
October 20, 2021

BULLETIN

RECORDS OF EMPLOYMENT AND MANDATORY VACCINE POLICIES

Employment and Social Development Canada (“ESD Canada”) has updated their website with information on how to code an ROE for employees whose attendance at work is affected by COVID vaccine policies.

If an employee does not come to work because they refuse to comply with a COVID-19 vaccination policy, their ROE should be coded E (quit) or N (leave of absence).

If an employee is suspended or terminated because of a policy, the employee’s ROE should be coded M (dismissed). The website states that employers may be contacted by ESD Canada to determine:

- if the employer had adopted and clearly communicated to all employees a mandatory COVID-19 vaccination policy;
- if the employees were informed that failure to comply with the policy would result in loss of employment;
- if the application of the policy to the employee was reasonable within the workplace context; and
- if there were any exemptions for refusing to comply with the policy.

The factors listed are similar to those that could be considered in a grievance arbitration or legal claim by an employee challenging a suspension or termination under a vaccine policy.

We recommend local governments seek legal advice before drafting and implementing a policy requiring employees to disclose vaccine status, and/or to be vaccinated to attend work.

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