/dataset?tags=Occupational+Health+and+Safety>
- Government of Alberta – Workplace Safety – <https://ohs-pubstore.labour.alberta.ca/covid-19>