

CMC MODEL POLICY ON COVID 19 VACCINATIONS

Introduction

On November 1, 2021, the federal government published *Interim Order No. 7 Respecting Vessel Restrictions for Crew and Passengers Due to the Coronavirus Disease 2019 (COVID-19)* issued under the *Canada Shipping Act, 2001* (the Interim Order). Under this measure and others, firms that are federally regulated employers are expected to set robust policies requiring employees be fully vaccinated in line with the policy for federal employees. This action is part of wider government efforts to increase the rate of COVID vaccination across Canada to protect people and reduce impact on the health care system.

This model policy is for the consideration of all CMC members and will be periodically updated as needed. It takes a company-wide approach for a full vaccine mandate to all employees in Canadian operations. Federally regulated marine companies that do not apply such a company-wide approach will be subject to additional requirements from Transport Canada.

This model policy is written from the point of view of a company. It covers elements of application, vaccination requirements, medical and other exemptions, managing unvaccinated people, regular testing at work, other protective measures that may be needed, administrative needs, identifying the accountable executive, and providing points of contact.

Application

1. This policy regarding the vaccination of people applies to all employees, as well as contractors, service providers, and regulatory personnel who work or seek access to any company property or vessel. As well:
 - a. This policy applies to any visitor to a company property or vessel that is deemed applicable at the discretion of the company; and
 - b. For ship owners, this policy also applies to all vessels they operate, which are listed in Annex 1 to this policy.
2. This policy enters into effect on [November x, 2021 Set by firm, no later than November 15] and will be updated as required.
3. Regulatory personnel, such as marine pilots or government inspectors, are required to meet federal requirements set by their organizations and under the [Interim Order](#) are subject to verification procedures by the company.
4. All deadline dates in this policy are consistent with Canadian federal requirements as understood when the policy was issued. Companies may choose to act earlier. In the event of a difference of views on between this policy and any federal requirements, the federal requirements would apply.

Vaccination Requirements

5. As a condition of employment, all employees whether working remotely, on company property, or on board vessels and anyone seeking to access a company property or vessel must:



- a. by November 15, 2021, have had their first dose of any COVID-19 vaccine approved by Health Canada;
 - b. obtain their second dose within 10 weeks after their first dose, taking into account public health advice, except if they obtained a single dose vaccine approved by Health Canada;
 - c. if recovered from a COVID-19 infection, still obtain two doses of any Canadian approved vaccine within an agreed time between the company and the employee in accordance with public health or medical advice;
 - d. obtain future booster vaccinations as they become available and as advised by the Public Health Agency of Canada, provincial health agencies, and local public health units; and
 - e. provide to the company receipts from their vaccination provider or a copy of their provincial vaccine passport demonstrating their vaccination status.
6. Beginning November 15, 2021, anyone seeking to access a company property or vessel who is not fully vaccinated, which occurs 14 days after the day on which they complete a COVID-19 vaccine dosage regimen, will be subject to regular testing as set out in the section below.
- a. Anyone boarding a vessel or visiting company property must show evidence of their vaccination status.
 - b. In lieu of checking all persons on arrival to a property or vessel, the company may take an approach to obtain from other companies or organizations, whose personnel access company property or vessels, an attestation that these personnel will be fully vaccinated or have passed regular testing.
7. Those who are not vaccinated, are partially vaccinated, fail to provide evidence of their vaccination status, or provide false or misleading information will be managed as unvaccinated people, as set out below and may face actions set out in paragraph 32.
8. After November 30, 2021, an employee joining the company or person being engaged as contractor for a fixed term, must be fully vaccinated to access company property or a vessel.
9. An employee may opt to receive a Canadian approved vaccine anywhere in Canada or outside of Canada. Employees vaccinated outside of their public health unit's jurisdiction must obtain receipts and should register their doses with their public health unit.
10. Under federal measures, anyone who needs travel by air or rail for their duties or to return home must be fully vaccinated by November 30, 2021, in order to board an aircraft or train.

Medical and Other Exemptions

11. The company will allow for accommodation based on a certified medical contraindication, religion, or other grounds for discrimination as defined under the Canada Human Rights Act (CHRA).
12. For a medical exemption, an employee may request the company from having to get vaccinated supported by either



- a. a provincially issued exemption order; or
- b. a doctor's note, in line with [College of Physicians and Surgeons of Ontario](#) and medical governing bodies in other provinces that:
 - i. originates from a practising physician licensed in Canada;
 - ii. states the specific medical reason or reasons not to be vaccinated; and
 - iii. stipulates a timeframe for the medical exemption to be in effect.

See <https://www.cpsso.on.ca/Physicians/Your-Practice/Physician-Advisory-Services/COVID-19-FAQs-for-Physicians>

13. An employee exempted for any medical reason will be provided by the company regular testing for the presence of the COVID 19 virus, taking into account provisions set out in the section on regular testing below.
14. An employee exempted for a temporary medical reason that no longer applies must get vaccinated within timelines that are in accordance with public health or medical advice. A template [evaluation](#) for the medical exemption is available from Transport Canada.
15. For other exemptions, such as religious belief, an employee may make such a request to the company. As the government expects this to be of limited application and will be releasing guidance, if such an exemption is requested, the company will follow the federal guidance. A template [evaluation](#) for the religious exemption is available from Transport Canada.
16. The company will provide an exempted employee a document confirming the exemption and the reasons for it and period of expiry if applicable. This document will be solely for accessing company property or vessels.
17. First responders and marine emergency response personnel are exempted to allow access to company property or vessels in emergency situations.

Unvaccinated or Partially Vaccinated People

18. An employee who is not vaccinated, or who does not provide evidence of their vaccination status, or has not requested an exemption by November 15, 2021, will not be permitted access to any company property or vessel and will be placed on unpaid leave until such time they agree to comply with this policy.
19. An employee who is not fully vaccinated by January 24, 2022, will not be permitted access to any company property or vessel and will be placed on unpaid leave until such time they are fully vaccinated and their return to work would be safe for others and for the employee.
20. Any contract personnel, service providers, and any Canadian regulatory personnel, who do not provide evidence of their vaccination status will be refused access to any company property or vessel, unless their services are needed to secure the immediate safety of the property or vessel, in which case, a rapid test may be offered and other protective measures will be employed.
21. In the case a company's vessel in a United States port, the [Interim Order](#) does not restrict access by contractors, service providers or U.S. regulatory personnel. U.S. federal government employees are subject to a Presidential Executive Order to be fully vaccinated by November 22, 2021. The company should ask about vaccination



requirements applicable within the port and take other protective measures on board the vessel where vaccination status is in doubt concerning people who are required to board the vessel under U.S. law.

22. A U.S. pilot, contractor, or service provider, who opts to board a company vessel that is a Canadian ship in Canada is subject to the [Interim Order](#) and this policy. If they refuse to comply, they are to be reported to Transport Canada. If their work is not a legal requirement in the U.S., the company will deny them access to the vessel. If their work is a legal requirement in the U.S., they can be granted access only sufficient to complete their work and other protective measures should be taken to protect the crew.

Regular Testing at Work

23. Taking into account public health and medical advice as needed, the company will require exempted people or those not yet fully vaccinated to:
- be sampled and tested for the presence of the COVID-19 virus using a rapid test kit or testing service approved in Canada or the US; and
 - provide a copy of their test results to the company.
24. Costs for sampling and testing of exempt employees will be borne by the company.
25. Costs for sampling and testing of unvaccinated or partially vaccinated employees who are not exempt may be borne by the company, if the employees have committed to be fully vaccinated by the earliest date possible. Employees who refuse such a commitment may be charged the costs of testing.
26. A suggested interval for regular testing would be two times a week, but will need to take into account:
- the working conditions and requirements of the employee;
 - the employee's risks of exposure to COVID-19;
 - the exposure risks posed to other people;
 - local public health unit or medical advice;
 - Section 3(4) of the [Interim Order](#) requires any person on a vessel who is not fully vaccinated to be tested 72 hours before boarding a vessel or if they have recovered from COVID 19 that the positive test was taken between 14 and 180 days before boarding; and
 - Section 3(6) of the [Interim Order](#) requires any person on a vessel who is not fully vaccinated, and was tested 72 hours before boarding a vessel, to be tested every three days for voyages that are longer than six days.
27. For exempt, or partially vaccinated personnel of contractors or service providers subject to their own company's regular testing, the company may accept results of that testing, if equivalent to this policy.
28. The company may consider additional testing of fully vaccinated or medically exempt employees, contractors, service personnel, or regulatory personnel, who access company property or vessels and request it because they:
- believe they have been exposed to COVID-19, inside or outside the workplace;



- b. face higher risk to contract COVID-19, such as being in an area of high case load;
 - c. face additional health risks if they contract COVID-19;
 - d. live with vulnerable family members; or
 - e. believe they are experiencing symptoms of COVID-19.
29. Any positive test result for COVID-19 will be managed under existing company policies as required by public health and Transport Canada.
- a. A person on company property who tests positive with a regular test (e.g. an antigen rapid test kit) or who develops symptoms of COVID-19 while on company property will be required to return home. People developing symptoms before leaving for work or to board a vessel, will be asked to remain at home. These people will be required to arrange for a COVID 19 molecular test or polymerase chain reaction (PCR) test, for which the company may assist, and isolate for the test period. They may return to the workplace if tested negative. If positive, they will be required to isolate for 2 weeks with paid leave and after two weeks may only return to work if asymptomatic and cleared by a medical professional.
 - b. A person on a vessel who tests positive with a regular test or develops symptoms of COVID-19 will be managed on board as set out in the *CMC Ship Owners' Best Practices for COVID 19*, as amended from time to time
 - i. The person will immediately isolate in their quarters on board and molecular testing will be arranged by the company with the nearest local public health authority.
 - ii. Their condition or regular test result will be reported to the nearest local public health unit and Transport Canada. If in U.S. waters, they will report to US Coast Guard and local Centre for Disease Control.
 - iii. The company will work with local public health authorities and medical professionals to determine the most appropriate course of action to care for the affected person, which may include either remaining in isolation onboard, or evacuating the person to a quarantine facility or hospital.

Other Protective Measures

30. As part of wider efforts to protect the safety of employees and visitors to workplaces, the company may take other protective measures, taking account of working conditions and public health unit or medical advice. This may include:
- a. installing barriers where applicable, safe, and practical.
 - b. if possible, allowing for work from home or being reassigned to other duties to do so; and
 - c. where individuals face higher risks in their workspace, such as potential contact with unvaccinated people or those not complying with public health rules, this may also include:
 - i. wearing a mask that meets public health guidance (three layers) at all times when in a higher risk situation,



- ii. maintaining a minimum 2 metre distance from other people, and
- iii. minimizing contact with other people in the workplace.
- iv. in the case of a vessel, procedures set out in *CMC Ship Owners' Best Practices for COVID 19*.

Administration

31. The company will take measures to ensure this policy is available to all employees and may consider positive measures to encourage vaccination.
32. For ship owning companies, the [Interim Order](#) requires a copy of this policy be kept on board and made available on request by officials. The [Interim Order](#) requires a ship's crew be familiar with the policy and that a record be kept on board of crew members who have familiarized themselves with the policy.
33. In the event of failures to adhere or respect this policy, the company will in the case of:
 - a. an employee, take corrective management actions;
 - b. contract personnel and service providers, deny access to property or vessels and report them to their employer organizations; and
 - c. regulatory personnel, report them to their employer organizations.
 - d. any person who has provided false or misleading information about their vaccination status or test results, immediately treat them as unvaccinated and take corrective management actions that may include, as circumstances and the law requires:
 - i. immediate removal from company property or vessel,
 - ii. denial of access to company property or vessel,
 - iii. disciplinary actions that could include ending of employment,
 - iv. reporting of falsified government vaccination documents to law enforcement;
 - e. for a ship owner who believes that a person provided evidence of vaccination or test results likely to be false or misleading, under section 14 of the [Interim Order](#), they will notify Transport Canada as soon as feasible and provide the person's name, contact information and, if applicable, their Candidate document number (CDN) or their Certificate of Competency number from the Standards for Training, Certification and Watchkeeping; and
 - f. In the event anyone is denied access to a company property or a vessel for reasons noted above and becomes belligerent or threatening towards employees, it should be reported to local police, who have authority under the [Interim Order](#) and in the case of someone attempting to access a vessel, the matter also reported to Transport Canada.
34. The company will assign appropriate personnel to receive and maintain records of the vaccination status of employees and information regarding adherence to this policy by contractors, service personnel or regulatory personnel.



35. The company will protect the information related to anyone's vaccination status, including receipts for doses received, test results, and doctor's advice, as personal information in accordance with applicable privacy legislation.
- a. Personal information received under this policy will be treated as confidential. It will be used, stored, and destroyed in accordance with applicable privacy laws and the company's personal information policy.
 - b. The only company personnel who will have access to this personal employee information are the designated individuals who need it to validate the employee's vaccination status and oversee measures required by this policy.
 - c. This personal employee information will be secured by the company in accordance with its applicable policy, which includes physical measures such as to lock offices and cabinets, and use separate personnel files, as well as information technology measures such as file encryption, firewalls, and passwords.
 - d. This personal employee information will be retained only for as long as reasonably necessary for the company to protect health and safety in the workplace during the COVID-19 pandemic. When no longer reasonably required, it will be destroyed in accordance with the company's personal information policy.
 - e. Any information regarding a contract personnel, regulatory personnel or service provider's vaccination status will only be reviewed for the purposes of determining access to the company's property or vessel and will not be retained.
36. The company will assign an appropriate official to be a point of contact for this policy to respond to questions from employees, contractors, service providers, or regulatory officials.
37. The company has followed public health guidelines to prevent the spread of COVID-19, similar to those set out in the [CMC Ship Owners' Best Practices for COVID 19](#), as amended from time to time. Specific details taken are present in Annex 2.
38. For ship owning companies whose fleets include one or more vessels with more than 12 people on board, the [Interim Order](#) has set reporting requirements to submit to Transport Canada the following:
- a. By November 15, 2021, a written attestation by the accountable executive who act as the authorized representative for the vessels that they have a vaccination policy in place and to provide a copy of their policy. This may be carried out by using the [Multi Model Reporting page](#) developed by Transport Canada on Survey Monkey.
 - b. If a company applies its vaccination policy to all employees, the company must submit monthly reports stating:
 - i. the name of the vessels that are the subject of the report;
 - ii. The number of employees employed in their organization (shore and ship based);
 - iii. The number of employees that are fully vaccinated, partially vaccinated, or not vaccinated; and



- iv. The number of persons who were issued a document confirming an exemption due to a medical contraindication or a sincerely held religious belief and a record that confirms they provided the required evidence.
- c. A template for a monthly report is presented in Annex 3 to this policy.
- d. If a company applies its vaccination policy to only to employees on vessels subject to the interim order, more detailed weekly reporting is required as set out in subsection 15 (1) of the [Interim Order](#).

Accountable Executive

39. This policy will be signed by an accountable executive and list points of contact for employees.

Name of Accountable Executive:

Points of Contact:



Annex 1. List of Ships That This Policy Applies (Ship Owners Only)

- Info to be provided by ship owners

Name of Vessel	Type of Vessel

Annex 2. Compliance with Local Public Health Guidelines (Ship Owners Only)

- Info to be provided by ship owners, attach existing company policy or the [CMC Ship Owners' Best Practices for COVID 19](#)

Annex 3. Monthly Reporting to Transport Canada (Ship Owners Only)

- Info to be provided by ship owners

Name of Authorized Representative:	
Date of report:	
Number of persons employed:	
Number of persons fully vaccinated:	
Number of persons partially vaccinated:	
Number of persons not vaccinated:	
Number of persons exempted under this policy:	
Names of the vessels subject of the report:	