



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario



Workers' rights: Vaccinations and COVID-19

A community forum for frontline
workers in Jane/Finch and Northwest Toronto

In partnership with:

Farid Partovi Chaharlangi, Jane/Finch Centre

Francesca Allodi-Ross, Rexdale Community Legal Clinic

John No, Parkdale Community Legal Services



A few quick tips before we begin

There will be time for Q&A in the middle and at the end of the webinar. Please ask your questions using the Q&A.

We will read the questions aloud or you can raise your hand and we will unmute you to ask the question yourself.

Please remember that the presenters can't answer personal questions about a specific situation as this is not intended to be legal advice, but general information to help you in your work.



Accessibility

Please click [Live Transcript](#) at the bottom of your screen for subtitles.

These are generated by Zoom and will likely contain errors.

The recording will contain a transcript of the webinar content.

Recording the webinar

There will be a recording of this webinar for those who were unable to join us today and so you can share it.

We will make an archived recording along with a PDF version of the presentation slides available to you on the [CLEO Connect](#) website in the coming days. We will notify you by email when this is available.

We will now begin the recording.



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Disclaimer

This webinar is for general information purposes only and is not legal advice. The legal information and answers provided live by our legal experts and by our staff in the Q+A are not intended to be used as legal advice for a specific legal problem. This webinar was recorded on November 4th, 2021 and reflects developments in the law before that date.

Land Acknowledgement

We acknowledge that since time immemorial the land on which we live and work has been the home and traditional territory of Indigenous Peoples, including the Mississaugas of the Credit, Haudenosaunee and Wyandot, and is now home to many diverse First Nations, Inuit, and Métis relatives.

CLEO's work is also carried out across the many traditional territories of this land that is also known as Ontario. We acknowledge our privilege as well as our role in the unjust systems of colonization, colonization which we recognize as an ongoing process today.

CLEO commits to challenging all anti-Indigenous racism. We also pledge to take concrete steps to be accountable to the Calls to Action outlined in the Truth and Reconciliation Report.



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POLL

Do you have clients who have been put on leave or lost their jobs because they are not vaccinated?

Question:

Who is requiring that employees be vaccinated?

Answer:

The Ontario government has mandated vaccination for all long-term care home workers.

Many other employers are also choosing to require vaccination.



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Question:

Is there any situation when an employer can force workers to get vaccinated?

Answer:

Not physically, but an employer may put an employee on leave or dismiss an employee.

Question:

What happens if my employer fires me because I'm not vaccinated?

Answer:

May depend on industry and nature of the workplace, e.g. public interaction, as to whether the firing is with or without “cause”.

Employees fired without cause are entitled to notice of dismissal or pay in lieu of that notice.

Options for re-employment may be challenge given many job postings require vaccination.



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Question:

What if I get laid off because a site where I'm required to work requires me to be vaccinated and I'm not?

Answer:

Is there any other jobs that the employer can provide you?

Frustration of contract versus dismissal



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Question:

If I lose my job or quit because I did not comply with my employer's mandatory vaccination policy, will I be eligible for EI regular benefits?

Answer:

EI has said that, in most cases, no.

If a worker does not agree, they can appeal to the Social Security Tribunal (SST). We don't yet know what the SST will decide.

CASE SCENARIO #1 - Than

Than works for a catering company. Than has two main responsibilities, which are to cook at the company kitchen and to serve the food at third party venues, e.g. weddings, parties at community centres.

Than is not vaccinated as Than is worried about vaccines causing blood clots. Than's employer is not requiring vaccines but a customer (a community centre) has asked that all people who are to be present at the centre be vaccinated.

What can Than do?

CASE SCENARIO #2 - Thelma

Thelma works in a small office as a bookkeeper. Her employer gives her a letter stating that she has two months to get two vaccine shots and will be on unpaid leave in the meantime. The letter states that, if she does not receive the vaccine, the employer will dismiss her.

Thelma decides not to get vaccinated. She applies for EI regular benefits while looking for another job.

Will Thelma get EI?

Questions?

Please ask your questions using the Q&A feature, not the chat.

If you wish to speak - please raise your hand - and we will unmute you.

Question:

What about a religious exemption?

Am I entitled to accommodation from my employer?

What proof do I need of this?

Answer:

A sincerely-held religious belief that prohibits vaccination. A non-religious belief system may constitute a creed but should be a comprehensive system governing one's conduct. A free-standing belief against vaccines is probably not enough.

Question:

What about medical exemptions?

Am I entitled to accommodation from my employer?

What proof do I need of this?



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Answer:

People with disabilities are entitled to accommodation up to the point of “undue hardship”.

1. Does your disability prevent you from being vaccinated?
2. If yes, would it be “undue hardship” for your employer to continue to employ you even though you are not vaccinated?



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Question:

What if my hours are cut and I feel it's because I'm not vaccinated?

Answer:

Constructive dismissal based on hours being cut, independent of the reason for the reduction of hours.

Are your hours guaranteed or a contractual entitlement?

Question:

Can a worker refuse to work if they feel the workplace is at risk for COVID-19?

What are they entitled to if they quit?

Answer:

OHSA sets the process for refusing unsafe work.

OHSA does not require an employer to create a workplace completely free of all risk.



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CASE SCENARIO #3:

Dolores' employer has implemented a mandatory COVID vaccine policy. Dolores is afraid to get the COVID-19 vaccine because she has a compromised immune system and read some articles online that say vaccines could be dangerous for her because of that.

CASE SCENARIO #4

George disagrees with any law that privileges or disadvantages people based on vaccination status. He strongly believes that such laws are against people's freedoms and are morally wrong. Out of principle, he refuses to be vaccinated. He knows that the *Human Rights Code* protects "creed" as a human rights ground.

George is planning to tell his employer that the company must accommodate his human rights. Is George correct?

Questions?

Please ask your questions using the Q&A feature, not the chat.

If you wish to speak - please raise your hand - and we will unmute you.

Resources and supports:

Local Community Resources: Info on vaccinations and COVID

Jane/Finch Community and Family Centre: <https://www.janefinchcentre.org/>

Caribbean African Canadian Social Services (CAF CAN): <https://cafcan.org/>

Black Creek Community Health Centre : <https://www.bcchc.com/>

Rexdale Community Health Centre: <https://www.rexdalechc.com/>

Delta Family Resource Centre: <https://dfrc.ca>

Black Creek Services Map: <https://www.janefinchcentre.org/resources>

Black Creek Humber Summit Cluster Vaccine Engagement Team: Contact:
thyp@janefinchcentre.org, kevinb@janefinchcentre.org, or Isabellak@janefinchcentre.org

Find help also at **211central.ca** or **call/chat/text 2-1-1.**



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stepstojustice.ca

COVID:19 Updates on the law and legal services



COVID-19: Updates on the law and legal services

Steps to Justice
Your guide to law in Ontario

Home page

Legal Topics ▾ Guided Pathways ▾ Latest Updates ▾

Steps to Justice
Step-by-step information
about legal problems.
Reliable, practical, and easy to understand.

Tell us what you are looking for

Announcements
CLEO's On the Radar: More changes to family law

New information on French language rights

New information in criminal law

New interactive criminal court illustrations

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LIVE CHAT

CLEO's Steps to Justice information:

COVID-19 Employment and Work

I've been fired because I didn't get a COVID-19 vaccination. Can I get EI?

I need money to live. Can I get help from Ontario Works?

Who can get the Canada Worker Lockdown Benefit?

Can my employer screen me for COVID-19?

I don't have status in Canada or a health card. Can I get a COVID-19 vaccine or proof of vaccine?

Resources and supports:

Find your Community Legal Clinic

<https://www.legalaid.on.ca/legal-clinics/>

Jane Finch Community Legal Services

<https://www.janefinchcommunitylegalservices.ca/>

Rexdale Community Legal Clinic

<https://rexdalecommunitylegalclinic.ca/>

Workers' Action Centre Hotline

<https://workersactioncentre.org/>

FACTSHEETS:

Toronto Drop-In Network

[Accessing Proof of Vaccination for People Who Attended a Low-Barrier Clinic or Don't Have ID](#)

OCASI bulletins (translated into multiple languages)

[COVID-19 Vaccine Bulletin | OCASI](#)

Resources and supports:

Calls to action: Truth and Reconciliation

[Truth and Reconciliation Commission of Canada: Calls to Action](#)

[Settlers Take Action](#)



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Steps to Justice – stepstojustice.ca/covid-19

Contact me! Karen Dick at CLEO
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