



# What's New in HR Law

## COVID-19 Vaccination Requirements for Federal Public Servants, Federally Regulated Transportation Sector Employees and Travellers

October 12, 2021

### Vaccination Requirements for Federal Public Servants

According to the Government of Canada's new policy, entitled [Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police](#) (the "Policy"), federal public servants in the Core Public Administration as well as members of the Royal Canadian Mounted Police must all be vaccinated against COVID-19. This requirement applies to all employees who are teleworking, working remotely or attending government offices in person and to contracted personnel who require access to federal government worksites.

An online system has been established for employees to provide their vaccine attestation by no later than October 29, 2021. Employees have an obligation to provide true and accurate attestations and failure to do so may result in disciplinary action up to and including termination. Likewise, the Policy makes clear that managers are permitted to ask for proof of vaccination at any time and that the attestations themselves will be audited. The collection of any personal information will be done in accordance with applicable legislation, including the *Privacy Act*, and the Policy on Privacy Protection.

Starting as early as November 15, 2021, employees who are not fully vaccinated or who refuse to disclose their vaccination status will be placed on an administrative leave without pay. An

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additional period of 10 weeks will be given to employees who are only partially vaccinated by the October 29, 2021 deadline. Employees may request accommodation if they are unable to be vaccinated based on a prohibited ground as defined under the *Canadian Human Rights Act*.

## **Vaccination Requirements for Federally Regulated Transportation Sector Employees**

Effective October 30, 2021, employers in the federally regulated air, rail and marine transportation sectors are required to implement vaccination policies for their employees. The policies must meet standards consistent with the approach taken by the Government of Canada for the Core Public Administration and include:

- A provision for an employee attestation/declaration of their vaccination status; and
- A description of the consequences for employees who do not comply or who falsify information.

The vaccination requirement will apply to:

- Airlines and airports, and other organizations that have employees who enter restricted areas of airports, such as concession and hospitality workers;
- Federally regulated railways, and their rail crew and track employees; and
- Marine operators with Canadian vessels that operate with 12 or more crew.

According to the government's [statement](#), organizations will be granted a short phase-in period, after which point they will be required to guarantee that their employees are fully vaccinated or be deemed unable to work.

## **Vaccination Requirements for Canadian Air, Rail and Marine Travellers**

Starting October 30, 2021, all travellers who are 12 years of age or older will need to be fully vaccinated in order to fly on a domestic, trans-border or international flight departing from a Canadian airport. The vaccination requirement also extends to travellers on a VIA Rail train, a Rocky Mountaineer train or on a non-essential passenger vessel, such as a cruise ship, for voyages of 24 hours or more.

A short transition period will be available to travellers who are in the process of being vaccinated. Namely, travellers may continue to board if they are able to show a valid COVID-19 molecular test within 72 hours of travel. Such a grace period, however, will expire by November 30, 2021, after which point all travellers must be vaccinated. Exceptions will be made in limited circumstances, such as emergency travel situations and for those who are medically unable to be vaccinated.

Transport Canada will be responsible for ensuring compliance with the above-noted requirements through the use of Administrative Monetary Penalties, inspections and various oversight systems. Monetary penalties may range from \$5,000 per violation for individuals in the air sector under the *Aeronautics Act* and up to \$250,000 per violation, per day for railway companies under the *Railway Safety Act*.

## **Check the Box**

Federally regulated employers will want to familiarize themselves with their new obligations, including confirming whether any policy requirements apply to their operations and whether such

policies adhere to government standards. Additional accommodation measures may need to be explored in circumstances in which an employee is unable to get vaccinated due to prohibited grounds under applicable human rights legislation, such as a medical contraindication.

## Need more information?

For more information or assistance with vaccination policies, contact Kimberly Lennon at 647 598-0514, or your regular lawyer at the firm.



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