



The Government of Canada Will Propose Regulations Mandating COVID-19 Vaccination in All Federally Regulated Workplaces

December 8, 2021

On December 7, 2021, the federal government **announced** that employees in all federally regulated workplaces will be required to be vaccinated against COVID-19.

This requirement builds on the government's October 6, 2021 **announcement** regarding mandatory vaccination requirements for the core public administration, and employees and travellers in the federally regulated air, rail, and marine transportation sectors, as discussed in a previous **Focus Alert**. At the time, the government had also indicated that Crown corporations and separate agencies were being asked to put in place vaccine policies mirroring the requirements applicable to the core public administration. In light of the recent announcement, employees in other federally regulated sectors, such as banking, road transportation, and telecommunications, will soon be required to be vaccinated against COVID-19 as well.

The vaccination requirement will be outlined in regulations under Part II of the *Canada Labour Code* (Occupational Health and Safety), expected to come into force in early 2022. The requirement is intended to add to existing health and safety requirements such as masking, physical distancing, and handwashing. The government plans to develop resources to assist employers in implementing the vaccination requirement in consultation with their workplace health and safety representatives or committees.

The government has indicated that it will consult with key stakeholders, including small and medium-sized employers, as it finalizes the regulations. The Labour Program is seeking feedback on various issues, including the following:

- The timing that may be needed for employers to ensure their employees are fully vaccinated against COVID-19;
- How employers anticipate that they can support employees who are unable to become fully vaccinated for human rights-related reasons;
- How they anticipate that employers can manage employees who are unwilling to become fully vaccinated;
- Criteria for determining potential exclusions, in certain limited circumstances, for employees not required to enter workplaces to be excluded from providing attestation or proof of vaccination; and
- Employer readiness for implementation of these requirements.



In Our View

When the government first announced in August 2021 its **intention** to mandate vaccination in the core public administration and the federally regulated air, rail, and marine transportation sectors, it noted that Crown corporations and “other employers in the federally regulated sector” were expected to also require their employees to be vaccinated against COVID-19. As such, this development is unsurprising.

The requirement provides some consistency for federally regulated employers not covered by the October announcement. Many of these employers have been considering the parameters of their own vaccination policies since the requirements for the core public administration and transportation sector were put in place in October.

Emond Harnden will be participating in the consultation process. We will be providing to the Labour Program our general views on the issues surrounding the establishment and implementation of a mandatory vaccination policy for all federally regulated workplaces from a management perspective. We urge federally regulated employers to reach out to the Labour Program individually in order to provide the Program with their specific viewpoints and feedback on these issues and their effect on the workplace.

Employers can request a copy of the consultation paper by emailing the Labour Program at EDSC.LAB.SST.POLITIQUES-LAB.OHS.POLICY.ESDC@hrsdc-rhdcc.gc.ca.

For more information, please contact **Steven Williams** at **613-940-2737** and **Lauren Jamieson** at **613-563-7660** ext. 236.