

**ACADIA FIRST NATION  
BAND COUNCIL RESOLUTION**

**Covid-19 Vaccination Employee By-law of the Acadia First Nation**

**WHEREAS** COVID-19 is a highly transmissible contagious and infectious disease that presents a risk to the health of members of Acadia First Nation and other persons on Acadia First Nation reserves and its other lands ("Acadia Lands").

**AND WHEREAS** the protection of health and wellness of residents and other persons on Acadia Lands is of critical importance, and measures must be taken to decrease the public health risk presented by COVID-19.

**AND WHEREAS** Acadia First Nation is empowered by its inherent right to govern, including jurisdiction over its lands and membership as recognized and affirmed by section 91(24) of the *Constitution Act, 1867*, and section 35 of the *Constitution Act, 1982*, to enact the present By-Law.

**AND WHEREAS** Acadia First Nation is further empowered to make this By-Law pursuant to sections 81(1)(a), (c), (h), and (q) of the *Indian Act*.

**AND WHEREAS** the right and entitlement to attend at and to use facilities of the Acadia First Nation is subject at all times to the inherent right of the Chief and Council to govern to ensure safe and healthy communities.

**AND WHEREAS** on June 8, 2020, the Acadia First Nation passed the "Contagious Disease Prevention in Retail Business By-Law" to regulate the operation of retail business on reserve pursuant to its inherent and *Indian Act* powers.

**AND WHEREAS** each member of Chief and Council is Fully Vaccinated (as that term is defined herein);

**AND WHEREAS** the Acadia First Nation Chief and Council held a duly convened meeting on the 26th day of October, 2021 to consider and determine the vaccination requirements for its Band employees;

**NOW THEREFORE** the Chief and Council of Acadia First Nation hereby make the following By-Law:

**1.0 SHORT TITLE**

1.1 This By-Law may be cited as the "Acadia First Nation Covid-19 Employee Vaccination By-law".

**2.0 PURPOSE**

2.1 Acadia First Nation seeks to decrease the risk to health that is presented by COVID-19 for Band members, residents, employees and other persons on Acadia Lands, and to reduce the spread of COVID-19, by establishing vaccine requirements for its Band Employees (as defined herein).

2.2 The goals of this Acadia First Nation Covid-19 Employee Vaccination By-law are to:

- (a) Protect the health of Band members, residents, employees and other persons on Acadia Lands and reduce the spread of COVID-19. Vaccination is a key tool for protecting employees and others against COVID-19.
- (b) Given that operational requirements for Band Employees may include travel, interaction with other staff or Band members, home or site visits, ad hoc training or other onsite presence, all Band Employees (as defined herein), including those working remotely and teleworking, must be fully vaccinated to protect themselves, other staff, Band members and community members from COVID-19.

**3. DEFINITIONS:** In this By-law, the words and phrases set forth below shall have the meaning ascribed thereto below, namely:

**"Band Buildings"** means:

Gold River Health Centre (Including afterschool program)- 311 Beech Hill Road, Chester Basin

Gold River Administration Office- 35 Beech Hill Road, Chester Basin

Yarmouth Administration Office- 10526 Highway 3 Yarmouth

Yarmouth Health Centre – 10534 Highway 3 Yarmouth

Yarmouth Youth Centre- 37 Robinson Road Yarmouth

Shelburne Administration Sub-Office – 157 Water Street Shelburne

Wildcat Administration Office- 1059 Molega Road, South Brookfield

Medway Administration Office- 5163 Highway 210 Greenfield

Halifax Administration Office- 1692 Hammonds Plains Road, Hammonds Plains

**“Band Employee”** means any employee (full-time, part-time, casual, contract-based or otherwise) who works in or from any of the Band Buildings, or who, as a material part of their work function, attends at the homes of Band members or any of the Acadia Lands for any purpose.

**“COVID-19”** means the coronavirus disease that was identified in 2019, caused by the SARS-CoV-2 virus, and which has since spread worldwide, leading to an ongoing pandemic.

**“Date to Show Proof”** means January 4, 2022, the date by which a Band Employee must show proof of Full Vaccination; provided that for a Band Employee who is on an approved leave from work on January 4, 2022, the date shall be extended to the date that Band Employee returns from the approved leave.

**“Fully Vaccinated”** means receiving at least two doses of a Vaccine, the last one of which was more than two weeks prior to the Date to Show Proof.

**“Vaccine”** means one of the COVID-19 immunization vaccines publicly available and approved for use in the Province of Nova Scotia.

#### 4. VACCINATION REQUIRED

- 4.1 Except as provide in section 5, all Band Employees must show proof of being Fully Vaccinated to their Manager by the Date to Show Proof.
- 4.2 Acceptable proof of vaccination includes a proof of vaccination printed from the website of the Province of Nova Scotia or a similar proof of vaccination from the government of another jurisdiction of that person’s ordinary residence.
- 4.3 Any person hired as a Band Employee after the date of this By-law must provide proof of Full Vaccination to the HR Manager as a condition of employment and prior to their first day of work.
- 4.4 For greater certainty, this By-law does **not** apply to:
- a. forestry staff who work primarily in the woods or doing deliveries,
  - b. fishers who work on vessels, and
  - c. staff who work in Band subsidiary stores, restaurants or VLT facilities.

## **5 EXEMPTIONS**

- 5.1 A Band Employee or job applicant may seek an exemption from the vaccination requirement by applying to the Human Resource Manager. An exemption may be sought based on a certified medical contraindication, religion, or another protected characteristic under human rights legislation.
- 5.2 A request for a medical exemption must be accompanied by a letter from a medical physician, which must state the medical reason for the exemption, as well as the effective time period for the medical reason (whether the exemption is permanent or time-limited).
- 5.3 Medical exemptions may be granted where there is documented proof of:
- a severe allergic reaction (e.g. anaphylaxis) after previous administration of a COVID- 19 vaccine;
  - An allergy to any component of the specific COVID-19 vaccine or its suspension; or
  - A history of myocarditis or pericarditis.
- 5.4 Religious exemptions may be granted where there is documented proof of:
- Membership in a religious organization; and
  - A specific belief of the religious organization that prohibits members from receiving the COVID-19 vaccine.
- 5.5 Any person granted an exemption will be required to show their Manager proof of a negative COVID-19 rapid test result twice a week, to be obtained outside of work hours.

## **6. EMPLOYEE OBLIGATIONS**

- 6.1 Band Employees are expected to:
- provide correct and timely information for the implementation of this Bylaw;
  - disclose their vaccination and testing status accurately as required by this Bylaw;
  - inform their Manager of their need for accommodation based on a certified medical contraindication, religion, or another protected characteristic at the earliest opportunity;
  - attend training as required;
  - refrain from directing harassment or any other prohibited conduct toward an individual for any reason, including their vaccination status or accommodation measures.

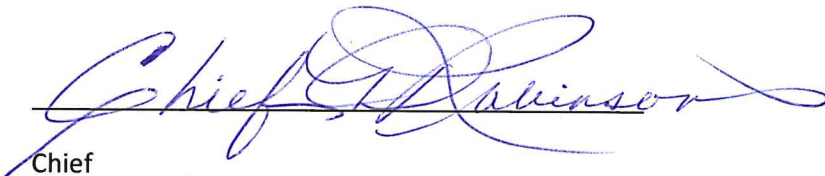
**7. FAILURE TO BE VACCINATED**

7.1 Band Employees who are not granted an exemption under section 4 and do not comply with section 3 will face disciplinary action, which may include restriction of access to the workplace, and being placed on administrative leave from employment without pay.

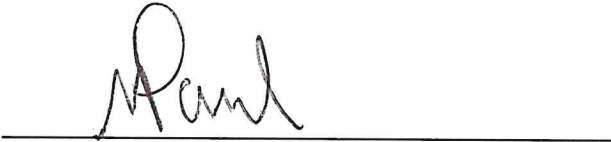
**8. INFORMATION PRIVATE**

8.1 All information provided by a Band Employee to show proof of vaccination or to seek an exemption will be private information and treated confidentially as required by law.

Signed at Acadia First Nation, Nova Scotia this 9<sup>th</sup> day of NOVEMBER, 2021



Chief



Councillor



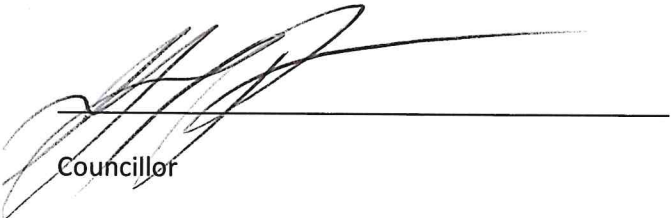
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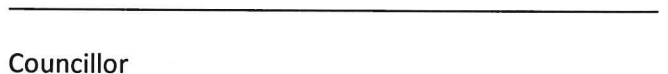
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