

Canadian Government Announces Vaccine Mandate for the Federal Public Service and for Federally Regulated Travel

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On October 6, 2021, the Government of Canada announced two measures to reduce the spread of COVID-19. The government announced (1) a vaccination mandate for the federal public service and (2) a vaccination mandate for federally regulated travel by “air, rail, and marine transportation.”

Vaccination Mandate for the Federal Public Service

By October 29, 2021, *all federal public servants* in the Core Public Administration must be fully vaccinated. Contractors and subcontractors who work on government property must also comply with this policy. There are no exceptions for employees who work remotely.

As of November 15, 2021, those who are not fully vaccinated or who do not disclose their vaccination status “will be placed on administrative leave *without pay*.” (Emphasis added.)

Effective immediately, public servants will be required to provide an attestation regarding their vaccination status, though they will not have to provide proof of vaccination unless requested. Any falsification of data will result in discipline and, possibly, the termination of employment.

The following are some of the departments and organizations covered by this mandate:

- Canada Border Services Agency
- Canadian Armed Forces
- Communication Canada
- Correctional Service of Canada
- Royal Canadian Mounted Police
- Statistics Canada

Federal Crown corporations and agencies must also implement vaccination policies that align with the federal government's mandate.

Exemptions will be rare but accommodation will be provided to those who cannot get the vaccine for reasons protected under the *Canadian Human Rights Act*.

Mandatory Vaccination for Travel

Mandatory Vaccination for Employees

By October 30, 2021, employers in the "[federally regulated air, rail, and marine transportation sectors](#)" must implement vaccination policies for their workplaces. Workplace vaccination policies must:

- include an employee declaration, stating that the employee is fully vaccinated;
- include an outline of the repercussions for those who do not abide by the policy; and
- be in compliance with Government of Canada vaccination rules for the Core Public Administration.

After a brief period of review, employers must attest that their employees are fully vaccinated. Any employees who are not vaccinated will not be eligible to work in these industries.

The following workplaces are covered under this mandate:

- "airlines and airports, and other organizations who have employees who enter restricted areas of airports, such as concession and hospitality workers
- federally regulated railways, and their rail crew and track employees
- marine operators with Canadian vessels that operate with 12 or more crew"

Mandatory Vaccination for Travelers

By October 30, 2021, passengers must be fully vaccinated if they wish to travel on a plane from a Canadian airport, ride on a VIA Rail or Rocky Mountaineer train, or travel on a "non-essential passenger vessel," such as a cruise ship.

Unvaccinated or partially vaccinated travelers will be granted a one-month grace period during which they must "show a valid COVID-19 molecular test [taken] within 72 hours of travel."

By November 30, 2021, travelers will be permitted to board a plane, train or a form of marine transportation only if they can prove that they are fully vaccinated.

Exceptions will be rare and will cover those with medical exemptions or those travelling for emergencies. Children under the age of 12 are also exempt from these vaccination requirements (at this time).

Enforcement

Transport Canada will be responsible for the enforcement of these mandates. The penalties for failures to comply with the mandates may result in the following fines.

| Transportation sector | Fine | Who can be fined? | Permitting statute |
|------------------------------|---|--------------------------------------|--|
| Air | “up to \$5,000 per violation” “up to \$25,000 per violation” | Employees and travelers Operators | <i>Aeronautics Act</i> <i>Aeronautics Act</i> |
| Marine | “up to \$250,000 per violation, per day” for failure to provide proof of vaccination “up to \$250,000 per violation, per day” for failure to comply with the Interim Order | Employees and travelers Operators | <i>Canada Shipping Act,</i> <i>Canada Shipping Act,</i> |
| Railways | “Up to \$250,000 per violation, per day” | Railway companies | <i>Railway Safety Act</i> |

Additional Measures

To assist international travelers, the government reiterated its intention to implement a standardized proof-of-vaccination document. This document will allow travelers to navigate across borders with a digital vaccination history. The hope is that this document will provide an easy way for travelers to prove their vaccination status around the world.

Important Dates

Date

October 29, 2021

Policy

All federal public servants in the Core Public Administration must be fully vaccinated. Contractors and subcontractors who work on government property must also comply with this policy.

October 30, 2021

All attestations must be submitted by this date. Employers in the “federally regulated air, rail, and marine transportation sectors” must implement vaccination policies for their workplaces.

November 15, 2021

Passengers must be fully vaccinated.
Federal public servants who are not fully vaccinated

November 30, 2021

who do not disclose their vaccination status “will be placed on administrative leave *without pay*.” Travelers will be permitted to board a plane, train or of marine transportation only if they can prove they are fully vaccinated.

Key Takeaways

Over the past few months, many provinces and municipalities have implemented their own vaccination policies. As the largest employer in Canada, the federal government is implementing these mandates to set the tone for all employers in the country. Employers across all industries may want to take this opportunity to review their vaccination policies and consider next steps to reduce COVID-19 transmission.

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