

**COMMUNITY LIVING TORONTO
COVID-19 IMMUNIZATION DIRECTIVE – STAFF AND ESSENTIAL VISITORS**

PURPOSE:

The purpose of this Directive is to reduce the risk of exposure to and transmission of COVID-19 in the workplace by providing occupational protection to all staff and thereby preventing exposure to the people we support. Vaccination for COVID-19 is both safe and effective in preventing COVID-19.

Community Living Toronto (CLTO) expects all Staff including Students, Volunteers, Third-Party Contractors, and other Essential Visitors to be fully vaccinated against COVID-19.

Effective March 15, 2022, in order to be considered fully vaccinated, all Staff must have received a full series of vaccination including any Booster Dose for which they are eligible (depending on their vaccine series) when they are eligible for it. The eligibility date for a Booster Dose may be impacted if a staff has had COVID-19.

Unless subject to an approved accommodation or other specific reason, employees who fail to provide proof of being fully vaccinated, including the Booster Dose, by the timelines indicated in this Directive will be subject to an unpaid leave of absence and such other consequences up to and including termination for cause.

This Directive has been developed in consultation with CLTO's Joint Health and Safety Committee as a reasonable and necessary measure to prevent, respond to, and alleviate the outbreak of COVID-19 and the associated risk to the people we support, many of whom are medically fragile and/or cannot comply with social distancing and infectious disease transmission prevention protocols. This Directive also reflects our obligations under the *Occupational Health and Safety Act (OHS)* to take every reasonable precaution in the circumstances to protect a worker and to comply with our obligation under applicable emergency orders (O. Reg. 177/20 and O. Reg. 121/20) and current Public Health advice/recommendations.

This Directive will be updated regularly to reflect any changes in the degree of risk and any advice or recommendations from public health authorities.

SCOPE:

The responsibilities set out in this Directive apply to all Staff, Students, Volunteers, Third-Party Contractors and Essential Visitors (excluding families) who:

- intend to be or have been vaccinated;
- cannot be vaccinated due to substantiated medical or religious reasons protected by the Ontario Human Rights Code; or
- choose not to be vaccinated for other reasons.

Responsibilities for Individuals Served are included in a separate Directive.

EFFECTIVE DATE:

This Directive and Staff COVID-19 Vaccination Declaration Form is effective September 7, 2021.

DEFINITIONS:

All CLTO staff (full-time, part-time, relief and/or on contract), Volunteers, Students, and any person who performs work for CLTO are all collectively referred to herein as **Staff**. This includes a Staff who is currently employed by CLTO or has, at the time this Directive comes into effect, already accepted a position with CLTO (Existing Staff); and any person applying to be a Staff (i.e., a Prospective Staff).

Essential Visitors includes third-party contractors, healthcare providers, and other visitors with a specific purpose for individuals served or their environment (e.g., cleaning, maintenance). This does not include family for purposes of this Directive.

Third-party Contractors people or businesses who have been hired as part of a service agreement with CLTO to provide a specific service for (e.g., cleaning, maintenance, agency staff).

***Fully Vaccinated** means it has been more than fourteen (14) days since the employee received:

- i. the full series of a COVID-19 vaccine authorized by Health Canada, or any combination of such vaccines; or
- ii. one or two doses of a COVID-19 vaccine not authorized by Health Canada, followed by one dose of a COVID-19 mRNA vaccine (Moderna or Pfizer) authorized by Health Canada; or
- iii. three doses of a COVID-19 vaccine not authorized by Health Canada.

*health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/vaccine/COVID-19_fully_vaccinated_status_ontario.pdf (February 28, 2022)

Effective March 15, 2022, in order to be Fully Vaccinated a CLTO staff must have received any **Booster Dose** for which they are eligible within thirty (30) days of becoming eligible. Date of eligibility for Booster Dose may be impacted if the staff has had COVID-19.

Booster Dose means a booster(s) or additional dose(s) of a COVID-19 vaccine authorized and recommended by Health Canada.

Unvaccinated or Not Vaccinated is defined as not meeting the above criteria for being Fully Vaccinated.

GENERAL PRINCIPLES:

1. **Mandatory Vaccination for Prospective Staff:** All Prospective Staff will be mandated to demonstrate current Full Vaccination against COVID-19 as a pre-condition for becoming an employee, subject to legally required accommodation as described below.

2. **Vaccination for Existing Staff Required:** All employees will be required to provide proof of Full Vaccination, unless subject to an approved accommodation. Employees who fail to provide proof of having received a first dose, Initial Vaccination and Booster Dose by the timelines indicated in this Directive will be subject to an unpaid leave of absence and such other consequences as defined below.
3. **Third Party Contractors and Essential Visitors:** Non-employees performing placements or services paid for by CLTO will be required to provide proof and/or attest to being “fully vaccinated”. CLTO contracts with Staffing Agencies that provide personal support employment services and CLTO Memorandum of Understanding with other third-party contractors outline the requirement that only staff that are fully vaccinated are permitted to provide service to CLTO.
4. **Respect for Human Rights:** CLTO will provide accommodation up to the point of undue hardship where required by the Ontario *Human Rights Code (OHRC)*.

PROCEDURE:

A. PROSPECTIVE STAFF – Proof of Immunization and/or Consideration for Accommodation

1. During the recruitment process, Prospective Staff will be informed that anyone applying to be a Community Living of Toronto Staff member will be asked to show proof of full vaccination against COVID-19 as a condition for hire/placement. Prospective staff will not be permitted to begin work until a copy of their Ministry of Health vaccination record has been submitted to Occupational Health and Safety.
2. Prior to their employment start date a Prospective Staff will be expected to produce satisfactory proof of being fully vaccinated against COVID-19, and proof uploaded to the CLTO Vaccination tracker upon hire and prior to starting work, subject to accommodation for a *bona fide* human rights need where possible without undue hardship.
3. Where accommodation is requested, an assessment will be conducted in consultation with Occupational Health and Safety using the **Risk Assessment Framework**, which will take into consideration the reason the Prospective Staff is unable to show proof of full vaccination, the nature of work to be performed, and the risk to the work environment. Based on this, CLTO will consider whether an accommodation is legally required and/or possible without undue hardship.
4. Where accommodation is not legally required, or is not possible without undue hardship to the organization, the offer of employment/placement will be rescinded.

B. EXISTING STAFF – Proof of Immunization and/or Consideration for Accommodation

1. **Proof of being “Fully Vaccinated” is Required:**

Absent a *bona fide* human rights protected reason, reviewed and approved by Occupational Health and Safety or declining vaccination, all Staff are required to show proof of being Fully Vaccinated under the new definition of Fully Vaccinated, which now includes the Booster Dose.

Effective March 15, 2022, the proof of vaccination requirement includes showing proof of having received any Booster Dose(s) for which an employee is eligible **within 30 days of becoming eligible**. This means that if an employee received their initial series of COVID-19 vaccines 114 days (84 days and 30 days) before March 15, 2022, they must show proof of their Booster Dose **by March 15, 2022**.

Effective December 20, 2021, Staff became eligible to receive a Booster Dose if it has been three months or 84 days since they received a full series of COVID-19 vaccine or immediately if they were previously vaccinated only with the Astra Zeneca or Johnson & Johnson vaccines.

Staff who have tested positive for COVID-19 after December 20, 2021 and are therefore impacted by when the Booster Dose(s) can be administered, should contact their primary care provider and Occupational Health and Safety.

2. Consequences of Failing to Vaccinate by the Timelines Above

Staff with In-Person Responsibilities:

All Unvaccinated Staff whose responsibilities include in-person activities (whether on a regular or irregular basis), have been or will be placed on an unpaid leave of absence if they fail to show proof of full vaccination as required above.

This leave shall be a grace period during which they will be expected to comply with the Directive.

Employees who fail to take prompt steps to become fully vaccinated during this grace period will be subject to discipline up to and including termination for cause for persistent refusal to comply with the Directive.

3. Accommodation

- a) CLTO will provide accommodation to the point of undue hardship, to Existing Staff who are unable to be vaccinated for medical or religious reasons. Existing Staff not fully vaccinated for any reason will be asked to complete and submit the **Staff COVID-19 Vaccination Declaration Form** and provide, where requested, substantiated proof to Occupational Health and Safety or designate by October 1, 2021. Email completed form to ochealthnurse@cltoronto.ca.
- b) Where accommodation is requested, an assessment will be conducted by Occupational Health and Safety based on the information provided. Through use of the **Risk Assessment Framework**, the reason for non-vaccination, the nature of work being performed, the risk

to the work environment, and the current risk of community transmission of COVID-19 will be considered.

- c) Where medical or other human rights protected restrictions are time limited, the impacted employee will be expected to become fully vaccinated on the earliest permissible date possible based on dose interval recommendations from the Ministry of Health after their medical exemption ends.
- d) Existing Staff and Essential Visitors who are not fully vaccinated will be prohibited from working in High-Risk Settings irrespective of CLTO's duty to accommodate. CLTO reserves the right to restrict entry to any of its locations. High-risk environments include situations in which there is:
 - o A risk of exposure to vulnerable people supported, other unvaccinated people and/or people who are positive with COVID-19.
 - o Close prolonged contact with others, areas with poor ventilation, and/or inability to maintain physical distance; and/or
 - o Any area currently experiencing an outbreak.

Employees working in High-risk environment includes, but is not limited to, all direct support roles, and those who work in and around environments where individuals are supported such as program supervisors, managers, properties staff, IT staff who on occasion may attend the workplace.

C. ESSENTIAL VISITORS

As part of scheduling an appointment or visit, the Essential Visitor will be reminded that as part of screening they will be asked if they have been fully vaccinated prior to entry to a CLTO residence or other CLTO premise.

For any Essential Visitor who identifies that they have not been fully vaccinated, either as part of visit scheduling or at the point of on-site screening, they will be denied entry. The site Supervisor along with Occupational Health and Safety may assess whether accommodation is required and/or possible. Through use of the **Risk Assessment Framework**, the nature of work being performed, the risk to the work environment and any other relevant factors will be considered.

D. THIRD PARTY CONTRACTORS

All contractors will be required to attest that they and any personnel they assign to CLTO will be Fully Vaccinated as a condition of accessing CLTO's premises or providing in-person services to CLTO or the people CLTO supports. CLTO retains the right to require proof of vaccination and deny entry of anyone who is not "fully vaccinated".

E. REPORTING AND RECORD KEEPING

Information about vaccination status will be collected by CLTO as such information is reasonably necessary to assess risk to people supported, employees and other stakeholders as well as to ensure compliance with relevant government mandated vaccination policy requirements. Vaccination records will be maintained documenting COVID-19 vaccinations and unvaccinated status in a secure manner and will only be collected, used, or disclosed as may be necessary for legitimate operational purposes or as directed or requested by governmental authorities.

CLTO will collect, maintain, and disclose to the MCCSS, the Ministry of Health and Public Health Officials as required, in aggregate form and in a manner set out by government requirements, statistical information related to this Directive.

Related Documentation

Toronto Public Health – Eligibility for Third Dose <https://www.toronto.ca/home/covid-19/covid-19-vaccines/covid-19-vaccine-eligibility-doses/>

06-27-01 Privacy of Information

06-27-02 Privacy of Staff

Information 09-01-01 Code of
Conduct

Infectious Disease Risk Assessment Framework

Staff COVID-19 Vaccination Declaration Form

Guidelines for Visitors and Pre-Screening Questions

Ontario makes COVID-19 vaccination policy mandatory for high-risk settings – news release

<https://www.ontario.ca/document/your-guide-employment-standards-act-0/infectious-disease-emergency-leave>

<https://news.ontario.ca/en/release/1000750/ontario-makes-covid-19-vaccination-policies-mandatory-for-high-risk-settings>