



# Special Meeting of Town Council

September 14, 2021

Zoom Meeting

## Agenda

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**1. Call to Order**

**2. Approval of Agenda**

**3. Public Input / Question Period**

PLEASE NOTE:

- Public Participation is limited to 30 minutes
- Each Person is limited to 3 minutes and may return to speak once, for one (1) minute, if time permits within the total 30-minute period
- Questions or comments are to be directed to the Chair
- Comments and questions that relate to personnel, current or potential litigation issues, or planning issues for which a public hearing has already occurred, but no decision has been made by Council, will not be answered.

**4. Motions/Recommendations from Committee of the Whole, September 7, 2021**

- a. RFD 048-2021: COVID 19 – Workplace Safety Protocol

**5. Special Meeting Adjourned**

## REQUEST FOR DECISION 048-2021

Title: COVID-19 Workplace Safety Policy

Date: 2021-09-07 2021-09-14

Department: Office of the CAO

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## SUMMARY

### COVID-19 Workplace Safety Policy

The Town of Wolfville is considering options for a COVID-19 Workplace Safety Policy for its employees, Council, and volunteers to ensure that as public health restrictions ease in Phase 5, the safety of those employed by, and interacting with, the Town remains a priority.

There are several options under consideration and the CAO is seeking direction from Council as to which one, if any, they want the Town to proceed with.

On September 7, 2021, Committee of the Whole considered the two draft policies that were presented and gave the CAO direction to finalize Policy 130-28 – COVID-19 Workplace Safety with the following changes:

- Clarify that the policy applies to Town employees, Councillors and volunteers and clearly articulate how the policy will be applied to each category;
- Reinforce that the Town strongly recommends employees, Councillors and volunteers continue to be masked and participate in regular rapid testing opportunities provided by the Town regardless of vaccination status

It was also requested that the SOP for COVID-19 Rapid Testing be provided to Council for information so that the proposed Asymptomatic Rapid Testing Program could be clearly understood.

Since the Committee of the Whole Meeting, the Province has confirmed that September 15<sup>th</sup> is the target date to move to Phase 5 and as a result, a Special Council meeting will be held on September 14<sup>th</sup>. This meeting date is more than 7 days after Council received the initial draft policy and will ensure that the Policy is in place prior to the change in Provincial regulations.

As it was noted in the press release by the Province on September 8<sup>th</sup>, businesses and organizations can also establish their own masking requirements. An amendment was made to the draft policy to clarify that this policy does not apply to the public accessing town services but that the CAO could, in the future, require masking for the public if local circumstances warrant that additional safety measure.

### DRAFT MOTION:

That Council approve Policy 130-28 – COVID-19 Workplace Safety Policy as attached.

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### 1) CAO COMMENTS

See discussion section below.

### 2) LEGISLATIVE AUTHORITY

Policy 5-40 – Occupational Health and Safety Policy

MGA Section 48(3)

### 3) STAFF RECOMMENDATION

Staff recommend that Council approve Policy 130-28 COVID-19 Workplace Safety.

### 4) REFERENCES AND ATTACHMENTS

1. Draft 130-028 COVID-19 Workplace Safety Protocol – This has been amended based on the discussion at COW on September 7, 2021
2. Draft 130-028 COVID 19 Vaccination Policy – not requesting that this be approved at this time
3. SOP COVID-19 Rapid Testing

### 5) DISCUSSION

#### Rationale

As per the Town of Wolfville’s Safety Policy, the Town is “committed to providing a healthy and safe work environment for its employees and members of the public and will take every precaution reasonable under the circumstance to ensure the health and safety of everyone at or near the workplace”.

As the Province gets closer to Phase 5 and fewer public health restrictions will be in place, employers across Nova Scotia, including municipalities, are considering how to continue to keep their staff and clients/customers safe. For the Town, we have an obligation to ensure we are taking reasonable steps to keep our own staff safe, along with any members of the public with whom our staff have interactions. It is strongly felt that these steps need to be in place and well communicated prior to the start of Phase 5.

#### Draft Mandatory Vaccination Policy

The Town initially received a legal opinion on implementing a COVID-19 Mandatory Vaccination Policy and is comfortable that we are within our legal authority to implement such a policy as long as (1) there is evidence demonstrating a serious risk of infection and that vaccines would be an effective way to combat this risk and (2) there has been a proper balancing between health and safety, human rights, privacy and other relevant considerations.

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With regards to the first consideration, we feel that there is certainly public health evidence that demonstrates that COVID-19 poses a serious risk of infection and that vaccines are an effective way to combat the risk. Additionally, as we move into the fall, and even as public health restrictions ease, there is some modelling that would suggest the potential for a fourth wave driven in large by the Delta variant. With regards to the second consideration, we feel that the Town could draft a policy that properly balances the relevant considerations and offers appropriate accommodations as required should that be the direction given by Council.

A draft Mandatory Vaccination Policy was reviewed with the Town's Joint Occupational Health and Safety Committee on September 2<sup>nd</sup>. The Draft Policy was not widely supported by the Committee, with concerns cited that the Town does not need to be the first out of the gate with such a policy in Nova Scotia, that such a policy could create stigma for those that are not vaccinated, that this policy is more stringent than the requirements of the Province for Phase 5, and that it may be an overreach of our authority to enact such a policy. There were also concerns expressed around what could happen to an employee that refused to follow the policy. Feedback through several senior staff after the meeting indicated that such a policy may have a detrimental impact to moral and work output among some departments and staff.

### Jurisdictional Scan

As of the time of writing, it does not appear that any municipality has come out with a mandatory vaccination policy or an official COVID-19 Workplace Safety Protocol in Nova Scotia. While some other provinces have mandated that their government employees be vaccinated, Nova Scotia has not yet done so. However, the majority of universities and colleges in Nova Scotia have elected to adopt mandatory vaccination requirements, and many other municipalities are currently in discussions on what the best approach to take is. At a conference call with other municipalities on September 3<sup>rd</sup>, Noella Martin provided an overview of the legal requirements of a mandatory vaccination policy and many municipalities expressed a desire to move forward with policies to protect both their staff and the general public.

Late last week, the City of Fredericton released their Workplace Safety Protocol. Rather than make vaccinations mandatory, they are mandating mask wearing and rapid testing twice a week for all employees, with those that are fully vaccinated able to opt out of these requirements. Upon review of the Policy, it is felt that this may be a good approach for the Town to take and may alleviate some of the concerns expressed by the Joint Occupational Health and Safety Committee.

### Draft Wolfville COVID-19 Workplace Safety Policy

As an alternative to a mandatory vaccination policy, the Town could adopt a policy similar to that of Fredericton. A draft has been provided for Council's consideration. This draft has not yet been presented

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to the Joint Occupational Health and Safety Committee nor discussed with the Management Team as it came together over the weekend as an option after Fredericton released their policy.

### Rapid Testing

As part of either policy, the Town will be participating in the Nova Scotia Asymptomatic Workplace Testing Program. This provincially supported, internally administered program will support our employees, volunteers and members of Council who need and want to be tested.

The rapid test involves swabbing the nostrils, in a far less invasive manner than a PCR covid test. The swab is then inserted into a vial with a liquid. After ten stirs, the liquid is then dropped on a slide and in 15 minutes, results are available. Positive test results would require immediate isolation and PCR testing to confirm status. The Town should be able to start on-site testing within 10 days, or as soon as the test kits become available. The workplace testing program will allow a level of efficiency through on-site, time on dime, accessible access.

## 6) FINANCIAL IMPLICATIONS

N/A

## 7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Reference the appropriate strategic directions from the 2021-2025 Strategic Plan:

- Community Wellness – the municipality is taking every step available to keep staff and the community safe

## 8) COMMUNICATION REQUIREMENTS

The final approved Policy will be communicated to all employees, contractors, and volunteers with the Town of Wolfville and will also be clearly posted for residents to understand the additional safety measures that the Town has put in place.

## 9) ALTERNATIVES

Council can choose to not approve either Policy as drafted or can make changes to either Policy before approving.



## POLICY

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COVID 19 Workplace Safety	
<b>Policy Number:</b> 130-028	<b>Supersedes Policy Number:</b> Not Applicable or Policy No.
<b>Effective Date:</b> 2021-XX-XX	<b>Approved by Council Motion Number:</b>

### 1.0 Definitions

- 1.1 Chief Administrative Officer** means the Chief Administrative Officer of the Town of Wolfville
- 1.2 Council** means the Council of the Town of Wolfville
- 1.3 Employees** means persons employed by the Town of Wolfville
- 1.4 Policy** means a course or principle of action adopted or proposed by a government, party, business or individual.
- 1.5 Town** means the Town of Wolfville.
- 1.6 Volunteers** means persons that serve in a volunteer capacity with the Town of Wolfville.

### 2.0 Purpose

The Town of Wolfville (the "Town") is committed to providing a work environment that keeps our employees and the community safe. That commitment means that we must maintain a workplace free of hazards to health such as COVID-19. It is critical that, as an organization, we take reasonable precautions to protect against exposure to COVID-19.

The purpose of this Policy is to provide the expectations and requirements of employees with respect to COVID-19 workplace safety.



## POLICY

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### 3.0 Scope

This Policy applies to all Town employees, Town Council and volunteers.

The Town may, at the discretion of the Chief Administrative Officer, apply this Policy to contractors who are working on Town premises.

This Policy does not apply to members of the public who are accessing Town services and programs; however, the Chief Administrative Officer is authorized to require members of the public to be masked while on Town property if local COVID-19 cases warrant additional protections.

#### *Workplace Safety Requirements*

The Town is establishing the following requirements separate and in addition to any requirements that the Province of Nova Scotia might impose.

The Town requires that all **Town employees:**

- (1) wear an acceptable mask while on Town premises. For clarity this includes while operating Town vehicles and in outdoor public spaces when 6 feet **physical** distancing cannot be achieved between the employee and other employees and/or members of the public. The mask must cover nose, mouth and chin and not convey any unacceptable messaging or images.
- (2) undergo COVID-19 rapid testing twice per week as arranged by the Town.

If an employee wishes to be exempt from these requirements, proof of being fully vaccinated (received two doses of an approved vaccine and being more than 14 days since the second dose) can be submitted to the Town. **The Town encourages all employees, regardless of vaccination status, to remain masked and participate in COVID-19 rapid testing as offered by the Town.**

The Town requires that all **Town Council members:**

- (1) wear an acceptable mask while on Town premises. The mask must cover nose, mouth and chin and not convey any unacceptable messaging or images.
- (2) undergo COVID-19 rapid testing twice per week as arranged by the Town.

If a Town Councillor wishes to be exempt from these requirements, proof of being fully vaccinated (received two doses of an approved vaccine and being more than 14 days since the second dose) can be submitted to the Town. **The Town encourages all Councillors, regardless of vaccination status, to remain masked and participate in COVID-19 rapid testing as offered by the Town.**



## POLICY

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The Town requires that all **Town volunteers**:

- (1) wear an acceptable mask while on Town premises. For clarity this includes while operating Town vehicles and in outdoor public spaces when 6 feet physical distancing cannot be achieved between the employee and other employees and/or members of the public. The mask must cover nose, mouth and chin and not convey any unacceptable messaging or images.
- (2) Undergo COVID-19 rapid testing as follows:
  - a. For volunteers on work placement terms with the Town, undergo COVID-19 rapid testing twice per week as arranged by the Town.
  - b. For volunteers with the Wolfville Fire Department, undergo COVID-19 rapid testing minimally once per week as arranged by the Town.
  - c. For volunteers on Town Committees, undergo COVID-19 rapid testing prior to attendance at any in-person Committee meetings as arranged by the Town
  - d. For any other volunteers, COVID-19 rapid testing requirements will be determined by the Chief Administrative Officer based on the specific circumstances of the volunteer role.

If a volunteer wishes to be exempt from these requirements, proof of being fully vaccinated (received two doses of an approved vaccine and being more than 14 days since the second dose) can be submitted to the Town. The Town encourages all volunteers, regardless of vaccination status, to remain masked and participate in COVID-19 rapid testing as offered by the Town.

The Town recognizes that it has a duty to accommodate to the point of undue hardship any employee, **Councillor or volunteer that** cannot wear a mask or be tested for a reason protected by the Nova Scotia *Human Rights Act*.

The Town also requires that all employees, **Town Councillors and volunteers** follow any other steps it might take to minimize the likelihood of the COVID-19 virus (or any variant) spreading, which could include physical distancing where appropriate, using a sneeze guard, following directions for entry/exit into a building, disinfecting workspaces on a regular basis, etc.

If these measures are not consistently followed or there is an outbreak of the COVID-19 virus in the Wolfville area, the Town reserves the right to require that any or all employees, **Town Councillors and volunteers** be fully vaccinated (have both injections of one of the recognized vaccines and be 14 days past the second dose) against COVID-19 by a stated date and provide proof satisfactory to the Town. Should this occur, if an employee, **Town Councillor or volunteer** is not vaccinated, they will have to disclose in writing to the Town the reason for not being vaccinated. The Town recognizes that it has a duty to accommodate those who cannot receive the vaccine for any reason protected by human rights legislation, such as physical disability or religion.

*Compliance*





## POLICY

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If an employee does not comply with this Policy and does not have a valid reason for that non-compliance (such as a reason protected by human rights legislation) the Town can require that the employee follow alternative measures or, where there is no other option that the Town considers feasible, place an employee on an unpaid leave of absence until the employee is in compliance with this Policy, the pandemic ends or the Town ends the leave.

### *Confidentiality*

Any information that an employee provides to the Town pursuant to this Policy will be kept confidential by the Town. All medical information, including vaccination and testing records, will be stored separately from employees' personnel files, kept secure at all times and destroyed when no longer needed.

## 4.0 References

4.1 5-40 Occupational Health and Safety Policy

4.2 COVID-19 Asymptomatic Rapid Testing Standard Operating Procedure

## 5.0 Review of Policy

The impact of the COVID-19 pandemic will undoubtedly continue to change. The Town will, therefore, review this Policy on an ongoing basis, adjusting it if necessary and revoking it if warranted.

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CAO or Town Clerk

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Date



<b>COVID-19 Workplace Screening</b>	
<b>Standard Operating Procedure 130-903</b>	<b>To operationalise Policy #130-028</b>
<b>Effective Date</b> <b>2021-09-09</b>	<b>Approved by Management on</b> <b>2021-09-09</b>

### 1.0 Purpose

COVID-19 screening for organizations is an important part of Nova Scotia’s overall testing approach. Providing access to screening in workplace settings can facilitate workplace health and safety, economic recovery and help the health system to quickly identify unknown cases

The best practice, or gold standard, for asymptomatic (no symptom) testing for COVID-19 is twice weekly rapid antigen testing for each staff person.

### 2.0 Scope

This SOP covers all Town employees, councillors and volunteers as outlined in COVID-19 Workplace Safety Policy 130-028

### 3.0 References

**3.1 Nova Scotia Human Right’s Act**

**3.2 COVID-19 Workplace Safety Policy 130-028**

### 4.0 Definitions

A **rapid antigen test** is used for testing people who do not have COVID-19 symptoms. You may have received or heard of people receiving these tests at rapid pop-up testing sites across the province.

Screening, through the use of **rapid detection tests** (RADTs, or rapid tests), can potentially identify positive cases earlier (within 15 minutes) to help reduce the spread of the virus and prevent outbreaks. When used regularly, rapid tests may help identify individuals who may be infectious early on. Individuals can be pre-symptomatic or asymptomatic but still carry the virus and may transmit it to others.



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**Presumptive positive** (positive rapid test result) means you are presumed to have COVID-19 until you can be re-tested with a polymerase chain reaction (PCR) test.

#### **5.0 Procedure – Town Employee and Volunteer on Work Placement**

5.1 Each Thursday test kits will be delivered to work sites (Public Works, Town Hall, Rec Centre, Fire Hall). Each kit will contain test materials for a Friday test and a Monday test. Workers will **report completion of the kit or positive results only**.

5.2 On Friday, employees, following instructions provided within the kit, will complete the rapid antigen test as soon as they arrive at the worksite. The test should only take 15 minutes.

5.3 Once you have your result, please report completion to the Safety Coordinator via email or text.

5.4 On Monday, following instructions provided within the kit, the employee will complete the rapid antigen test as soon as they arrive at the worksite. The test should only take 15 minutes.

5.5 Once you have your result, please report completion to the Safety Coordinator via email or text.

#### **6.0 Procedure – Town Councillor**

6.1 Each Thursday morning, test kits will be available in Town Hall. Each kit will contain test materials for two tests. Councillors will **report completion of the kit or positive results only**.

6.2 Twice, within 7 days, Councillors will complete the rapid antigen test at home, following instructions in the kit. The test should only take 15 minutes.

6.3 Once you have your result, please report **completion** to the Safety Coordinator via email or text.

#### **7.0 Procedure – Volunteer Committee Member**

7.1 Volunteer Committee Members will be provided with a rapid test kit to be self-administered immediately prior to the start of their in-person meeting. Instructions will be provided in the kit.

7.2 Volunteer Committee members will report completion of the kit to staff on-site.



## **8.0 Procedure – Volunteer Fire Department Member**

8.1 Volunteer Fire Department Members will be provided with a rapid test kit to be self-administered on Monday evenings immediately prior to the start of their training. Instructions will be provided in the kit.

8.2 Volunteer Fire Department Members will report completion of the kit to staff on-site.

## **9.0 Disposal of Kits**

9.1 Used test kits should be disposed of in the garbage.

9.2 Please wash your hands after disposing of your kit.

9.3 Unused kits need to be disposed of after 7 days, in the garbage.

## **10.0 Reporting a positive result**

A positive test result is considered a presumptive positive. This means you are presumed to have COVID-19 until you can be re-tested with a polymerase chain reaction (PCR) test.

### **If your rapid test result is positive you will need to do the following:**

1. Inform the safety coordinator and then head home to isolate.
2. The Safety Coordinator will direct the employee to an online screening tool to book a PCR test at a PAC.
3. The Safety Coordinator will provide the worker with a lab requisition for a priority PCR test at a PAC to confirm the result. The worker must take the requisition to their PAC appointment.
4. The Safety Coordinator will report all positive results to NSH Public Health via email with the worker's name, date of birth, health card number, contact information, an indication that the test was positive as well as the date and location of the test (organization name and address).

## **11.0 Rationale**

No vaccine is 100% effective. This is why regular testing is recommended for all Nova Scotians, regardless of vaccine status.



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**12.0 Exemptions**

To be exempt from this program, proof of being fully vaccinated (received two doses of an approved vaccine and being more than 14 days since the second dose) can be submitted to the Town. The Town encourages all employees, volunteers, volunteer fire fighters and members of Council, regardless of vaccine status, to remain masked and to participate in rapid testing as offered by the Town of Wolfville.

*Ann Braden*

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CAO

2021-09-09

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Date