



POLICY SECTION: HUMAN RESOURCES
SUB-SECTION: MISCELLANEOUS
POLICY NAME: COVID-19 IMMUNIZATION DISCLOSURE POLICY
POLICY NO: H.M.03

Date Approved: September 16, 2021	Date of Next Review: September 2026	Dates of Amendments:
Cross References: <i>Ontario Regulation 364/21</i> <i>Reopening Ontario (A Flexible Response to COVID-19) Act, 2020</i> <i>Education Act, R.S.O. 1990, c. E.2</i> <i>Occupational Health and Safety Act, R.S.O. 1990, c. O.1</i> <i>Health Protection and Promotion Act, R.S.O. 1990, c. H. 7</i> <i>Human Rights Code R.S.O. 1990, c. H. 19</i> <i>Nursing Act, 1991, S. O. 1991, c. 32</i> <i>Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M. 56</i>		

Purpose:

The COVID-19 Immunization Disclosure Policy (“the Policy”) applies to all school board employees, trustees, frequent school visitors and other professionals who deliver services in schools or in any Board facility, who interact with students, staff or trustees, including third-party providers. The Policy requires that, in accordance with the terms set forth below, all persons subject to this Policy (as defined in Application and Scope, below) provide proof of full vaccination against COVID-19 or obtain an approved accommodation or exemption.



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The Board has established this Policy considering the requirements of Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 and Ontario Regulation 364/20, reliable scientific evidence, government guidance and protocols, its obligations under the *Education Act* the *Occupational Health and Safety Act* (“OHSA”), Health Protection and Promotion Act (“HPPA”) and relevant human rights legislation including the *Human Rights Code*.

- To protect all persons who enter Board premises and in particular, those who are ineligible to be vaccinated at this time and vulnerable populations who are at highest risk of developing complications from COVID-19; and
- To ensure all schools under the Board’s jurisdiction and Board offices and premises remain as safe as possible in the context of the ongoing COVID-19 pandemic.

Scope and Responsibility:

The Director of Education holds primary responsibility for implementation of this Policy. The responsibility for the day-to-day management and coordination of the policy is assigned to the Executive Superintendent of Human Resources and Employee Relations.

Alignment with Multi-Year Strategic Plan (MYSP):

Living Our Catholic Values

Enhancing Public Confidence



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Fostering Student Achievement and Well-Being

Achieving Excellence in Governance

Providing Stewardship of Resources

Inspiring and Motivating Employees

Policy:

The Policy applies to all school board employees, trustees, frequent school visitors and other professionals, including third-party providers, who enter any Toronto Catholic District School Board (TCDSB) property, deliver services in schools or in any Board facility, who interact with students, staff or trustees. The Policy also applies to volunteers, permit holders, contractors, customers of the Board and other members of organizations not related to the Board but who nevertheless work on or are invited onto Board premises or deliver services.

It is the policy of the TCDSB that all persons to whom this policy applies must provide the Board with a signed statement attesting to being fully vaccinated against COVID-19 and documented proof of being fully vaccinated, subject to the regulations prescribed below.

Any person to whom this policy applies who is not fully vaccinated against COVID-19, and who is not otherwise exempt under this policy, and has not provided the Board with a negative Rapid COVID-19 Antigen test as directed by the Ontario



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Ministry of Health, will not be permitted to enter any TCDSB school or any Board facility.

Regulations:

1. Timing

- i. All persons to whom this policy applies must comply with this policy by a date to be determined by the Ontario Ministry of Education (“the Ministry”). It is the responsibility of such persons to ensure there is sufficient time to comply with this policy by the date specified by the Ministry.
- ii. TCDSB employees who fail to comply with the terms set out in this Policy may be subject to disciplinary action, up to and including termination from their employment.

2. Proof of Vaccination or Other Evidence

2.1 All persons covered by this policy are required to provide the following, where applicable, to the Board by a date specified by the Ministry:

- i. A written statement on a form to be provided by the Board attesting to being fully vaccinated against COVID-19.



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- ii. If the individual has received the total required number of doses of a COVID-19 vaccine approved by the World Health Organization (WHO), proof of having received all required doses, or
- iii. Written proof of medical reason, provided by either a physician or a nurse practitioner (a nurse who holds an extended certificate of registration under the Nursing Act, 1991) that sets out:
 - a) That the person cannot be vaccinated against COVID-19; and
 - b) The effective time period for the medical reason; or
- iv. Proof that the individual has completed an educational program approved by the Ministry that addresses, at a minimum, all of the following:
 - a) How COVID-19 vaccines work;
 - b) Vaccine safety related to the development of COVID-19 vaccines;
 - c) The benefits of vaccination against COVID-19;
 - d) Risks of not being vaccinated against COVID-19; and
 - e) Possible side effects of COVID-19 vaccination.

2.2 The proof of vaccination or other evidence defined in subsection 2.1 must be provided to the Board by a date to be determined by the Ministry.



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2.3 Individuals who, in lieu of the proof of vaccination have provided proof of a medical reason pursuant to subsection 2.1(iii) or of the completion of an educational program pursuant to subsection 2.1(iv) must undergo Rapid COVID-19 Antigen testing as directed by the Ontario Ministry of Health and provide proof of a negative result to gain access to Board premises.

2.4 If the effective time period of a medical reason provided pursuant to subsection 2.1(iii)(b) has expired, the individual must, within 30 days of the medical reason expiring, provide proof of vaccination in accordance with subsection 2.1(ii) or proof that the individual completed an educational program in accordance with subsection 2.1(iv).

2.5 The Board will only collect, use and disclose information regarding an individual's vaccination status in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") and all applicable privacy laws. The proof of vaccination or other evidence collected pursuant to subsection 2.1 will be kept in a confidential file, stored in a secure location.

3. Exemptions

3.1 The Board recognizes its responsibilities and duties under provincial human rights legislation, such as the *Human Rights Code* (the "Code"). If an



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individual is unable to be vaccinated, due to a protected ground, as defined by the Code, the Board has a duty to accommodate to a point of undue hardship.

However, this duty to accommodate must be balanced against the Board's obligations to protect the health and safety of staff and students. Due to the serious health threat COVID-19 presents to the public, if an individual will not be vaccinated because of a protected ground under the Code, they must request an accommodation or exemption, which falls under one of the following two categories: (i) Medical Condition; or (ii) Religious/Creed.

i. *Medical Condition Exemption*

An individual who is requesting an exemption from this Policy on the basis of a medical condition must provide the Board with a letter from a physician or nurse practitioner, clearly stating the reason why the individual should be exempted from receiving the vaccine. This letter must be provided to the Board by a date specified by the Ministry.

ii. *Religious/Creed Exemption*

An individual may apply for an exemption, due to religious belief or creed. The Board reserves the right to ask for materials in support of the individual's religious belief or creed, including a letter of support from a religious leader or community.



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3.2 Accommodation Process

The accommodation process is a shared responsibility. All parties should cooperatively engage in the process, share information and consider potential accommodation solutions. Employees who are requesting an accommodation are required to:

- a. Make the accommodation needs known to the best of their ability, preferably in writing, in a timely manner;
- b. Answer reasonable questions or provide information about relevant restrictions or limitations, including information from health care professionals;
- c. Take part in discussions about possible accommodations solutions;
- d. Co-operate with any experts whose assistance is required to manage the accommodation process;
- e. Meet agreed-upon performance standards and requirements, once accommodation is provided; and
- f. Work with Board and/or school administration on an ongoing basis to manage the accommodation process

Depending on workplace circumstances and learning and teaching considerations, possible accommodations may include but not limited to masking, physical distancing, regular testing, remote learning arrangements, work-from-home arrangements, job-protected leave of absence and/or restricted duties and responsibilities.



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Definitions:

Fully vaccinated against COVID-19 means having received all of the doses required for a COVID-19 vaccine(s) approved by the World Health Organization (e.g., two doses of a two-dose vaccine, or one dose of a single-dose vaccine); and having received the final vaccine dose at least 14 days ago.

Vaccine means a COVID-19 vaccine approved by the World Health Organization (e.g., two doses of a two-dose vaccine, or one dose of a single-dose vaccine).

Evaluation and Metrics:

The effectiveness of the policy will be determined by metrics collected by the Board's ICT Services, Human Resources/Employee Relations Department, Occupational Health and Safety Department and the Sick Leave and Disability Department.