

Region of Queens Municipality Special Council

Wednesday, December 1, 2021

12:00 Noon

Agenda

- 1.0 Call to Order**
- 2.0 Policy 93 – Vaccination Mandates**
- 3.0 Adjournment**

Region of Queens Municipality Staff Report

To: Council

From: Adam Grant, Director of Engineering and Public Works, Joint Occupational Health and Safety Committee Co-Chair

Date: December 1, 2021

Re: **Policy 93 – VACCINE MANDATES**

Background


Region of Queens Municipality's Joint Occupational Health and Safety Committee reviewed a draft copy of proposed Policy 93 – Vaccine Mandates at its November 25, 2021 meeting. Committee members (representing each Department and Municipal Operation) voted unanimously in favor of the following motion:

“THAT Region of Queens Municipality's Joint Occupational Health and Safety Committee recommend to the Council of Region of Queens Municipality that proposed Policy 93 – Vaccine Mandates be approved.”

Details

Safety must always be the main priority of the Municipality as it relates to a safe work environment for its employees and members of the public using municipal programs, services, and infrastructure.

The purpose of this policy is to clearly articulate the requirements for members of staff, Council and public committee members, general public, tenants, and those providing contracted services to the Municipality to be fully vaccinated



from COVID-19 and such other future novel corona viruses which may appear from time to time.

By doing so, Region of Queens Municipality is committed to ensuring all of its work environments allow for staff, Council, general public, tenants and contractors to be provided with a level of comfort that those they are required to interact with have a minimum level of vaccine protection, while respecting the Nova Scotia *Human Rights Act*, Nova Scotia Labour Standards Code, and collective agreements.

The policy requires specifically that all employees that are required to come in contact with other staff or members of the public for any of their job functions, including training and safe work practices, must provide proof of full vaccination prior to December 31, 2021. Any employee not doing so will be placed on unpaid administrative leave for up to 30 days within which time the employee must provide proof of partial vaccine and proof that full vaccination will occur prior to February 15, 2022. If this proof is not supplied within that supplemental 30 days, the employee's employment will be ended.

Applicable Legislation

Section 47 (1) of the Municipal Government act (MGA) authorizes Council to make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

Budget Impacts

It is not expected that this recommendation will have any budget impacts.

Recommendation

THAT Council of Region of Queens Municipality approve Policy 93 respecting Vaccine Mandates.

Communications

Communication will take place immediately with all employees and public committee members, according to the policy.



POLICY NO. 93

VACCINATION MANDATES

BE IT ENACTED by the Council of Region of Queens Municipality, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as follows:

This policy shall be known as Policy Number 93 and may be cited as the “Vaccination Policy”.

POLICY PURPOSE

Safety must always be the main priority of the Municipality as it relates to a safe work environment for its employees and members of the public using municipal programs, services, and infrastructure.

The purpose of this policy is to clearly articulate the requirements for members of staff, Council and public committee members, general public, tenants, and those providing contracted services to the Municipality to be fully vaccinated from COVID-19 and such other future novel corona viruses which may appear from time to time.

By doing so, Region of Queens Municipality is committed to ensuring all of its work environments allow for staff, Council, general public, tenants and contractors to be provided with a level of comfort that those they are required to interact with have a minimum level of vaccine protection, while respecting the Nova Scotia *Human Rights Act*, Nova Scotia Labour Standards Code, and collective agreements.

AUTHORITY

Section 47 of the Municipal Government Act provides that

(1) Council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

(3) In addition to matters specified in this Act or another Act of the Legislature, the council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

SCOPE

This policy shall apply to all staff, elected officials and public members of committees, employees and visitors of municipally-leased spaces, contracted employees of private sector companies required to enter municipal facilities or properties, and members of the general public who wish to access municipally-owned and operated indoor public infrastructure, unless otherwise granted an exemption.

DEFINITIONS

“Employee” shall mean any person employed by the Municipality either through direct employment or contract where wages or honorariums are paid.

“Exemption” shall mean only those exemptions as authorized by the Nova Scotia Chief Medical Officer of Health and / or Nova Scotia Department of Health and Wellness, and shall not include any prohibition of discrimination included under the *Nova Scotia Human Rights Act*.

“Fully vaccinated” shall mean 14 days after the required minimum vaccine dosage as recommend by the Nova Scotia Chief Medical Officer of Health and / or Nova Scotia Department of Health and Wellness.

POLICY INTENT

No employee, employees or visitors of municipally-leased spaces within public buildings, contracted employees of private sector companies, or members of the general public shall enter upon municipally owned and operated properties until they first provide proof they are fully vaccinated in a way authorized by the Province of Nova Scotia. This provision does not apply to the payment of bills or fees due to the Municipality or the pick-up of permits or documents from a government body.

This policy shall only apply to employees where such employees are required to come in contact with members of the public, other staff, contractors, or access common building spaces in the performance of their daily duties or in their workplace, including occupational health and safety requirements and training.

All employees of the Municipality that work in a facility regulated by the Nova Scotia Department of Health and Wellness shall be fully vaccinated by November 30, 2021, or this policy shall immediately apply.

ACCOUNTABILITY

Responsibility for the oversight and implementation of this policy shall lie with the Municipality's Safety Officer.

It shall be the responsibility of the Safety Officer to bring forth clear recommendations for changes to this policy, when deemed appropriate, to the Joint Occupational Health and Safety Committee for review.

Each employee and Council member is responsible for their own behaviour at all times and for ensuring the workplace is free from virus contamination. This is done by always acting in a professional and courteous manner, taking responsibility for their own actions and behaviours, while maintaining positive and constructive working relationships through cooperation.

REQUEST FOR EXEMPTION

Should any of the persons noted in this policy that requires them to be fully vaccinated, believe that they qualify for an exemption under the Nova Scotia Department of Health and Wellness exemptions, proof of such exemption shall be provided to the Safety Officer for review and a decision. No appeal of the Safety Officer's decisions will be considered.

Should any person noted in this policy that requires them to be fully vaccinated, believe that they qualify for an exemption because they do not work with other employees or the public, or are not required to participate in occupational health and safety or other training which does not require in-person interaction with other persons, such person may present their request with sufficient detail to outline how they are able to fully carry out their job responsibilities without other in person contact to the Safety Officer for review and a decision. No appeal of the Safety Officer's decisions will be considered.

CONSEQUENCES

All persons covered under this policy shall be required to be fully vaccinated by February 15, 2022, and in the case where two doses of a vaccine are required, to have at least one dose prior to December 31, 2021. Contractors shall be required to show proof at the time of requesting municipal property access.

Should proof of being fully vaccinated not be provided to an employee's supervisor, or in the case of tenants to their lease or contract contact person at the Municipality, within the time frames noted above, the employee will be placed on unpaid administrative leave for a period of 30 days. Should the employee not be compliant prior to the expiration of this further 30 days, the employee will be terminated without compensation.

Unionized employees have the right under their collective agreement to grieve any disciplinary actions.

Council Members and Public Committee Members who are unable to show proof of being fully vaccinated, shall be in breach of this policy and will be subject to disciplinary action according to Policy 74 - Code of Conduct for Members of Council and Public Committee Members.

CONFIDENTIALTY

All information collected and obtained during the process of determining a person's vaccination status shall not be kept except that proof was provided by a person, date thereof, and the supervisor's name. These documents shall be treated as confidential and not released except where required to be disclosed according to law for a court proceeding, arbitration, or other legal proceeding.

LEGISLATION AND COLLECTIVE AGREEMENTS

If it is determined that any portion of this policy is inconsistent with any current union agreements between an employee bargaining unit and the Municipality, or provincial or federal legislation or regulations, then that portion and only that portion of the policy shall have no application to the extent of the inconsistency. All other portions of the policy shall continue to apply and have full force and effect.

EFFECTIVE DATE

This policy shall take effect from the date of approval by Council.

Approved by Council: _____, 2021