

COVID-19 HAZARD CONTROL

Background

Battle River School Division (BRSD) is committed to protecting the health and safety of its students, employees, visitors, and others accessing BRSD sites.

BRSD recognizes COVID-19 as a potential workplace hazard under the *Occupational Health and Safety Act*. BRSD has a shared responsibility with its workers to eliminate and control this hazard.

Immunization against COVID-19 and rapid access testing are highly effective means to prevent the spread of COVID-19, to prevent outbreaks in BRSD facilities, to preserve workforce capacity to continue to provide high quality instruction to all students, and to protect our students, workers, visitors, and others accessing BRSD sites.

Scope

This Administrative Procedure applies to all BRSD staff and contractors, as well as all visitors to School Buildings (including parents, coaches, trustees, outside user groups).

This Administrative Procedure does not apply to students.

Effective Date

This Administrative Procedure comes into immediate effect, but the first obligations under the Administrative Procedure arise on October 29, 2021 as described within.

Temporary Requirement

This Administrative Procedure is not intended to be a permanent requirement of BRSD. BRSD will maintain this Administrative Procedure while COVID-19 case numbers and transmission rates continue to suggest that COVID-19 remains a realistic and foreseeable workplace hazard. As a result, BRSD will continue to review this procedure Administrative Procedure on an ongoing basis to determine its necessity, and will meet to review its continued application no less than once every 4 months.

Definitions

Administrative Assistant: Means an individual employed by BRSD under section 225 of the *Education Act*, S.A. 2012, c. E-0.3 (as may be amended) with the job title of Administrative Assistant - i.e. those employed primarily to provide administrative, clerical, and secretarial support to BRSD.

Bus Driver: Means an individual employed by BRSD to operate school buses for the transportation of students.

Contractor: Means an individual engaged to perform services on behalf of BRSD other than through an employment relationship.

Educational Assistant: Means an individual employed by BRSD under section 225 of the *Education Act*, S.A. 2012, c. E-0.3 (as may be amended) with the job title of Educational Assistant - i.e. those acting under the direction of a Teacher (as defined under the *Education Act*) to work directly with students to deliver activities that reinforce and advance the educational program(s).

Employee: Means an individual employed by BRSD, irrespective of whether the individual is represented by a trade union (or not).

Proof of a Negative PCR/Antigen Test: Means an authentic record showing that the Employee has received a negative Rapid COVID-19 Test.

Proof of Full Immunization: Means an authentic record showing that the Employee has received all of the recommended doses for an inoculation against COVID-19 as recommended by Health Canada and Alberta Health. Proof includes MyHealth immunization records, card-sized vaccine record provided by Government of Alberta, and receipt of vaccination provided by the pharmacy or healthcare provider administering the vaccine.

Proof of Partial Immunization: Means an authentic record showing that the Employee has received some, but not all, of the recommended doses for an inoculation against COVID-19 as recommended by Health Canada and Alberta Health. Proof includes MyHealth immunization records, card-sized vaccine record provided by Government of Alberta, and receipt of vaccination provided by the pharmacy or healthcare provider administering the vaccine.

Substitute Teacher: A Teacher (as defined by the *Education Act*) who is employed by BRSD under s. 208 of the *Education Act*, S.A. 2012, c. E-0.3 (as may be amended).

Supervisor: Means the individual to whom an Employee directly reports, and from whom an Employee receives direction and construction. It also includes the individual in control of any given worksite/school.

Rapid COVID-19 Test: Means an antigen or PCR Point-of-care testing devices as approved by Health Canada.

Visitor: Means any person accessing BRSD facilities, but excludes BRSD employees. Visitor includes tenants, volunteers, contractors, parents, coaches, trustees, outside user groups, and all other persons accessing BRSD sites.

Procedures

1. **EMPLOYEE REQUIREMENTS** - All employees **must** comply with **one of the three** following requirements:
 - 1.1 Vaccination: Provide Proof of Partial Immunization by October 29, 2021, and Proof of Full Immunization no later than December 3, 2021 as described in Procedure 2; or,
 - 1.2 Negative Testing: Commencing October 29, 2021, obtain a negative Rapid COVID-19 Test dated 72 hours or less prior to every scheduled workday and Proof of a Negative PCR/Antigen Test as described in Procedure 3; or,
 - 1.3 Unpaid Leave of Absence: As an alternative to 1.1 and 1.2, BRSD will consider any Employee's request for an unpaid leave of absence.

- 1.3.1 Where a leave of absence is granted, the Employee will not be required to comply with either Procedure 1.1 or 1.2 during the approved leave.
 - 1.3.2 Where the leave is denied or has not yet been approved, the Employee will be required to comply with either Procedure 1.1 or 1.2.
 - 1.3.3 Leave of absence requests must be submitted to BRSD's Human Resources department as soon as possible. BRSD will consider any leave of absence request in good faith in light of its operational needs and legislative requirements.
 - 1.3.4 This provision is in addition to, and does not replace, any leave entitlements found in an Employee's contract of employment, collective agreement, or legislation as the case may be.
- 1.4 Every Employee must comply with one of the above requirements. Any Employee who is **unable** to comply **must** make a disclosure under Procedure 8 prior to breaching this Administrative Procedure.

2. PROOF OF VACCINATION (Procedure 1.1 Selection)

- 2.1 All Employees electing to comply with Procedure 1.1, with the exception of Substitute Teachers, Substitute Educational Assistants and Substitute Administrative Assistants, must:
- 2.1.1 effective October 29, 2021, provide (show) Proof of Partial Immunization to their Supervisor no later than October 29, 2021, and
 - 2.1.2 effective December 3, 2021, must provide (show) Proof of Full Immunization to their Supervisor.
 - 2.1.3 Every Bus Driver and Substitute Bus Driver may comply with Procedures 2.1.1 and 2.1.2 by providing Proof of Partial Immunization and/or Proof of Full Immunization by way of an electronic transmission (text message or email) to their Supervisor (Director of Transportation).
- 2.2 All Substitute Teachers, Substitute Educational Assistants and Substitute Administrative Assistants electing to comply with Procedure 1.1 must:
- 2.2.1 effective October 29, 2021, carry Proof of Partial Immunization on their person, and show proof to the School Office as a condition of entry to the particular School at the beginning of every day of work; and,
 - 2.2.2 effective December 3, 2021, carry Proof of Full Immunization on their person and show proof to the School Office as a condition of entry to the particular School at the beginning of every day of work.

3. PROOF OF NEGATIVE TESTING (Procedure 1.2 Selection)

- 3.1 Effective October 29, 2021, all Employees electing to comply with Procedure 1.2 (or otherwise failing to comply with Procedure 1.1), with the exception of Substitute Teachers, Substitute Educational Assistants and Substitute Administrative Assistants, must provide Proof of a Negative PCR/Antigen Test which is less than 72 hours old, to their Supervisor no later than 5:00 PM on the day preceding each workday.
- 3.1.1 Every Bus Driver and Substitute Bus Driver may comply with Procedure 3.1 by providing Proof of a Negative PCR/Antigen Test by way of an electronic transmission (text message or email) to their Supervisor (Director of Transportation).

- 3.2 Effective October 29, 2021, Substitute Teachers, Substitute Educational Assistants and Substitute Administrative Assistants electing to comply with Procedure 1.2 (or otherwise failing to comply with Procedure 1.1) must carry Proof of a Negative PCR/Antigen Test (dated 72 hours or less prior to every scheduled workday) on their person, and show proof to the School Office as a condition of entry to the particular School at the beginning of every day of work.

4. VISITOR & CONTRACTOR REQUIREMENTS

- 4.1 Effective October 29, 2021 all Visitors and Contractors must carry:

- 4.1.1 Proof of Partial Immunization on their person; or,
4.1.2 Proof of a Negative PCR/Antigen Test (dated 72 hours or less) on their person; **and** show proof to the School or Worksite Office as a condition of entry to the particular School or Worksite at the beginning of every day of work.

- 4.2 Effective December 3, 2021 all Visitors and Contractors must carry:

- 4.1.1 Proof of Full Immunization on their person; or,
4.1.2 Proof of a Negative PCR/Antigen Test (dated 72 hours or less) on their person; **and** show proof to the School or Worksite Office as a condition of entry to the particular School or Worksite at the beginning of every day of work.

5. SUPERVISOR & SCHOOL OR WORKSITE OFFICE REQUIREMENTS

- 5.1 Supervisors and School or Worksite Office Staff shall not collect or retain copies of proof provided by individuals under this Administrative Procedure except as follows.

- 5.1.1 Supervisors shall maintain a record of employees who have provided proof of vaccination (full and partial). In order to reduce the risk of inadvertent disclosure, Employee names will be recorded but only associated with a coded notation which does not identify the information being recorded except to those with the code (i.e. the record itself will not refer to the fact it is recording vaccination). A template will be provided to Supervisors by BRSD's Human Resources Department.

- 5.1.2 Supervisors may receive a Proof of a Negative PCR/Antigen Test electronically (text, email, or facsimile) but must delete all copies after confirming authenticity. Supervisors shall only maintain a record of noting that the individual has provided proof for the relevant day.

- 5.1.3 Supervisors may receive a Proof of Partial Immunization and/or Proof of Full Immunization (text, email, or facsimile) but must delete all copies after confirming authenticity. Supervisors shall only maintain a record as indicated in Procedure 5.1.1.

- 5.1.4 School and Worksite Office Staff shall not retain any record under this Administrative Procedure except a notation that the individual has been approved to enter the particular School or Worksite.

- 5.2 Supervisors and School or Worksite Office Staff shall not disclose information obtained under this Administrative Procedure to any person whatsoever except where so directed by BRSD's Human Resources Department. All decisions related to, and requests for, disclosure must be made/referred by/to BRSD's Human Resources Department.

- 5.3 In the event that a Supervisor or School or Worksite Office Staff is unable to determine the authenticity or veracity of purported proof provided by an Employee, the Supervisor/

School or Worksite Office Staff may collect and provide the information to BRSD's Human Resources Department for verification (in which case the Supervisor or School or Workplace Office Staff shall not retain any copies after transmission to Human Resources).

- 5.4 Supervisors must consult with BRSD's Human Resources Department prior to issuing discipline under this Administrative Procedure.

6. NEW HIRES

- 6.1 All applicants for employment with BRSD shall be required to provide Proof of Full Immunization as a pre-condition of employment except to the extent otherwise required by the *Alberta Human Rights Act*.

7. HUMAN RESOURCES RESPONSIBILITIES

- 7.1 Human Resources are responsible to provide advice and guidance to Supervisors and School or Worksite Office Staff in managing their responsibilities under this Administrative Procedure.
- 7.2 Human Resources personnel are responsible for assessing issues surrounding authenticity of records gathered and provided under Procedure 5.3;
- 7.3 Human Resources personnel are responsible to ensure all records collected within that Department are securely and confidentially retained, accessed, and used only as necessary to manage and administer employment and other working relationships with workers, to address accommodation requests, and to comply with all applicable laws, such as the Occupational Health and Safety Act (Alberta) and the Alberta Human Rights Act.
- 7.4 Human Resources personnel are responsible to ensure records held by that Department shall be used, accessed, and disclosed in accordance with the *Freedom of Information and Protection of Privacy Act* and the BRSD Administrative Procedure 142 - Records Management.
- 7.5 The BRSD Human Resources Department shall receive and respond to all disclosures made under Procedure 8 in good faith.

8. EMPLOYEE DUTY TO DISCLOSE INABILITY TO COMPLY

- 8.1 Any Employee who is unable, or believes they are unable, to comply with this Administrative Procedure (for any reason whatsoever), **must disclose that inability** (or perceived inability) and the reasons therefore, to BRSD's Human Resource Department **before** breaching this Administrative Procedure.
- 8.2 BRSD's Human Resource Department will use any disclosure made under Procedure 8.1 to determine BRSD's obligation and ability to accommodate an Employee who is unable to comply, or believes they cannot comply, with this Administrative Procedure. This shall include a consideration of BRSD's obligations under the *Alberta Human Rights Act*.
- 8.3 No Employee will be disciplined for making a disclosure under 8.1 in good faith.

- 8.4 In most cases, a disclosure made under 8.1 will not shield an Employee from discipline (assuming discipline is warranted) where the disclosure is made after breaching this Administrative Procedure.
- 8.5 Any disclosure under Procedure 8.1 will be treated in confidence and will only be shared where required to manage an employment relationship or to assess or address the inability to comply with this Administrative Procedure.

9. NON-COMPLIANCE / DISCIPLINE / FALSIFICATION OF RECORDS

- 9.1 Any Employee in breach of this Administrative Procedure may be subject to discipline where circumstances warrant. In some cases, this may include termination of employment.
- 9.2 Any Contractor in breach of this Administrative Procedure may be denied access to BRSD's property, and may be found in breach of the contractual obligations relevant to that individual.
- 9.3 Any Visitor in breach of this Administrative Procedure, or who fails to comply with this Administrative Procedure, may be denied access to BRSD's property and denied in-person communication with BRSD Employees.
- 9.4 Any Employee submitting information under this Administrative Procedure which the Employee knows to be false is serious misconduct and will, in most cases, result in termination of employment where such falsification potentially (or actually) jeopardizes the health and safety of staff or students.

References: Alberta Human Rights Act
Freedom of Information and Protection of Privacy Act (Alberta)
Occupational Health and Safety Act (Alberta)
"Encouraging mandatory proof-of-vaccination policies for adults in schools" letter from Minister of Education and Minister of Health

Related APs: Records Management (142)