



FAQ for Employers of Health Care Workers and Office Staff

When developing a COVID-19 proof of vaccination protocol

Messaging from health professionals is the most effective way to counter vaccine misinformation. Lead by example. Get vaccinated and advise all staff to get the COVID-19 vaccine. When developing a COVID-19 proof of vaccination protocol, employers are encouraged to seek legal advice regarding the options and obligations that apply to their particular workplace.

1. Can I make vaccination mandatory for my staff since we work in a health care setting?

Employers have a duty to provide a safe workplace for all staff under the [Ontario Occupational Health and Safety Act](#), and may be subject to other laws and legal considerations.

On August 17, Ontario's Chief Medical Officer of Health issued [Directive #6](#), mandating certain high-risk settings (including hospitals and community care service providers) to have a COVID-19 vaccination policy for employees, staff, contractors, students and volunteers. This directive was issued to "protect vulnerable patients and staff in settings where the risk of contracting and transmitting COVID-19 and the Delta variant is higher." Smaller health care facilities may want to look to the Provincial directive as a tool to support their own policy development. The Ministry of Health has published a [resource guide](#) on Directive #6.

The Chief Medical Officer of Health and local medical officers of health may also issue mandatory instructions to workplaces regarding COVID-19 vaccination policies, pursuant to recent amendments to Regulation 364/20 under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.

Employers in Toronto also should consider the [recommendations](#) made by the Medical Officer of Health create a COVID-19 proof of vaccination protocol. While strongly encouraged, these recommendations are voluntary.

2. What can I do if staff choose not to get vaccinated?

Employers are encouraged to seek legal advice on their COVID-19 vaccination policy as a whole, including the consequences for any staff who do not fulfill the requirements of the policy.



Health care settings where Directive #6 does not apply, as suggested above, may want to look to Directive #6, the Ministry of Health's resource guide on Directive #6 and the Medical Officer of Health's recommendations on workplace vaccination policies when developing their own COVID-19 vaccination policy.

Under Provincial Directive #6, vaccination policies for high risk settings require that staff make an informed decision about receiving a COVID-19 vaccine and take one of the following actions: provide proof of full vaccination against COVID-19; a medical reason for not being vaccinated against COVID-19; or completion of a COVID-19 vaccination education session.

Staff who do not provide proof of full vaccination against COVID-19 are required to undertake regular antigen testing and demonstrate a negative result at least once every seven days.

3. Am I required to provide paid leave for staff to receive their vaccinations?

The *Employment Standards Act, 2000* (ESA) requires employers to provide staff who are covered by the ESA with up to three days of paid leave, at their regular wage, up to \$200 per day, for reasons related to COVID-19, including going to get vaccinated and experiencing a side effect from a COVID-vaccination.

4. Are there resources I can provide my staff if they are hesitant to get vaccinated?

The [Centre for Effective Practice](#), the [Ministry of Health](#), [Public Health Ontario](#), and [Toronto Public Health](#) all have resources about COVID-19 vaccines accessible online. These include resources about the vaccines themselves, about vaccine hesitancy, and about ways to receive a COVID-19 vaccine.