

Vaccinations and Church Employees

June 28, 2021

From: Shining Waters Regional Council

As Communities of Faith plan for building re-openings, a question being asked is whether the Community of Faith as the employer can require its employees to have vaccinations prior to returning to the workplace. The question was posed to United Church of Canada legal counsel and this was the reply:

“Non-health care employers cannot refuse worksite access to non-vaccinated employees. In fact, currently refusing to allow a non-vaccinated employee, who has passed the screening protocol, entry into the workplace currently bears the risk of a finding of constructive dismissal against the employer, with ensuing wrongful dismissal damages owing to the former employee.”

Notes:

1. The “screening protocol” referred to above refers to workplace screening procedures that employers have used over the past year where workers have come into the workplace. These protocols have varied according to the COVID context, and from one workplace to another.
2. The word “currently” is used above. This was first issued on March 9, 2021 and was reaffirmed as still applicable on June 28, 2021. However, this is a fluid, evolving situation so we urge you to stay tuned to provincial updates and other communication we may send your way.
3. Media reports have suggested that in some situations, employers other than those in health care have considered putting in place mandatory vaccination policies for their staff. However our UCC legal counsel suggests that for the time being-- until we have a definitive court/tribunal decision or government legislation on this issue – not setting a mandatory vaccination policy is the cautious approach.