

## **SPECIAL BOARD**

**14 March 2022**

## **REPORT NO 22-027**

## **COVID-19 VACCINE PROTOCOL CHANGES**

**Key Contact: Richard Sinclair, Manager, Legal Services and Labour Relations, 613-596-8207**

### **PURPOSE:**

1. To recommend that the Board motions regarding mandatory COVID-19 vaccines for employees (dated 1 September 2021) and for visitors (dated 31 August 2021) be rescinded.

### **STRATEGIC LINKS:**

2. The District's response to COVID 19, and in particular the health and safety protocols implemented to protect students and staff support the District's commitment to creating a Culture of Caring and a Culture of Social Responsibility.

### **CONTEXT:**

3. On 1 September 2021, the Board passed a motion to require that employees be fully vaccinated against COVID19. In response to the motion, staff developed Procedure PR.697.HS COVID-19 Vaccination Protocol (the Procedure). The Procedure has been effective, resulting in an employee vaccine compliance rate greater than 98% of active employees with many employees who have exceeded the vaccine requirements and received a third and, in some cases, even a fourth vaccine.

On 31 August 2021, the Board passed a motion to require that visitors be fully vaccinated against COVID 19. This motion has also been implemented as part of the above-noted procedure, and while effective, has been more complex to both administer and enforce.

The Chief Medical Officer of Health for Ontario has recently announced changes to COVID 19 prevention strategies as part of a transition plan under *the Reopening Ontario (A Flexible Response to COVID-19) Act* which includes eliminating mandatory vaccine attestation for school district employees and removes required testing for unvaccinated employees. This change in direction is significant in the context of the Procedure. As such, it is recommended that the motions be rescinded.

4. Rules For Rescinding Motions

The Board by-laws provide the following with respect to rescinding motions - “a motion to rescind something previously adopted may be made only with due notice in writing, which should set out new information or reasons in support of the motion. Such a motion enables repeal of a previously approved substantive motion if it has outworn its usefulness or is demonstrated not to achieve its intended purpose”. Such a motion requires a simple majority.

## KEY CONSIDERATIONS:

5. The Board motions for both employee and regular visitor vaccines are attached as Appendices A and B.

Implementation of these motions took the form of procedures. PR.697.HS - COVID-19 Vaccine Protocol, (the “Protocol”) requiring all staff and third parties or regular visitors in regular contact with students or staff be fully vaccinated against COVID-19 unless they were unable to do so due to a ground protected by the *Ontario Human Rights Code*.

6. Employee Vaccine Requirements and Compliance

The District went further than the instructions issued by the Office of the Chief Medical Officer of Health in September 2021, which directed school boards to establish vaccine disclosure policies requiring employees to provide proof of full vaccination or written proof of a medical exemption, and that unvaccinated employees regularly submit proof of negative Rapid Antigen Test results. As far as staff is aware, the OCDSB is one of only two public school boards in the province who adopted and implemented a mandatory vaccine policy, the other being the Toronto District School Board.

The OCDSB has had excellent compliance with the employee vaccine mandate. The compliance rate for active employees was greater than 98% and there are many employees who have not only met the requirement to be fully vaccinated, but who have also received a third and in some cases even a fourth vaccine. There have also been approximately 50 employees who were approved for a Code based exemption and therefore subject to regular testing in accordance with the requirements of the procedure.

In accordance with the Protocol the District has placed some unvaccinated staff (i.e., staff who refused to disclose their vaccine status or disclosed that they were not vaccinated) on administrative leave without pay. At this time, there are 66 regular employees on leave without pay, and 80 casual employees, including Occasional Teachers, who have been prohibited from accepting in person casual assignments, on the basis that they are not fully vaccinated and have not been approved for an exemption based on protected grounds.

The District currently has grievances from the bargaining units of both the Elementary Teachers' Federation of Ontario (ETFO) and Ontario Secondary School Teachers' Federation (OSSTF) challenging the procedure.

7. Mandatory Visitor Vaccines

The mandatory vaccine requirements for regular visitors applied to:

- Individuals on work placements as part of an educational program (e.g., teacher candidate practicums, child and youth worker placements, behavioural therapist work placements);
- Volunteers;
- Professionals providing services to students at school;
- Third party contractors; and
- Other frequent visitors.

Effective 1 November 2021, only those individuals who had attested to being fully vaccinated, or those with an approved documented medical or similar human rights ground, were permitted to attend at OCDSB schools or workplaces.

This Protocol was more challenging to administer as we generally had to work through third parties with a range of competing administrative practices and employee requirements. In the absence of the provincial directives, this procedure would be extremely challenging if not impossible to administer.

8. Changing Conditions

The incidence of COVID-19 in the City of Ottawa appears to be declining following the winter surge of Omicron; the guidance from public health officials in the province has been rapidly changing. On February 17, 2022, the Chief Medical Officer of Health stated: "the need for vaccination policies across Ontario sectors, whether it's health, or in colleges and universities, is no longer necessary,"

As of March 1, 2022, the vaccine passport system that was in place for certain locations, such as restaurants, gyms and other public places in Ontario, is no longer mandatory. Beginning on April 4, 2022, the Ontario Public Service will no longer be required to provide proof of vaccination or engage in frequent Rapid Antigen Testing to attend at the workplace. Effective March 14, 2022, the order which implemented vaccine disclosure and rapid antigen testing requirements for education workers who are not fully vaccinated will be revoked.

In light of recent changes, it is the opinion of staff that this may be an appropriate time to revisit the necessity of continuing the mandatory requirement for vaccines. Ending or suspending the mandatory vaccine requirement would result in approximately 146 additional unvaccinated employees (or approximately 1% of the total workforce) returning to their respective workplaces, assuming all of the casual employees begin accepting assignments.

## **RESOURCE IMPLICATIONS:**

9. The costs associated with the implementation of the mandatory vaccine protocol have been tied to staff time. From a liability perspective, there is some financial risk associated with the outstanding grievances.

## **COMMUNICATION/CONSULTATION ISSUES:**

10. This issue has been discussed in recent meetings with both the federations and with the Board of Trustees.

## **RECOMMENDATION:**

- A. That the Board motion adopted on 1 September 2021, and attached as Appendix A to Report 22-027, requiring that employees be fully vaccinated against COVID-19 be rescinded.
- B. That the Board motion adopted on 31 August 2021, and attached as Appendix B to Report 22-027, regarding mandatory COVID-19 vaccines for visitors be rescinded.

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Camille Williams-Taylor  
Director of Education and  
Secretary of the Board

Appendix A-Motion Excerpt from Extraordinary Board 1 September 2021  
Appendix B-Motion Excerpt from Special Board 31 August 2021