



Niagara Catholic District School Board

COVID 19 VACCINATION DISCLOSURE AOP

ADMINISTRATIVE OPERATIONAL PROCEDURES

100 – Board

No. 100.16

Adopted Date: September 10, 2021

Latest Reviewed/Revised Date:

PURPOSE

The Board has established Administrative Operational Procedures (AOP) for the disclosure of COVID-19 vaccinations considering its obligations under the *Education Act*, the *Occupational Health and Safety Act* (“OHSA”), the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, the *Health Protection and Promotion Act* (“HPPA”), the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”), and relevant human rights legislation including the *Human Rights Code*.

The Administrative Operational Procedures apply to all school board employees, trustees, frequent school visitors and other professionals, including third-party providers, delivery services, volunteers, permit holders, contractors, customers, and other members of organizations, who enter any Niagara Catholic District School Board (“Board”) facility. Among other things, the objectives of this AOP are:

- To protect all persons who enter Board premises and, in particular, those who are ineligible to be vaccinated at this time, and vulnerable populations who are at highest risk of developing complications from COVID-19;
- To keep children and youth in school to the fullest extent possible, which is critical to learning, development and wellbeing;
- To enhance the protection of other community members by reducing the risk of disease transmission during an outbreak;
- To confirm that understanding vaccine status is key to helping keep school settings safe;
- To ensure that all school premises and offices under the Board’s jurisdiction remain as safe as possible in the context of the ongoing COVID-19 pandemic.

DEFINITION OF A FULLY IMMUNIZED INDIVIDUAL

For the purposes of case/contact/outbreak management, an individual is defined as fully immunized 14 days after receiving their second dose of a two-dose COVID vaccine series, or a single dose of a one-dose COVID vaccine, as approved by the World Health Organization or Health Canada.

SCOPE AND RESPONSIBILITY

The Director of Education holds primary responsibility for the implementation of this AOP.

The Superintendent of Education-Human Resource Services is responsible for the day-to-day management and coordination of the AOP.

It is the responsibility of all persons to whom this AOP applies to provide a vaccination attestation, attesting to being fully vaccinated against COVID-19 with documented proof.

Any person to whom this AOP applies, who is not fully vaccinated against COVID-19 or has not provided the Board with a negative rapid COVID-19 antigen test as directed by the Ontario Ministry of Health, will not be permitted to enter any Niagara Catholic school or any Board facility.

REGULATIONS

All persons to whom this AOP applies must be in compliance by a date to be determined by the Ontario Ministry of Education (the “Ministry”).

A Niagara Catholic employee who does not comply with the AOP may be subject to disciplinary action, up to and including termination from their employment.

1. Proof of Vaccination or Other Evidence

- 1.1 All persons to whom this AOP applies are required to provide the following, where applicable, to the Board by a date specified by the Ministry:
 - i. The completion of the Board Vaccination Attestation, attesting to being fully vaccinated against COVID-19.
 - ii. If the individual has received the total required number of doses of a COVID-19 vaccine approved by the World Health Organization, proof of having received all required doses, or
 - iii. Written proof of medical reason, provided by either a physician or a nurse practitioner that sets out:
 - a) A documented medical reason for not being fully vaccinated against COVID-19; and
 - b) The effective time period for the medical reason; or
 - iv. Proof that the individual has completed an educational program approved by the Ministry that addresses, at a minimum, all of the following:
 - a) How COVID-19 vaccines work;
 - b) Vaccine safety related to the development of COVID-19 vaccines;
 - c) The benefits of vaccination against COVID-19;
 - d) Risks of not being vaccinated against COVID-19; and
 - e) Possible side effects of COVID-19 vaccination.
- 1.2 An individual who, in lieu of the proof of vaccination has provided proof of a medical reason, pursuant to subsection 1.1(iii) or of the completion of an educational program pursuant to subsection 1.1(iv) must undergo rapid COVID-19 antigen testing, as directed by the Ontario Ministry of Health and provide proof of a negative result to gain access to Board premises.
- 1.3 If the effective time period of a medical reason provided pursuant to subsection 1.1(iii) (b) has expired, the individual must, within 30 days of the medical reason expiring, provide proof of vaccination in accordance with subsection 1.1(ii) or proof that the individual completed an educational program in accordance with subsection 1.1(iv).
- 1.4 The Board will only collect, use and disclose information regarding an individual’s vaccination status in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*

(“*MFIPPA*”) and all applicable privacy laws. The proof of vaccination or other evidence collected pursuant to subsection 2.1 will be kept confidential and secure.

2. Exemptions

- 2.1 The Board recognizes its responsibilities and duties under provincial human rights legislation, such as the *Human Rights Code* (the “Code”). If an individual is unable to be vaccinated, due to a protected ground as defined by the Code, the Board has a duty to accommodate to a point of undue hardship.

However, this duty to accommodate must be balanced against the Board’s obligations to protect the health and safety of staff and students. Due to the serious health threat COVID-19 presents to the public, if an individual will not be vaccinated because of a protected ground under the Code, they must request an accommodation or exemption, which falls under one of the following two categories: (i) Medical Condition; or (ii) Religious/Creed.

i. *Medical Condition Exemption*

An individual who is requesting an exemption on the basis of a medical condition must provide the Board with a letter from a physician or nurse practitioner, clearly stating the reason why the individual should be exempted from receiving the vaccine. This letter must be provided to the Board by a date specified by the Ministry.

ii. *Religious/Creed Exemption*

An individual may apply for an exemption, due to religious belief or creed. The Board reserves the right to ask for materials in support of the individual’s religious belief or creed, including a letter of support from a religious leader or community.

2.2 *Accommodation Process*

The accommodation process is a shared responsibility. All parties should co-operatively engage in the process, share information, and consider potential accommodation solutions. Employees who are requesting an accommodation are required to:

- a. Make the accommodation needs known to the best of their ability, preferably in writing, in a timely manner;
- b. Answer reasonable questions or provide information about relevant restrictions or limitations, including information from health care professionals;
- c. Take part in discussions about possible accommodations solutions;
- d. Co-operate with any experts whose assistance is required to manage the accommodation process;
- e. Meet agreed-upon performance standards and requirements, once accommodation is provided; and
- f. Work with Board and/or school administration on an ongoing basis to manage the accommodation process.

Depending on workplace circumstances and learning and teaching considerations, possible accommodations may include, but are not limited to, masking, physical distancing, rapid antigen testing, remote learning arrangements, work-from-home arrangements, job-protected leave of absence and/or restricted duties and responsibilities.

References

- **Instructions issued by the Office of the Chief Medical Officer of Health under subsection 2(2.1) of Schedule and Schedule 4 of Ontario Regulation 364/20 Rules for Areas at Step 3 under *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020***
- ***Education Act, R.S.O. 1990, c. E.2***
- ***Occupational Health and Safety Act, R.S.O. 1990, c. O.1***

- *Health Protection and Promotion Act, R.S.O. 1990, c. H. 7*
- *Human Rights Code R.S.O. 1990, c. H. 19*
- *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M. 56*

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