

# Mayne Island Improvement District

## Mandatory COVID-19 Vaccination

### **POLICY OBJECTIVE**

The Mayne Island Improvement District (the “District”) is committed to providing a safe working environment for our Employees, our customers and members of the public with whom we interact regularly.

Mayne Island Fire Rescue (“Fire Rescue”) provides an essential public service to our community and works collaboratively with other first responder organizations including police and ambulance services. Fire Rescue is a small organization, and its effectiveness relies on the ability of its trained and dedicated Employees being able to respond.

The purpose of this policy is to set out the expectation and requirements of Employees with respect to COVID-19 vaccination.

On March 17, 2020, the BC Public Health Officer gave notice that the transmission of the infectious agent SARS-CoV-2, that causes a serious communicable disease known as COVID-19 constituted a regional event as defined in Section 51 of the *Public Health Act*.

It has been shown that:

- A person infected with the COVID-19 virus can infect other people they are in direct contact with.
- The presence of virus variants has heightened the health risks.
- Vaccines are a strong prevention measure against COVID-19 and the best protection against hospitalization for COVID-19.
- Unvaccinated persons are at higher risk than vaccinated persons of being infected with the COVID-19 virus, of experiencing higher rates of complications, and transmitting the COVID-19 virus to other persons, including vaccinated persons.

Despite high levels of vaccination in our province, the COVID-19 pandemic is not over, and collectively we must be prepared to live with COVID-19 risks for the longer term.

Fire Rescue provides an essential public service to our community. Fire Rescue’s ability to respond would be severely compromised if there was a COVID-19 outbreak at the Workplace. The nature of the job requires that most Employees will have in-person contact with the public and work in proximity with each other. Fire Rescue routinely collaborates with other first responders in our community including the ambulance service and RCMP. Some Employees also work with other first responder agencies.

Throughout the COVID-19 pandemic, the District has followed the guidelines and orders set out by the Provincial Health Office and WorkSafeBC and continues to review protocols and best practice regarding the protection of Employees and members of the public.

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Reviewed and adopted on December 22, 2021

Reviewed on April 26, 2022

Mayne Island Improvement District Board of Trustees

The March 15, 2022 timeline was chosen to provide sufficient time for Employees who have not yet received their first dose of vaccine to be Fully Vaccinated by the effective date.

This policy aligns with the announcements that all BC public sector employees (including health care workers) and core public administration Federal employees (including the Royal Canadian Mounted Police), be vaccinated. The Provincial Health Officer has encouraged all employers to put similar policies in place. Other local governments and employers have done so including WorkSafeBC, BC Hydro, Capital Regional District, Town of Esquimalt, District of Saanich, City of Victoria, and City of Vancouver.

The District is also aware that the policy must be consistent with obligations legislated under the BC Human Rights Code.

Principles for protecting human rights considered include: the policy is evidence based and aligned with up-to-date public health recommendations; the policy is time-limited and will be regularly reviewed and updated. This policy is tailored to match the most recent conditions of the COVID-19 pandemic and to reflect up-to-date recommendations of the Public Health Officer and provides for Accommodation in accordance with the Human Rights Code.

## **DEFINITIONS**

For purposes of this policy:

“Accommodation” means measures to prevent COVID-19 infection such as: a temporary or permanent adjustment to working conditions, work assignments, policies, rules, practice, programs, or the physical work environment; additional use of personal protective equipment; loss of access to specified locations; increased social distancing or working behind physical barriers.

“COVID-19 Vaccine” means vaccines approved by Health Canada, as may be amended from time to time.

“Employee” means an individual employed by the District with full-time, part-time, casual, or contractual employment status. For certainty, individuals on the paid-on-call roster maintained by the Fire Chief are considered Employees.

“Employee unable to be Fully Vaccinated” means an Employee that cannot be Fully Vaccinated due to a certified medical contraindication, religion, or other ground of discrimination as defined in the BC Human Rights Code.

“Employees who are not Fully Vaccinated” means Employees refusing to disclose their vaccination status, Employees unable to be Fully Vaccinated for whom Accommodation is not granted and where the Employee is still unwilling to be vaccinated, and Employees who have attested that they are not Fully Vaccinated.

“Fully Vaccinated” means an individual has received a full series of a COVID-19 Vaccine or a combination of COVID-19 Vaccines and the last dose has been received at least fourteen days before the date of the date of self-declaration of vaccination status. Given the changing nature of the pandemic, if public health authorities announce a different meaning of “Fully Vaccinated,” that definition will take precedence.

“High-Risk Employee” means an Employee whose position and duties involve frequent, prolonged, and close in-person contact at the Workplace with other Employees, first responders, or the public. All regular, part-time, casual, and paid-on-call Employees are deemed to be High-Risk Employees. The risk profile of contract employees and volunteers will be determined on a case-by-case basis.

“Low-Risk Employee” means a contract employee or volunteer whose risk profile (frequency, duration, and number of in-person contacts at the Workplace) is low and for whom Accommodation can be made.

“Medical Documentation” means documentation outlining medical reason(s) for not being Fully Vaccinated against COVID-19 provided by a licensed physician or nurse practitioner, in line with guidance from the College of Physicians and Surgeons of British Columbia.

“Proof of Vaccination” refers to the BC Vaccine Card provided by the BC Ministry of Health that confirms an individual has received one or more doses of a COVID-19 Vaccine.

“Reasonable Accommodation” means the requirement under the BC Human Rights Code for an employer to accommodate an Employee up to the point of undue hardship in relation to certain prohibited grounds of discrimination.

“Workplace” refers to all District worksites including all Fire Halls, administration offices, temporary worksites, operational response scenes, working remotely, and teleworking.

## **SCOPE OF POLICY**

This policy applies to all Employees, Trustees, volunteers, and public appointees to select and standing committees of the Mayne Island Improvement District and Mayne Island Fire Rescue.

## **STATEMENT OF POLICY**

The Mayne Island Improvement District and Mayne Island Fire Rescue requires all High-Risk Employees to provide proof that they are Fully Vaccinated or unable to be Fully Vaccinated to the Corporate Administrator or their designate by March 15, 2022.

High-Risk Employees who are not Fully Vaccinated will be restricted from accessing the Workplace and will be placed on unpaid general leave of absence for up to six months commencing on March 15, 2022. If High-Risk Employees are still not Fully Vaccinated by September 15, 2022, the District may terminate their employment.

The risk profile of contracted employees and volunteers will be assessed on a case-by-case basis. At the discretion of the Corporate Administrator, those contracted Employees and volunteers determined to be Low-Risk Employees will be allowed to attend the Workplace with appropriate Accommodation.

Some Employees may have concerns about vaccination. The District encourages each Employee to consult with their physician about their personal or family medical questions. Reliable information about COVID-19 vaccination can also be found through the websites of Immunize BC; the BC Center for Disease Control; and the BC government.

Application of this policy is detailed in Attachment 1 to this policy.

**BOARD OF TRUSTEES’ DISCRETION**

Given the nature of the COVID-19 pandemic, the provisions set out in this policy are subject to review by the Board of Trustees no less than once every six months from the date of approval or last review. More stringent Orders set out by the Provincial Health Officer and WorkSafe BC requirements take precedence over provision(s) of this policy.

**CROSS REFERENCES**

Human Rights Code [RSBC1996] CHAPTER 210

**APPROVALS**

<b>Approval date:</b>	<b>December 22, 2021</b>	<b>Approved by:</b>	<b>Board of Trustees</b>
1. Amendment date:		Approved by:	
2. Amendment date:		Approved by:	
3. Amendment date		Approved by:	

# Attachment 1

## Mandatory COVID-19 Vaccination Policy Application

### APPLICATION OF THE MANDATORY COVID-19 VACCINATION POLICY

All High-Risk Employees of the Mayne Island Improvement District and Mayne Island Fire Rescue must provide proof of being Fully Vaccinated against COVID-19 by March 15, 2022, unless granted a Reasonable Accommodation based on a certified medical contraindication, religion or another prohibited ground for discrimination as defined in the BC Human Rights Code.

All Employees hired after December 22, 2021, as a condition of employment must provide proof of being Fully Vaccinated against COVID-19 unless they are granted a Reasonable Accommodation based on a certified medical contraindication, religion or another prohibited ground for discrimination as defined in the Human Rights Code prior to commencing employment.

### RESPONSIBILITIES

#### 1. Mayne Island Improvement District

The Corporate Administrator or designate is responsible to:

- Ensure Employee compliance with this policy, including reviewing Proof of Vaccination.
- Consider requests for Accommodation under the BC Human Rights Code.
- The Corporate Administrator will determine, in consultation with the Fire Chief whether a Reasonable Accommodation would result in undue hardship.

#### 2. Employees

It is the responsibility of Employees to:

- Provide Proof of Vaccination to the Corporate Administrator by March 15, 2022, or prior to employment start date for new Employees hired after December 22, 2021.
- Follow public health guidance.

#### 3. Employees Seeking Exemptions

Employees who cannot be Fully Vaccinated because of a medical condition or other grounds protected by the BC Human Rights Code, may apply for an exemption from the requirement to be Fully Vaccinated.

Personal preference to not be Fully Vaccinated is not grounds for an exemption.

It is the responsibility of an Employee seeking an exemption to:

- Submit an exemption request to the Corporate Administrator or designate.
- Cooperate and participate in the exemption consideration process, which may include providing information and or Medical Documentation.
- Comply with ongoing COVID-19 testing requirements if applicable.

If an exemption application is approved, an Employee may be required to present a negative rapid antigen (Rapid Test) or polymerase chain reaction (PCR) test result for COVID-19 in the frequency determined by the District.

#### **ASSESSMENT OF RISK FOR UNVACCINATED CONTRACT EMPLOYEES OR VOLUNTEERS**

The Corporate Administrator will, in consultation with the Fire Chief, perform a risk assessment and determine whether a contract employee or volunteer who is not Fully Vaccinated is a Low-Risk Employee. Factors that will be taken into consideration include:

- a. Potential to work remotely;
- b. Contact with the public or other Employees;
- c. Contact with vulnerable Employees or members of the public;
- d. Potential to modify the Workplace or wear PPE; and
- e. Indoor vs. outdoor work.

If a Low-Risk Employee is not Fully Vaccinated and there is an available Accommodation, the Low-Risk Employee must comply with all requirements of that Accommodation.

A Low-Risk Employee may be required to present a negative rapid antigen (Rapid Test) or polymerase chain reaction (PCR) test result for COVID-19 in the frequency determined by the District.

#### **VACCINATION STATUS REPORTING**

Prior to March 15, 2022, all Employees, Trustees, volunteers, and public appointees to select and standing committees should review and confirm the accuracy of immunization records.

On or before March 15, 2022, all Employees will show the Corporate Administrator or designate an electronic version or provide a printed copy of their BC Vaccine Card to attest that they are Fully Vaccinated. Copies of an Employee's Proof of Vaccination will not be collected nor saved on file.

On or before March 15, 2022, all Trustees, volunteers, and public appointees to select and standing committees will show the Corporate Administrator or designate an electronic version or provide a printed copy of their BC Vaccine Card to attest that they are Fully Vaccinated. Copies of Proof of Vaccination will not be collected nor saved on file.

Vaccination status will be recorded in a restricted access data base. The data base will record names and either, "Vaccinated," "Unvaccinated," or "Accommodated" if that has already occurred.

Employees, Trustees, volunteers, and public appointees to select and standing committees who do not report their vaccination status by the March 15, 2022, deadline will be recorded as "Unvaccinated." An Employee, Trustee, volunteer, or public appointee to select and standing committees can provide Proof of Vaccination at any time and their status will be updated.

## **COMPLIANCE AND CONSEQUENCES**

High-Risk Employees who are not Fully Vaccinated by March 15, 2022, will be placed on unpaid general leave of absence but may use earned banked or vacation time before being placed on unpaid leave.

The District will perform a risk assessment for those Trustees, volunteers, and public appointees to select and standing committees who are not Fully Vaccinated by March 15, 2022. The District will determine the appropriate measures that need to be put in place to mitigate any risks on a case-by-case basis.

It is a violation of this policy for an Employee who is not Fully Vaccinated:

- To access District Workplaces after March 15, 2022, except as permitted by members of the public; and
- To provide any false, misleading, or otherwise dishonest information or documents to the District in relation to this Policy.

Employees who contravene this Policy or submit fraudulent information may be subject to progressive remedial action ranging from actions such as changes to required duties, removal of access to the Workplace, placement on unpaid leave, and discipline, up to and including termination of employment, in accordance with the employment agreement and District policies or operational guidelines.

## **RESPECTFUL WORKPLACE**

The Corporate Administrator is responsible for ensuring a respectful, productive, inclusive, and equitable Workplace environment, including ensuring that Employees are aware that harassment or other prohibited conduct directed towards an individual for any reason, including based on their vaccination status, will not be tolerated.

## **PRIVACY**

Copies of Proof of Vaccination will not be retained or saved on file. Exemption applications, supporting documents and proof of negative COVID-19 test results will be collected and stored in accordance with the District's obligations pursuant to the Freedom of Information and Protection of Privacy Act.