

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL
SPECIAL MEETING OF COUNCIL
TO BE HELD MONDAY JANUARY 4, 2022, AT 4:00 P.M.
MUNICIPAL OFFICE, 5 BARAGER BLVD. MCDOUGALL ON, P2A 2W9

AGENDA

- 1. Call to Order. Rsl.**
- 2. Declarations of Interest.**
- 3. Prioritization of Agenda.**
- 4. General Items and New Business.**
 - i) Report of the CAO
Re: COVID-19 Vaccination Policy.
- 5. Closed Session.**
 - i) Human Resource Matter.
- 6. Ratification of Matters from Closed Session.**
- 7. Adjournment**



Operations Report

Operating Directions

January 3 2022

Effective immediately all staff will be required to be vaccinated with at least 2 vaccine doses or the minimum doses set by the province to qualify as fully vaccinated. Anyone not vaccinated will be sent home until vaccination proof can be provided. Employee's will have 30 days to show proof of vaccination or face disciplinary measures or dismissal.

All staff will wear appropriate face mask when in close contact or when leaving your work station. All work places and vehicles will be sanitized daily. Vehicles with multiple drivers will sanitize between drivers. Lunch rooms will be restricted to accommodate staff that can keep 2 meter distance. Lunch times may have to be divided accordingly to meet social distancing measures.

Administration, As of Monday January 3 The office will be closed to the public until further notice. Only critical obligations will be processed. When possible staff may operate from Home.

Public Works, Operations will be reduced to minimum maintenance as required by law. The operators will use separate vehicles at all times and only work together when **absolutely necessary**. They will make every effort to reduce the daily hours required to meet compliance

Water Waste Water, Operations will be reduced to minimum maintenance as required by law. The operators will use separate vehicles at all times and only work together when **absolutely necessary**. They will make every effort to reduce the daily hours required to meet compliance.

Landfill/ Transfer Station, Landfill and Transfer station Days of operation will remain the same with the attendant only leaving the building to operate compaction equipment. **Bottle drive at transfer station will be closed until further notice.**

Building Department, The CBO will make every effort to delay or postpone any inspections or interaction with contractors and the public

Parks, All parks and recreations facilities will be closed until further notice

Offices of the CAO, Clerk and Fire Chief

These offices will remain open to co-ordinate operations, respond to latest updates and keep council in the loop with local, provincial and Federal changes.

The Municipality of McDougall takes the health of staff and public very serious. Please act accordingly at all times with the latest updates from the HEALTH UNIT

Municipality of McDougall

CAO/ Director of Operations

Tim Hunt



OHRC Policy statement on COVID-19 vaccine mandates and proof of vaccine certificates

Page controls

September 22, 2021

Page content

On September 1, 2021, the Ontario government announced that starting September 22, Ontarians will need to be fully vaccinated (two doses plus 14 days) and provide proof of vaccination along with photo ID to access certain public settings and facilities. By October 22, Ontario plans to develop and implement an enhanced digital vaccine certificate with unique QR (Quick Response) code that will verify vaccination status when scanned. A paper version of the certificate will be available for download or can be printed from the [COVID-19 vaccination provincial portal](#).

The proof of vaccine regime currently applies to certain [higher-risk indoor public settings](#) where face coverings cannot always be worn. In addition to these settings, over the last few months many other organizations have begun to mandate vaccines for employees and service users.

Vaccination requirements generally permissible

While receiving a COVID-19 vaccine remains voluntary, the OHRC takes the position that mandating and requiring proof of vaccination to protect people at work or when receiving services is generally permissible under the *Human Rights Code* (*Code*) as long as protections are put in place to make sure people who are unable to be vaccinated for *Code*-related reasons are reasonably accommodated.

This applies to all organizations.

Upholding individual human rights while trying to collectively protect the general public has been a challenge throughout the pandemic. Organizations must attempt to balance the rights of people who have not been vaccinated due to a *Code*-protected ground, such as disability, while ensuring individual and collective rights to health and safety.

Duty to accommodate for medical reasons

Some people are not able to receive the COVID-19 vaccine for medical or disability-related reasons. Under the *Code*, organizations have a duty to accommodate them, unless it would significantly interfere with people's health and safety.

Consistent with the duty to accommodate, the provincial proof of vaccine regime says that people who are unable to receive the vaccine must provide a [written document](#), supplied by a physician or by a registered nurse extended class or nurse practitioner stating they are exempt for a medical



reason from being fully vaccinated and how long this would apply. The written document may be required **until** recognized medical exemptions can be integrated as part of a digital vaccine certificate. The OHRC's position is that exempting individuals with a documented medical inability to receive the vaccine is a reasonable accommodation within the meaning of the *Code*. Organizations that are not included in the list of settings but wish to mandate vaccines are encouraged to use the provincial proof of vaccine certificate with the written documentation showing medical inability to receive the vaccine as their way of meeting the duty to accommodate where needed.

The OHRC also stresses the need to make sure digital proof of vaccine certificates are designed to be fully accessible to adaptive technology, including for smart phone users with disabilities, in accordance with Accessibility for *Ontarians with Disabilities Act* regulations.

COVID testing as an alternative to vaccine requirements

Many organizations are not included in the list of settings. Organizations with a proven need for COVID-related health and safety requirements might also put COVID testing in place as an alternative to mandatory vaccinations or as an option for accommodating people who are unable to receive a vaccine for medical reasons. Organizations should cover the costs of COVID testing as part of the duty to accommodate.

Time limited requirements, privacy protection

The provincial proof of vaccine regime does not propose to limit access to any services for people who are unable to be vaccinated for medical reasons.

Proof of vaccine and vaccine mandate policies, or any COVID testing alternatives, that result in people being denied equal access to employment or services on *Code* grounds, should only be used for the shortest possible length of time. Such policies might only be justifiable during a pandemic. They should regularly be reviewed and updated to match the most current pandemic conditions, and to reflect up-to-date evidence and public health guidance. Policies should also include rights-based legal safeguards for the appropriate use and handling of personal health information.

Barriers in accessing COVID vaccines and testing

While the vaccine may be readily available across Ontario, barriers persist in equitable vaccine access and COVID testing. Some examples of barriers to vaccine access may include:

- Language barriers or lack of access to a compatible phone or Internet connection make it harder for some *Code*-protected groups to find information about vaccination or testing



- Older people or people living with disabilities may have difficulty booking or going to their vaccine or testing appointment, or may need extra supports to be vaccinated or undergo testing (such as a caregiver, communication supports, etc.)
 - Low-wage workers with multiple jobs and caregiving responsibilities may lack the time or resources to prioritize visiting a vaccination site or taking a COVID test
 - Undocumented people and people experiencing homelessness face a variety of barriers relating to the lack of government-issued ID, fear of revealing immigration status, and mental health and addiction disabilities
 - Individuals and groups who have faced discrimination or traumatic experiences while receiving health-care services may not trust vaccines or testing.
- Ensuring access to vaccines and testing for vulnerable Ontarians is a necessary element of any vaccine mandate or proof of vaccination regime.

Enforcement

Under the provincial regime, organizations are responsible for making sure they meet the required proofs of identification and vaccination as outlined in the [regulation](#). Service users must make sure any information they provide to the organization to show proof of vaccination (or proof of qualifying for an exemption like a doctor's note) and if identification is complete and accurate. There are fines for both individuals and organizations that fail to comply.

As with any regulatory regime requiring enforcement, providing law enforcement or any organization with discretionary powers to assess proof of identification and vaccination may result in disproportionate application and impact on members of marginalized and vulnerable communities. Any regime that requires service users to present government-issued documents may also create barriers for people experiencing homelessness or who are undocumented.

The OHRC urges governments and organizations to take proactive steps to make sure any enforcement of vaccine mandates or proof of vaccination policies does not disproportionately target or criminalize Indigenous peoples, Black and other racialized communities, people who are experiencing homelessness, or with mental health disabilities and/or addictions.

Personal preferences and singular beliefs not protected

The OHRC and relevant human rights laws recognize the importance of balancing people's right to non-discrimination and civil liberties with public health and safety, including the need to address evidence-based risks associated with COVID-19.

Receiving a COVID-19 vaccine is voluntary. At the same time, the OHRC's position is that a person who chooses not to be vaccinated based on personal preference does not have the right to accommodation under the *Code*. The OHRC is not aware of any tribunal or court decision that found a singular belief against vaccinations or masks amounted to a creed within the meaning of the *Code*.



While the *Code* prohibits discrimination based on creed, personal preferences or singular beliefs do not amount to a creed for the purposes of the *Code*.

Even if a person could show they were denied a service or employment because of a creed-based belief against vaccinations, the duty to accommodate does not necessarily require they be exempted from vaccine mandates, certification or COVID testing requirements. The duty to accommodate can be limited if it would significantly compromise health and safety amounting to undue hardship – such as during a pandemic.

Read the OHRC's [*Policy on preventing discrimination based on creed*](#) for full explanation of creed-based discrimination and the duty to accommodate.

Medical exemptions

Medical exemptions from COVID-19 vaccination will be rare. An individual must have a documented legitimate medical condition that warrants an exemption from receiving a COVID-19 vaccine. The College of Physicians and Surgeons of Ontario (CPSO) has published guidance stating that there are very few and rare medical reasons not to get vaccinated against COVID-19, including

- allergist- or immunologist-confirmed severe allergy or anaphylactic reaction to a previous dose of a COVID-19 vaccine or to any of its components
- a diagnosis of myocarditis (inflammation of the heart muscle) and pericarditis (inflammation of the sac around the heart) after receiving an mRNA vaccine

The CPSO has also stated that the circumstances of the pandemic support physicians declining to provide documentation for an exemption where a patient requesting the exemption does not have a medical reason for an exemption.^[2]

Covered Organizations should carefully assess all medical exemption requests and require supporting documentation for any exemption request. Given the rarity of medical conditions warranting exemption from COVID-19 vaccination, Covered Organizations may require that medical exemption requests be supported with documentation from a specialist physician. Additionally, when granting medical exemptions, Covered Organizations should consider whether those exemptions are time-limited or permanent.

Municipality of McDougall COVID-19 Vaccination Policy

PURPOSE

To ensure that *Municipality of McDougall* employees are adequately immunized to minimize their risk of infection and to reduce the risk of transmission to others.

POLICY STATEMENT

Municipality of McDougall is committed to protecting employees and others from hazards in the workplace, including infectious and vaccine preventable diseases and to maintaining a protected workforce.

Under the *Occupational Health and Safety Act* and through the Internal Responsibility System, all workplace parties have a duty to keep the workplace safe, this includes taking every reasonable precaution in the circumstances to protect the worker (OHSA, Section 25(2)(h)).

APPLICATION

This Policy applies to all employees, including students, volunteers, new hires, and contract employees as a condition of employment to ensure fitness to safely perform work, minimize and prevent absenteeism due to vaccine preventable diseases, and to reduce the risk of transmission to co-workers and contract employees. This includes anyone who is eligible to receive a COVID-19 Vaccine according to the [North Bay Parry Sound District Health Unit](#).

This includes mandatory reporting, initial and ongoing assessment/monitoring, and documentation of immunization. Any employees refusing to comply with the requirements under this policy will be subject to disciplinary action, up to and including termination from employment.

Municipality of McDougall recognizes its duty to accommodate employees who are unable to receive a vaccine(s), for reasons related to a disability or creed (religious beliefs) as relevant Ontario Human Rights Code protected grounds, to the point of undue hardship. Employees who are unable to receive vaccines or tests for medical reasons or any relevant Ontario Human Rights Code protected ground, will be required to complete and submit the applicable documentation. The employee must complete the exemption form by a certified medical professional. Form attached

Where feasible, Municipality of McDougall will implement measures for those who are unable to receive a vaccine for an Ontario Human Rights Code protected reason to enable them to continue their employment (e.g., re-assignment, remote work, personal protective equipment (PPE), applicable leave on a temporary basis).

All employees, including students, volunteers, new hires, and contract workers regardless of the work they perform, are required to receive the COVID-19 vaccine and any related boosters.

Personal and/or philosophical objections to the COVID-19 vaccine will not be accepted for granting an exemption from receiving the COVID-19 vaccine or any related boosters.

PROOF OF VACCINATION

Municipality of McDougall requires proof of vaccination from All employees, including students, volunteers, new hires, and contract workers. Proof is the documentation of completed vaccination series approved by Health Canada or the World Health Organization. For employees requiring proof of vaccination, please refer to the Ontario Ministry of Health's website to retain this: <https://covid19.ontariohealth.ca>. Staff who can not be vaccinated due to Religious beliefs or Creed will have to provide a negative test twice a week. These test will be PCR TESTS performed by a certified medical professional . The cost of these tests will be born by the staff member.

All employees' COVID-19 immunization information will be protected with appropriate safeguards and will only be used or disclosed for the purposes outlined in this policy.

Employees must disclose their vaccination status to Municipality of McDougall. All staff are required to be fully vaccinated with a COVID-19 vaccine series by February 15, 2022. Staff must receive one dose of COVID-19 vaccine by January 15, 2022, and their second dose of COVID-19 vaccine by February 15 2022.

Personal preferences and singular beliefs not protected

The Municipality of McDougall and relevant human rights laws recognize the importance of balancing people's right to non-discrimination and civil liberties with public health and safety, including the need to address evidence-based risks associated with COVID-19. Receiving a COVID-19 vaccine is voluntary. At the same time, the municipalities position is that a person who chooses not to be vaccinated based on personal preference does not have the right to accommodation under the Code. The municipality is not aware of any tribunal or court decision that found a singular belief against vaccinations or masks amounted to a creed within the meaning of the Code. While the Code prohibits discrimination based on creed, personal preferences or singular beliefs do not amount to a creed for the purposes of the Code.

Even if a person could show they were denied a service or employment because of a creed-based belief against vaccinations, the duty to accommodate does not necessarily require they be exempted from vaccine mandates, certification or COVID testing requirements. The duty to accommodate can be limited if it would significantly compromise health and safety amounting to undue hardship – such as during a pandemic.

Medical Exemption Form

Review the [Medical Exemptions to COVID-19 Vaccination](#) guidance prior to certifying a medical exemption to ensure all criteria are met.

Section 1 – Individual Information

Last Name		First Name		DOB (yyyy/mm/dd)	
Home Address					
Unit Number	Street Number	Street Name		PO Box	
City/Town		Province		Postal Code	

Section 2 – Declaration of Physician or Registered Nurse in the Extended Class (Nurse Practitioner)

I, _____, _____
(Name of physician or registered nurse in the extended class)
certify that, for medical reasons, the above named individual is unable to receive a COVID-19 immunization with the current COVID-19 vaccines available in Ontario (*Pfizer-BioNTech COVID-19 vaccine, Moderna COVID-19 vaccine, AstraZeneca/COVISHIELD COVID-19 vaccine*).

Selection	Condition and/or Adverse Event Following Immunization
1. Pre-existing Condition(s)	
	Severe allergic reaction or anaphylaxis to a component of a COVID-19 vaccine
	Myocarditis prior to initiating a mRNA COVID-19 vaccine series (individuals aged 12-17 years old)
2. Contraindications to Initiating a AstraZeneca/ COVISHIELD COVID-19 Vaccine Series	
	History of capillary leak syndrome (CLS)
	History of cerebral venous sinus thrombosis (CVST) with thrombocytopenia
	History of heparin-induced thrombocytopenia (HIT)
	History of major venous and/or arterial thrombosis with thrombocytopenia following any vaccine

3. Adverse Events Following COVID-19 Immunization

	Severe allergic reaction or anaphylaxis following a COVID-19 vaccine
	Thrombosis with thrombocytopenia syndrome (TTS)/Vaccine-Induced Immune Thrombotic Thrombocytopenia (VITT) following the Astra Zeneca/COVISHIELD COVID-19 vaccine
	Myocarditis or Pericarditis following a mRNA COVID-19 vaccine
	Serious adverse event following immunization (e.g. results in hospitalization, persistent or significant disability/incapacity)

4. Other

	Actively receiving monoclonal antibody therapy OR convalescent plasma therapy for the treatment or prevention of COVID-19
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Section 3 - Length of Exemption

Permanent	
Time limited	<div>FromTo</div> <div>yyyy/mm/ddyyyy/mm/dd</div>

Section 4 - Signature

Business Address

Unit Number	Street Number	Street Name	PO Box
City/Town		Province	Postal Code
Signature of Physician or Registered Nurse in the Extended Class		Designation	Date (yyyy/mm/dd)