



## **Implementation of a Mandatory Vaccination Procedure**

**To:** Planning and Priorities Committee

**Date:** 14 September, 2021

**Report No.:** 09-21-4151

### **Strategic Directions**

- Create a Culture for Student and Staff Well-Being
- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

### **Recommendation**

It is recommended that the COVID-19 Mandatory Vaccination Procedure (PR734) be received.

### **Context**

This Procedure sets out direction from the Ministry of Education, Ontario's Chief Medical Officer of Health, and the Board of Trustees in its resolution dated August 25, 2021 (the "Resolution"). It also affirms the Board's commitment to providing and maintaining a safe work and learning environment for all.

### **Action Plan and Associated Timeline**

All persons subject to this Procedure must disclose their vaccination status and be fully vaccinated against COVID-19 as set out in the Procedure, or obtain approval from TDSB for an accommodation or exemption from this requirement (for which regular COVID-19 testing will be required instead) in order to attend at a TDSB building/workplace. These measures are additional tools to advance safety and support local public health units in working with school boards.

## **Resource Implications**

Staff will be tracking potential financial resource considerations and will update the Board accordingly.

## **Communications Considerations**

An effective communications strategy is integral to the development and implementation of this Procedure. Several communication tools have been engaged to solicit input into the development of this Procedure. A variety of methods of communications will be engaged to implement the Procedure.

## **Board Policy and Procedure Reference(s)**

- Freedom of Information and Protection of Privacy Policy (P094)
- Occupational Health and Safety Policy (P048)
- COVID-19 Mask Procedure (PR730)
- Workplace Accommodation for Employees with Disabilities Procedure (PR717)

## **Appendices**

- Appendix A: COVID-19 Mandatory Vaccination Procedure (PR734)

## **From**

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## Toronto District School Board

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Operational Procedure PR734

Title: **COVID-19 VACCINATION PROCEDURE FOR EMPLOYEES, TRUSTEES AND OTHER INDIVIDUALS**

Adopted: September 14, 2021

Effected: September 14, 2021

Revised: N/A

Reviewed: N/A

Authorization: Executive Council

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### 1.0 RATIONALE

In August 2021, the Ministry of Education issued an initial direction to Ontario school boards to adopt an immunization disclosure policy/procedure with COVID-19 testing requirements for employees and others who are not immunized against COVID-19.

The COVID-19 Vaccination Procedure for Employees, Trustees and Other Individuals (the "Procedure") affirms the Board's commitment to providing and maintaining a safe work and learning environment for all. In accordance with the resolution of the Board of Trustees of August 25, 2021 (the "Resolution"), all persons subject to this Procedure must be fully vaccinated against COVID-19, or obtain approval from TDSB for an accommodation or exemption from this requirement (for which regular COVID-19 testing will be required instead) in order to attend at a TDSB building/workplace. These measures are additional tools to advance safety and support local public health units in working with school boards.

This Procedure follows Ministry of Education direction, Ontario's Chief Medical Officer of Health instructions dated September 7, 2021 under the *Reopening Ontario (A Flexible Response to COVID-19) Act*, and the Board of Trustees' Resolution. The Procedure is consistent with the Occupational Health and Safety Policy (P048), Toronto Public Health advice, the *Education Act*, the *Occupational Health and Safety Act* ("OHSA"), and the *Human Rights Code*.

Due to the evolving nature of COVID-19, and regular changes to direction or advice from the Ministry of Education and public health officials, this Procedure will be updated as required on a regular basis.

## 2.0 OBJECTIVE

- To protect the health and safety of employees, students, families, and community members from COVID-19; and
- To ensure all schools and workplaces under the Board's jurisdiction remain as safe as possible in the context of the ongoing COVID-19 pandemic.

## 3.0 DEFINITIONS

*Board* refers to the Toronto District School Board, which is also referred to as "TDSB."

*Creed* includes religion in the broadest sense. Creed may also include non-religious belief systems that, like religion, substantially influence a person's identity, worldview and way of life. A creed is sincerely, freely and deeply held; is integrally linked to a person's identity, self-definition and fulfilment; is a particular and comprehensive, overarching system of belief that governs one's conduct and practices; addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and/or a higher or different order of existence; and has some "nexus" or connection to an organization or community that professes a shared system of belief (OHRC Policy on Preventing Discrimination based on Creed (2015)).

*Fully Vaccinated* refers to 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.

*PCR* refers to polymerase chain reaction test, which is a test to detect genetic material from a specific organism, such as a virus.

*POC* refers to rapid point-of-care diagnostic tests performed at or near the place where a specimen is collected, which provide results within minutes rather than hours.

*TDSB* refers to the Toronto District School Board, which is also referred to as the "Board".

*Vaccine* refers to a COVID-19 vaccine approved by the World Health Organization and includes Moderna, Pfizer-Biotech, AstraZeneca, and Janssen (Johnson & Johnson).

*Workplace*, under the *Occupational Health and Safety Act*, refers to any land, premises, location, or thing at, upon, in or near which an employee works, but does not include a private residence and its related lands.

#### **4.0 RESPONSIBILITY**

Director of Education, Associate Director, Leadership, Learning and School Improvement, and Executive Superintendent, Employee Services

#### **5.0 APPLICATION AND SCOPE**

This Procedure applies to:

- All school board employees, including daily and long-term occasional teachers and casual education workers;
- School board Trustees;
- Student transportation drivers.

For clarity, the Procedure does not apply to individuals who work remotely and whose work does not involve in-person interaction (e.g., continuing education instructors whose classes are exclusively taught remotely with no in-person interaction with students and/or employees).

This Procedure also applies to the following individuals frequently attending the TDSB workplace or engaging in Board related activities or functions and have direct contact with TDSB employees or students: (“Other Individuals”):

- students on educational placements, including professional services students on a placement/work-integrated learning visit (e.g., teacher candidate practicums, nurse, psychologist, behavioural therapist, speech-language pathologist, etc.);
- individuals attending TDSB on internships, co-op placements, or apprenticeship programs;
- volunteers, permit holders (during school hours), and contractors;
- those who provide professional services to children at school; and
- and other members of organizations not related to the Board but who nevertheless work on or are invited onto Board premises or deliver services (e.g., affiliated registered medical/health professionals, childcare providers, after school program administrators, student nutrition program volunteers, and tenants).

The Board will consult community-based Indigenous health care providers with respect to the implementation of this Procedure as it relates to individuals from Indigenous communities.

The Board will also consult with other specifically identified populations with a

history of underservice in healthcare and lower rates of vaccination as identified by Toronto Public Health.

## **6.0 PROCEDURES**

### **6.1 Timing**

- 6.1.1 All individuals subject to this Procedure must disclose their vaccination status by September 7<sup>th</sup>, 2021 as detailed in section 6.2.
- 6.1.2 All individuals subject to this Procedure must have completed the full course of vaccination by November 1<sup>st</sup>, 2021, and be fully vaccinated within 14 days thereafter, subject to exemptions as indicated below.
- 6.1.3 Subject to relevant accommodations or exemptions, new employees joining the Board after the effective date of this Procedure must be fully vaccinated prior to their first day of work and show proof thereof.
- 6.1.4 Subject to relevant accommodations or exemptions, other individuals covered by this Procedure must also be fully vaccinated prior to their first day attending a TDSB work site and show proof thereof, subject to exemptions as indicated in section 6.5.

### **6.2 Vaccination Disclosure**

- 6.2.1 By September 7<sup>th</sup>, 2021, all individuals covered by this Procedure are required to submit a formal attestation on the “My Vaccination Status” site on the TDSB Health Screen App/Web Portal indicating their vaccination status (full, partial, unvaccinated). Individuals must update their vaccination status if changes occur.
- 6.2.2 Vaccination status data will be provided in aggregate without any personalized information to the Ministry of Education and posted to the TDSB’s public website, on a monthly basis.
- 6.2.3 Copies of Ontario vaccination receipts (i.e., proof of vaccination) can be obtained online at <https://covid19.ontariohealth.ca> using a health card number, date of birth and postal code.
- 6.2.4 Employees are encouraged to schedule their COVID-19 vaccination appointments during non-working hours whenever possible. Vaccination appointments during working hours must be requested and authorized in accordance with their terms and conditions of employment, including Employee Services protocol GE15 Medical and Dental Appointments for relevant employees.

### **6.3 COVID-19 Regular Testing**

- 6.3.1 Individuals covered by this Procedure who are not fully vaccinated or who have not disclosed their vaccination status as required, must undergo Ministry of Education/Board-approved COVID-19 self-testing at home and outside of working hours, and provide proof of a negative result in order to attend a TDSB workplace.
- 6.3.2 Individuals subject to testing requirements must provide verification of negative test results at least two times per week by Mondays and Thursdays.
- 6.3.3 For individuals who are less frequently present at a TDSB workplace/in direct contact with students or employees, frequent testing may not be possible or reasonable. In these cases, the individual must complete a rapid antigen test as part of screening and demonstrate a negative test result, prior to interacting with students or employees.
- 6.3.4 COVID-19 test kits will be provided to eligible individuals at no charge.
- 6.3.5 Until September 21, 2021, COVID-19 test kits will be available at participating pharmacies. Individuals will need to show valid ID and a letter from the TDSB to obtain test kits.
- 6.3.6 TDSB will provide information on the list of participating pharmacies, letter from the TDSB, the Board's designated locations to pick up COVID-19 test kits, and any other relevant information.
- 6.3.7 Subject to Ministry of Education confirmation, COVID-19 test kits are thereafter expected to be available at the Board's designated locations, including schools, administrative sites and/or other locations.
- 6.3.8 Individuals are expected to report their test results on the TDSB Health Screening App/Web Portal or other reporting tool as directed.
- 6.3.9 Entry into TDSB workplaces or participation in the TDSB work-related activities will only be permitted for those who test negative.
- 6.3.10 A positive test result is considered a preliminary or presumptive positive. Anyone who receives a preliminary positive result must:
  - a) inform their manager (for employees) or TDSB contact (for other individuals)
  - b) seek confirmation through a lab-based PCR test or rapid POC

molecular test as soon as possible (ideally within 48 hours)

- c) isolate until the results of the lab-based test are confirmed

For more information about COVID-19 tests, please visit

<https://covid-19.ontario.ca/get-free-rapid-tests> and

[https://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/app9\\_management\\_individuals\\_point\\_of\\_care\\_results.pdf](https://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/app9_management_individuals_point_of_care_results.pdf)

- 6.3.11 The Board will adjust testing requirements as necessary in accordance with public health guidance.

#### **6.4 Education Program**

- 6.4.1 Individuals who are not fully vaccinated or who have not disclosed their vaccination status, with the exception of individuals who have requested a medical condition/disability exemption under the *Human Rights Code* (the “Code”), must complete and provide proof of completion of a mandatory education program supplied by the Ontario government as soon as possible but no later than two (2) weeks after the Board provides access to the education program.
- 6.4.2 The education program will be provided as a video resource by the Ministry of Education. Individuals will be required to review the Ministry prescribed education video outside of working hours.
- 6.4.3 Individuals undergoing the education program are still required to meet the full vaccination requirement by November 1<sup>st</sup>, 2021, as outlined in section 6.1.2.

#### **6.5 Exemptions**

- 6.5.1 The Board recognizes its responsibilities and duties under the *Human Rights Code*. If an individual is unable to be vaccinated due to a protected ground as defined by the Code, the Board will consider requests for exemptions and reasonable accommodation to a point of undue hardship. Such requests must be submitted without delay.
- 6.5.2 However, this duty to accommodate must be balanced against the Board’s obligations to protect the health and safety of employees and students. Due to the serious health threat COVID-19 presents to the public, if an individual is not vaccinated because of a protected ground under the Code, they can submit a request for an accommodation or exemption under one of the following two categories: (a) Medical Condition/Disability; or (b) Religious/Creed.
- 6.5.3 The process for TDSB employees is set out below. Non-employees who seek an exemption and/or accommodation should first discuss



their request with their own employer (if applicable) and/or notify the relevant TDSB manager/supervisor of the request as early as possible so that an assessment can be conducted and appropriate arrangements be placed.

- 6.5.4 Individuals exempt from the full vaccination requirement and those individuals whose exemption requests are pending, must continue undertaking regular COVID-19 testing described above.

6.5.5 *Medical Condition/Disability Exemption*

An employee who is requesting an exemption on the basis of a medical condition must provide the Board's Disability Management Office with a letter from a licenced physician or registered nurse practitioner in accordance with the *Workplace Accommodation for Employees With Disabilities Procedure (PR717)*, clearly stating the reason why the individual should be exempted from receiving a vaccine, and duration of such exemption. Specific diagnosis or disclosure of actual medical condition is not required except under exceptional circumstances or where necessary in order to provide accommodation. This letter must be provided to the Board's Disability Case Management Office prior to September 7<sup>th</sup>, 2021 or as soon as possible thereafter, or for new employees, prior to their first day of employment. The Board reserves the right to seek further medical documentation.

- 6.5.6 If the effective time period of a medical exemption has expired, the employee must, within 45 calendar days of the expiry date, provide proof of full vaccination in accordance with subsection 6.1.2.

- 6.5.7 If a medical exemption request is denied, the employee must, within 45 calendar days of the notification date, provide proof of full vaccination in accordance with subsection 6.1.2.

6.5.8 *Religious/Creed Exemption*

An individual may apply for an exemption due to religious belief or creed. Requests should be submitted in writing to their managers (for employees) or relevant TDSB contacts (for other individuals). Information provided to support the exemption request may be disclosed to an advisor in the TDSB Human Rights Office to assist in evaluating the exemption request and deciding on reasonable accommodation.

6.5.9 *Accommodation Process for Medical/Disability Exemptions*

The accommodation process is a shared responsibility. All parties should co-operatively engage in the process, share information and

consider potential accommodation solutions. Employee who are requesting accommodation are required to follow the Workplace Accommodation for Employees with Disabilities Procedure (PR717) and:

- 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 accommodation 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.

6.5.10 For additional information on the *Human Rights Code* accommodation process as it relates to COVID-19 health and safety measures, see the COVID-19 Mask Procedure (PR730).

## **6.6 Data Collection, Reporting, and Protection of Privacy**

6.6.1 By September 15th, 2021 aggregated and depersonalized statistical information on Board-level immunization will be required to be reported to the Ministry of Education/published on the Board website and updated on a monthly basis. TDSB will report only Board-wide data, not by school, department, building, etc.

6.6.2 The TDSB will provide the following information as required by the Ministry of Education:

- Total number of individuals to which this Procedure applies;
- Total number of individuals who have attested to/and provided proof of being fully vaccinated against COVID-19;
- Total number of individuals who have attested to being fully vaccinated, without supporting documentation;
- Total number of individuals who provided a documented

medical reason for not being fully vaccinated against COVID-19;

- Total number of individuals who completed an educational session about the benefits of COVID-19 vaccination;
- Total number of individuals who have not yet submitted the attestation, for all individuals in a school board's Human Resources Information Systems (HRIS);
- Percentage of individuals who have attested to being fully immunized (with supporting documentation); and
- Percentage of individuals who have attested to being fully immunized (without supporting documentation).

6.6.3 The Board will only collect, use and disclose information regarding an employee's vaccination status in accordance with the *Freedom of Information and Protection of Privacy Policy* (P094), Ministry of Education and Toronto Public Health direction, and all applicable privacy laws.

6.6.4 Proof of vaccination or other personal information collected will be kept confidential, stored in a secure location, with access and disclosure in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, and/or as directed by the Ministry of Education or Toronto Public Health.

## **6.7 Prevention of Harassment, Bullying or Discrimination**

6.7.1 Harassment, bullying, or discrimination of any type against individuals based on their vaccination status, compliance with this Procedure, or any other reason will not be tolerated. Concerns should be raised with Employee Services or the Human Rights Office. Please do not confront the individual. Board employees should monitor for and address any harassment, bullying, or discrimination. Employees experiencing harassment, bullying, or discrimination are encouraged to report any incidents to Employee Services or the Human Rights Office.

## **6.8 Non-Compliance**

6.8.1 It is a violation:

- a. to access Board workplace and/or participate in work-related activities without fully complying with this Procedure;

- b. to fail to report vaccination status and/or any required COVID-19 testing;
- c. to provide any false, misleading, or otherwise dishonest information or documents to the Board in relation to this Procedure; or
- d. To otherwise fail to comply with any COVID-19 health or safety precaution requirement put in place by the Board, whether or not such requirement is expressly set out in this Procedure.

6.8.2 Individuals who fail to comply with this Procedure may be subject to administrative or disciplinary action, up to and including termination from their employment.

6.8.3 Individuals who make false attestations related to being vaccinated will be subject to disciplinary action, up to and including termination for employees, removal of access to/restriction from Board premises on such conditions and/or for such duration as determined by the Board, or any other action at the Board's discretion.

6.8.4 Information provided by individuals covered under this Procedure will be audited to ensure the accuracy of the information provided.

## **7.0 EVALUATION**

This Procedure will be reviewed as required, but at a minimum one (1) year after the effective date.

## **8.0 APPENDICES**

N/A

## **9.0 REFERENCE DOCUMENTS**

### **Policies:**

- Freedom of Information and Protection of Privacy Policy (P094)
- Occupational Health and Safety Policy (P048)

### **Operational Procedures:**

- COVID-19 Mask Procedure (PR730)
- Workplace Accommodation for Employees with Disabilities Procedure (PR717)

### **Other Documents:**

- Memo from Ministry of Education re COVID-19: Immunization Disclosure

- Policy & Testing Requirements (August 18, 2021)
- School Board Implementation Resource Guide (as amended; last updated September 1, 2021)
- [Ministry of Education, COVID-19: Health, safety and operational guidance for schools \(2021-2022\)](#) (as amended; last updated September 2, 2021)
- Letter of Instruction issued by the Office of the Chief Medical Officer of Health (as amended; issued September 7, 2021)
- Memo from Ministry of Education re Rapid Antigen Testing Instructions & Verification Updates (September 13, 2021)

**Legislative Acts and Regulations:**

- *Education Act*
- *Human Rights Code*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- *Occupational Health and Safety Act (OHSA)*
- *Reopening Ontario (A Flexible Response to COVID-19) Act*