**Introduction**

The information in this document is provided solely for the user's information and is provided strictly on an "as is" basis and without any warranty of any kind. Legal advice should be sought prior to implementation. The CODC, its members, affiliates, employees or agents will not be liable for any damages, direct or indirect, or lost profits arising out of the use of information provided in this document or for the information provided at any of the resource sites listed in this document. Organizations are strongly encouraged to seek their own legal advice regarding the development of their own policies.

This document is designed to assist an employer in developing their own policy. In order to tailor this document to your organization’s needs, the following decisions will need to be made:

1. Is this a required proof of vaccination policy, a voluntary one with the option for negative tests, or a policy response to third party policies or requirements?
2. Do you have any employees who are working from home on an on-going basis and not reporting to either the office and/or a jobsite?
3. When will this be implemented?
4. Who will be key people/positions accountable for collecting and maintaining the data collected as a result of this policy?
5. If testing will be a component of the policy, who will be responsible for the costs of the tests and what type of test results will be accepted?
6. How long will the negative test results be considered valid? In other words, how often will the worker be required to test? Some employers require 7 days, others are 3 days, etc.
7. What arrangements can/will your organization make to find testing providers for the workers?
8. It is advised that your company Privacy Policy and processes be updated to include the handling of the personal and private vaccination records of your employees.
9. If you are required to share information with third parties, it is recommended that you confirm that they are also handling the information through proper privacy protocols as well.

**Using the Template:**

To assist you in developing the policy, we have colour coded various sections that will require your attention.

* Fields highlighted yellow need to be updated to your company information.
* Sections highlighted green represent an option a) to make proof of vaccination a condition of being at work.
* Sections highlighted in blue represent option b) to make Rapid COVID Testing a requirement failing an employee’s willingness to provide proof of vaccination.
* Sections highlighted in red represent option c) to make proof of vaccination a requirement for attending third-party worksites that have implemented such policies.
* Note: Option a) (green) is more direct but more susceptible to a challenge through a potential grievance or other legal complaint process. Option b) (blue) is less direct and sustainable from a grievance/litigation exposure standpoint, but raises potential costs, potentially borne by the Company, respecting ongoing Rapid COVID Testing Costs. Option c) (red) provides the least risk exposure to the employer as it is simply carrying out the rules or policies set forth by third-parties and only applies to those going on those specific sites.

Each Company will need to consult their own legal resources to determine whether to use this framework at all and if so what options to adopt.

**Implementing the policy:**

In rolling out the new policy, giving fair and reasonable notice to the workforce is an important aspect of implementing such a policy and it is for this reason that the implementation date structure is future dated.

This Policy has been put together through the CODC Construction Opportunities Development Council Inc., a collaboration between Saskatchewan’s Building Trades employers and unions. It enjoys the support of the unions. Nevertheless, it is strongly advised that you connect with your signatory union(s) to advise of your intention to adopt this policy, before sharing it broadly with your workforce.

# COMPANY COVID-19 Proof of Vaccination Policy

## **Purpose**

We are committed to preserving the health and safety of our workplace, our colleagues, and the communities in which we work and live. As the Company continues to navigate unprecedented challenges from the COVID-19 pandemic, we want to assure employees, clients and the public of our continued commitment to maintaining a safe and healthy workplace. As a result, we adopt measures, including the following, to protect our employees, their families, and the public from contracting, spreading, or suffering harm from COVID-19.

For a person infected with COVID-19, the period before symptoms develop can be from one to ten days. There is evidence that COVID-19 may spread before people realize they have symptoms. For more information, please see: [About COVID-19 | COVID-19 | Government of Saskatchewan](https://www.saskatchewan.ca/government/health-care-administration-and-provider-resources/treatment-procedures-and-guidelines/emerging-public-health-issues/2019-novel-coronavirus/about-covid-19).

Health authorities have advised that COVID-19 vaccines effectively prevent individuals from contracting COVID-19, reduce the severity of illness, and reduce the chance of transmitting the virus to others. Consistent with guidelines in our Company's jurisdictions and as an integral part of our public health and safety measures, the Company encourages all employees who can safely do so to get vaccinated against COVID-19.

Now that COVID-19 vaccines have been approved by governing health authorities and are readily available to the general public, the Company is implementing a vaccination policy to **[a) require / b) encourage / c) encourage]** our employees to get fully vaccinated against COVID-19 by Effective Date. (Note: Fully vaccinated means two weeks following the second dose.)

This policy is a crucial part of our overall strategy and commitment to maintaining a safe and healthy workplace considering the COVID-19 pandemic. This policy is designed for use together with the Company's other COVID-19 preventative measures. Employees must still adhere to the Company's site-specific COVID-19 health and safety protocols unless otherwise stated. This includes answering pre-site entry screening questions, undergoing a pre-entry temperature test, maintaining physical distancing of two meters (or six feet), wearing masks in required areas, frequent hand washing, and all other site-specific COVID-19 protocols.

This policy is to avail all employees, clients and the public of the effective protection that vaccinations afford, provide guidance and a defined process for collecting vaccination information, and provide Rapid COVID Test screening measures where vaccinations are not available. The preceding further supports the health and safety of our employees and the public around which we work.

## **POLICY**

# The Saskatchewan Health Authority, public health officials and WorkSafe Saskatchewan are among the expert organizations that inform this policy. The policy's requirements are subject to change as the circumstances of the COVID-19 pandemic change. As required, the Company will publish updates to the policy as soon as reasonably possible.

# This policy applies to all employees.

# This policy applies to all employees including those who must be available to access:

* + Public-facing worksites,
  + Worksites in rural and remote communities,
  + Worksites in areas that serve vulnerable members of the public,
  + Worksites that have site owner-imposed proof of Covid-vaccination requirements
  + For jobs or task assignments requiring employee exposure to congregate living or camp environments, or
  + Multiple worksites.

# This policy applies to all employees working for the Company who must be available to access:

* + Public-facing worksites,
  + Worksites in rural and remote communities,
  + Worksites in areas that serve vulnerable members of the public,
  + Worksites that have site owner-imposed proof of Covid vaccination requirements
  + For jobs or task assignments requiring employee exposure to congregate living or camp environments, or
  + Multiple worksites.

The Company **[a) requires / b) encourages / c) encourages]** its employees for which it is medically safe to get vaccinated. [**b) This is a voluntary policy, and the decision to get vaccinated is up to each employee. In other words, receiving a COVID- 19 vaccination is not a requirement to work for or at the Company.] c) This policy is a voluntary policy, however, an individuals’ status and available work may be affected by third-party site policies.**

Employees should consult with a medical practitioner to determine if the vaccine is the appropriate choice for them. Employees with a human right protected reason for not being vaccinated must raise the reason with HR by Declaration date, so HR may review the reason and craft an appropriate accommodation if the human right protected concern is verified.

The Company **[a) requires / b) encourages/ c) encourages]** employees to sign up to be vaccinated and recommends proactively tracking local health authority vaccine updates [COVID-19 | Emerging Public Health Issues | Government of Saskatchewan](https://www.saskatchewan.ca/government/health-care-administration-and-provider-resources/treatment-procedures-and-guidelines/emerging-public-health-issues/2019-novel-coronavirus).

# Following Effective Date, Employees [a) with a confirmed and accommodated human right protected reason for not being vaccinated] without proof of vaccination must submit to Rapid COVID Testing as a condition of continued employment and access to worksites, following the Rapid COVID Testing procedure outlined below. [b) Unless a human right-based accommodation is in place from HR, such Rapid COVID Testing shall be on the employees' time and the tests shall be at the employees' expense]. [a) Following Effective Date, employees without a human right-based accommodation in place from HR shall be on unpaid leave until such time as they provide proof of vaccination.]

# c) Following Effective Date, Employees without proof of vaccination must submit to Rapid COVID Testing as a condition of accessing client worksites if their policies allow for it, following the Rapid COVID Testing procedure outlined below. Unless a human right-based accommodation is in place from HR, such Rapid COVID Testing shall be on the employees' time and the tests shall be at the employees' expense].

# Any personal information, including any medical or health information collected under this policy, will be treated as confidential, except as required to fulfill the purpose of this policy. Employee personal information will be collected, used, and disclosed according to our Privacy Policy and applicable privacy legislation, which is available through your supervisor or by contacting the Privacy Officer.

## **TIME OFF CONSIDERATIONS FOR VACCINE APPOINTMENTS**

Employees are encouraged to schedule vaccinations during personal time. However, if an employee cannot do so, the employee may coordinate with their supervisor to request paid time off of up to three hours for their first dose of a vaccine. To balance time-off with business needs, employees need to obtain direct leader pre-approval to take paid time off for a vaccination appointment.

## **PRIVACY AND VACCINATION RECORD DISCLOSURE**

After an employee receives the COVID-19 vaccine or has already received the COVID-19 vaccine, the Company requests that the employee provides proof of vaccination that is satisfactory to the Company to Disability Management/Designated Position.

In addition to individual verifications, the proof of vaccination will be used to produce high-level statistics for the Company to track the percentage of individuals vaccinated and determine when the Company's workforce has reached group immunity. The vaccination statistics will not include any details specific to an employee (i.e., name, position, employee number). By providing proof of vaccination to the Company, the employee consents to the Company's use of the information for its vaccination statistics.

The Company will keep the proof of vaccination provided by its employees confidential. The Disability Management/Designated Position will carefully manage access to this information in the confidential records system. Please ask Disability Management/Designated Position or HR if you need assistance providing a vaccination record.

**[b) Providing proof of vaccination is strongly encouraged, but it is voluntary, and the Company prohibits any retaliation against any employee who does not provide proof of vaccination.]**

**[b) Exempting employees who have provided proof of vaccination from Rapid COVID Testing is not retaliation against those not wanting to provide proof of vaccination.**

**Where clients or sites bar Company employees without proof of vaccination from accessing their site, employees may lose hours of work as a result. Such loss of hours of work due to third-party requirements is not retaliation for the purpose of administering this policy.]**

**[b) Providing proof of vaccination is strongly encouraged, but it is voluntary, and the Company prohibits any retaliation against any employee who does not provide proof of vaccination.]**

**[b) Exempting employees who have provided proof of vaccination from Rapid COVID Testing is not retaliation against those not wanting to provide proof of vaccination.**

**Where clients or third-party sites bar Company employees without proof of vaccination from accessing their site, employees may lose hours of work as a result. Such loss of hours of work due to third-party requirements is not retaliation for the purpose of administering this policy.]**

## **TABLE OF DEADLINES**

## [Note: These are absolute deadlines, and due to scheduling variability, it is advisable to complete each stage well in advance of the deadline]

|  |  |
| --- | --- |
| **Description** | **Deadline** |
| Raise Human Rights Protected Barriers to Vaccination or COVID Testing | Declaration date |
| First Dose | Effective Date less 6 weeks |
| Second Dose | Effective Date less 14 days |
| Fully Vaccinated or Rapid COVID Testing **[a) for those with a Human Rights Protected barrier to vaccination]** | Effective Date |

## **RAPID COVID TESTING**

Employees will submit to a Rapid COVID Test after the effective date and regularly after that. Tests are valid for number (#) days, at which time an employee must submit to a subsequent test before their number (#) shift and before accessing the worksite.

Employees must wait for their Rapid COVID Test results in a designated space, wearing appropriate PPE, including masks and observing social distancing measures at the testing location. Test results will generally be available within 15-20 minutes.

Employees must not commence work until their Rapid COVID Test results are confirmed.

Rapid COVID Test results must be reported to the Company immediately when available.

If the Rapid COVID Test results are positive, the employee must remain in isolation, in accordance with isolation guidelines.

If the Rapid Test results are negative, the employee may proceed to work their shift as usual.

Requests for exceptions to this Policy on the basis of disability or any other ground protected by human rights legislation must be submitted to Human Resources by Declaration date, and will be considered on a case-by-case basis.

## **POLICY ADMINISTRATION AND QUESTIONS**

Disability Management/Designated Position and Human Resources are responsible for administering and enforcing this policy. Employees with questions about this policy or health and safety issues that are not addressed in this policy are to contact Disability Management/Designated Position.

## **POLICY MODIFICATION**

Government and public health guidelines, restrictions, and business and industry best practices regarding COVID-19 and COVID-19 vaccines are rapidly changing as new information becomes available and further research is conducted. The Company reserves the right to modify this policy at any time in its sole discretion to adapt to changing circumstances and business needs, consistent with its commitment to maintaining a safe and healthy workplace.

## **COVID-19 PROTOCOL REVIEW**

At this time, current evidence and recommendations from health authorities are to continue to require COVID-19 protocols to be in place both in public and at work; answering pre-site screening questions, undergoing a pre-entry temperature test, maintaining physical distancing of two meters (or six feet), wearing masks in required areas, frequently washing hands, and all other site-specific COVID-19 protocols. We will continue to monitor health authority recommendations and adjust policies/protocols accordingly.

We will continue to follow jurisdictional requirements and recommendations made by health authorities. As health authorities' recommendations change, we will update our protocols and practices accordingly.

**ROLES AND RESPONSIBILITIES**

# Employees are responsible for:

* Compliance with all the Company's COVID-19 protocols and procedures, regardless of whether they have received a vaccination or not.
* Obtaining pre-approval for time-off with pay from their direct leaders to receive a vaccination, and coding time-off for vaccination and any subsequent time-off for vaccine side effects.
* Voluntarily providing Disability Management/Designated Position with their vaccination record.
* Obtaining sufficient medical advice before receiving the COVID-19 vaccine to ensure the vaccine is in the best interest of their health and safety.

# Leaders are responsible for:

* Continuing to enforce the Company's site-specific COVID-19 health and safety protocols including, answering pre-site screening questions, conducting pre-entry temperature tests, maintaining physical distancing of two meters (or six feet), wearing masks in required areas, frequent hand washing, and all other site-specific COVID-19 protocols.
* Reasonably approving time-off for employees to get the COVID-19 vaccine while keeping in mind current business needs.
* Directing employees to Disability Management/Designated Position for questions about the COVID-19 vaccination policy.
* Encouraging employees to coordinate proof of vaccination record disclosure with Disability Management/Designated Position.

# Disability Management/Designated Position is responsible for:

* Continuing to enforce the Company's site-specific COVID-19 health and safety protocols including, answering pre-site entry questions, conducting pre-entry temperature tests, maintaining physical distancing of two meters (or six feet), wearing masks in required areas, frequent hand washing, and all other site-specific COVID-19 protocols.

o As the number of COVID-19 vaccinated employees rise, COVID-19 protocols may reduce based on health authorities' recommendations.

* Maintaining, updating and enforcing the COVID-19 vaccination policy.
* Updating and coordinating onsite vaccination policy (when available).
* Confidential management of COVID-19 vaccination records and statistical reporting.

# Human Resources is responsible for:

* Continuing to enforce the Company's site-specific COVID-19 health and safety protocol, including answering pre-site entry questions, conducting pre-entry temperature tests, maintaining physical distancing of two meters (or six feet), and wearing masks in required areas, frequent hand washing, and all other site-specific COVID-19 protocols.
* Interpreting and enforcing the COVID-19 vaccination policy.
* Coordinating with Disability Management/Designated Position as necessary to provide employee vaccination records.

## CONTACT

## Human Resources Contact Name:

## Human Resources Contact Phone:

## Disability Management/Designated Position Contact Name:

## Disability Management/Designated Position Contact Phone: