

Human Resources Legislative Update

Ontario Human Rights Commission Releases Policy Statement on COVID-19 Vaccine Mandates and Proof of Vaccination

Date: September 22, 2021

On September 22, 2021, the Ontario Human Rights Commission (OHRC) released “[OHRC policy statement on COVID-19 vaccine mandates and proof of vaccine certificates](#)” (Policy). The Policy sets out the OHRC’s position on a number of issues related to the government requirement that, starting September 22, 2021, Ontarians will need to be fully vaccinated and provide proof of vaccination in order to access designated public settings.

As stated in the Policy, the OHRC takes the position that “mandating and requiring proof of vaccination to protect people at work or when receiving services is generally permissible under the *Human Rights Code* (*Code*) as long as protections are put in place to make sure people who are unable to be vaccinated for *Code*-related reasons are reasonably accommodated.” This includes accommodating individuals who are not able to receive the COVID-19 vaccine for medical or disability-related reasons, unless doing so would “significantly interfere with people’s health and safety.”

The Policy also includes a section regarding individuals who choose not to be vaccinated based on personal preference. The Policy states, “while the *Code* prohibits discrimination based on creed, personal preferences or singular beliefs do not amount to a creed for the purposes of the *Code*.” As a result, the OHRC takes the position that an individual who has decided not to be vaccinated based on personal preference does not have a right to accommodation under the *Code*.

The Policy addresses a number of other issues including the appropriate protection of personal health information, access to vaccines and testing for vulnerable Ontarians and enforcement considerations.