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Bill 12

An Act to enact the Mandatory COVID-19 Vaccinations in the Education and Healthcare Sectors Act, 2021

Mr. J. Fraser

Private Member's Bill

1st Reading October 7, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Mandatory COVID-19 Vaccinations in the Education and Healthcare Sectors Act, 2021*. The Act requires specified education sector organizations and healthcare sector organizations to require their employees and other individuals that they retain to provide services to be fully vaccinated with a COVID-19 vaccine.

Certain exceptions are provided for, such as where complying with the requirement would result in a contravention of the *Human Rights Code*. In such cases, the education sector organization or healthcare sector organization must ensure that the individual's duties do not require direct contact with specified persons and that the individual undergo training respecting the benefits and risks of COVID-19 vaccinations.

Non-compliance with specified provisions of the Act is deemed to be sufficient grounds to make an order under section 22 of the *Health Protection and Promotion Act*, which may require an education sector organization or a healthcare sector organization to take specified measures to ensure compliance with the Act

**An Act to enact the Mandatory COVID-19 Vaccinations
in the Education and Healthcare Sectors Act, 2021**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1 In this Act,

“COVID-19 vaccine” means a vaccine to protect against COVID-19 that has been approved by Health Canada; (“vaccin contre la COVID-19”)

“education sector organization” means,

- (a) a district school board or school authority, as those terms are defined in the *Education Act*,
- (b) a person who operates a private school within the meaning of the *Education Act*, and
- (c) a person who holds a licence issued under the *Child Care and Early Years Act, 2014*; (“organisme du secteur de l’éducation”)

“healthcare sector organization” means,

- (a) a health service provider within the meaning of the *Connecting Care Act, 2019*, and
- (b) an operator of an ambulance service within the meaning of the *Ambulance Act*. (“organisme du secteur des soins de santé”)

Obligation for staff vaccinations

2 (1) Every education sector organization and every healthcare sector organization shall require that each employee of the organization and each individual otherwise retained by the organization to provide services be fully vaccinated with a COVID-19 vaccine, except as otherwise provided by subsection (2).

Exceptions

(2) An education sector organization or a healthcare sector organization may employ or otherwise retain an individual who is not fully vaccinated with a COVID-19 vaccine if,

- (a) the duties of the individual are such that the fact that the individual is not fully vaccinated is unlikely to increase the risk of transmission of COVID-19 within the education sector organization or the healthcare sector organization or an establishment that it operates; or
- (b) requiring that the individual be fully vaccinated would result in a contravention of the *Human Rights Code* in the particular circumstances.

Same

(3) If requiring that an individual be fully vaccinated with a COVID-19 vaccine would result in a contravention of the *Human Rights Code* in the particular circumstances, an education sector organization or healthcare sector organization, as the case may be, shall ensure that,

- (a) the duties of the individual in question do not require direct contact with,
 - (i) children or students, in the case of an education sector organization, or
 - (ii) patients, in the case of a healthcare sector organization; and
- (b) the individual undergo the training prescribed by the regulations made under this Act respecting the benefits and risks of COVID-19 vaccines.

Redeployment

(4) For the purposes of subsection (3), an education sector organization or healthcare sector organization may redeploy employees to other positions within the organization or assign alternate duties to individuals otherwise retained by the organization.

Transition

(5) If, on the day this Act comes into force, an individual who is an employee of an education sector organization or a healthcare sector organization or who is otherwise retained by such an organization to provide services has received a first dose of a COVID-19 vaccine, the individual shall be considered to be fully vaccinated for the purposes of this section, provided that the individual is making reasonable efforts to receive a second dose of a COVID-19 vaccine as soon as reasonably possible.

Order under the *Health Protection and Promotion Act*

3 (1) Non-compliance with subsection 2 (1) or clause 2 (3) (a) or (b) is deemed to be sufficient grounds for a medical officer of health to make an order under section 22 of the *Health Protection and Promotion Act*.

Same

(2) Without limiting the generality of subsection 22 (4) of the *Health Protection and Promotion Act*, an order made under section 22 of that Act based on grounds of non-compliance with subsection 2 (1) or clause 2 (3) (a) or (b) of this Act may require an education sector organization or a healthcare sector organization to take specified measures to ensure compliance with this Act.

Regulations

4 The Lieutenant Governor in Council may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act and, without limiting the generality of the foregoing, may make regulations,

- (a) governing the training referred to in clause 2 (3) (b);
- (b) governing the redeployment of employees of education sector organizations and healthcare sector organizations and the assignment of alternate duties to individuals otherwise retained by such organizations, as authorized by subsection 2 (4), including setting out the rights and responsibilities of the organizations and the individuals and addressing the application of any applicable agreements.

Commencement

5 This Act comes into force 28 days after it receives Royal Assent.

Short title

6 The short title of this Act is the *Mandatory COVID-19 Vaccinations in the Education and Healthcare Sectors Act, 2021*.