



BAND COUNCIL RESOLUTION

NOTE:

The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.

The council of the
Kebaowek First Nation

Date of duly convened meeting (YYYY-MM-DD)
2021-12-20

Province
Quebec

Cash free balance	
Capital account	\$
Revenue account	\$

DO HEREBY RESOLVE:

WHEREAS Kebaowek First Nation has the inherent right to govern its own affairs and also exercises the powers of a "band council" under the Indian Act, including the power to make by-laws pursuant to section 81 of that Act;

WHEREAS section 81 recognizes the right of Kebaowek First Nation to make by-laws for any of the following purposes:

- to provide for the health of residents;
- the observance of law and order;
- the prevention of disorderly conduct and nuisances;
- the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes; and
- any matter arising out of or ancillary to the exercise of powers cited above.

WHEREAS Kebaowek First Nation hereby chooses to exercise its rights and law-making powers over the reserve lands which have been set apart for the use and benefit of Kebaowek First Nation and its members;

Quorum 3

(Councillor)

(Councillor)

(Councillor)

Rene Beaudry
(Chief)

Guillaume Chepit
(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority (Indian Act Section)	Source of funds Capital Revenue	Expenditure	Authority (Indian Act Section)	Source of funds Capital Revenue
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DO HEREBY RESOLVE:

NOW THEREFORE the Council of Kebaowek First Nation enacts this Covid-19 Mandatory Employee Vaccination Policy By-law:

1. POLICY STATEMENT

The Kebaowek First Nation, (the "Employer") is committed to the health and safety of its employees and the members of the community we serve. This COVID-19 Vaccination Policy (this "Policy") has been developed and implemented in accordance with applicable Provincial and Federal legislation and Public Health directives and recommendations.

The objective of this Policy is to reduce the transmission of COVID-19 to protect the health and safety of all employees, staff, volunteers, contractors, students, and community members.

This Policy will be interpreted and applied in a manner consistent with the Canadian Human Rights Act (the "CHRA") and the Canada Labour Code (the "CLC").

This Policy was adopted by Band Council Resolution October 29th, 2021 and comes into effect as of December 1, 2021.

Quorum 3

(Councillor)

(Councillor)

(Councillor)

Denise Doyon
(Chief)
Seal of Chiquit
(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

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DO HEREBY RESOLVE:

2. PREAMBLE

COVID-19 is defined as the SARS-CoV-2 virus (severe acute respiratory syndrome coronavirus 2). As COVID-19 has spread, mutations have occurred in the virus' s genetic code, resulting in several new variants of COVID-19. In this Policy, COVID-19 refers to both the initial COVID-19 virus and all of its mutations/variants.

COVID-19' s incubation period is usually five to seven days but can range from one to fourteen days. Individuals may spread COVID-19 within fourteen days of contracting the virus and may develop symptoms any time within those fourteen days. Although some people may not develop symptoms (i.e., are asymptomatic), they may still spread the virus. Common symptoms of COVID-19 include the sudden onset of a high fever, chills, sore throat, fatigue, and a dry cough. These symptoms may be accompanied by other symptoms such as body aches, loss of taste and smell, and diarrhea. More serious symptoms include difficulty breathing or shortness of breath, chest pain, and loss of speech or movement. In some cases, COVID-19 can be fatal.

The COVID-19 vaccine is one of the most effective ways to prevent transmission of and infection by COVID-19. Canadian public health authorities have stated that vaccines are safe, have few side effects, and have a high rate of effectiveness. For more information on COVID-19 vaccines, please see the Government of Canada' s website.

Quorum 3

(Councillor)

(Councillor)

(Councillor)

Joseph Doyon
(Chief)
Serge Cheyette

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

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DO HEREBY RESOLVE:

3. DEFINITIONS

Fully vaccinated or protected means having received 2 doses of a Covid-19 viral vector-base vaccine, or 2 doses of the covid -19 messenger RNA vaccine or a combination of either COVID-19 vaccines approved by Health Canada and recommended by the applicable local public health unit, including any booster shots recommended, approved, and/or required from time to time (e.g., two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series); and having received the final dose of the COVID-19 vaccine at least fourteen days ago. Fully protected can also be people who have had COVID-19 confirmed by a nucleic acid amplification test (NAAT), and single dose of either approved vaccine.

Employee means, for the purposes of this Policy only, all employees, staff, contractors, students, and volunteers of the Employer.

4. SCOPE

This Policy applies to all employees, regardless of their role whether unionized or not.

5. POLICY

In accordance with Part II of the Canada Labour Code the "CLC"), the Employer will take all reasonable steps to ensure that the health and safety at work of every employee is protected.

Quorum 3

(Councillor)

(Councillor)

(Councillor)

Deanne Raymond
(Chief)

Scott Cheyette
(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

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DO HEREBY RESOLVE:

i. Proof of Vaccination

a) On or before December 1, 2021, all employees of the Employer must provide:

1. proof of COVID-19 vaccine administration as per the following requirements:

- i. if the employee has received the first dose of a two-dose vaccine series approved by Health Canada, proof that the first dose was administered and, as soon as reasonably possible, proof of the administration of the second dose; or
- ii. proof of all required doses of a COVID-19 vaccine approved by Health Canada (i.e., proof that the employee is fully vaccinated); or

2. written proof of a medical reason, provided by a physician that sets out:

- i. a documented medical reason that the employee cannot be vaccinated against COVID-19; and
- ii. the effective time-period for the medical reason (i.e. permanent or time-limited).

3. written proof provided by a religious leader, outlining the reason(s) related to religion that preclude the employee from being vaccinated against COVID-19.

b) Proof that an employee is fully vaccinated must be provided to their manager in the form of the electronic or paper receipt provided to the employee at the time of vaccination. An employee who has not provided proof satisfactory to the Employer that they are fully vaccinated is considered to be "not fully vaccinated" for the purposes of this Policy.

Quorum 3

(Councillor)

(Councillor)

(Councillor)

(Chief)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

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DO HEREBY RESOLVE:

ii. Accommodation

a) The Employer will assess any request for accommodation related to this Policy in accordance with its obligations pursuant to the CHRA. The Employer reserves the right to request such information as it deems necessary for such purposes. Accommodation requests will be assessed on a case-by-case basis.

b) Employees requesting accommodation in relation to this Policy must:

- a. Disclose to their Manager/Supervisor their need for accommodation;
- b. Provide the required supporting information/documentation to substantiate the reason(s) that they are unable to receive a COVID-19 vaccine; and
- c. Cooperate and participate in the Employer's efforts to accommodate, including by accepting reasonable accommodation.

c) Any information or documentation provided in the course of the accommodation process be held in the strictest confidence, to be shared only on a "need to know" basis to facilitate the accommodation process.

iii. Privacy and Confidentiality

a) The Employer shall ensure that all information collected pursuant to this Policy is used only for the purposes of this Policy, shared on a need-to-know basis only, stored securely, and securely deleted when no longer required. Information gathered will be dealt with in accordance with the Employer's Privacy Policy.

Quorum 3

(Councillor) *[Signature]* (Chief) (Councillor) *[Signature]* (Councillor)

(Councillor) (Councillor) (Councillor)

(Councillor) (Councillor) (Councillor)

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DO HEREBY RESOLVE:

iv. Protective Measures

a) Employees must at all times continue to adhere to the infection prevention and control measures put in place in response to the COVID-19 pandemic, which include, but are not limited to, the following:

- Enhanced hand hygiene, including washing one's hands with soap and water for at least 20 seconds (or using alcohol-based hand sanitizer if soap and water are not available) often throughout the day while at work;
- Avoiding touching one's eyes, nose or mouth while at work, unless one has just washed one's hands;
- Maintaining a distance of at least one metre from others while at work, even when a face mask is worn;
- Wearing a face mask in any area where one might encounter another individual while at work (unless they are unable to do so for a medical reason or other reason protected by the CHRA, in which case accommodation must be requested in accordance with this Policy);
- Completing a COVID-19 self-screening daily prior to commencing work;
- Self-monitoring, and reporting exposures to, symptoms of, or a positive test result for COVID-19 to one's supervisor; and
- Following all relevant public health guidance relating to quarantining, self-isolation and staying home when sick.

Quorum 3

(Councillor)

(Councillor)

(Councillor)

Royce Raymond
(Chief)

Gerald Chaput
(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

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DO HEREBY RESOLVE:

6. ADMINISTRATIVE and DISCIPLINARY MEASURES

- a) Any employee, other than those with a valid exemption related to a protected ground under the CHRA, who is not fully vaccinated will be in breach of this Policy will be subject to administrative and/or disciplinary measures up to and including dismissal from employment.
- b) Failure to be in compliance with this policy starting on December 1st, 2021, will result in the employee being placed on unpaid leave
- c) Upon employees not being in compliance with this policy and being put on unpaid leave, the employee will have 60 days to become compliant with the policy. Failure to do so in 60 days, will result in the termination of the employee for failure to be in compliance with the policy.

7. REVIEW AND MODIFICATION OF POLICY

- a) The Employer will review this Policy on a regular basis and reserves the right to modify its contents at any time, based on current available public health information and recommendations, any further legislative amendments, and operational requirements.
- b) KFN reserves the right to do more or different measures other than that of the provincial or federal public health departments to keep their employees and members safe.

Quorum	3		
		(Chief)	
(Councillor)			(Councillor)
(Councillor)		(Councillor)	(Councillor)
(Councillor)			(Councillor)
		(Councillor)	(Councillor)

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- b) KFN reserves the right to do more or different measures other than that of the provincial or federal public health departments to keep their employees and members safe.

8. COMING INTO FORCE

THIS POLICY IS HEREBY adopted at a duly convened meeting of the Council of Kebaowek First Nation.

Quorum **3**

(Councillor)

(Councillor)

(Councillor)


(Chief)


(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

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