

COVID-19 Vaccination Regulations under Part II of the *Canada Labour Code* Information Summary for Indigenous Partners

Background

The COVID-19 pandemic continues to significantly impact the lives and livelihoods of Canadians, as the public health situation constantly changes. According to the Public Health Agency of Canada (PHAC), “Vaccination is one of the most effective ways to protect our families, communities and ourselves against COVID-19”, and COVID-19 vaccines in Canada are effective at providing protection against known COVID-19 variants.

COVID-19 vaccination policies and requirements for individuals to demonstrate proof of vaccination are becoming commonplace across Canada. Several jurisdictions across Canada have implemented programs so that people can demonstrate proof of their COVID-19 vaccination status. In addition, many public and private employers of all sizes across the country, including many Indigenous governing organizations, are voluntarily establishing COVID-19 vaccination requirements to keep their employees safe in the workplace.

Vaccination requirements in the federally regulated sector

On December 7, 2021, in recognition of the dynamic public health situation in Canada, [the Minister of Labour announced](#) the Government of Canada’s intention to introduce regulations under Part II (Occupational Health and Safety) of the *Canada Labour Code* that will require employers in the [federally regulated sector](#) to obtain confirmation that their employees are fully vaccinated against COVID-19. The federally regulated sector is comprised of a broad range of industries, including interprovincial air, rail, road, and marine transportation, pipelines, banks, postal and courier services. These regulations will complement existing occupational health and safety measures, such as masking, handwashing and physical distancing, and will come into force in 2022.

Normally, regulations under Part II of the *Canada Labour Code* that are not specific to a particular industry apply to Indigenous Governing Bodies and First Nations Band Councils as employers. However, in recognition of Indigenous people’s right to self-determination and self-government, the Minister has announced that Indigenous Governing Bodies, including First Nation Band Councils, will be exempted from the new requirement, thereby respecting their decisions around the introduction of vaccination requirements in the workplace. The Government of Canada recognizes that many First Nations have already implemented strong public health measures, such as the wearing of masks, COVID-19 testing and social distancing within their communities. The Government supports these efforts and encourages First Nations to continue to play a leadership role in protecting the safety of their communities by ensuring that strong public health measures are in place and that appropriate measures, including consideration of vaccination requirements, are taken to protect employees in the workplace.



Next steps

The Government of Canada is currently consulting with employers and labour groups who will be subject to these regulations. Once consultations are complete and regulations are finalized, further information will be made available at: <https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/notice-covid-19.html>

In addition, representatives of the Labour Program at Employment and Social Development Canada and of Indigenous Services Canada can be contacted by Indigenous partners to further discuss the new regulations and the exemption for Indigenous Governing Bodies. We are also ready to work with and available to support any Indigenous Governing Bodies wishing to develop their own vaccination requirements for their workplaces, if they wish to do so.

Contacts

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