

MEDICINE HAT PUBLIC BOARD OF EDUCATION OPERATES AS MEDICINE HAT PUBLIC SCHOOL DIVISION, AND FOR THE PURPOSE OF THIS DOCUMENT WILL BE REFERRED TO AS "MHPSD" AND/OR "DIVISION"

SECTION 500 – Personnel and Employee Relations

ADMINISTRATIVE PROCEDURE: COVID-19 HARM REDUCTION

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| <i>PROCEDURE CODE:</i> | <i>546 P 001</i> |
| Policy Reference: 546 – COVID-19 Harm Reduction Policy | |

*This Administrative Procedure is in effect immediately. Staff will have until **November 30th, 2021** to bring themselves into compliance.*

BACKGROUND

COVID-19 represents an identifiable workplace hazard. COVID-19 is an acute respiratory illness caused by the severe acute respiratory syndrome coronavirus 2 (SARS-COV-2) and related variants. Exposure to the virus(es) typically occurs through: (1) inhalation of fine respiratory droplets and aerosol particles; (2) deposit of respirator droplets and particles on exposed mucous membranes in the mouth, nose, or eye by a direct splash or spray; or (3) touching mucous membranes with hands that have been soiled by virus-containing respiratory fluids (or touching surfaces with the virus on them).

Typical symptoms include fever, cough, shortness of breath, and several other symptoms. Asymptomatic infection is also possible. The risk of severe disease and death increases with age and is elevated in those with underlying medical conditions and those who are pregnant. Previously, younger persons have been less likely to develop serious illness or death, however, the emergence of variant strains have seen increasing hospitalization rates and death among younger age groups.

Our Division has identified multiple cases of confirmed COVID-19 infection in all sites, among both its staff and student population, which intensifies the need for this policy.

SCOPE

This policy and administrative procedure apply to:

- All employees.
- Persons carrying out duties or activities on Division property.
- Volunteers of the Division.
- Parents, guardians, and members of the public accessing Division property.

- Bus drivers.
- Any employees newly hired to the Division on or after November 30th, 2021 will require proof of vaccination or proof of rapid testing as a condition of employment.

TERMS

COVID-19: Refers to the virus designated “coronavirus 2 (SARS-COV-2)” or the symptoms of that virus where the context requires.

Division: Means Medicine Hat Public School Division.

Employee: Means any and every employee of the Division while such individual is performing services on behalf of the Division or on Division property.

Fully Immunized: Refers to receiving the required number of doses of vaccine as per Health Canada guidelines. See “vaccine” for further information.

Human Resources: Refers to the Human Resources Department of the Division.

Policy: Means the COVID-19 Harm Reduction Policy.

Rapid Test: Refers to any testing devices authorized by Health Canada and approved by the Division.

Vaccine: Refers to any vaccine approved by Health Canada for inoculation against COVID-19. Currently this includes: the Moderna COVID-19 vaccine (2 doses required); the Pfizer-BioNTech COVID-19 vaccine (2 doses required); AstraZeneca COVID-19 vaccine (2 doses required); and the Janssen (Johnson & Johnson) COVID-19 vaccine (1 dose required).

Vaccination Coordinator: The individual(s) designated by Human Resources, or in the absence of such designation, the Health & Wellness Advisor.

PROCEDURE

1. EMPLOYEE REQUIREMENTS

- 1.1. This policy and procedure are in addition to other employee requirements mandated by government authorities and by the Board with respect to COVID-19 (e.g., mask wearing requirements) and does not supersede or replace any other measures or policies in place to address the hazard posed by COVID-19. The policy imposes two alternatives for compliance, vaccination against COVID-19 (Paragraph 2) or semi-weekly rapid testing (Paragraph 3).
- 1.2. **All employees are required to become immunized against COVID-19 or comply with the semi-weekly rapid testing requirement.**
- 1.3. Employees who cannot comply with this policy have a duty to inform the Division, under Paragraph 5.

2. PROOF OF VACCINATION REQUIREMENT

All employees who are not yet fully immunized against COVID-19 are required to meet the following obligations:



- 2.1. The employee must be **fully vaccinated** with a vaccine required for efficacy, as recommended by Health Canada or Alberta Health Services, **no later than November 30, 2021**.
- 2.2. The Employee must provide **Human Resources** proof of vaccination.
 - 2.2.1. Proof of vaccination Human Resources will accept includes:
 - 2.2.1.1. a record of vaccinations/immunizations from Alberta Health Services; or
 - 2.2.1.2. the record of vaccinations/immunizations from MyHealth Records including the QR code; or
 - 2.2.1.3. such other valid and legitimate proof as the Division may deem sufficient acting reasonably.
 - 2.2.2. Human Resources will **view** the proof of vaccination but will **not retain any document (electronic or physical)** from the Employee, except as may be required under paragraph 4.7.
- 2.3. Employees providing proof of vaccination are confirming that they have read, acknowledged, and accepted the information found in **Appendix A**.
- 2.4. All employees are entitled to paid leave to obtain a COVID-19 vaccination to the extent provided under s. 53.982 of the *Employment Standards Code* (Alberta).

3. SEMI-WEEKLY RAPID TESTING REQUIREMENT

An employee who does not provide proof of vaccination may comply with this policy by providing proof of rapid testing on a semi-weekly basis, at the employee's own expense. Rapid tests must be completed at a pharmacy (or other health care provider) where the pharmacist/provider administers the test and provides printed verification of the test result to the employee. This verification will be submitted to Human Resources as the proof of rapid test result. The Division will provide a rapid test for employees who have a qualifying exemption to mandatory vaccination.

To comply with this alternative, the employee must:

- 3.1. Obtain a valid rapid test which demonstrates a negative result for COVID-19 infection. Proof of rapid testing remains valid for 72 hours from the time and date of the test.
- 3.2. Provide Human Resources with proof of a negative COVID-19 rapid test result.
 - 3.2.1. Human Resources will **view** the proof of rapid testing **but will not retain any document (electronic or physical)** from the employee, except as may be required under paragraph 4.7.
- 3.3. Human Resources will approve the employee to work for a period of 72 hours dated from the time of the rapid test.
- 3.4. The Employee will repeat steps in paragraphs 3.1 – 3.4 for the duration of this policy.



4. HUMAN RESOURCES DUTIES

- 4.1. Human Resources is generally responsible to ensure the confidentiality of information obtained in this policy. Human Resources shall be responsible for taking all prudent and reasonable steps to protect the confidentiality and security of all personal information disclosed to the Division under this policy.
- 4.2. Human Resources, under the Direction of the Deputy Superintendent (Human Resources), or in his/her absence, under the Direction of the Superintendent, shall designate a **Vaccination Coordinator(s)**.
- 4.3. Human Resources shall ensure that all questions and information relating to this policy and procedure, including information obtained from proof of vaccination and proof of rapid testing, are directed to the Vaccination Coordinator(s).
- 4.4. Where the Division has a legal obligation under the Alberta Human Rights Act to modify the requirements or expectations of this policy, Human Resources (or the Vaccination Coordinator) will do so on behalf of the Division.
- 4.5. In regard to proof of vaccination, the **Vaccination Coordinator(s)** shall be responsible for:
 - 4.5.1. Collecting information from employees regarding proof of vaccination.
 - 4.5.2. Verifying proof of vaccination prior to permitting employees to work, as of November 30, 2021. **Vaccination Coordinators will not retain physical or electronic copies of records from employees**, except as described in paragraph 4.7.
 - 4.5.3. Determining that the proof of vaccination is authentic and relates to the employee submitting the proof of vaccination (see paragraph 4.7 if unable to do so).
 - 4.5.4. To protect employee private information, the Vaccination Coordinator(s) will not store proof of vaccination. The Vaccination Coordinator(s) will record employee compliance (proof of vaccination or rapid testing) by making a coded notation in a secured file. For proof of vaccination, the coded information will indicate number of vaccinations, and the date for each, in respect of each employee. A number will be used to avoid collection of the employee's name, and a code will be used in place of the term "vaccination" so that the file makes no reference to vaccination or employee name.
 - 4.5.5. Ensuring that information gathered under this policy is only used for the purpose of ensuring compliance with this policy. Such information will not be shared with any other person except when required to manage the employee's employment relationship with the Division or as otherwise permitted under the *Freedom of Information and Protection of Privacy Act*.



- 4.5.6. Destroying any notation or record in their possession gathered from the proof of vaccination.
- 4.5.7. Answering questions from employees with respect to the use, collection, and storage of information gathered under this policy.
- 4.6. In regard to *proof of rapid testing*, the **Vaccination Coordinator(s)** shall be responsible for:
 - 4.6.1. Collecting information from employees regarding proof of rapid testing.
 - 4.6.2. Verifying proof of twice-weekly rapid testing prior to permitting employees to work after November 30, 2021. **Vaccination Coordinators will not retain physical or electronic copies of records from employees**, except as described in paragraph 4.7.
 - 4.6.3. Determining that the proof of rapid testing is authentic and relates to the employee submitting the proof of rapid testing (see paragraph 4.7 if unable to do so).
 - 4.6.4. Advising the employee that the proof of rapid testing is valid only for a period of 72 hours, and that another test and proof will be required prior to commencing work after that 72 hour period.
 - 4.6.5. Recording the date the rapid test was provided and ensure that a reminder is in place to obtain a new valid proof of rapid testing from the employee before 72 hours has expired.
 - 4.6.6. Ensuring that information gathered under this policy is only used for the purpose of ensuring compliance with this policy. Such information will not be shared with any other person except when required to manage the employee's employment relationship with the Division or as otherwise permitted under the Freedom of Information and Protection of Privacy Act.
 - 4.6.7. Destroying any notation or record in their possession gathered from the proof of rapid testing.
 - 4.6.8. Answering questions from Employees with respect to the use, collection, and storage of information gathered under this policy.
- 4.7. If Human Resources is unable to determine the authenticity or veracity of proof of rapid testing or proof of vaccination, then Human Resources shall retain the proof of rapid testing or proof of vaccination (as the case may be) until the record has been verified. Once verified, Human Resources shall immediately destroy all copies of this information in their possession.

5. EXEMPTIONS – INABILITY TO COMPLY - EMPLOYEE DUTY TO DISCLOSE



- 5.1. Any Employee who is unable, or believes that they may be unable, to comply with this policy must disclose that inability (or perceived inability) to Human Resources or the Vaccination Coordinator(s) before breaching this policy or as soon as possible.
- 5.2. Human Resources/Vaccination Coordinator(s) will treat any such disclosure in confidence and will only share the information as is reasonably necessary to:
 - 5.2.1. determine the validity of the claimed inability to comply;
 - 5.2.2. determine the obligation of the Division to respond to, or accommodate, the inability to comply; and,
 - 5.2.3. determine the ability of the Division to accommodate the individual.
- 5.3. The Division will meet its legal obligation under the *Alberta Human Rights Act* to modify the requirements or expectations of this policy.
- 5.4. No employee will be disciplined for disclosing an inability, or perceived inability, to comply with this policy.
- 5.5. The protection in paragraph 5.4 shall not shield the employee from discipline from any breach of the policy which occurred before the disclosure in paragraph 5.1 (although no discipline is appropriate where prior disclosure was not reasonably possible).

6. NON-EMPLOYEE REQUIREMENTS

- 6.1. Contractors must ensure their workers who carry out duties or activities on Division property comply with this policy by meeting the requirements under paragraph 2.1 or 3.1. Contractors must produce proof of compliance upon the request of the system manager responsible for supervision for their contract.
- 6.2. Volunteers of the Division are required to follow the same process as employees.
- 6.3. Parents/guardians are required to provide proof of vaccination or recent rapid testing in order to enter all Division facilities. Parents/guardians are permitted on school property to pick up their children outside of all Division buildings.
- 6.4. Spectators/viewers of student activities entering all Division buildings are required to provide proof of vaccination or recent rapid testing when requested to do so.

7. CONSEQUENCES FOR BREACH

- 7.1. Compliance with this policy is mandatory. Any employee in breach of this policy is subject to discipline, up to and including termination of employment.
- 7.2. All persons scheduled or required to carry out duties or activities on Division property, volunteers, parents, community members who are not in compliance with this policy, will not be allowed on Division property.



REFERENCES

ALBERTA HUMAN RIGHTS ACT, RSA 2000, c. A-25.5
546 – COVID-19 Harm Reduction Policy

Approved: October 12, 2021



APPENDIX "A"

PERSONAL INFORMATION NOTICE (APPENDIX TO COVID-19 HARM REDUCTION POLICY)

1. A vaccination record and rapid test both contain personal information. Therefore, any collection, use, and disclosure must be in compliance with the *Freedom of Information and Protection of Privacy Act* (FOIP).
2. The Division will not keep a copy of a vaccine record except to the extent necessary to confirm its validity and authenticity. Instead, we will keep a coded entry to confirm that you have demonstrated partial or complete COVID-19 vaccination. The code will enable us to keep track of who has demonstrated compliance. However, the code will not enable a third party to understand who the information relates to, or what it records.
3. Similarly, where rapid testing information is provided, the Division will not keep a copy of that record except to the extent necessary to confirm its validity and authenticity. The code will enable us to keep track of who has demonstrated compliance. However, the code will not enable a third party to understand who the information relates to, or what it records.
4. All information will be kept in a secure location with access primarily limited to the Vaccination Coordinator(s).
5. If there is a breach of security affecting any employee's personal information, including but not limited to vaccination status, the Division will immediately contact the affected employee. However, with the information being coded, the risk of improper use of personal information is low.
6. If you need to correct or alter any information provided to the Division, including vaccination status, you are free to contact a Vaccination Coordinator or Human Resources.
7. If you have any questions about the storage and safety of the information provided to the Division, you are free to contact a Vaccination Coordinator or Human Resources.