

Lower Nicola Indian Band



COVID-19 Vaccination Policy

Effective Date: November 2, 2021

Council Resolution: 02-11-2021-04

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Executive Director Signature

November 2, 2021

Date

1. POLICY AMENDMENT TRACKING SHEET

Policy: COVID-19 Vaccination Policy

Policy Adopted: November 2, 2021, Resolution 02-11-2021-04

Date of Amendment	Council Resolution #	Amends Section(s)	Replace Page(s)	Distributed by:

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2. BACKGROUND

On March 11, 2020, the World Health Organization declared COVID-19 a pandemic. The pandemic has caused devastating impacts around the world. Globally, and within British Columbia, variants of the virus have circulated, including the current dominance of the Delta variant which has increased transmissibility and severity compared with previous COVID-19 virus strains.

COVID-19 is an acute respiratory illness where transmissions can occur amongst asymptomatic carriers. The risk of severe illness from COVID-19 is elevated amongst the elderly, those with underlying medical conditions, and unvaccinated individuals.

The Lower Nicola Indian Band (“LNIB”) is committed to providing a safe working environment for our employees and members of the public with whom we interact regularly. The purpose of the Vaccination Policy (the “Policy”) is to provide guidelines pertaining to the expectations and requirements of staff with respect to COVID-19 and vaccination. In our day-to-day operations, we have a responsibility to protect all workers and the community in which we operate, and it is critical that the LNIB and its staff take precautions to protect against COVID-19.

3. VACCINATION POLICY STATEMENT

Vaccination against COVID-19 provides the best available protection for everyone, including LNIB employees (and their families), workers, band members, and the broader community. COVID-19 vaccines are safe and highly effective at preventing individuals from contracting COVID-19 and may also prevent transmission of the virus to others.

Accordingly, subject to the exemptions under this Policy, LNIB is implementing the following requirements:

- All LNIB employees, contractors, and individuals employed or contracted to provide service in any capacity to LNIB (collectively, the “Staff”) will be required to provide proof that they are at least Partially Vaccinated, or have obtained an approved exemption under this Policy, by **November 20, 2021** in order to work or provide services at any of our worksites, facilities or offices, including inside any residences.
- All employees will be required to provide proof that they are Fully Vaccinated by **December 20, 2021** in order to work or provide services at any of our worksites, facilities or offices, including inside any residences
- Employees who have not provided proof that they are Partially or Fully Vaccinated by the stated deadline, or have not obtained an approved exemption, will be subject to an unpaid leave of absence until the COVID-19 pandemic has sufficiently abated.

Under this Policy, “Partially Vaccinated” means having received one dose of an approved Health Canada COVID-19 vaccine, and “Fully Vaccinated” means having received a full series, or a combination, of Health Canada approved COVID-19 vaccines.

4. METHOD OF PROOF OF VACCINATION

The Human Resources Department will individually reach out to Staff members on a confidential basis to obtain confirmation of Partial and Full Vaccination status. Staff will be required to provide their BC Vaccine Card.

If a Staff member does not have a computer or smartphone to access their BC Vaccine Card, the Staff member can choose from the following options:

- LNIB will provide access to a smartphone, computer, and printer to access and print their BC Vaccine Card
- Phone Service BC at 1-833-838-2323 to order a paper copy of their BC Vaccine Card
- Visit a Service BC office to obtain a printed copy of their BC Vaccine Card

5. EXEMPTIONS

This Policy will be applied in accordance with the *Canadian Human Rights Act*.

Employees may receive an exemption to this Policy based on a protected ground under the *Canadian Human Rights Act*. It is LNIB's expectation that the need for such exemptions will be rare. The medical community for instance, has indicated that only a very small portion of the population will have significant adverse reactions to vaccines.

An employee seeking an exemption and accommodation to this Policy must submit a written request to the Human Resources Department by **November 10, 2021**. Late requests may result in exemptions being approved after the November 20th deadline, in which case employees may be subject to an unpaid leave of absence from that date until their request is approved.

Exemptions will be considered on a case by case basis. LNIB may request the employee to provide sufficient proof of their entitlement to accommodation under the *Canadian Human Rights Act*. This may include, but is not limited to, medical reports, independent medical examinations, and sworn religious statements from religious leaders. Failure to provide the requested information may result in the exemption and accommodation being denied.

Where an exemption is granted, LNIB may require alternative working arrangements to reduce the risk of infection and transmission, including but not limited to, restricted access to the workplace, modified duties, and mandated weekly rapid testing paid for by LNIB.

6. RELEVANT POLICIES

LNIB has various policies that support the implementation of a mandatory vaccination policy.

LNIB's Emergency Plan includes a plan in case of a pandemic. While the plan is focused on influenza pandemics, the health and safety protocols established in the plan are highly relevant with respect to COVID-19. LNIB's pandemic plan includes establishing mass vaccination clinics, implementing infection control measures such as masking, wearing gloves, isolating, and local surveillance, and communicating the importance of vaccinations.

All LNIB employees are required to abide by LNIB's Personnel Manual.

Section 5.9 of the Personnel Manual provides the Ethical Standards that LNIB employees are expected to follow. In particular, section 5.9.1 states as follows:

Policy Statement

5.9.1 An employee must adhere to the following guidelines for ethical conduct:

...

- b) support and work towards the stated aims and objectives of LNIB;
- c) act in the best interests of LNIB and without regard to personal interests;

Additionally, all LNIB employees were required to sign LNIB's Code of Conduct Declaration, which includes the following relevant portions:

To the best of my knowledge and ability:

- I will comply with the Law, any other applicable Lower Nicola Indian Band law and any applicable standards
- I will act with honesty, good faith and in the best interest of Lower Nicola Indian Band
- I will exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances
- ...
- I will be accountable for adhering to this declaration

Section 4.31 of Personnel Policy Manual provides the Occupational Health & Safety policies that LNIB employees are expected to follow. Relevant portions include:

Policy Statement

4.31.1 It is the policy of LNIB to provide safe and healthy working conditions for each employee, to provide complete instructions covering safe working methods, and to make available special equipment required to protect each employee against any and all hazard.

Purpose

4.31.2 To ensure the safety and health of all employees and comply with occupational health and safety legislation and the Canada Labour Code.

Responsibilities

4.31.4 It is the responsibility of all employees to ensure they are following safe work practices and report to Human Resources or their manager, any safety issues or concerns as soon as they may arise.

Administrative Procedures

4.31.5 LNIB and each employee will comply with OHS legislation in making policies to protect the health and safety of workers and the occupational environment in which they work.

4.31.6 An employee who fails to comply with LNIB safe work practices and OHS regulations may be subject to disciplinary action.

Lastly, it is worthwhile to note that Indigenous communities and organizations across British Columbia have also been implementing mandatory vaccination policies amongst its staff. On October 25, 2021, the First Nations Health Authority announced that it will require all of its employees, contractors, and volunteers to be vaccinated against COVID-19.¹ Similarly, the Metis Nation British Columbia has introduced a mandatory vaccination policy for all its staff, vendors and visitors who wish to enter its offices.²

7. PRIVACY AND CONFIDENTIALITY

LNIB will only collect personal information that is reasonably necessary to administer this Policy. LNIB will limit disclosure of employee vaccination status, any surrounding medical information, and any information related to exemptions only to those who require this information in order to administer and apply this Policy. This information will be kept in the respective Staff member's confidential Human Resources file. LNIB will implement appropriate protocols to safeguard the sensitivity of this information and will only retain such information for as long as necessary and in accordance with applicably privacy laws.

¹ <https://www.fnha.ca/about/news-and-events/news/fnha-mandatory-vaccination-policy-letter>

² <https://www.cbc.ca/news/canada/british-columbia/metis-nation-bc-covid19-mandatory-vaccine-1.6185229>

8. TERMS OF POLICY

Violation or abuse of this policy could result in disciplinary action, up to and including termination of employment.

Government and public health orders, guidelines and restrictions, and business and industry best practices regarding COVID-19 and COVID-19 vaccines are changing rapidly as new information becomes available and further research is conducted.

LNIB reserves the right to modify this Policy, or any other COVID-19 related requirements, at any time in its sole discretion and without notice.

Please direct any questions regarding this Policy to the Human Resources Department.