



The Corporation of the Town of Tecumseh

Chief Administrative Officer - People & Culture

To: Mayor and Members of Council

From: Michelle Drouillard, Director People and Culture

Date to Council: September 12, 2023

Report Number: CAO-PC-2023-05

Subject: COVID-19 Vaccination Policy Suspension

Recommendations

It is recommended:

That Report CAO-PC-2023-05 entitled “COVID-19 Vaccination Policy Suspension” **be received;**

And that the recommendation to suspend the “COVID-19 Vaccination Policy” dated September 8, 2021 **be approved.**

Background

The current COVID-19 Vaccination Policy was approved by Council on September 8, 2021. The policy remains in effect as originally approved and has not been revised since 2021. The following updates and revisions to provincial mandates, medical guidance, municipal policy, and case law have occurred since September 2021.

Provincial Mandates

In March 2022, the Province of Ontario removed all mandates regarding COVID-19 including the requirements of employers to develop a safety plan, employees to wear a mask/face covering and/or conduct passive screening of employees/customers. Current guidance recommends staying up to date on COVID-10 vaccines and flu shots

but does not require or recommend employers develop a vaccination policy for COVID-19 vaccination.

Windsor-Essex County Health Unit (WECHU)

The WECHU Health Unit in collaboration with the provincial guidance has the following language posted on their website:

As of March 2022, businesses and workplaces in Ontario are no longer required to prepare a COVID-19 safety plan, require employees or customers to wear a mask/face covering, or conduct passive screening of employees/customers.

Businesses and organizations may choose to require proof of vaccination upon entry but must do so in accordance with all applicable laws and may benefit from independent legal advice before proceeding.

World Health Organization (WHO)

The World Health Organization (WHO) declared an end to “COVID-19 as a Global Health Emergency” on May 5, 2023.

Municipal Policy

Tecumseh is the only remaining Municipality within the County of Essex (including the County) to currently have an active COVID-19 Vaccination Policy.

Municipality/County	Rescinded Time Frame
County of Essex	July 2022 (paused except EMS) May 2023 (fully rescinded)
City of Windsor	November 2022
Municipality of Lakeshore	May 2022
Town of Kingsville	March 2022
Town of Essex	March 2022
Town of Lasalle	March 2022
Municipality of Leamington	January 2023
Town of Amherstburg	March 2023

Human Resources Case Law

Initially in the pandemic, Arbitrators were upholding the reasonableness of mandatory vaccination policies within workplaces due to the severity of the public health emergency and preliminary scientific evidence. However more recent awards have noted that the mandatory two doses' policies are either no longer reasonable and/or the enforcement mechanisms contained within are unreasonable.

Locally, Fiat Chrysler Automobiles (FCA) Canada vaccination policy was struck down in June 2022 by an Arbitrator and found to be unreasonable. As a result, the mandatory policy ended, and the employees placed on unpaid leave (over 300) were permitted to return to the workplace. Below is a snippet from the decision.

On June 17, 2022, Arbitrator Nairn held in FCA Canada Inc. v Unifor, Locals 195, 444, 1285 that a two-dose mandatory vaccination policy (Policy) implemented by an employer was no longer reasonable going forward due to the evolving scientific evidence regarding the COVID-19 virus

It is also noteworthy that the City of Windsor did not wait for the Arbitrators' award to settle their dispute with labor partners after the FCA Canada decision and lifted its COVID-19 mandate in November 2022.

Comments

Taking into consideration the current status of provincial mandates, medical guidance, municipal policy, and human resources case law it is the recommendation of People & Culture that Council approve suspending the COVID-19 Vaccination policy dated September 2021.

Consultations

Chief Administrative Officer

Financial Implications

n/a

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input checked="" type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Michelle Drouillard, BA Hons., CHRL
Director People & Culture

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None