



## DEPARTMENT OF HUMAN RESOURCES Mandatory COVID-19 Vaccination Policy

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### 1.0 POLICY STATEMENT

The Government of Nunavut (GN) is committed to ensuring a safe working environment for its employees and for the public they serve. It is GN's duty and obligation to take every precaution reasonable to protect the health and safety of its employees. The GN is equally committed to ensuring services are accessible to all residents by having measures in place to protect the physical and mental health, safety, and well-being of its employees as well as the safety of its residents who may be required to interact with government employees. All GN employees are required to be fully vaccinated against COVID-19 or have an approved exemption.

### 2.0 PRINCIPLES

2.1 This Policy is guided by the following values and principles:

- (a) Inuit Qaujimajatuqangit and Inuit Societal Values, which includes the guiding principles of Pijitsirniq – serving and providing for family and/or community and Inuuqatigiitsiarniq – respecting others, relationships and caring for people, will be recognized and respected, Ujjiqsuittiarniq – Public service employees must perform their work in a courteous and conscientious manner and be respectful of the needs and values of co-workers. The GN is committed to providing a safe environment for individuals accessing services.
- (b) In accordance with the *Safety Act*, the GN has a duty to take all necessary and reasonable precautions, to adopt and carry out all reasonable techniques and procedures to ensure the health and safety of its employees and workplaces.
- (c) GN management and employees share the right and responsibility to be part of and maintain healthy and safe government workplaces. This includes the prevention and mitigation of hazards in the workplace, the prevention of harm, and the promotion of well-being.
- (d) The GN recognizes that privacy and trust are particularly important where health information is concerned. Personal information is protected by provisions of the *Access to Information and Protection of Privacy Act* (ATIPPA). The requirement to disclose vaccination status involve a limited amount of information that is reasonable for protecting the health and welfare of all employees. The impact upon employees' privacy with respect to the disclosure of personal health information is minimal. Employees will only be asked to reveal their vaccine status, and nothing more concerning their personal health, except where they are seeking an exemption on medical grounds.

### 3.0 APPLICATION

3.1 The Policy and the applicable guidelines apply to all GN departments and public bodies.

### 3.2 **Current Employees:**

Current GN employees will have until **June 30, 2022**, to provide proof of full COVID-19 vaccination or provide an approved exemption to this policy.

After **June 30, 2022**, employees who have not provided proof of full vaccination, and who have not been granted an exemption, are deemed non-compliant. Please refer to section **8.2 (Other Measures)** of this Policy, below.

### 3.3 **New Employees:**

New employees must provide proof of full vaccination to the employer as a condition of their employment. New hires after the approval of this Policy, will be advised of this Policy when an offer of employment is made and must be fully vaccinated at the time of their employment start date. In the event they fail to comply with this requirement or are not approved for an exemption under this Policy, the job offer will be revoked.

## 4.0 **DEFINITIONS**

4.1 **Accommodation** – A temporary or permanent adjustment to working conditions, work assignments, policies, rules, practices, programs, or the physical work environment to address an employee’s current or potential employment needs arising from a disability or medical issue which is supported by medical documentation. An accommodation may include providing services, adaptations, adjustments, exemptions, modifying duties, or job transfers that enable individuals who meet job qualifications to participate in employment and employment-related activities.

4.2 **COVID-19** – or Coronavirus disease is an infectious respiratory illness caused by a newly discovered Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2).

4.3 **COVID-19 Vaccine** – vaccines approved or recognized by Health Canada, as may be amended from time to time.

4.4 **Deputy Head** – the Deputy Minister of a department, the Chief Executive Officer or President of a public body or such a person as the Minister responsible for the *Public Service Act* may designate as Deputy Head.

4.5 **Employee** – a person employed in the GN and its public bodies on an indeterminate, term, casual, relief, seasonal, full-time, or part-time employment status.

4.6 **Fully Vaccinated** – a person who has received the full series of an accepted COVID-19 vaccine approved by Health Canada or a combination of accepted vaccines at least 14 full days prior to the day on which the proof of vaccination is submitted.

4.7 **Health Care Provider** – a physician, nurse practitioner, licensed to

practice in a Canadian jurisdiction.

- 4.8 **Medical Documentation** – documentation from a medical practitioner or nurse practitioner licensed to practice in a Canadian jurisdiction certifying they are unable to get any of the Government of Canada approved COVID-19 vaccinations for a medical reason listed on the vaccine’s product monograph.
- 4.9 **Mental (Psychological) Health** – includes the emotional, psychological, and social well-being of a person. A state of well-being is defined when the individual realizes their own abilities, is resilient to the normal stresses of life, can work productively and can contribute to their community.
- 4.10 **Occupational Health and Safety** – matters related to the health and safety of employees and visitors, while in GN workplaces.
- 4.11 **Proof of Vaccination Certificate** - means a document issued by a provincial or territorial health department, or for non-residents of Canada, issued by an equivalent government body in their country of residence, that includes:
- (a) an individual’s name;
  - (b) date of birth;
  - (c) vaccine information including the dates of all doses received, and;
  - (d) a QR code that allows for the verification of vaccine status.
- 4.12 **Reasonable Accommodation** – the requirement upon the employer to accommodate, up to the point of undue hardship, an employee’s disability-related employment needs.
- 4.13 **Undue Hardship** – the limits of reasonable accommodation beyond which the employer does not have a duty to accommodate. The word “undue” implies that the employer may be expected to bear some hardship in fulfilling the duty to accommodate. Undue hardship is assessed on a case by case basis, considering various factors relating to the situation, including but not limited to health and safety risk, impact on a collective agreement or other contract; legitimate operational requirements and disruption to the public; impact on rights of others; interchangeability of the workforce and job duties; workplace size; and the type of work.
- 4.14 **Unvaccinated Individual** – An individual who has not received any dose of COVID- 19 vaccine and includes individuals who have received only one dose of COVID-19 vaccine, where the vaccine consists of two doses.

## 5.0 EXEMPTIONS

The GN may accommodate an employee’s request for a vaccination exemption if they cannot be vaccinated for medically supported reasons or based on a bona fide exemption based on Nunavut’s *Human Rights Act*.

## 6.0 ROLES AND RESPONSIBILITIES

This Policy is issued under the authority of the Minister responsible for the *Public Service Act* on the approval of the Commissioner in the Executive Council. The authority to make exceptions and approve revisions to this Policy rests with Executive Council.

### 6.1 Minister

- (a) The Minister responsible for the *Public Service Act* (“the Minister”) is accountable to Executive Council for the implementation of this Policy.
- (b) The Minister is accountable for the management and direction of the Public Service and for ensuring that GN departments and public bodies operate in accordance with this Policy and associated directives and/or guidelines.
- (c) The Minister may recommend amendments and exceptions to the COVID-19 Vaccination Policy to Executive Council.

### 6.2 Deputy Minister

- (a) The Deputy Minister of Human Resources (“the Deputy Minister”) is accountable to the Minister for the administration of this Policy.
- (b) The Deputy Minister may recommend to the Minister directives and/or appropriate guidelines and propose amendments to the directives and/or guidelines. Directives and/or guidelines may include:
  - (i) Specific criteria to determine and handle accommodations for employees who cannot be vaccinated for medically supported reasons or based on a bona fide exemption based on Nunavut’s *Human Rights Act*.
  - (ii) Measures to protect the safety of employees and vulnerable members of the public where GN employees who interact with vulnerable members of the public are not vaccinated; and
  - (iii) Procedures to be put in place to protect the security and confidentiality of records specifically those including personal information, in accordance with the ATIPPA.
- (c) The Deputy Minister may amend from time to time the directives and/or guidelines that form part of this Policy.
- (d) Advises departments on the interpretation and application of this Policy.
- (e) Assists Deputy Heads in determining whether an accommodation would result in undue hardship and advise and provide assistance, as necessary, on other related matters.

### 6.3 Deputy Heads

- (a) Ensure the implementation and operation of this Policy in their respective departments and public bodies' workplaces.
- (b) Ensure appropriate communication of this policy and accompanying directives and/or guidelines and/or procedures to staff.
- (c) Monitor the effectiveness of this policy and accompanying directives and/or procedures to staff
- (d) Deputy Heads will determine, in consultation with the Department of Human Resources, whether an accommodation would result in undue hardship

#### 6.4 Departments

It is the responsibility of individual departments to:

- Ensure employee compliance with this policy, including collecting Proof of Vaccination Certificates (by departmental human resources managers or their designate).
- Ensure the fulfillment of the employer's obligation to accommodate, up to the point of undue hardship, an employee's accommodation needs.

#### 6.5 Employees

It is the responsibility of employees to:

- Provide their Proof of Vaccination Certificate by **June 30, 2022**, or prior to employment start date for new employees.
- Follow Public Health guidelines.
- Follow COVID-19 testing requirements, where applicable.
- Informing their supervisor/manager of their need for accommodation based on a medical exemption.
- Authorizing the collection of, and providing their supervisor/manager with, timely, complete, and accurate information necessary to identify reasonable accommodation, including information on relevant limitations, restrictions, and their vaccination status.
- Cooperating and collaborating with their supervisor/manager to identify ways for a reasonable accommodation or an alternative work arrangement.
- Notifying their supervisor/manager in a timely fashion if their situation requiring accommodation has changed.
- Refraining from harassment or any other prohibited conduct toward an individual, department/public body for any reason related to this policy, including an individual's vaccination status or accommodation measures.

#### 6.6 Employees Seeking Exemptions

It is the responsibility of an employee seeking an exemption to:

- Submit an exemption request to their immediate supervisor/manager.

- Cooperate and participate in the exemption consideration process, which may include providing information and/or medical documentation.
- When moving to a new position, inform the new immediate supervisor/manager of any existing approved vaccination exemption and/or testing requirements.

## 7.0 PROVISIONS

### 7.1 Proof of Vaccination

GN employees will be required to provide a Proof of Vaccination Certificate. This information will be kept protected on the employee's personnel file. It is collected for the purpose of minimizing risks to other employees and the public who may come in contact with employees. All documents and information relating to an employee's vaccination status are to be treated with the utmost confidentiality by all participants involved.

In handling medical documents, the GN will abide by the ATIPPA. All employees will be required to be fully vaccinated with a full series of an accepted COVID-19 vaccine approved or recognized by Health Canada by **June 30, 2022**, or prior to the start date of employment for new employees. Vaccination records from Public Health showing dates of vaccination must be provided.

### 7.2 Other Measures

Employees who are partially vaccinated may be accommodated accordingly depending on their circumstances.

Employees who choose not to be vaccinated or do not provide proof of vaccination by the requirement date for mandatory vaccination shall be placed on leave of absence without pay for three months. Such employees will not be able to use vacation or other banked leave time in lieu of the leave of absence without pay. After three months of being placed on leave of absence without pay, employees who have not become at least partially vaccinated may be terminated.

Employees who are placed on leave of absence without pay, and who become partially vaccinated within three months of being placed on leave of absence without pay, may be offered alternative return to work arrangements.

### 7.3 Accommodations

Accommodations will be made for employees who are partially vaccinated or unable to be vaccinated for medical reasons or based on a bona fide exemption Nunavut's *Human Rights Act*.

### 7.4 Duty Travel

Proof of vaccination is required for all employees travelling to another Nunavut community.

Employees travelling to Nunavut communities on duty travel will be required to submit proof of vaccination prior to departing on duty travel. If proof of vaccination has not already been provided, it must be provided in accordance with section 7.1 (**Proof of Vaccination**) of this Policy.

7.5 Confidentiality

The confidentiality of information obtained through the Mandatory COVID-19 Vaccination Policy will be handled in accordance with the provisions of the *Access to Information and Protection of Privacy Act* (ATIPPA) associated with the collection, use, disclosure, and protection of personal information.

Access to documents and information relating to an employee's or contractor's vaccination status will be on a need-to-know basis and restricted to only the specific individuals necessary to carry out the implementation of this Policy and associated directives and/or guidelines.

7.6 This Policy will be reviewed by the Department of Human Resources no later than six months after it comes into force and will be updated as required.

## 8.0 PREROGATIVE OF EXECUTIVE COUNCIL

Nothing in this Policy shall in any way be constructed to limit the prerogative of the Executive Council to make decisions or take action with respect to the Mandatory COVID-19 Vaccination Policy.

## 9.0 RELATED LEGISLATION AND AUTHORITIES

- *Public Service Act*
- *Human Rights Act*
- *Hospital Insurance and Health and Social Services Administration Act*
- *Safety Act*
- *Occupational Health and Safety Regulations*
- *Public Health Act*
- *Access to Information and Protection of Privacy Act*