

DATE: September 16, 2021

MEMORANDUM TO: Training Delivery Agents

FROM: Cordelia Abankwa
Assistant Deputy Minister
Employment and Training Division
Ministry of Labour, Training and Skills Development

SUBJECT: Update to COVID-19 Vaccination Policy Requirement

The Ministry of Labour, Training and Skills Development (the “ministry”) would like to thank you for your support and patience throughout the COVID-19 pandemic. The health and safety of apprentices and staff continues to be the ministry’s number one priority.

On September 7, 2021, the ministry sent a memo outlining how COVID-19 vaccination instructions from the Chief Medical Officer of Health (“OCMOH”) apply to Training Delivery Agents (“TDAs”).

Based on inquiries received since, the information below has been updated and additional resources have been added. This update and accompanying resources replace in whole the memorandum and resources provided on Tuesday, September 7, 2021.

The OCMOH Instructions indicate that Covered Organizations (including TDAs) bear the responsibility for approving an education session on the benefits of COVID-19 vaccination and making that education session available to Required Individuals, as defined in those Instructions. The enclosed resources may be helpful to you in developing or finding an appropriate education session.

Please do not hesitate to connect with your regular regional office contact if you have any questions regarding the vaccination policy requirement. We also encourage you to consult with your legal counsel on how the OCMOH’s Instructions apply to your specific programs and operations. The ministry appreciates the incredible efforts being made by TDAs to continue to keep their training facilities and communities safe.

Sincerely,

Original signed by

Cordelia Abankwa
Assistant Deputy Minister
Employment and Training Division
Ministry of Labour, Training and Skills Development

Attachments:

- COVID-19 Vaccination Educational Session: Information for Training Delivery Agents
- Instructions issued by the Office of the Chief Medical Officer of Health, issued August 30, 2021
- COVID-19: Questions and Answers | September 2021

UPDATES TO SEPTEMBER 7, 2021 MEMO

In response to evolving data around the transmissibility of the Delta variant and based on the recent experiences of other jurisdictions, the Ontario government, in consultation with the Office of the Chief Medical Officer of Health (“OCMOH”), is taking action to increase protection for our most vulnerable, including frail seniors, immunocompromised individuals and young children who are not yet eligible for vaccination. This includes making COVID-19 vaccination policies mandatory in higher-risk settings, pausing the province’s exit from the Roadmap to Reopen and providing third doses of the COVID-19 vaccine to vulnerable populations.

Pursuant to OReg 364/20 under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (“ROA”), the person responsible for a business or organization that is open must operate in compliance with any advice, recommendations and instructions issued by the OCMOH with respect to a COVID-19 vaccination policy. On August 30, 2021, the OCMOH issued the enclosed instructions to post-secondary education (“PSE”) institutions, including persons approved to provide training for apprenticeship programs under paragraph 5 of section 64 of the *Ontario College of Trades and Apprenticeship Act, 2009* (“TDAs”).

TDAs are responsible for complying with these Instructions and are encouraged to consult with their legal counsel to ensure compliance. A summary of the contents of these Instructions is set out below.

To reduce the risk of COVID-19 transmission, **the enumerated PSE institutions, including TDAs, are required to establish, implement, and ensure compliance with a COVID-19 vaccination policy effective September 7, 2021.**

The vaccination policy, at a minimum, must require employees, staff, contractors, volunteers, students and apprentices to provide:

- proof of full vaccination against COVID-19;
- written proof of a medical reason for not being vaccinated against COVID-19; or
- proof of completion of a COVID-19 vaccination educational session approved by the TDA about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason (please refer to accompanying *COVID-19 Vaccination Educational Session* resource for more information).

Individuals who do not provide proof of full vaccination against COVID-19 will be required to undertake regular antigen testing and demonstrate a negative result at least once every seven days.

TDA's will be required to track and report on the implementation of their policies to the provincial government. In the coming weeks, the Ministries of Colleges and Universities, and Labour, Training and Skills Development will work with TDA's on these reporting requirements.

TDA's without a vaccination policy in place are not in compliance with these instructions. Furthermore, local medical officers of health and inspectors from local public health units can, at their discretion, issue more stringent requirements for compliance.

Additionally, effective September 7, 2021, amendments have been made under ROA, to **remove physical distancing and capacity limit requirements for PSE indoor instructional spaces** (e.g., classrooms, shop floors, etc.). This applies to indoor instructional spaces only. Step 3 requirements for outdoor instructional spaces remain the same.

- Outside of these specific changes, TDA's continue to be subject to all other Step 3 requirements, including masking indoors. As always, TDA's are encouraged to consult with their legal counsel on interpreting any applicable legislation. It is also strongly recommended that TDA's consult with their municipality and local medical officers of health about any applicable local requirements.
- TDA's have the flexibility to develop and implement policies that are more stringent than requirements set out in the instructions issued by the OCMOH.

The OCMOH Instructions are specific to TDA's and PSE institutions. Any non-TDA training centers that fall outside of the scope of these instructions are still required to follow applicable public health guidelines and other government directives.

For further information, please see the [COVID-19 Orders, Directives, Memorandums and other Resources](#).

The ministry remains committed to supporting TDA's financially throughout the pandemic by providing payment for guaranteed seats for full-time and part-time classes that are on the 2021-2022 in-class training seat plan. Guaranteed seats assist with the viability of smaller class sizes where physical distancing does not support regular levels of apprentice participation.

Furthermore, TDA's can apply for free testing kit orders through the [Provincial Antigen Screening Program \(PASP\)](#) online or through a local Chamber of Commerce. All other costs for administering testing are the responsibility of the institution.

- According to the MCU Postsecondary Education Health Measures Framework for Fall 2021, institutions can be directed toward the PASP. PSE

institutions are signing up for PASP, placing their testing kit orders (test kits are free) and then the testing kits are delivered via MGCS's delivery network.

All other costs for administering testing are the responsibility of the institution. In regard to the collection, recording or storage of information, per the OCMOH's Instructions, TDAs are required to collect, maintain, and disclose statistical (non-identifiable) information in the manner and within the timelines to be specified. The ministry will communicate information about reporting requirements and timelines in the weeks ahead. TDAs are encouraged to consult with their legal counsel as they develop and implement their policies.

ADDITIONAL INFORMATION

Note: This information is intended to provide guidance to TDAs but should not be relied on as medical or legal advice. TDAs are responsible for their compliance with any applicable requirements and are encouraged to consult with their legal counsel and local public health units on the development and implementation of COVID-19 vaccination policies.

Testing

- The Instructions issued by the OCMOH require that individuals who do not provide proof of being fully vaccinated against COVID-19:
 - Submit to regular antigen point of care testing for COVID-19 at an interval to be determined by the TDA (must be at minimum of once every seven days).
 - Provide verification of a negative test result in the manner determined by the TDA that enables it to confirm the result at its discretion.
- It is the responsibility of TDAs to ensure that the Instructions of the OCMOH are implemented.
- Individuals who are partly vaccinated (have received one dose of a two-dose vaccine series, or a final dose of a two-dose vaccine series within the last 14 days), should undertake antigen testing until they are fully vaccinated.
- In accordance with the Instructions issued by the OCMOH, PSE institutions, with the exception of Indigenous Institutes, are required to have mandatory COVID-19 vaccination policies in place effective September 7, 2021. This includes the requirement for rapid antigen testing.
- The testing interval is determined by the PSE institution, but must be a minimum of once every seven days.
- TDAs can apply for the [Provincial Antigen Screening Program \(PASP\)](#) online or through their local Chamber of Commerce.
- To request access to free rapid antigen screening kits, TDAs will need to:
 - Apply for the PASP online or via their local Chamber of Commerce and agree to the program terms and conditions.
 - Notify their local public health unit before testing begins.
 - Review onboarding and training materials.
 - Order or pick up free test kits from the province of Ontario, or private institutions are encouraged to pick up kits from their local Chamber of Commerce.

- Report de-identified data to the province each week.
 - Properly handle and dispose of used test kits.
- Small and medium-sized businesses, with 150 employees or less, are welcome to participate in their local Ontario Chamber of Commerce [COVID-19 Rapid Screening Initiative](#).
 - Membership with the Ontario Chamber of Commerce is not required to participate in this initiative.
 - Any small and medium-sized businesses can apply for this initiative through the link above and click on the chamber or board of trade in your region to order your tests online.
- TDAs are responsible for the program implementation costs (e.g., human resource expenses, supplies).

Reporting and Collection of Information

- Per the Instructions issued by the OCMOH, TDAs are required to collect, maintain, and disclose statistical (non-identifiable) information in the manner and within the timelines to be specified by the ministry.
- In the coming weeks, the Ministries of Colleges and Universities and Labour, Training and Skills Development will work with TDAs on reporting requirements.
- TDAs are encouraged to consult with their legal counsel and work with their local public health units as they develop and implement their policies, including the collection of information.