

700.3.2 Workplace Health and Safety: Hazard Control Employee COVID-19 Vaccine Status Procedure

- Despite the numerous past, present and ongoing COVID-19 risk mitigation and health and safety measures in place, both in our Division and within our communities, the COVID-19 pandemic continues to put strain on our education and health care system as well as the entire community. COVID-19 presents a health risk for staff and students, and it is the responsibility of all School Divisions to provide a safe working and learning environment for both staff and students.
- Provincial Government and Health Officials have consistently advised that immunization against COVID-19 is the most effective means to prevent the spread of COVID-19, prevent outbreaks and preserve in person learning.
- The Division recently received a joint letter from the Ministers of Health and Education encouraging a mandatory proof of vaccination or negative test policy be implemented by all School Divisions.
- As a result of our responsibilities to those we serve and employ, including our students under the age of 12 who are unable to be immunized at this point in time, the Division will require all Employees to be fully vaccinated against COVID-19, or alternatively, comply with testing requirements as provided in this Procedure.
- The Division recognizes and will act at all times in accordance with its obligations pursuant to the *Education Act*, the *Alberta Human Rights Act*, the *Occupational Health and Safety Act*, *Regulation and Code* and advice from the Office of the Chief Medical Officer of Health.

DEFINITIONS

- A. “Fully Vaccinated” means:
- a. Having received two doses of a vaccine considered valid by Health Canada in a two dose COVID-19 vaccine series, or one dose of a vaccine considered valid by Health Canada in a one dose COVID-19 vaccine series; and,
 - b. Having fourteen days elapsed since the date upon which the person received the second dose of the COVID-19 vaccine considered valid by Health Canada of a two dose series, or one dose of the COVID-19 vaccine considered valid by Health Canada in a one dose vaccine series.
- B. “Partially Vaccinated” means:
- a. Having received one dose of a vaccine considered valid by Health Canada in a two dose COVID-19 vaccine series; or,

- b. Have received the dosage series (typically two doses) but fourteen days have not elapsed since the date upon which the person received the second dose of the COVID-19 vaccine considered valid by Health Canada of a two-dose series, or one dose of the COVID-19 vaccine considered valid by Health Canada in a one dose vaccine series.
- C. “Unvaccinated” not being in compliance with either Definition A or B as noted above.
- D. “Employee” means any individual employed under contract by Lethbridge School Division (the “Division”).

PROCEDURES

1. All Division Employees **must declare** their vaccination status as Fully Vaccinated, Partially Vaccinated or Not Vaccinated by October 25, 2021. The declaration must be on the form provided by the Division.
 - a. Employees will be expected to provide proof of vaccination status to the Division at a future date. Proof will require Employees to provide a copy of their Alberta Health COVID-19 Immunization Record, or the QR code that verifies their COVID-19 vaccine record. This is in addition to the formal declaration of their vaccination status.
 - b. Employees must update their vaccination status with the Division if changes occur.
 - c. Subject to the exemptions set out below, all **new Employees hired** on or after October 25, 2021 will be **required to be Fully Vaccinated** prior to their first day of work and show proof thereof through the provision of an Alberta Health COVID-19 Immunization Record or a QR code that verifies their COVID-19 vaccine record.
 - d. Where applicable, equivalent proof of vaccination documents from another Canadian Province or Territory or the Canadian Armed Forces will be accepted.
2. Employees must present one of the following to Human Resources beginning November 1, 2021:
 - a. Declaration of full vaccination (note, the division will be requiring proof of vaccination at a future date); or
 - b. Acceptable proof of a negative COVID-19 test completed within the previous 72 hours of the commencement of a “workday” or “shift” of the Employee.
 - i. Proof of a negative COVID-19 test consists of a report demonstrating a negative result of a Health Canada approved rapid antigen, rapid PCR or lab-based PCR test—the report must clearly state the type of test, time of sample collection, clear indication of a negative result and laboratory or pharmacy that completed the test, if applicable. If available, employees may choose to use the rapid antigen tests provided by Alberta Health Services, per the usage and reporting process outlined by the Division.
 - ii. Employees will be reimbursed for the cost of the COVID test, up to a maximum of \$45 per test, until November 15, 2021, (unless provided a test by the Division). The time required to complete a test will be at the sole responsibility of the Employee.

- If an Employee provides proof to Human Resources that they have received the first dose of a COVID vaccine considered valid by Health Canada by November 15, 2021, the Division will continue to reimburse the Employee for the cost of COVID tests (up to a maximum of \$45 per test) until December 17, 2021. The time required to complete a test remains the sole responsibility of the Employee.
- If the Employee **does not** provide proof that they have received a first dose of a COVID vaccine considered valid by Health Canada by November 15, 2021, the Division will **no longer** reimburse the Employee for the cost of COVID tests. The time required to complete a test remains the sole responsibility of the Employee.
- iii. After December 17, 2021, the cost of the test and the time required to complete a test will be the sole responsibility of the Employee.
- iv. Testing should normally occur on Sundays and Wednesday to provide the Employee the opportunity to work Monday through Wednesday based on a negative result of the Sunday test, and Thursday and Friday based on a negative test result from the Wednesday test.
- v. If an Employee's test results come back positive, they are required to book themselves absent and request a substitute if required through the leave management system.
- vi. In the event that an Employee tests positive in response to a mandatory COVID-19 Rapid Antigen Screening test, the Employee must:
 - submit to mandatory COVID-19 PCR testing (if available) as soon as possible but no more than 48 hours following confirmation of the results of the Rapid Antigen Screening test, and as directed by the Division;
 - If COVID-19 PCR testing is not available due to government policies in place at the time, employees must follow Alberta Health Services guidelines for a positive COVID-19 result and subsequent isolation. Employees are not permitted to be present in Division facilities until cleared to return per Alberta Health Services guidelines. If an employee requires further guidance related to these guidelines, they must contact 811 or a medical professional prior to attending at any Division facilities.
 - inform the Division through Human Resources;
 - isolate until the results of the COVID-19 PCR test are confirmed; (if a PCR test is available) and,
 - provide proof of a negative COVID-19 PCR test (if a PCR test is available) prior to attending at any Division property.
 - If COVID-19 PCR testing is not available due to government policies in place at the time, employees must follow Alberta Health Services guidelines for a positive COVID-19 result and subsequent isolation. Employees are not permitted to be present in Division facilities until cleared to return per Alberta Health Services guidelines. If an employee requires further guidance related to these guidelines, they must contact 811 or a medical professional prior to attending at any Division facilities.

vii. Self-produced documentation of a negative result is not sufficient evidence.

3. Any Employee that does not comply with declaration (and proof at a later date) of full vaccination or acceptable proof of a negative COVID-19 test pursuant to Sections 2 (a) or (b) above, is considered non-compliant and the Division will review each non-compliant circumstance in its own context and circumstances, and at its discretion will determine available options including but not limited to:
 - a. Leave of Absence without pay and benefits;
 - b. Conclusion of employment.

EXEMPTIONS

4. The Division recognizes its responsibilities and duties pursuant to the *Alberta Human Rights Act*. If an Employee is unable to be vaccinated due to a protected ground as defined by the *Act*, the Division will consider requests for exemption and reasonable accommodation to the point of undue hardship.
5. Any Employee seeking a Human Rights (ie. medical or religious) exemption from compliance with this Procedure should notify Human Resources as soon as possible. Human Resources will advise any Employee inquiring on applying for an exemption the required information to do so. All Employees considering applying for an exemption should understand that this Procedure is purposely designed to provide an alternative for Employees not able or wishing to be fully vaccinated, to remain compliant with this Procedure by providing the required regular COVID-19 negative test result. As a result, it is anticipated in most cases that Employees that have a proven legitimate Human Rights exemption to vaccination will be reasonably accommodated by participating in the regular COVID-19 testing procedures outlined above in this Procedure.

NON-COMPLIANCE

6. Any failure to comply with this Procedure by an Employee, including the refusal to disclose vaccination status and/or the provision of proof of vaccination status, compliance with applicable testing requirements, or the provision of false or misleading information in any regard, may result in administrative or disciplinary action up to and including termination of employment.

SUPPORT FOR VACCINATION

7. If operationally feasible and with the permission of their immediate supervisor, Employees may be released on work time to be vaccinated on-duty without any loss of compensation or the requirement to use sick leave banks to a maximum of three (3) hours for each dose.

CONTINUED COMPLIANCE WITH ALL HEALTH AND SAFETY PRECAUTIONS

8. All Employees are expected and required to continue to comply with all applicable health and safety measures to reduce the hazard of COVID-19, including but not limited to compliance with screening protocols, wearing a mask or face covering, using provided PPE, maintaining appropriate physical distancing and self-monitoring for potential COVID-19 symptoms daily prior to attending the workplace.

PROTECTION OF PRIVACY

9. The Division will only collect, use and disclose any personal information regarding any individual subject to this Procedure in accordance with the *Freedom of Information and Protection of Privacy Act ("FOIP")*.
10. Information regarding any individual's vaccination status, including but not limited to any individual's Alberta Health COVID-19 Immunization Record has been collected pursuant to Section 33(c) of *FOIP*, will be kept confidential, stored in a secure location, and access and disclosure limited to that permissible by *FOIP*.

PREVENTION OF HARASSMENT, BULLYING OR DISCRIMINATION

11. 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. Employees experiencing harassment, bullying or discrimination are encouraged to review Policy 402.8.1.

PROCEDURE REVIEW

12. Pursuant to the current background and context set out at the beginning of this Procedure, this Procedure is considered temporary due to the evolving and dynamic nature of this public health matter, and ongoing direction, recommendations and advice from public health officials and the Alberta Education. As a result, this Procedure will be periodically reviewed and updated/amended as deemed necessary.