

POLICY ON COVID-19 VACCINATION

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1 EFFECTIVE DATE OF THIS POLICY

1.1 This policy takes effect on October 21, 2021.

2 AUTHORITIES

2.1 This policy is issued pursuant to the *National Film Act* and to sections 7 and 11.1 of the *Financial Administration Act*.

2.2 The Commissioner has sub-delegated to the Director General, Institutional, Legal and Human Resources Services the authority to:

- 2.2.1 Make technical amendments to this policy and related instruments.
- 2.2.2 Determine the effective dates of related instruments.
- 2.2.3 Issue, amend or repeal directives and standards associated with this policy provided they are consistent with its overall intent and do not have financial implications.
- 2.2.4 Provide any oversight, systems, information requirements, or compliance and reporting required.
- 2.2.5 Ensure any appropriate action to address non-compliance issues.
- 2.2.6 Oversee any other measures to assess whether requirements of this policy or its supporting instruments have been met.

3 OBJECTIVES AND EXPECTED RESULTS

3.1 The objectives of this policy are as follows:

- 3.1.1 To take every precaution reasonable, in the circumstances, for the protection of the health and safety of employees. Vaccination is a key element in the protection of employees against COVID-19.
- 3.1.2 To improve the vaccination rate across Canada of employees of the National Film Board (NFB) through COVID-19 vaccination.
- 3.1.3 Given that operational requirements may include ad hoc onsite presence, all employees, including those working remotely and teleworking must be fully

vaccinated to protect themselves, colleagues, freelancers, partners and visitors from COVID-19.

3.2 The expected results of this policy are as follows:

- 3.2.1 All employees of the NFB are fully vaccinated unless accommodated based on a certified medical contraindication, religion, or another prohibited ground for discrimination as defined under the *Canadian Human Rights Act*.
- 3.2.2 The NFB monitors the implementation of this policy
- 3.2.3 Personal information is only created, collected, retained, used, disclosed, and disposed of in a manner that respects the provisions of the *Privacy Act* and other applicable legislation.

4 REQUIREMENTS

COMMISSIONER

4.1 The Commissioner is responsible for the following:

Implementation

- 4.1.1 Implementing this policy within the NFB.
- 4.1.2 Complying with direction received from the President of the Treasury Board, the Secretary of the Treasury Board, or the Chief Human Resources Officer regarding how to implement this policy.
- 4.1.3 Ensuring that the NFB complies with any oversight, systems, information requirements, or reporting established by the Chief Human Resources Officer regarding the implementation of this policy, including:
 - 4.1.3.1 Collecting and storing data and information regarding vaccine attestations, testing, and testing results in the NFB's vaccine attestation tracking mechanism.
- 4.1.4 Providing training related to the requirements set out for employees pursuant to this policy and tracking records of attendance when applicable.
- 4.1.5 Collecting and storing attestation once signed.
- 4.1.6 Conducting audits on attestations.

Duty to Accommodate

4.1.7 Implementing this policy and the Accommodation Policy for persons unable to be fully vaccinated by:

4.1.7.1 Ensuring that employees are informed of:

- Their right to accommodation;
- Procedures to be followed when seeking accommodation;
- The employee's responsibilities when seeking accommodation;
- Any mandatory testing that needs to be undertaken as accommodation measures, where applicable; and
- The organization's approach to accommodation and privacy obligations to reassure employees that the workplace will be safe.

4.1.7.2 Ensuring that managers and Human Resources Advisors are informed of their responsibilities and obligations regarding:

- Addressing requests for accommodation on a case-by case basis, in a timely manner, and up to the point of undue hardship for employees who are unable to be fully vaccinated based on a certified medical contraindication, religion, or another prohibited ground of discrimination as defined under the Canadian Human Rights Act, which could also include employees who are partially vaccinated;
- The fulfilment of mandatory testing requirements as accommodation measures, where applicable; and
- The relevant confidentiality and privacy considerations.

4.1.7.3 Implementing measures for employees unwilling to disclose their vaccination status, or who choose not to be fully vaccinated, without an approved accommodation.

Respectful workplace

4.1.8 Ensuring a respectful, productive, inclusive, and equitable environment, including:

4.1.8.1 Ensuring that employees are aware that harassment or other prohibited conduct directed toward an individual for any reason, including based on their vaccination status, will not be tolerated.

Privacy

- 4.1.9 Ensuring that personal information is collected and managed in accordance with the *Privacy Act* and its related instruments and other applicable legislation:
 - 4.1.9.1 Ensuring that their privacy breach plans and procedures are up to date;
 - 4.1.9.2 Ensuring that privacy breach plans and procedures are readily available to employees and managers; and
 - 4.1.9.3 Ensuring that privacy breach plans include:
 - Immediate containment measures in the event of a privacy breach; and
 - Contact information for the relevant officials.

MANAGERS

4.2 Managers are responsible for:

- 4.2.1 Ensuring that employees who report to them know how to enter their vaccine attestations and any associated data or information in the NFB's vaccine attestation tracking mechanism;
- 4.2.2 In collaboration with the Human Resources Advisor, implementing the appropriate accommodation measures, which may include mandatory testing;
- 4.2.3 Supporting the Commissioner's responsibilities related to the protection of privacy under the *Privacy Act* and its related instruments and other applicable legislation, including:
 - 4.2.3.1 Complying with responsibilities assigned to executives and senior officials who manage programs or activities involving the creation, collection, or handling of personal information under the Directive on Privacy Practices; and,
 - 4.2.3.2 Ensuring that they are aware of and adhere to the requirements of the Privacy Act as well as the Policy on Privacy Protection and its related instruments and other applicable legislation.
- 4.2.4 Maintaining a respectful, productive, inclusive, and equitable environment.

HUMAN RESOURCES ADVISORS

4.3 Human Resources Advisors have the following responsibilities:

- 4.3.1 Provide the necessary information (tools, information) to managers and employees so that they can meet the requirements of this policy.
- 4.3.2 Reviewing vaccine attestations and any associated data or information entered by employees, for the purpose of validating that the information complies with the requirements.
- 4.3.3 Receive and evaluate employees' requests for accommodation under the Duty to Accommodate, as outlined above, including:
 - Informing the employee of their obligations;
 - Gathering the relevant information;
 - Making decisions as to whether the duty to accommodate applies;
 - In collaboration with the manager, implementing the appropriate accommodation measures, which may include mandatory testing;
 - Documenting the process.
- 4.3.4 Supporting the NFB Commissioner's responsibilities related to the protection of privacy under the *Privacy Act* and its related instruments and other applicable legislation, including:
 - 4.3.4.1 Ensuring that they are aware of and adhere to the requirements of the *Privacy Act* as well as the Policy on Privacy Protection and its related instruments and other applicable legislation.

EMPLOYEES

4.4 Employees are responsible for:

- 4.4.1 Providing truthful information for the implementation of all aspects of this policy and any procedures, standards, or directives associated with this policy. Failure to do so could constitute a breach of the Values and Ethics Code for the Public Sector and the NFB's Code of Values and Ethics and may result in disciplinary action.
- 4.4.2 Disclosing their vaccination and testing status accurately as required by this policy.
- 4.4.3 Informing their Human Resources Advisor of their need for accommodation based on a certified medical contraindication, religion, or another prohibited ground of discrimination as defined under the *Canadian Human Rights Act* at the earliest opportunity or by the attestation deadline, if possible.

- 4.4.4 Providing their Human Resources Advisor with complete and accurate information necessary to identify appropriate accommodation, including information on relevant limitations, restrictions, and if they are partially vaccinated.
- 4.4.5 Cooperating and collaborating in good faith with the NFB's representative(s) to identify one or more means to accommodate such needs, which may include mandatory testing, and the reporting of the results, per Health Canada's testing protocol.
- 4.4.6 Notifying their Human Resources Advisor if their accommodation needs change.
- 4.4.7 Informing themselves of and adhering to the requirements of the *Privacy Act*, as well as related instruments and other applicable legislation.
- 4.4.8 Attending training as required.
- 4.4.9 Refraining from directing harassment or any other prohibited conduct toward an individual for any reason, including their vaccination status or accommodation measures.

CHIEF HUMAN RESOURCES OFFICER

4.5 The Chief Human Resources Officer is responsible for:

- 4.5.1 Prescribing any oversight, systems, information requirements, or reporting for the purpose of implementing this policy; and
- 4.5.2 Reviewing the need for this policy, at a minimum every 6 months, and reporting the results to the President of the Treasury Board.

5 ROLES AND RESPONSIBILITIES OF OTHER GOVERNMENT DEPARTMENTS

5.1 The Treasury Board of Canada Secretariat is responsible for:

- 5.1.1 Assisting organizations by providing direction, guidance, and tools to support the vaccination of public service employees by:
 - 5.1.1.1 Communicating timely information to deputy heads on vaccination considerations, as appropriate; and
 - 5.1.1.2 Liaising with bargaining agents at a national level.
- 5.1.2 Addressing key COVID-19 vaccination-related labour relations issues with organizations, such as the employer's obligations relating to occupational health and safety, work refusals, compensation, guidance on the use of leave, duty to

accommodate, the collection, use and disclosure of personal information, general Information Management, and values and ethics.

5.1.3 Communicating guidance to organizations regarding the duty to accommodate, and compliance with the *Canada Labour Code*, Part II, specifically as it relates to COVID-19.

5.1.4 Providing support, advice, and guidance for the consistent implementation of this policy, including administrative measures related to unwilling employees.

5.2 Health Canada's Public Service Occupational Health Program is responsible for:

5.2.1 Providing occupational health advice and guidance related to COVID-19; and

5.3 Health Canada's Testing Secretariat is responsible for:

5.3.1 Supporting the provision of testing (procurement and distribution);

5.3.2 Sharing information on testing supplies, guidance materials, and other relevant information as it relates to testing;

5.3.3 Establishing the testing protocol; and

5.3.4 Connecting organizations to share procedures, best practices, and lessons learned as it relates to testing.

5.4 Canada School of Public Service is responsible for:

5.4.1 Providing a learning platform for delivering COVID-19 information tools and or pre-recorded training sessions; and

5.4.2 Enabling course registration and completion tracking, including in each learner's account in [GCcampus](#), if they have one.

6 APPLICATION

6.1 This policy applies to all employees as defined in Appendix A. The principles of this policy apply equally to Interchange Canada Participants.

6.1.1 Employees must comply with this policy regardless of whether they work onsite, remotely, or telework.

7 CONSEQUENCES OF NON-COMPLIANCE

7.1 For employees unwilling to be fully vaccinated or to disclose their vaccination status, as per Appendix A, the employer will implement the following measures:

7.1.1 Within 2 weeks of the attestation deadline, require employees to attend an online training session on COVID-19 vaccination;

7.1.2 At 2 weeks after the attestation deadline:

- a. Restrict employees' access to the workplace, off-site visits, business travel and conferences;
- b. Place employees on administrative Leave Without Pay advising them not to report to work, or to stop working remotely, and taking the required administrative action to put them on Leave Without Pay;

7.2 For employees who are partially vaccinated as per Appendix A:

7.2.1 Partially vaccinated employees will be placed on Leave Without Pay if they have not received their second dose by 10 weeks after their first dose;

7.2.2 Employees who have been placed on Leave Without Pay and who become partially vaccinated will resume work and have their pay reinstated;

7.2.3 Partially vaccinated employees may be subject to temporary measures for the period of time for which they remain partially vaccinated.

7.3 "Other Leave With Pay" is not available for employees unwilling to be fully vaccinated or unwilling to disclose their vaccination status.

7.4 The Chief Human Resources Officer may direct the Commissioner to take appropriate action to address non-compliance issues or may impose any other measures deemed appropriate to assess whether requirements of this policy or its supporting instruments and mandatory procedures have been met.

7.5 The costs of measures that may arise because of errors or inappropriate application of this policy, associated instruments, and mandatory procedures, will be paid by the NFB, in accordance with existing reference levels.

7.6 These measures may include recommendations by the Chief Human Resources Officer to the Treasury Board to add conditions to, modify, or revoke the authority of the Commissioner, including any measures allowed by the *Financial Administration Act* that the Treasury Board may determine appropriate.

8 REFERENCES

LEGISLATION

- [Canadian Human Rights Act](#)
- [Canada Labour Code](#)
- [Canada Occupational Health and Safety Regulations](#)
- [Financial Administration Act](#)
- [Government Employees Compensation Act](#)
- [National Film Act](#)
- [Privacy Act](#)
- [Privacy Regulations](#)
- [Work Place Harassment and Violence Prevention Regulations](#)

RELATED POLICY INSTRUMENTS

- [Accommodation Policy \(NFB\)](#)
- [COVID-19 vaccination requirement for supplier personnel](#)
- [Directive on Interchange Canada](#)
- [Directive on Privacy Practices](#)
- [NFB Code of Values and Ethics](#)
- [Policy on Privacy Protection](#)
- [Policy on the Prevention and Resolution of Workplace Harassment and Violence \(NFB\)](#)
- [Telework Guide \(NFB\)](#)
- [Values and Ethics Code for the Public Sector](#)

ADDITIONAL INFORMATION

- [COVID-19 Vaccines: Authorized vaccines - Canada.ca](#)
- [Information for Government of Canada employees: Coronavirus disease \(COVID-19\)](#)
- [National Advisory Committee on Immunizations Statement: Recommendations on the use of COVID-19 vaccines](#)
- [Public Service Occupational Health Program COVID-19 Guidance](#)
- [Provincial and Territorial Operating Condition \(GCconnex\)](#)

9 ENQUIRIES

9.1 Employees should direct enquiries to their manager or to their Human Resources Advisor:

Samira Najem
s.najem@nfb.ca
514-641-7923

Josée Riel
j.sabbagh@nfb.ca
514-241-1964

APPENDIX A: DEFINITIONS

Attestation deadline (date limite de présentation de l'attestation)

The date by which an employee's attestations must be entered in the NFB's vaccine attestation tracking mechanism, or provided to Human Resources if the employee does not have access to the prescribed mechanism:

- October 29, 2021, including for employees on "Other Leave With Pay" for reasons related to the pandemic; or
- 2 weeks after return from leave if the return from leave is after the effective date of this policy; or
- 2 weeks after the date on which an employee has been informed of the decision that the duty to accommodate does not apply; or
- For employees who, for reasons related to their current position, are unable to attest to their vaccination status, or do not have access to vaccines for the period extending from the effective date of this policy to October 29, 2021, the attestation deadline is 2 weeks from the date they have access to each, as determined by Human Resources, and notwithstanding their leave status.

Employees (employés)

For the purpose of this policy, "employees" is used throughout to simplify the text.

It means employees of the National Film Board and includes the following regardless of whether they work on-site or telework (full time or part-time):

- Continuous status employees; and
- Term employees.

For the purpose of this policy, it also includes¹:

- Under three months (-3M) employees;
- Students;
- The principles of this policy are applicable to Interchange Canada participants.

Unvaccinated employees are grouped in 3 categories

Partially vaccinated employees (employés partiellement vaccinés)

For the purpose of this policy "partially vaccinated employees" means employees who have received 1 dose of a Health Canada authorized vaccine, but who have not received a full vaccination series, and do not meet the definition of fully vaccinated below.

¹ These individuals are not entitled to certain benefits explained in this policy (e.g., leave provisions). Such benefits, and any other non-applicable terms, are not applicable to these individuals.

Employees unable to be fully vaccinated (employés qui ne peuvent pas être entièrement vaccinés)

For the purpose of this policy “employees unable to be fully vaccinated” means employees that cannot be fully vaccinated due to a certified medical contraindication, religion, or any other prohibited ground of discrimination as defined in the *Canadian Human Rights Act*.

Employees unwilling to be fully vaccinated (employés qui refusent d’être entièrement vaccinés)

For the purpose of this policy “employees unwilling to be fully vaccinated” means employees refusing to disclose their vaccination status (whether they are fully vaccinated or not), employees for whom accommodations for a certified medical contraindication, religion, or another prohibited ground of discrimination is not granted and where the employees are still unwilling to be vaccinated, and employees who have attested that they are unvaccinated.

Employer (employeur)

Under this policy, “employer” means the National Film Board.

Full Implementation Date (date de mise en œuvre complète)

The date by which the testing regime will be in place for employees unable to be vaccinated, and at which consequences will begin to apply to those employees unwilling to be fully vaccinated.

Fully Vaccinated - COVID-19² (employees vaccinated in Canada as of effective date of this policy) (entièrement vacciné - COVID-19 (employés vaccinés au Canada à partir de la date d’entrée en vigueur de cette politique))

People are considered fully vaccinated 14 days after they have either:

- Received both doses of a Health Canada authorized vaccine that requires 2 doses to complete the vaccination series (as of effective date of this policy): Pfizer-BioNTech Comirnaty COVID-19 vaccine, Moderna Spikevax COVID-19 vaccine, or AstraZeneca Vaxzevria COVID-19 vaccine.
- Received mixed dose vaccination series are accepted as long as it aligns with NACI Recommendations on the use of COVID-19 vaccines.
- Received 1 dose of a Health Canada authorized vaccine that only requires 1 dose to complete the vaccination series (as of effective date of this policy): Janssen (Johnson & Johnson) COVID-19 vaccine.
- For current residents of Quebec only, have had a laboratory-confirmed COVID-19 infection followed by at least 1 dose of a Health Canada authorized COVID-19 vaccine.

² Definition will be adjusted if and as required when the National Advisory Committee on Immunization (NACI) makes any future recommendations.

Fully Vaccinated - COVID-19³ (employees vaccinated outside of Canada as of effective date of this policy) (entièrement vacciné - COVID-19 (employés vaccinés à l'extérieur du Canada à partir de la date d'entrée en vigueur de cette politique))

People are considered fully vaccinated 14 days after they have either:

- Received 1 additional dose of an mRNA vaccine at least 28 days after a complete or incomplete course/series of a non-Health Canada authorized vaccine (e.g., may be applicable for public servants who were posted abroad who received a non-Health Canada authorized vaccination and have now returned to Canada).
- Met the definition for fully vaccinated in the jurisdiction in which they currently reside (i.e., for public servants posted abroad who have not yet returned to Canada).
- Received 3 doses of any COVID-19 vaccine regardless if they are Health Canada authorized vaccines or non-Health Canada authorized vaccines.

Vaccination (vaccination)

Vaccination is the term used for receiving a vaccine, usually through an injection.

Vaccine (vaccin)

A vaccine is a substance used to stimulate the immune system and provide immunity against one or several diseases, prepared from the causative agent of a disease, its products, or a synthetic substitute, treated to act as an antigen without inducing the disease.

Workplace (lieu de travail)

Means any place where an employee is engaged in work for the employee's employer, as per the *Canada Labour Code*, Part II. For the purpose of this policy, this includes employees working on site, remotely, and teleworking (full time or part time).

³ Definition will be adjusted if and as required when the National Advisory Committee on Immunization (NACI) makes any future recommendations.