

| POLICY AND PROCEDURE MANUAL |                                    |           |                     |
|-----------------------------|------------------------------------|-----------|---------------------|
| Chapter:                    | Human Resources                    | SPP No.   | <b>HR 6.13.OKIB</b> |
| Section:                    | Health and Safety                  | Drafted:  | Sept. 2021          |
| Subject:                    | <b>MANDATORY COVID VACCINATION</b> | Approved: | Sept. 27, 2021      |
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## 1 PURPOSE

- 1.01 The purposes of this policy is to further protect Employee workplace health and safety by making it mandatory for all Employees to be Fully Vaccinated against COVID-19. A beneficial side-effect is to protect vulnerable OIKB members (e.g. the young and elderly) from contracting COVID-19.

## 2 POLICY

- 2.01 OKIB is committed to protecting the health and safety of every Employee, including protection from COVID-19.
- 2.02 No Employee shall attend work if they suspect that they may be experiencing COVID-19 symptoms.
- 2.03 Every Employee must, by noon of October 15, 2021:
- be Partially Vaccinated; or
  - provide a Medical Exemption Letter to their immediate supervisor (or Designate) or to their Division Director (or Designate).
- 2.04 Employees who, by noon of October 15, 2021:
- are not Partially Vaccinated; or
  - do not provide a Medical Exemption Letter to their immediate supervisor (or Designate) or to their Division Director (or Designate),
- shall be placed on unpaid leave for a period of 90 days.
- 2.05 Every Employee, except those who have provided their immediate supervisor (or Designate) or their Division Director (or Designate) with a Medical Exemption Letter, must be Fully Vaccinated by noon of November 30, 2021.
- 2.06 Employees who are not Fully Vaccinated by noon of November 30, 2021 shall be placed on unpaid leave for a period of 90 days.
- 2.07 Employees who were on leave before this policy was approved must provide proof of being Fully Vaccinated or a Medical Exemption Letter to the Director of Human Resources prior to returning to work and failure to do so shall result in the Employee being placed on unpaid leave for a period of 90 days.
- 2.08 Exempted Employees:
- are not be required to be Partially Vaccinated or Fully Vaccinated; and

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b. must adhere to any accommodation procedures that their Division Director, in consultation with OKIB health officials, shall require.

2.09 No new individual shall be offered a contract of employment unless they have provided proof that they are Fully Vaccinated against COVID-19 or that they have provided a Medical Exemption Letter.

2.10 OKIB shall only accept a BC Vaccine Card as proof of vaccination against COVID-19.

2.11 Failure to provide proof of vaccination against COVID-19 is deemed to be an admission that the Employee is not vaccinated.

2.12 Failure to provide a Medical Exemption Letter on or before noon of October 15, 2021 will be an admission that the Employee does not have a medical condition that prevents the Employee from being vaccinated.

### **3 SCOPE**

3.01 This policy applies to all Employees.

### **4 RESPONSIBILITY**

4.01 OKIB is responsible for providing a safe and healthy workplace pursuant to the Canada Labour Code and may take reasonable preventative measures to protect Employees in their workplace.

#### *Director of Human Resources*

4.02 As soon as practicable after this policy is approved by Chief and Council, the Director Human Resources must provide a copy of this policy to all Division Directors and then review it with them and answer any questions the Division Directors may have.

4.03 The Director of Human Resources will also prepare a Form Letter that states that the Employee acknowledges that they understand the Mandatory Vaccination Policy.

4.04 The Director of Human Resources shall instruct each Division Director that after they have reviewed this policy with Employees in their department and answered all questions, the Division Directors must provide each Employee in that Division Director's department with a copy of the Form Letter and then:

- a. ask each Employee to sign the Form Letter; and
- b. forward all Form Letters to the Director of Human Resources.

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4.05 The Director of Human Resources shall review all personnel files of Employees who have been placed on unpaid leave under sections 2.04, 2.06, 2.07 or 7.10 and the Executive Director may decide whether to extend the period of unpaid leave for an additional 90 days.

4.06 The Director of Human Resources shall review the personnel files of Employees who have had their period of unpaid leave extended under section 4.05 and decide whether to extend the term for a final six-month term.

#### *Division Directors*

4.07 All Division Directors must, upon receiving a copy of this policy:

- a. convene a meeting with all Employees in the Division Director's department, review the policy and answer any questions that Employees may have;
- b. provide a copy of the Form Letter to the Employee for their signing; and
- c. ensure that this policy is posted in conspicuous location in the workplace.

4.08 If the Employee refuses to sign the Form Letter, the Division Director must advise the Director of Human Resources.

4.09 In the case of an Exempted Employee, the Division Director shall on a case-by-case basis, in consultation with OKIB health officials, determine whether accommodation procedures can be implemented such that the spread of COVID-19 is mitigated to an acceptable level.

#### *Employees*

4.10 Employees must be Partially Vaccinated on or before noon of October 15, 2021 and must be Fully Vaccinated on or before noon of November 30, 2021, or if the Employee has a medical condition that will not allow them to be vaccinated against COVID-19, the Employee must obtain a Medical Exemption Letter and provide it to their immediate supervisor (or Designate) or their Division Director (or Designate) on or before noon of October 15, 2021.

4.11 Employees who were on leave at the time this policy was approved must provide proof of being Fully Vaccinated or a Medical Exemption Letter to the Director of Human Resources on or before noon of the day prior to the Employee returning to work.

## **5 DEFINITIONS**

*"Accommodation Measures"* includes, but is not limited to, permitting the Exempted Employee to work from home, altering a workspace by installing plexiglass shielding, installing signage warning that any person entering the workspace must

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wear a mask at all times, and requiring Exempted Employees to wear masks at all times when in the workplace;

- Employee*” means an individual hired under a contract of employment with the OKIB;
- “Exempted Employee”* means an Employee who has provided a Medical Exemption Letter;
- “Form Letter* means the form letter described in 4.03;
- “Fully Vaccinated”* means having two doses of a government approved COVID-19 vaccine;
- “OKIB”* means the Okanagan Indian Band;
- “Medical Exemption Letter”* means a letter that is signed by an Employee’s doctor stating the medical reason that the Employee cannot be vaccinated against COVID-19;
- “Partially Vaccinated”* means having one dose of a government approved COVID-19 vaccine.

**6 REFERENCE and RELATED STATEMENTS of POLICY and PROCEDURE**

- H.R. 2.01.OKIB – Employment Principles
- H.R. 2.03 OKIB – Recruitment and Selection
- H.R. 2.04 OKIB – Conditions of Employment
- H.R. 6.01 OKIB – Health and Safety Principles
- Canada Labour Code
- Canada Human Rights Act

**7 PROCEDURE**

*Explanation and Form letter*

- 7.01 As soon as practicable after meeting with the Director of Human Resources, Division Directors will meet with and explain this policy to all Employees who work in the Division Director’s department. After explaining and answering any questions about this policy, the Division Director will provide a copy of the Form Letter to each Employee and ask them to sign it.
- 7.02 The Division Director shall copy each signed Form Letter and provide a copy to the Employee and forward the original copy to the Director of Human Resources.

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- 7.03 If an Employee refuses to sign the Form Letter, the Division Director must advise the Director of Human Resources as soon as practicable.
- 7.04 Upon being advised by a Division Director that an Employee refused to read or acknowledge the Form Letter the Director of Human Resources shall meet with the Employee as soon as practicable, and explain the Mandatory COVID Vaccination policy to the Employee and ask if the Employee has any questions. If so, the Director of Human Resources will answer the questions. If the Employee signs the Form Letter then no other action is required. If the Employee still refuses to sign the Form Letter, the Director of Human Resources shall record that the Employee admitted that they understood the policy and place the record in the Employee's personnel file.

*Proof of being Partial Vaccinated or Exempted*

- 7.05 On or before noon of October 15, 2021 every Employee shall:
- a. provide a screen shot, or photograph of their BC Vaccine Card to their immediate supervisor (or Designate) or to their Division Director (or Designate) in person or by email, or
  - b. if the Employee has a medical condition that won't allow them to be vaccinated against COVID-19, provide a Medical Exemption Letter to their immediate supervisor (or Designate) or to their Division Director (or Designate).
- 7.06 Each immediate supervisor (or Designate) or Division Director (or Designate), as the case may be, must ensure that the BC Vaccine Card has been issued to the Employee. If so, no further action is needed. If the name on the BC Vaccine Card does not match the Employee's name, the Employee shall be so advised and given opportunity to produce the correct BC Vaccine Card. If the Employee cannot produce the correct BC Vaccine Card, on or before noon of October 15, 2021, the Employee shall be told that their contract of employment is terminated.
- 7.07 Immediate supervisors (or Designate) or Division Directors (or Designate) as the case may be must forward a Medical Exemption Letter to the Director of Human Resources as soon as practicable after receiving it.

*Proof of being Fully Vaccinated*

- 7.08 On or before noon of November 30, 2021 every Employee shall provide a screen shot, or photograph of their BC Vaccine Card to their immediate supervisor (or Designate) or to their Division Director (or Designate) in person or by email.

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7.09 Immediate supervisors (or Designate) or Division Directors (or Designate) as the case may be must ensure that the BC Vaccine Card has been issued to the Employee. If so, no further action is needed. If the name on the BC Vaccine Card does not match the Employee's name, the Employee shall be so advised and given opportunity to produce the correct BC Vaccine Card. If the Employee cannot produce the correct BC Vaccine Card, on or before noon of November 30, 2021, the Employee shall be told that their contract of employment is terminated.

*Exempted Employee Accommodation Measures*

7.10 Immediate supervisors (or Designate) or Division Directors (or Designate) as the case may be must, as soon as practicable, meet with OKIB health officials, to determine whether Accommodation Measures can be implemented such that the Exempted Employee and others are safe from COVID-19 transmission. If Accommodation Measures cannot be implemented, best efforts must be made to find another position for the Exempted Employee and if this is not possible, the Exempted Employee shall be placed on unpaid leave for a period of 90 days.

**8 ATTACHMENTS**

8.01 None

**9 REPEALS**

9.01 n/a