



SHINING WATERS
REGIONAL COUNCIL
The United Church of Canada

September 22, 2021

Update on Ontario Vaccine Passports and Mandatory Vaccination Policies

Recently The United Church of Canada General Council Office provided updated legal advice for Communities of Faith in Ontario. On September 22, 2021 the Ontario Vaccine policy will be implemented in Ontario. The passport policy **does not apply to places of worship (places of worship are exempt), however, it may apply to your meeting and event spaces. Please see the update below and direct specific regulation questions to your local public health unit for best advice.** You can also reach out to your Regional Council Congregational Support Minister or Pastoral Relations Minister. (Jody Maltby, jmaltby@united-church.ca; Dale Hildebrand, dhildebrand@united-church.ca)

Mandatory Vaccination Policy and Places of Worship verses Events Space:

Under Ontario law, worship spaces are not subject to the passport regulations. This means that you are not required by law to ask people to show proof of vaccination in order to participate in worship. Some Communities of Faith may decide to create their own policy regarding vaccination requirements for participation in worship.

Church Meetings and Local Outreach Ministries:

Church meetings, like board meetings (which may include volunteers or staff) are not subject to the passport regulations. This means that you are not required by law to ask staff or volunteers attending a church meeting for proof of vaccination. Local outreach ministries which provide an essential service, like Food Banks, are not subject to the passport regulations. This means that you are not required to ask staff, volunteers and participants for proof of vaccinations to access an outreach ministry (you could set your own policy). Again, you can check with your local health unit for specific advice.

Meeting Space and Rental Space:

Under the current legislation some Church events space may be subject to the passport regulations. This means that you may have to ask for proof of vaccinations for people wishing to use those spaces.

Vaccine passports will be required for funeral and wedding receptions.

The regulation uses the term “patrons” when referring to the individuals who are required to show proof of vaccination, however, the current legislation specifically exempts “workers, contractors, repair workers, delivery workers, students, volunteers, inspectors or others who are entering the business or organization for work purposes.”

Any space rented for meeting or events could be subject to the new regulation, wedding or funeral receptions being the most specific example.

Who is responsible for verifying Passports in the case of Rental Properties?

The onus to verify is put on “the person responsible for a business or an organization.” It is a question as to who is responsible for the meeting or event spaces of a church. If the spaces are leased out to tenants, the onus is on the tenants, if they are operating a business or organization that is subject to the regulation. However, if the church itself manages the rental space (for example, rents out the gym for a wedding), the church may be the group responsible for ensuring that vaccine passports are checked. **The responsibility to verify passports can be delegated to a renter.**

Advice for congregations and their Tenants

Again, places of worship are exempt, and that would include church meetings. However, any non-church related meetings or non-essential events could well be required to verify vaccination status of patrons attending those meetings/events (check with your local health unit). Current legal advice shared: *“If the tenants have an existing lease, they may be responsible for complying with the regulation. Churches should avoid telling tenants whether they are subject to the regulation or not: it should be up to the tenants themselves to determine and enforce current passport regulations. However, churches may want to take some steps to verify that tenants are complying, since as the landlords, they could have some liability exposure. One-time rentals may be the responsibility of the Church, depending on the terms of the rental contract. Churches should stipulate in any one-time rental contract that it is the renter who is responsible for complying with all COVID-restrictions then in place, including verifying vaccinations, as required.”*

Mandatory Vaccination Policy

Current UCC legal advice: “The advice on mandatory vaccination policies has shifted since spring. The advice then was that generally the benefits of a mandatory vaccination policy didn’t outweigh the risks. The science has evolved, the government recommendations have changed, and the prevailing direction in Canada is towards mandatory vaccination, with very limited exceptions.” **New advice is “not implementing mandatory vaccination policies in a workplace is now the riskier choice, since the obligation of employers to provide a safe workplace outweighs the chance of a human rights code violation or other infringement on the individual.”**

References, Regulations or Examples:

From a regulatory perspective, O. Reg 364/20 requires that, “The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions of public health officials operate in the compliance with the advice / recommendations of the health units.” Some health units have recommended that employers implement a mandatory vaccination policy.

For example, Toronto Public Health announced August 20, 2021 that it now “strongly recommends” that employers implement mandatory vaccinations in their workplace:

<https://www.toronto.ca/news/toronto-medical-officer-of-health-strongly-recommending-toronto-employers-institute-covid-19-vaccination-policy-and-support-workplace-vaccination/>

North Bay Parry Sound District Health Unit “encourages businesses to create their own vaccine policies:”

<https://www.myhealthunit.ca/en/health-topics/covid-19-vaccine-certificate-program.asp>

- O. Reg 645/21 which amends O. Reg 364/20 re proof of vaccinations:
<https://www.ontario.ca/laws/regulation/r21645>

- O. Reg 364/20 which will be amended as of Sept 22 to include the new requirements:
<https://www.ontario.ca/laws/regulation/r21645>
- Guidance on vaccine passports:
https://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/guidance_proof_of_vaccination_for_businesses_and_organizations.pdf