

Administrative Procedure 491

Human Resources

COVID-19 RISK MITIGATION

This administrative procedure is in effect immediately. Employees will have until December 17, 2021 to bring themselves into compliance.

PURPOSE

This administrative procedure applies to all employees. It also applies to all persons carrying out duties or activities on Westmount Charter School property and volunteers of Westmount Charter School. Any employees newly hired to Westmount Charter School on or after December 17, 2021 will require proof of vaccination or proof of rapid testing as a condition of employment.

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). Exposure to the virus 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).

Symptoms of COVID-19 include new or worsening fever, cough, shortness of breath, runny nose, sore throat, chills, painful swallowing, nasal congestion, feeling unwell/fatigued, nausea/vomiting, diarrhea, unexplained loss of appetite, loss of sense of taste or smell, muscle/joint aches, headache and/or conjunctivitis (commonly known as pink eye). 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 has seen increasing hospitalization rates and death among younger age groups.

Westmount Charter School has identified cases of confirmed COVID-19 infection at both campuses, among both its staff and student population, which intensifies the need for this administrative procedure.

The superintendent is responsible for the implementation of this administrative procedure.

DEFINITIONS

In this administrative procedure:

“COVID-19” means the virus designated “coronavirus 2 (SARS-CoV-2)” or the symptoms of that virus where the context requires.

“Board” means Westmount Charter School Board.

“employee” means any and every employee of the Board while such individual is performing services on behalf of the Board or on Board property.

“fully vaccinated” means receiving the required number of doses of vaccine as per Health Canada guidelines. See “vaccine” for further information.

“Human Resources” means the Human Resources Director of Westmount Charter School.

“procedure” means administrative procedure.

“Policy” means Policy 14 COVID-19 Risk Mitigation.

“rapid testing” means any legitimate official testing devices authorized by the Government of Alberta.

“vaccine” means any vaccine approved by Health Canada for inoculation against COVID-19. Currently this includes: the Moderna COVID-19 vaccine; the Pfizer-BioNTech COVID-19 vaccine; the AstraZeneca COVID-19 vaccine; and the Janssen (Johnson & Johnson) COVID-19 vaccine.

PROCEDURE

1. Employee Requirements

- 1.1 This procedure is 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 procedure imposes two alternatives for compliance, vaccination against COVID-19 (section 2) or semi-weekly rapid testing (section 3).
- 1.2 Fully vaccinated employees must provide proof of vaccination to Human Resources no later than December 17, 2021.
- 1.3 All employees are required to become fully vaccinated against COVID-19 or comply with the semi-weekly rapid testing requirement.
- 1.4 Employees who cannot comply with this procedure have a duty to inform Human Resources, under section 5.

2. Proof of Vaccination Requirement

All employees who are not yet fully vaccinated 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, no later than December 17, 2021.
- 2.2 The employee must provide proof of vaccination to Human Resources.
 - 2.2.1 Proof of vaccination includes:
 - 2.2.1.1 the employee’s vaccination record received post-vaccination; or
 - 2.2.1.2 the record of vaccinations from Alberta Health Services (including My Health Records); or
 - 2.2.1.3 such other valid and legitimate proof as Westmount Charter School 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 section 4.6.

2.3 Employees providing proof of vaccination are confirming that they have read, acknowledged, and accepted the information found in the Appendix.

2.4 All employees are entitled to paid leave to obtain a COVID-19 vaccination to the extent provided under s. 53.9821 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 procedure by providing proof of rapid testing on a semi-weekly basis.

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 section 4.6.

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 the steps in section 3 for the duration of this procedure or until providing proof under section 2 of being fully vaccinated.

4. Human Resources Duties

4.1 Human Resources is generally responsible to ensure the confidentiality of information obtained in this procedure. 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 Board under this procedure.

4.2 All questions and information relating to this procedure, including information obtained from proof of vaccination and proof of rapid testing, are directed to Human Resources.

4.3 Where Westmount Charter School has a legal obligation under the *Alberta Human Rights Act* to modify the requirements or expectations of this procedure, Human Resources will do so on behalf of the Board.

4.4 In regard to *proof of vaccination*, Human Resources shall be responsible for:

4.4.1 Collecting information from employees regarding proof of vaccination.

4.4.2 Verifying proof of vaccination prior to permitting employees to work, as of December 17, 2021. Human Resources will not retain physical or electronic copies of records from employees, except as described in section 4.6.

4.4.3 Determining that the proof of vaccination is authentic and relates to the employee submitting the proof of vaccination (see section 4.6 if unable to do so).

- 4.4.4 To protect employee's private information, Human Resources will not store proof of vaccination. Human Resources 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.
- 4.4.5 Ensuring that information gathered under this procedure is only used for the purpose of ensuring compliance with this procedure. Such information will not be shared with any other person except when required to manage the employee's employment relationship with the Board or as otherwise permitted under the *Freedom of Information and Protection of Privacy Act*.
- 4.4.6 Destroying any notation or record in their possession gathered from the proof of vaccination, not including a coded notation referenced in section 4.44.
- 4.4.7 Answering questions from employees with respect to the use, collection, and storage of information gathered under this procedure.

4.5 In regard to *proof of rapid testing*, Human Resources shall be responsible for:

- 4.5.1 Collecting information from employees regarding proof of rapid testing.
- 4.5.2 To protect employee's private information, Human Resources will not store proof of rapid testing. Human Resources will record employee compliance (proof of rapid testing) by making a coded notation in a secured file. For proof of rapid testing, the coded information will indicate a negative COVID-19 result, and the date, 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 "rapid testing" so that the file makes no reference to rapid testing or employee name.
- 4.5.3 Verifying proof of semi-weekly rapid testing prior to permitting employees to work after December 17, 2021. Human Resources will not retain physical or electronic copies of records from employees, except as described in section 4.6.
- 4.5.4 Determining that the proof of rapid testing is authentic and relates to the employee submitting the proof of rapid testing (see section 4.6 if unable to do so).
- 4.5.5 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.
- 4.5.6 Recording the date the rapid testing was provided and ensuring that a reminder is in place to obtain a new valid proof of rapid testing from the employee before 72 hours has expired.
- 4.5.7 Ensuring that information gathered under this procedure is only used for the purpose of ensuring compliance with this procedure. Such information will not be shared with any other person except when required to manage the employee's employment relationship with the Board or as otherwise permitted under the *Freedom of Information and Protection of Privacy Act*.
- 4.5.8 Destroying any notation or record in its possession gathered from the proof of rapid testing, not including a coded notation referenced in section 4.5.2.

- 4.5.9 Answering questions from employees with respect to the use, collection, and storage of information gathered under this procedure.
- 4.6 If Human Resources is unable to determine the authenticity or veracity of proof of vaccination or proof of rapid testing result, then Human Resources shall retain the proof of vaccination or proof of rapid testing result (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. If Human Resources is unable to verify the proof of vaccination or proof of rapid testing result, Human Resources will request the employee to provide alternative acceptable proof.

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 administrative procedure must disclose that inability (or perceived inability) to Human Resources before breaching this procedure or as soon as reasonably possible.
- 5.2 Human Resources 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 Westmount Charter School to respond to, or accommodate, the inability to comply; and,
 - 5.2.3 determine the ability of Westmount Charter School to accommodate the individual.
- 5.3 Westmount Charter School will meet its legal obligation under the *Alberta Human Rights Act* to modify the requirements or expectations of this procedure.
- 5.4 No employee will be disciplined for disclosing an inability, or perceived inability, to comply with this procedure.
- 5.5 The protection in section 5.4 shall not shield the employee from discipline from any breach of the procedure which occurred before the disclosure in section 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 Board property comply with this procedure by meeting the requirements under section 2.1 or 3.1. Contractors must produce proof of compliance in a written attestation to Human Resources upon the request of the Coordinator of Facility Operations responsible for supervision for their contract.
- 6.2 Volunteers at Westmount Charter School are required to follow the same process as employees.

7. Consequences for Breach

- 7.1 Compliance with this procedure is mandatory.
- 7.2 Any employee in breach of this procedure is subject to discipline, up to and including termination of employment.

7.3 Any person scheduled or required to carry out duties or activities on Board property, who is in breach of this procedure, will not be allowed on Board property.

APPENDIX

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

1. A vaccination record and rapid testing record 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. Westmount Charter School 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 an employee has 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, Westmount Charter School will not keep a copy of that record except to the extent necessary to confirm its validity and authenticity. Instead, we will keep a coded entry to confirm that an employee has demonstrated compliance with the rapid testing requirement. 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 limited to Human Resources.
5. If there is a breach of security affecting any employee's personal information, including but not limited to vaccination status or rapid testing results, Westmount Charter School 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 Westmount Charter School, including vaccination status or rapid testing results, you may contact Human Resources.
7. If you have any questions about the storage and safety of the information provided to Westmount Charter School, you may contact Human Resources.

Legal Reference: *Alberta Human Rights Act, Policy 14*
Cross Reference:
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