

KN Policy 2021-01: COVID-19 Vaccination and Testing Policy

1. Policy Statement

This policy is grounded in the advice of Peterborough Public Health and Cross Country Ski Ontario.

The health and safety of Kawartha Nordic staff, volunteers, members, program participants, and day users is a priority. Kawartha Nordic (KN) is committed to taking every reasonable precaution in the circumstances for the protection of the health and safety of workers and visitors from the hazard of COVID-19. Vaccination is a key element in the protection of everyone, including KN staff, volunteers, and visitors against the hazard of COVID-19.

As one of the critical control measures for the hazard of COVID-19, this policy requires all KN staff and KN program participants, plus any caregivers and volunteers interacting with KN programs, to be fully vaccinated against COVID-19.

2. Background and Current Situation

Kawartha Nordic operates in a rustic, winter environment with staff, volunteers, and program participants frequenting enclosed spaces where heat and ventilation are difficult to regulate. This inherent challenge with ventilation requires a greater focus on other measures that can reduce COVID-19 virus transmission.

Virus transmission is also of concern with Kawartha Nordic programs which by necessity bring together groups from different households and cohorts. Measures such as screening, masking, physical distancing, and sanitization can reduce COVID-19 virus transmission but not all of these measures can be consistently practiced in the course of our program offerings due to instructional needs, our environment, our space, or the ages of our program participants.

Full vaccination has been shown to be effective in reducing COVID-19 virus transmission and protecting vaccinated individuals from severe consequences of COVID-19 and COVID-19 variants including the Delta variant currently circulating in Ontario.

Given the continuing spread of COVID-19, including the Delta variant, within Ontario, the compelling data demonstrating a higher incidence of COVID-19 among the unvaccinated population and the increasing levels of contact between individuals as businesses, services, and activities have reopened, it is important for everyone to consider vaccination in order to protect themselves against serious illness from COVID-19 as well as to provide indirect protection to others, including colleagues, program participants, members, day users, and those under 12.

3. Application

This policy applies to all:

- **KN Program Participants**, which for the purpose of this policy refers to anyone provided with instruction, supervision, coaching, and/or equipment as part of a KN program, including for example Youth Skill Development Programs, the KN Race Team, Adult Lessons, and School Groups;
- **KN Program Participant Caregivers**, which for the purpose of this policy refers to anyone who brings a KN Program Participant to a KN program group (or picks them up from a program group) regardless of whether they remain with that program group;
- **KN Program Volunteers**, which for the purpose of this policy refers to anyone providing service to KN without remuneration who in the course of this service will or could likely interact with KN Program Participants; and,
- **KN Staff**, which for the purpose of this policy refers to anyone employed by Kawartha Nordic.

For the purpose of this policy only, “employees” shall refer to both KN Staff and KN Program Volunteers, and “participants” shall refer to both KN Program Participants and KN Program Participant Caregivers.

4. Vaccination Requirement

All employees and participants are required to be fully vaccinated with a COVID-19 vaccine series in advance of starting with Kawartha Nordic, which for participants would be their first in-person KN program session, and for employees would be their first KN work shift.

Fully vaccinated means having received the final dose of a COVID-19 vaccine series approved by Health Canada or the World Health Organization at least 14 days prior to starting with Kawartha Nordic.

4.1. Age Exemption

Employees and participants who by virtue of their age are unable to receive a COVID-19 vaccine are exempt from this requirement until such time as a COVID-19 vaccine is made available to them in Ontario.

4.2. Additional Requirement for New Employees

New employees are required to be fully vaccinated against COVID-19 as a condition of being employed or engaged by Kawartha Nordic. All employees not under contract on 31 August, 2021, even if they have previously been under contract with Kawartha Nordic, are deemed to be new employees.

5. Proof of Vaccination

Kawartha Nordic requires proof of vaccination from all employees and participants. Proof means verifiable documentation confirming receipt of a vaccination series approved by Health Canada or the World Health Organization.

5.1. Vaccination Status Disclosure for Participants

Participants must disclose their vaccination status to their KN program leader at the start of each KN program session.

Participants who disclose that they are not fully vaccinated (as per section 4), or who have not disclosed their vaccination status as required, shall not be allowed to join the program or share the space used by the program, and in the case of a KN Program Participant Caregiver, both the caregiver and their associated KN Program Participant shall not be allowed to join the program or share the space used by the program.

5.2. Vaccination Status Disclosure for Employees

Employees must disclose their vaccination status to their direct report at KN by October 31, 2021 for current KN Staff, or at their first meeting with their direct report for new employees.

Current KN Staff who, by October 31, 2021, disclose that they are not fully vaccinated (as per section 4), or who have not disclosed their vaccination status as required, shall attend mandatory education on the benefits of vaccination, in addition to the obligations identified in this policy.

New employees who, by the time of their first meeting with their direct report, disclose that they are not fully vaccinated (as per section 4), or who have not disclosed their vaccination status as required, shall not be entered into employment or otherwise engaged by Kawartha Nordic.

6. Accommodations in Accordance with the Human Rights Code

Employees and participants who are not able to obtain a COVID-19 vaccine for a reason related to a protected ground set out in the Ontario Human Rights Code can request accommodation.

All accommodation requests require written proof of the need for accommodation to be submitted along with an initial position on how employment or participation could be reasonably accommodated by Kawartha Nordic while maintaining the health and safety of all employees and participants.

In the case of a request for a medical accommodation, medical documentation from a physician or nurse practitioner, including whether a medical reason is permanent or time-limited is

required, and written documentation will only be required until recognized medical exemptions can be integrated as part of a digital vaccine certificate.

At this time the Ontario Human Rights Commission has indicated that a singular belief against vaccinations has not been upheld as a creed within the meaning of the Ontario Human Rights Code.

While Kawartha Nordic will make reasonable accommodations for employees and participants unable to obtain a COVID-19 vaccine as required by the Ontario Human Rights Code, it is important to note that the Ontario Human Rights Commission has stated that accommodation does not necessarily require exemption from vaccine mandates, certification, or COVID-19 testing requirements, and that accommodation can be limited if it would cause undue hardship, including for example if it significantly compromised health and safety such as during a pandemic.

Requests for accommodation are to be made in confidence to the Kawartha Nordic President 30 days in advance of the first vaccination status disclosure required by this policy. By virtue of the required vaccination disclosure process, all substantiated accommodations will be disclosed to a participant's program leader and to an employee's direct report.

Requests for accommodation will be reviewed by the KN President and Vice-president. In the course of this review, details of the request may be disclosed to Peterborough Public Health, the Ontario Human Rights Commission, or KN legal counsel, for the purposes of seeking advice and guidance. The accommodation review process will include discussion with the employee or participant and/or the participant's family to establish reasonable accommodations as required or allowed by the Ontario Human Rights Code and applicable law.

7. COVID-19 Testing

Employees and participants who remain unvaccinated due to a substantiated Ontario Human Rights Code related accommodation will be required to take additional infection and prevention control measures, including

- providing proof of a negative COVID-19 test administered each week, and
- self-isolating if exposed to COVID-19.

8. Personal Health Information

Kawartha Nordic will not maintain vaccination disclosure information, but will maintain, when necessary, documentation related to an accommodation request, in accordance with privacy legislation. This information will only be used to the extent necessary for implementation of this policy, for administering health and safety protocols, and infection and prevention control measures.

9. Continued Compliance with all Health and Safety Precautions

Unless a legislated or regulatory exemption applies, all employees and participants are expected and required to continue to comply with applicable health and safety measures to reduce the hazard of COVID-19, including but not limited to compliance with established site access controls (e.g. screening), wearing a mask or face covering, maintaining appropriate sanitation and physical distancing, and self-monitoring of potential COVID-19 symptoms when at KN or otherwise participating in KN programs.

10. Responsibilities

Managers are expected to:

- lead by example,
- verify employee COVID-19 vaccination status before the employee's first KN work shift,
- verify negative COVID-19 test results weekly for employees with substantiated accommodations, and
- ensure employee compliance with all other applicable health and safety measures.

Employees are expected to:

- disclose their verifiable COVID-19 vaccination status before their first KN work shift,
- disclose their COVID-19 test results weekly, if they have a substantiated accommodation, and
- follow all health and safety policies and protocols.

KN Program leaders are expected to:

- lead by example,
- verify participant COVID-19 vaccination status before each program session,
- verify negative COVID-19 test results weekly for participants with substantiated accommodations, and
- ensure participant compliance with all other applicable health and safety measures.

Participants are expected to:

- disclose their verifiable COVID-19 vaccination status before each program session,
- disclose their COVID-19 test results weekly, if they have a substantiated accommodation, and
- follow all health and safety policies and protocols.

11. Ongoing Monitoring & Assessment of Workplace Safety Measures

Kawartha Nordic will continue to closely monitor its COVID-19 risk mitigation strategy and the evolving public health information and context, to ensure that it continues to optimally protect the health and safety of employees in the workplace and the clientele that they serve. To that

end, and in consultation with Peterborough Public Health, KN will continue to assess other available workplace risk mitigation measures, including, for example, requiring proof of a negative COVID-19 test, etc. If it is determined that additional precautions are necessary, KN may decide to deploy new measures (including at an individual level) to protect employees and clientele from COVID-19, and may amend this policy accordingly and/or communicate the required precautions to impacted employees and participants.

12. Consequences of Non-Compliance with Policy

Participants who do not comply with this policy may be subject to removal from programs, or cancellation of membership, and may not be afforded a refund. Employees who do not comply with this policy may be subject to discipline, up to and including dismissal.

Effective Date October 4, 2021