

Q. If I don't comply with the Policy by Nov 15th, what kind of leave will I be placed on?

You must fill out the leave of absence form. We believe that probably the most appropriate leave type is emergency leave. However, all members should have a conversation with HR with respect to discussing the most appropriate option prior to the Nov 15th deadline.

If a member does not fill out and submit a form they will be placed on an unpaid personal leave by the City. We do not believe that a personal leave will give you the ability to access EI benefits.

On this form, you will need to select if you elect to pay for OMERS during the leave. Depending on your leave, your OMERS contribution would be both your portion as well as the employer contribution. (It could be essentially up to 2x)

You will need to pay benefit premiums after the first full calendar of leave. To estimate this cost please refer to your pay stub that details the costs of benefits.

Q. What training courses related to the Vaccine Policy will I be required to take?

A. Currently the Safety Talk: COVID-19-Vaccine Information is the only mandatory course. This course is available on the online learning platform on Dashboard. We will be introducing a new training program shortly that will also be mandatory, you can watch for the corporate communication announcement on the new programming.

Q. Do things differ for members who work at Huron Lodge?

A. Yes, the Ministry of Health and Long term Care has issued a mandatory vaccination policy that is in effect for all Long term care facilities that does not allow for creed exemption.

Note: We are investigating this to see if the members can file a creed exemption and We are following up with the employer to get clarification.

Q. Can members find temporary work elsewhere if placed on unpaid leave?

A. No, The Employer says that employees are not allowed to work another job, as with any other Leave of Absence.

Q. Can I members continue to work in a job with another employer if I began working that job starting prior to Nov 15th?

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A. No, You will not be able to continue your work with another employer. As per the Leave of Absence Policy, this not only applies to a new job but any job the employee has. Section 4.2.1: Employees on approved leaves of absence (excluding Reservist Leave) are not authorized to accept any other employment during their leave of absence. Employees found to be in violation of this section may be subject to termination, except where the employee is working through a secondment agreement approved by the CAO and/or City Council.

Q Will the City accept a mixed 2 dose vaccination?

A. Yes, as long as both vaccines are approved in Canada. For example, one dose of AstraZenca and the second dose Moderna or Pfizer.

Q. When must I receive the first and second dose of the vaccine in order to meet the November 15, 2021 deadline mentioned in the policy?

A. Based on the information provided on the Government of Ontario's website, there is a twenty-eight (28) day waiting period between the first and second vaccination dose for both Pfizer and Moderna (we are only aware of these two products being currently available in our area). Therefore, we **estimate** that members would need to have their **first dose by October 4, 2021**, in order to be able to get their **second dose by November 1, 2021**. You must then complete a 14 day waiting period after the second shot. This would ensure that you are considered "fully vaccinated" and satisfy the policy.

Note: We asked the Employer to provide the above vaccine dates to assist our members with the correct information; regrettably, the Employer did not provide us with that information. We would suggest that members confirm the actual deadlines for each dose by contacting the Human Resources Department.

Q. Can I use my earned time such as vacation time, banked overtime, lieu time, etc. if I have not met the Employer's vaccination requirements by the November 15, 2021 deadline?

A. No, Section 6.11.3 of the Employer's policy states:

These employees will be placed on unpaid leave on absence and will not be permitted to use sick time, vacation days, floating holidays, banked overtime, management overtime, or any other paid time off options instead.

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UPDATE: The Union has filed a grievance on this aspect of the policy. We believe that members are entitled to use their earned time.

Q. Can I use my earned sick time if I have not met the Employer's vaccination requirements by the November 15, 2021 deadline?

A. Sick leave credits can only be used by members when they are sick.

Q. Can I get my Record of Employment to apply for Employment Insurance (EI) if the Employer requires me to take an unpaid leave of absence due to not meeting the Employer's vaccination requirements?

A. Yes, the Employer has confirmed that they will issue a Record of Employment (ROE) if requested. The ROE will be coded based on the leave designated on the Leave of Absence (LOA) form. We believe the "Emergency Leave" LOA would be the most applicable one for what the Employer offers.

Q. Will I still have access to my health benefits while on an unpaid Leave of Absence?

A. The Employer responded that it would depend on the type of "Leave" chosen. For instance, if the "Emergency Leave" LOA is chosen, then Employer paid benefits continue for full-time members and at 50% cost for part-time members.

Q. Will I be terminated if I do not get vaccinated or do not have an exemption?

A. Currently, the policy only speaks to being placed on an "unpaid leave" if compliance with the policy is not met. The Employer says it will "check-in" with those on leave every 13 weeks to see if their vaccination status has changed.

Q. Will I lose seniority?

A. Seniority is not impacted if an employee is placed on an "unpaid leave."

Q. If I contracted COVID-19 in the past and have "natural immunity", will the City of Windsor consider that equivalent to "fully vaccinated"?

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- A. No, the Employer says that based on the advice of Health Canada, the World Health Organization (WHO), and others, members who have had the COVID-19 illness, will need to be “fully vaccinated.”

Q. What vaccine regimens will the City of Windsor allow to be considered fully vaccinated?

- A. The Employer will accept the following vaccines (as of 13 Sept. 2021):
- a. AstraZeneca (2 shots)
 - b. Johnson and Johnson (1 shot)
 - c. Moderna (2 shots)
 - d. Pfizer (2 shots)

Q. If I have a severe reaction to the vaccine, will it be covered by WSIB?

- A. The Employer says that would be dependent on WSIB. From the WSIB website, the following is provided:

*“If you received a vaccine as a **compulsory part of your employment** and experienced an **adverse reaction**, you may be eligible for benefits.*

*Expected reactions to a COVID-19 vaccine, per public health guidance, may include fever, chills, pain at the injection site, fatigue and headaches which should resolve on their own in a few days. These do **not** generally constitute an **adverse reaction** for the purposes of entitlement to WSIB benefits. An adverse reaction is a serious, unexpected reaction to a vaccine.*

When determining whether a reaction to a COVID-19 vaccination is work-related, the WSIB considers:

1. **Whether the vaccination was a compulsory part of your employment**
 - *A vaccination will generally be a compulsory part of your employment if your employer has a rule or policy that requires employees to be vaccinated or if your employer uses some element of coercion for vaccination (e.g. threat of termination of employment, job changes or penalties).*
2. **Whether the reaction is adverse, e.g. serious and unexpected, such as the [types of events that should be reported to a local public health unit](#)**

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- *If the reaction requires medical treatment beyond first aid and/or requires your absence from work for more than a few days, this indicates that the reaction – in its severity or duration – has likely gone beyond the expected reaction from vaccination.*

*If you received a COVID-19 vaccine as a **compulsory part of your employment** and experienced an **adverse reaction**, you should report this to your employer and file a claim so the WSIB can determine if you are eligible for benefits.“*

SEE <https://www.wsib.ca/en/faqs-about-claims-and-covid-19>

Q. In terms of the OMERS pension plan, will members who are on an unpaid Leave of Absence be able to continue to contribute to the plan, and if so what portion(s) are they expected to cover?

- A. It will depend on the LOA chosen. If it is the “Emergency Leave” LOA, then members are only required to cover their contribution portion, if they wish.

Q. How will City staff be protected when dealing with members of the public face to face?

- A. At this time, the City is not mandating vaccination of any of the residents and visitors we serve. However, the City requires that all workplace health and safety policies and directives, including handwashing, physical distancing, wearing appropriate face coverings and personal protective equipment, regardless of vaccination status, be followed by all parties it serves.

Q. What happens if you are unable to establish a specialist appointment until some time after November 15, 2021, in regards to a medical exemption?

- A. As per the Policy: 6.9.4. Employees must submit proof of their accommodation need to the Disability Management Specialist in Human Resources and have an approved accommodation plan in place no later than November 15th, 2021 or they will be considered unvaccinated and placed on an unpaid leave. To avoid being placed on an unpaid leave, employees who require accommodation should get in touch with their DMS as soon as possible.

Note: We believe that accommodation will not be set up if/because you are waiting to see a specialist.

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If any accommodation is not in place by November 15th, the employee will be placed on an unpaid leave of absence.

Q. Regarding creed accommodation, will a letter from a religious leader suffice, or can the employee sign an attestation to a creed-based exemption?

A. The Employer's response to this question was less than helpful:

As with all workplace accommodations, each employee will be assessed on an individual basis. Substantiating evidence will need to be provided to show that they meet the characteristics needed for a creed accommodation. The Ontario Human Rights Commission's position is that a singular belief or personal preference against vaccinations or masks does not appear to be protected on the ground of creed under the Code.

Q. If you are close to retirement and do not wish to be vaccinated, will the City consider a buyout?

A. The Employer has confirmed they are not considering a buyout plan.

Q. Why isn't the union doing anything to help us given that other unions are fighting their employers' vaccination policies?

- We understand the enormity of what our and many other employers are expecting their employees to do. Our members have served the public exceptionally well in often difficult and ever-changing working environments. Our Employer is lucky to have such dedicated staff to get them through this difficult time.

As your Union, our goals have been clear from the start. First and foremost, we want to make sure our members are working in a safe environment where possible. We also want to ensure that we keep all our members working to help keep Windsor moving forward. Our services are needed more than ever, and reduced staff will not help the situation.

We asked Administration and Council to offer education and to consider implementing a mandatory testing policy. Both parties rejected the idea of testing in lieu of vaccines. Regardless, we will continue to advocate for our members' interests moving forward. We will continue to assess the policy and reserve our right to file a grievance on any part of the policy at any time. As things unfold, we anticipate that we will be filing grievances. Regarding the work of other unions, it is important to understand that different employers

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have different policies. All unions are reacting and responding to their specific policy. Based on our legal advice, we are reacting to our policy.

Please note that all issues will need to be treated on a case-by-case basis as per our regular union protocols.

Q What has the Union done so far?

A. We are making sure members receive accurate information to allow for more informed decision-making.

- We held a three-hour-long special meeting, with legal counsel that specialized in vaccination law present, to answer member questions.
- We asked members to participate in a CUPE Ontario webinar. This webinar included legal counsel, an infectious disease expert, and a health and safety representative as additional resources of information.

We have and will continue to solicit advice from others.

- We have consulted with our other union partners as they explore their options.
- We have been consulting other parts of our CUPE organization to get their advice.

We remain in constant contact with our legal counsel to explore every possibility for further action.

- We have been talking with the Employer.
- We have talked to City Councillors personally and as a formal deputation to Council.
- We have asked Administration to delay the timeline and to explore alternatives to the vaccine policy.
- We have been talking with Administration to make sure they are aware of the potential consequences of this approach for mandatory vaccines.

We continue working with members using legal options to assist them.

- We have been consulting with members on a regular basis.
- We have started the grievance process to try to provide members with access to their earned time if they are placed on Leave.
- We are exploring other possible grievances as we continue our review.