

Bill No. 286  
2022

By-law No. CPOL.-

A by-law to amend By-law No. CPOL.-407-321, being “Members of Council Proof of COVID-19 Vaccination Policy” by deleting and replacing Schedule “A”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-407-321, being “Members of Council Proof of COVID-19 Vaccination Policy”, by deleting and replacing Schedule “A”;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. CPOL.-407-321, being “Members of Council Proof of COVID-19 Vaccination Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on July 5, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – July 5, 2022  
Second Reading – July 5, 2022  
Third Reading – July 5, 2022

## Schedule “A”



London  
CANADA

### Members of Council Proof of COVID-19 Vaccination Policy

**Policy Name:** Members of Council Proof of COVID-19 Vaccination Policy

**Legislative History:** Enacted October 5, 2021 (By-law No. CPOL.-407-321); Amended January 25, 2022 (By-law No. CPOL.-407(a)-46); Amended July 5, 2022 (By-law No. CPOL-\_\_\_\_\_)

**Last Review Date:** July 5, 2022

**Service Area Lead:** City Clerk or their written designate

#### 1. Policy Statement

The purpose of the Members of Council Proof of COVID-19 Vaccination Policy (“Policy”) is to reduce the risk of COVID-19 in The Corporation of the City of London workplace and to provide a safe environment for Members of Council, Corporate employees, volunteers and the public to access and use City facilities and services. COVID-19 is a highly contagious virus that spreads through respiratory droplets and aerosols. The City of London, as an employer, has an obligation under the *Occupational Health and Safety Act* to take every precaution reasonable in the circumstances to create a safe workplace.

In addition to the current health and safety precautions (COVID-19 screening, etc.), which will be maintained and revised in accordance with public health guidance, the City of London requires all Members of Council to:

- a) Provide proof of full vaccination against COVID-19; or
- b) Provide a written attestation of a medical reason(s) or *Ontario Human Rights Code* reason(s) for not being fully vaccinated against COVID-19.

The Policy which is indefinite in nature, is to address the risks and impacts of the COVID-19 Pandemic, noting the duration of the Pandemic is unknown. The Policy will be reviewed upon Council direction and/or at the initiative of the Civic Administration, as new information, data, and public health guidance regarding the COVID-19 pandemic evolves.

#### 2. Definitions

**“Attestation of a medical reason(s) or *Ontario Human Rights Code* reason(s)”** means a written statement that sets out that the Member cannot be vaccinated against COVID-19 submitted to the City Clerk or their written designate on the “Proof of a Medical Reason(s) or an Ontario Human Rights Code Reason(s) for not being Vaccinated Against COVID-19” form attached to this Policy as Appendix “A”.

**“Council”** shall mean the Council of The Corporation of the City of London.

**“Fully vaccinated”** means having received the full series of a COVID-19 vaccine or a combination of COVID-19 vaccines approved by Health Canada or the World Health Organization; and having received the final dose of the COVID-19 vaccine at least 14 days ago.

**“Member”** shall mean a Member of Council and includes the Mayor.

**“Proof of full vaccination against COVID-19”** means the COVID-19 vaccination receipt issued by the Ontario Ministry of Health confirming the Member is fully vaccinated.

**“Vaccinated”** means to be “fully vaccinated”.

**“Vaccination Receipt”** means paper or e-receipt that individuals receive after vaccination. This receipt is also available for download on the provincial website.

### 3. Applicability

This Policy applies to all Members of Council of The Corporation of the City of London and includes the Mayor.

### 4. The Policy

#### 4.1 Legislative Framework

This Policy operates together with, and as a supplement to the following legislation that governs the conduct of Members:

- a) *Human Rights Code*, R.S.O. 1990 c. H. 19 (“*Ontario Human Rights Code*”)
- b) *Municipal Act, 2001*, S.O. c. 25 (“*Municipal Act*”)
- c) *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M.56 (“*MFIPPA*”)
- d) *Occupational Health and Safety Act*, R.S.O. 1990, c.0.1
- e) Code of Conduct for Members of Council (“*Code of Conduct*”)
- f) Integrity Commissioner Terms of Reference
- g) Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)
- h) Applicable by-laws and policies of Council as adopted and amended from time to time

#### 4.2 Application of the Policy

- a) All Members to whom the Policy applies shall comply with one of the following:
  - i) provide proof of full vaccination against COVID-19 by October 20, 2021 to the City Clerk or written designate; or
  - ii) provide a written attestation of a medical reason(s) or *Ontario Human Rights Code* reason(s) for not being vaccinated against COVID-19 by October 20, 2021 submitted to the City Clerk or their written designate on the “Proof of a Medical Reason(s) or an *Ontario Human Rights Code* Reason(s) for not being Vaccinated Against COVID-19” form attached to this Policy as Appendix “A”; or
  - iii) where a Member has not received any dose of the COVID-19 vaccine or has received one dose and has not yet received their second dose, the Member shall receive their first dose of the COVID-19 vaccination series by October 20, 2021, submitting proof to the City Clerk or written designate, and provide proof of full vaccination against COVID-19 by November 19, 2021 to the City Clerk or written designate.
- b) Regardless of vaccination status, all Members shall:
  - i) complete daily screening for COVID-19 symptoms; and
  - ii) where the Member fails screening for COVID-19 symptoms, advise the City Clerk or written designate and not enter City facilities/buildings until they have provided written verification to the City Clerk or written designate that enables the City Clerk or written designate to confirm their ability to return to in-person attendance at City facilities/buildings, prior to attending City facilities/buildings.
- c) Members who are on a leave of absence are not required to comply with sections 4.2 a) and b) so long as they remain on a leave of absence. Members must comply with this Policy prior to returning to their duties.
- d) Members are required to comply with this Policy. The Code of Conduct requires that Members “shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them”. The City of London’s Integrity Commissioner may consider complaints of non-compliance of this Policy by Members and review such complaints in accordance with “The Corporation of the City of London Code of Conduct for Members of Council Complaint Protocol” as set out in the Code of Conduct. The Integrity Commissioner may make recommendations regarding sanctions to Council in accordance with s.223.4(5) of the *Municipal Act, 2001* and the Code of Conduct.

- e) All Members must continue to adhere to all policies, procedures and directions related to COVID-19, including but not limited to, COVID-19 screening.

#### **4.3 Collection of Information and Privacy Considerations**

All information gathered as part of the Policy, including personal health information, will be collected by The Corporation of the City of London and be retained and treated in compliance with the *Municipal Freedom of Information and Protection of Privacy Act*.

#### **4.4 Ontario Human Rights Code Accommodations**

Members requiring accommodations under the *Ontario Human Rights Code* within the context of the Policy may make such requests by advising the City Clerk or written designate. The City of London is committed to fulfilling its obligations under the *Ontario Human Rights Code*.

#### **4.5 Policy Implementation**

Implementation of this Policy will be in accordance with applicable Council and/or Corporation by-laws, policies and procedures, and legislation.

All Members to whom the procedure applies shall provide proof of full vaccination or attestation of an *Ontario Human Rights Code* reason(s) or medical reason(s) in accordance with this Policy to the City Clerk or their written designate, by email, or in person.

Proof of full vaccination, written attestation of a medical reason(s) or an *Ontario Human Rights Code* reason(s) will be recorded in a secure City of London database and retained for one year, at a minimum. The person's communication and copy of the vaccination receipt will be destroyed once entered into the secure City of London database. All information, including personal health information, will be treated in compliance with the *Municipal Freedom of Information and Protection of Privacy Act*.

Regardless of vaccination status, all Members attending in person at City facilities/buildings shall:

- a) complete daily, the screening by means of the Province of Ontario COVID-19 self-assessment for COVID-19 symptoms; and
- b) where the Member fails screening, advise the City Clerk or written designate and not enter City facilities/buildings until they have provided written verification to the City Clerk or written designate that enables the City Clerk or written designate to confirm the Member's ability to return to in-person attendance at City facilities/buildings, prior to attending City facilities/buildings.

Members requiring any *Ontario Human Rights Code* accommodations under this Policy may request accommodations by advising the City Clerk or written designate. The City of London is committed to fulfilling its obligations under the *Ontario Human Rights Code*.

Should the City Clerk or their written designate believe that a Member may be in non-compliance with this Policy, the City Clerk or their written designate shall forward the concern to the Integrity Commissioner for determination.

APPENDIX "A"



**Proof of a Medical Reason(s) or an Ontario Human Rights Code Reason(s) for not being Vaccinated Against COVID-19 – Members of Council**

Last Name:	
First Name:	

- I, \_\_\_\_\_ make oath or solemnly affirm and say that I have an *Ontario Human Rights Code* reason(s) for not being fully vaccinated against COVID-19 based on the following ground(s):

---



---



---

- I, \_\_\_\_\_ make oath or solemnly affirm and say that I have a medical reason(s) for not being fully vaccinated against COVID-19.

I am requesting that I be exempted from the vaccination requirements under the City of London "Members of Council Proof of COVID-19 Vaccination Policy".

\_\_\_\_\_  
Signature of Member

\_\_\_\_\_  
Date

As a reminder, your declaration is subject to expectations as set out in the Code of Conduct for Members of Council.

Thank you for your assistance.

City of London

NOTICE OF COLLECTION OF PERSONAL INFORMATION

The personal information collected on this form is collected under the authority of the *Municipal Act, 2001*, S.O. 2001, c. 25, and the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1 and will only be used to administer and implement the City of London's Members of Council Proof of COVID-19 Vaccination Policy. Questions about this collection should be addressed to the Manager, Records and Information Services at 300 Dufferin Ave., London, ON N6A 4L9. Tel: 519-661-2489 x5590, email: eskalski@london.ca.