

Frequently Asked Questions Regarding Western University's New COVID-19 Vaccination Policy

As of August 27, 2021

Hello Everyone,

Western University has recently amended its COVID-19 vaccination policy to make vaccination mandatory for all staff, students, faculty and visitors.

As our members continue the transition back to working on campus, it is important to be aware of this COVID-19 vaccination policy, your rights under the Collective Agreement, and at law.

Below, you will find answers to frequently asked questions and other common concerns regarding the COVID-19 vaccination policy. We also direct you to the university's August 26, 2021 FAQ [Vaccines - COVID-19 Testing on campus - Western University \(uwo.ca\)](#), which otherwise addresses those questions and concerns not addressed below.

This is an evolving situation and best efforts have been made to address all questions and concerns we are aware of at this time and in light of the currently available scientific evidence and the current state of the law.

1. Why is there a COVID-19 vaccination policy?

The COVID-19 pandemic has had a significant impact on UWOSA members and the experiences of our members in this pandemic mirror the experiences of all those who live and work in Canada.

On August 11, 2021, the university made the decision to implement a COVID-19 vaccination policy, after consulting with public health partners and faculty experts in medicine, law and ethics. This plan was endorsed by the medical officer of health for the Middlesex-London Health Unit.

On August 17, 2021, [the Ontario government announced](#) that it is making COVID-19 vaccination policies mandatory for post-secondary institutions.

On August 24, 2021, the [Council of Ontario Medical Officers of Health](#) (the "COMOH") strongly recommended mandatory vaccinations for all post-secondary institutions in the province. In particular, the COMOH notes:

Vaccination against COVID-19 is the single most effective public health measure to reduce the spread of COVID-19. Its inclusion among the other public health measures (including physical distancing, capacity limits, and indoor mask use) is essential in the response to the COVID-19 pandemic. Rapid testing protocols are not preventive and are not a replacement for immunization and should be used only in instances where vaccination is not possible.

In particular, there is growing concern around the transmissibility of the Delta variant.

UWOSA has promoted the use of vaccines as a safe and effective control for the spread of disease, including COVID-19, while recognizing that related medical decisions must be made between workers and their medical providers.

2. What am I required to do under the COVID-19 vaccination policy?

We strongly encourage all members to [review the COVID-19 vaccination policy](#) in its entirety.

However, to summarize:

- **During the week of August 30, 2021:**
 - **In order to attend on campus starting the week of September 7, 2021,** members who will not be fully vaccinated and uploading proof of being fully vaccinated by September 7, 2021 must participate in rapid antigen testing pursuant to the policy and provide proof of two negative COVID-19 rapid antigen tests during the week of August 30, 2021.
 - **Please note:** This applies to all members who will not be fully vaccinated and uploading proof of being fully vaccinated by September 7, 2021, including those members seeking accommodation under the Ontario *Human Rights Code*.
 - **Please note:** Tests must be separated by a minimum of 72 hours. Please see section 1(iv) of the policy for more details.
 - **Please note:** Members will be required to upload their results to a secure site that will be forthcoming from the university. Please see the university's FAQ for more details.
 - **Please note:** Members who will be fully vaccinated and uploading proof of being fully vaccinated by September 7, 2021 do not need to provide proof of two negative COVID-19 rapid antigen tests from the week of August 30, 2021 in order to attend on Campus starting the week of September 7, 2021.

- By **September 7, 2021:**

- Members must be fully vaccinated and provide the university with proof of vaccination. The university will provide all members with an email containing a personalized link for a questionnaire to be completed, including detailed instructions on how to submit your proof of vaccination status.
- Members who cannot be fully vaccinated as a result of a medical condition or other ground protected under the Ontario *Human Rights Code* may request accommodation. Such request should be made **as soon as possible, but no later than September 7, 2021**. Please see the university's FAQ regarding applications for an exemption under the Ontario *Human Rights Code*. See below for more information on seeking accommodation.
- In order to attend campus, members who are not fully vaccinated as of this date or who have not provided the university with proof of vaccination must be tested for COVID-19 twice in a seven-day period, with results submitted to the university.
 - **Please note:** As stated above, in order to attend campus this week, members who are not fully vaccinated will need at least two negative COVID-19 rapid antigen tests during the week of August 30, 2021.

- By **September 28, 2021:**

- Members who are not fully vaccinated must receive their second dose by September 28, 2021 to be considered fully vaccinated by October 12, 2021.

- By **October 12, 2021:**

- Starting October 12, 2021, members will not be permitted to attend on campus unless:
 - They are fully vaccinated and have provided proof of vaccination to the university in accordance with the policy; **or**
 - They have been granted an accommodation by the university or are awaiting a decision from the university with respect to an accommodation request.
 - **Please note:** Those employees who have been granted an accommodation or are still awaiting a decision must still continue to participate in COVID-19 rapid antigen testing

twice in a seven-day period, with results submitted to the university.

3. How has Western University's approach to mandatory vaccinations changed?

There is no longer a testing option for those who simply choose not to be vaccinated. All staff, faculty, students, and visitors of the university must provide proof of vaccination or have an exemption, and those with an exemption will be required to be tested for COVID-19 twice every seven (7) days.

4. Does Western University have the right to implement a mandatory COVID-19 vaccination policy?

Vaccination is a key public health measure to help ensure a safe return to campus for all staff, students and faculty of post-secondary education institutions, including Western University.

People who are fully vaccinated are less likely to get infected with COVID-19 and spread it to others. While there is a small chance that people who are fully vaccinated may become infected with the virus, they are much less likely to experience severe illness and become hospitalized.

Under the UWOSA Collective Agreement, both UWOSA and Western have agreed that the protection of the health and safety of UWOSA members and other persons in the workplace is an important matter of mutual concern and that members, UWOSA, and the university will comply with the *Occupational Health and Safety Act*.

The decision to introduce a vaccination policy at Western University was not made by the employer alone: the decision has been endorsed by the medical officer of health for the Middlesex-London Health Unit; the provincial government and the Chief Medical Officer of Health have both indicated that mandatory vaccination policies will be required for post-secondary institutions, with specific minimum requirements; and, most recently, the COMOH strongly recommended mandatory vaccinations for all post-secondary institutions in the province.

In light of these circumstances, it is clear that the university's decision to implement a mandatory COVID-19 vaccination policy is a reasonable exercise of management rights.

At all times during the life of this policy, UWOSA will take all necessary steps to ensure that the university implements the policy in a manner that respects the rights of UWOSA members, as detailed further in this FAQ.

5. Accommodation / Exemptions under Ontario's *Human Rights Code*

Under [Ontario's Human Rights Code](#), all members have the right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

Only in rare circumstances may individuals be granted an exemption for medical reasons and grounds protected under the *Human Rights Code*. Generally speaking, the most common grounds are for medical reasons or on the basis of creed / religion.

Members seeking such accommodations must submit the fillable forms identified in the policy and the university's August 26, 2021 FAQ.

Members requesting accommodation may be required to provide supporting medical or other relevant documentation requested by the university.

If you disagree with a decision made by the university regarding your request, please contact UWOSA at info@uwosa.ca as soon as possible to discuss your situation.

6. What happens if I refuse to get vaccinated or fail to comply with the policy?

Please see the university's FAQ dated August 26, 2021.

UWOSA understands that it is the university's position that employees who contravene the vaccination policy or who are found to have submitted fraudulent documentation or a fraudulent COVID-19 test result will be subject to discipline, up to and including removal of access to campus and/or termination of employment.

As a union, we can protect some of our members' personal rights, but not all.

It is UWOSA's position that those members who refuse the vaccine based on personal choice (as opposed to a ground protected under the Ontario *Human Rights Code*) should not be threatened with or face permanent job loss. It is UWOSA's position that less drastic alternatives are available in the circumstances, including, but not necessarily limited to, accessing an unpaid leave of absence for the duration of the COVID-19 vaccination policy.

UWOSA cannot guarantee that members refusing the vaccine based on personal choice will be presented with any option other than an unpaid leave of absence for the duration of the COVID-19 vaccination policy. For example, while UWOSA encourages the university to consider alternatives to an unpaid leave of absence, such as work-from-home arrangements where possible, the university's refusal to consider such alternative arrangements will not always be found to be unreasonable at law and each member's circumstances must be assessed on a case-by-case basis.

In circumstances where a member refuses the vaccine based on personal choice, UWOSA takes the position that such members should be permitted to access their vacation before being placed on an unpaid leave of absence.

It is UWOSA's position that a member who refuses the vaccine on the basis of a ground protected under the Ontario *Human Rights Code*, should be allowed to continue working or be redeployed where necessary to permit the member to continue working. Where continued work and/or redeployment is not possible, it is UWOSA's position that the member should be placed on a paid leave of absence.

It is UWOSA's position that any member placed on a leave of absence as a result of the COVID-19 vaccination policy should be permitted to return to work as soon as the policy is no longer in effect.

7. What happens if I refuse to participate in COVID-19 rapid antigen testing twice in a seven-day period?

Members who are fully vaccinated and provide proof of being fully vaccinated by September 7, 2021 will not need to undergo COVID-19 rapid antigen testing twice in a seven-day period, under the current version of the policy.

At present, UWOSA is unaware of any medical reason or any other reason under the Ontario *Human Rights Code* for refusing COVID-19 rapid antigen testing.

If a member is unable to undergo COVID-19 rapid antigen testing twice in a seven-day period for a medical reason or on the basis of a ground protected under the Ontario *Human Rights Code*, such members should contact UWOSA as soon as possible. Members alleging that they are unable to undergo COVID-19 rapid antigen testing may be required to provide supporting medical or other relevant documentation.

8. Who will pay for the COVID-19 rapid antigen testing?

The university as long as the testing is at Western's testing centre or by an approved third-party provider. Please see the university's FAQ and the policy for more details.

9. What if I cannot meet the timelines set out for getting fully vaccinated?

COVID-19 vaccinations are readily available and supply issues are no longer present. There are virtually no wait-times for obtaining a COVID-19 vaccination.

If you are unable to meet the timelines set out in the policy for some reason other than vaccination availability or because of a personal choice to refuse the vaccine, please let UWOSA know as soon as possible by contacting info@uwosa.ca.