

G.CL.2110



Tsuut'ina Nation COVID-19 Leave Guidelines

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Table of Contents

Definitions and Interpretations	4
Application.....	5
Workplace Requirements	6
Workplace Requirements.....	6
Unvaccinated Employees – Requirements for a Negative COVID-19 Test Result	6
Unvaccinated Employees – Requirements for a Valid Medical Exemption.....	6
Duty to Report.....	7
Employee’s Testing Positive for COVID-19	7
Exemption for New Employees	8
Family Member or Child Testing Positive for COVID-19	8
Workplace Outbreak	8
Failure to Provide a Proof of Vaccination, Medical Exemption or a Negative COVID-19 Result	9
Employee Compliance	10
Appendix ‘A’ – Additional COVID-19 Support for Employees, and Staff.....	11
Appendix ‘B’ – Tsuut’ina Nation COVID-19 Forms	12

Definitions and Interpretations

G.1. In these Guidelines, the following terms shall have the following meaning:

- (a) **"COVID-19"** means COVID-19 as defined by the World Health Organization;
- (b) **"COVID-19 Test"** means a molecular polymerase chain reaction (or PCR) test that has been approved by Health Canada;
- (c) **"Employee"** means a person employed by the Tsuut'ina Nation in one of its Programs, Departments or Companies;
- (d) **"Guidelines"** means these Tsuut'ina Nation COVID-19 Guidelines as may be amended from time to time;
- (e) **"Health Practitioner"** means any person who provides health care or treatment to any person, as defined under the Public Health Act, RSA 2000, c. P-37, as amended from time to time;
- (f) **"Human Resources Policy"** means the Tsuut'ina Nation Human Resources Policies and Procedures, as may be amended from time to time;
- (g) **"Proof of Vaccination"** means a government issued vaccine certificate, card, or QR code, or a vaccine record issued by Tsuut'ina Nation Health Department, proving that a person has been fully vaccinated with a COVID-19 vaccine approved by Health Canada;
- (h) **"Medical Doctor"** means a doctor or physician that is a regulated member of the College of Physicians and Surgeons, as determined by the Health Professions Act, RSA 2000, c. H-7, as amended from time to time;
- (i) **"Medical Exemption"** means a signed original letter from a Medical Doctor that includes:
 - i. The person's name that matches their government issued identification;
 - ii. The doctor or physician's complete information including:
 - 1) signature;
 - 2) Statement that there is a medical reason for not being fully vaccinated against COVID-19; and
 - 3) Duration that the exemption is valid.
- (j) **"Supervisor"** has the same meaning as defined in the Human Resources Policy;
- (k) **"Senior Management"** has the same meaning as defined in the Human Resources Policy;
- (l) **"Senior Manager(s)"** has the same meaning as defined in the Human Resources Policy;

Application

- G.2. As an employer, the Tsuut'ina Nation has the responsibility to maintain a safe workplace.
- G.3. These Guidelines are being implemented in response to the COVID-19 pandemic and are intended to supplement and provide further support to the Human Resources Policy.
- G.4. Specifically, these Guidelines set out procedures in relation to COVID-19 related employment matters. The provisions contained in the Human Resources Policy shall continue to apply.

Workplace Requirements

Workplace Requirements

- G.5. All Employees will be required to provide one of the following:
- (a) Proof of Vaccination;
 - (b) Proof of a negative COVID-19 Test on a weekly basis, which shall be paid for by the Employee without reimbursement from the Nation; or
 - (c) Proof of a valid Medical Exemption from a Medical Doctor, confirming the Employee cannot be vaccinated.
- G.6. All documentation submitted shall be submitted to, and maintained by, the respective Supervisor and shall be in the prescribed form.

Unvaccinated Employees – Requirements for a Negative COVID-19 Test Result

- G.7. All unvaccinated Employees under Section G.5(b) are required to:
- (a) Submit proof of a negative COVID-19 Test on a weekly basis, which has been obtained from a private testing facility and not from the Tsuut'ina Nation Health Centre or Alberta Health Services;
 - (b) Submit the original hard copy of the negative COVID-19 Test to their Supervisor, photocopies and electronically scanned copies will not be accepted;
 - (c) An Employee's negative COVID-19 Test shall be collected by their Supervisor and submitted with the Tsuut'ina Nation COVID-19 Employee Self-Certification Form to Return to Work listed in Appendix B;
 - (d) An Employee's negative COVID-19 Test Shall be communicated to the Human Resources Department; and
 - (e) The original hard copy of the negative COVID-19 Test May be stored in the Employee's personnel file.

Unvaccinated Employees – Requirements for a Valid Medical Exemption

- G.8. All unvaccinated Employees under Section G.5(c) are required to:
- (a) Submit the original hard copy of the valid Medical Exemption from a Medical Doctor to their Supervisor, photocopies and electronically scanned copies will not be accepted;
 - (b) An Employee's valid Medical exemption shall be collected by the respective Supervisor and submitted with the Tsuut'ina Nation COVID-19 Employee Self-Certification Form to Return to Work listed in Appendix B;
 - (c) An Employee's valid Medical Exemption may be communicated to the Human Resources Department; and

- (d) The original hard copy of the valid Medical Exemption Shall be stored in the Employee's personnel file.

Duty to Report

- G.9. To prevent the spread of COVID-19, Employees must immediately report a confirmed positive COVID-19 test result, a suspected case of COVID-19 or any exposure to COVID-19 to their Supervisor.

Employee's Testing Positive for COVID-19

- G.10. The following shall apply when a full-time Employee tests positive for COVID-19:
1. First positive test – the Employee shall be paid up to a maximum of ten (10) paid sick days, which shall not be taken from an Employee's sick leave credits or vacation entitlement;
 2. Second positive test – the Employee shall be required to use their sick leave credits, up to a maximum of ten (10) days;
 3. Third positive test – the Employee shall be required to use their vacation entitlement, up to a maximum of ten (10) days;
 4. Fourth positive test – if an Employee has used all of their sick leave credits and vacation entitlement, any absence due to fourth positive test for COVID-19 shall be taken as unpaid leave.
- G.11. The following shall apply when a part-time Employee tests positive for COVID-19:
1. First positive test – the Employee shall be paid up to a maximum of ten (10) paid sick days, which shall not be taken from an Employee's sick leave credits or vacation entitlement;
 2. Second positive test – the Employee shall be required to use their sick leave credits, up to a maximum of seven and a half (7.5) days;
 3. Third positive test – the Employee shall be paid the average of the four percent (4%) vacation pay received in the previous three (3) pay periods; and
 4. Fourth positive test – if a vaccinated Employee has used all of their sick leave credits and vacation pay, any absence due to fourth positive test for COVID-19 shall be taken as unpaid leave.
- G.12. Due to the summer and spring schedule, Education Employees Shall be dealt with on a case-by-case basis.
- G.13. Employees who are unable to work due to a positive COVID-19 Test Shall document the leave due to COVID-19 using the Tsuut'ina Nation Human Resources Employee Leave Form. The Employee's Supervisor Shall note that the leave is due to COVID-19 on the Tsuut'ina Nation Human Resources Leave Form.
- G.14. To support Employees who have tested positive for COVID-19 and have completed their leave due to COVID-19, a back-to-work plan may be developed at the discretion of the Employee's Supervisor.

- G.15. After a 10 (ten) day period with no COVID-19 symptoms, an Employee is not required to provide a negative COVID-19 Test when returning to work.

Exemption for New Employees

- G.16. Notwithstanding the provisions of the *Human Resources Policy*, an Employee that tests positive for COVID-19 is exempt from:
- (a) The requirement that they be employed by the Tsuut'ina Nation for 90-days, before being able to access paid sick leave benefits; and
 - (b) Providing a doctor's note for an Employee accessing leave due to COVID-19, as mentioned in the *Human Resources Policy*.

Family Member or Child Testing Positive for COVID-19

- G.17. If an Employee must be absent from work to care for a family member or child testing positive for COVID-19, but the Employee has tested negative for COVID-19 and is still physically able to work from home, then that Employee shall receive their regular pay and will not be paid under these Guidelines.
- G.18. Where an Employee does work from home, they must:
- (a) Notify their Supervisor as soon as reasonably possible about their ability to work from home;
 - (b) Agree upon an appropriate work plan with their Supervisor; and
 - (c) The employee must accomplish the deliverables set out in the work plan in order to receive their regular hourly pay.
- G.19. If an Employee is working from home under Section 18, the Employee and their Supervisor Shall develop a work plan that May include the following:
- (a) The length of time that the Employee will work from home;
 - (b) The deliverables that the Employee must accomplish while they are absent from work;
 - (c) An adjusted work hour schedule; and
 - (d) Any other conditions that the Supervisor may determine as necessary in the circumstances

Workplace Outbreak

- G.20. A full-time or part-time Employee may be required to work from home due to a workplace outbreak of COVID-19, where a Health Practitioner deems it necessary:
- (a) To suppress COVID-19 in those who may have already been infected with it;
 - (b) To protect those who have not already been exposed to COVID-19; or
 - (c) To break the chain of transmission and prevent the spread of COVID-19.

- G.21. The Tsuut'ina Nation Shall determine if an outbreak exists in the workplace, in order to provide guidance and recommendations on the outbreak measures, and to determine when the outbreak is over.
- G.22. In the event of an outbreak in the workplace, the Tsuut'ina Nation may take the following precautions:
- (a) The Tsuut'ina Nation Shall provide a notice to any Employees exposed to an individual(s) infected with COVID-19;
 - (b) Any Employee exposed to an individual in the workplace that tests positive for COVID-19 shall be required to get tested for COVID-19;
 - (c) Any Employee that test positive for COVID-19 will be required to isolate, even if asymptomatic;
 - (d) Any Employee under Section G.22(b), who tests negative for COVID-19 shall undergo a second test within three (3) to five days (5) days of their initial COVID-19 test to reduce the possibility of a false negative;
 - (e) Any employee that has undergone a second COVID-19 test under Section G.22(d), and continues to test negative for COVID-19, may be eligible to return to the workplace, if the outbreak has been declared over;
 - (f) Assess and sanitize all shared work areas, break areas, common areas, washroom facilities, and other areas in the workplace potentially exposed to COVID-19 by an infected individual during their period of communicability; and
 - (g) Senior Management will be notified, and the leaves for the Employees that cannot work from home or have exhausted the one-time leave of support may be granted an extension of leave with the approval of their Supervisor and Senior Managers, on a case-by-case basis.
- G.23. If a Senior Manager or Supervisor, in consultation with a Health Practitioner, decides to close the workplace, any Employee who has not tested positive for COVID-19 and is still physically able to work shall follow the provisions set out in Section G.16 of these *COVID-19 Leave Guidelines*.

Failure to Provide a Proof of Vaccination, Medical Exemption or a Negative COVID-19 Result

- G.24. In the event that an Employee fails to provide Proof of Vaccination, proof of a valid Medical Exemption or a negative COVID-19 Test, the Employee will not be permitted in the workplace until they have provided one of the three documents listed above. Further, the Employee will be required to take sick leave credits and/or vacation days until they have provided their Supervisor with a Proof of Vaccination, proof of a valid Medical Exemption or a negative COVID-19 Test.
- G.25. In the event that an Employee does not have sick leave credits or vacation days, or has used all of their sick leave credits or vacation days, the Employee will be placed on unpaid leave for a period of two (2) weeks.

- G.26. In the event that an Employee fails to provide Proof of Vaccination, proof of a valid Medical Exemption or a negative COVID-19 Test by the end of the two (2) week period in Section G.24, the Employee may be subject to discipline under the Human Resources Policy, up to and including termination for just cause.

Employee Compliance

- G.27. Employees are expected to act in compliance with the law, act with honesty, integrity, and reliability, and abide by the principles of ethical and lawful business conduct. It is the Responsibility of every Employee to bring to the attention of the Tsuut'ina Nation any situation or conduct that could adversely affect the Tsuut'ina Nation or its Employees, and staff.

Appendix 'A' – Additional COVID-19 Support for Employees, and Staff

- G.28. Additional Tsuut'ina Nation Employee COVID-19 support for income and disability assistance can be accessed as per section 7 in the *Human Resources Policy*.
- G.29. **The Government of Canada extended COVID-19 benefits and services:**
- (a) The information offered from The Government of Canada is an effort to provide Tsuut'ina Nation Employees, and staff financial support; and
 - (b) The Government of Canada extended COVID-19 benefits and services for Employees, and staff eligible for Employment Insurance regular benefits, as well as for the Canada Recovery Benefit (CRB), the Canada Recovery Sickness Benefit (CRSB), and the Canada Recovery Caregiving Benefit (CRCB). Extended COVID-19 benefits and services increase will ensure that Canadian workers who could begin to exhaust these benefits in March will continue to have access to income support while the economy is further recovering.
 - i. <https://www.canada.ca/en/services/benefits/covid19-emergency-benefits.html>
- G.30. **Additional COVID-19 Alberta Support:**
- (a) <https://www.alberta.ca/emergency-financial-assistance.aspx>
- G.31. **Other Indigenous Support:**
- (a) https://www.firstnations.org/covid-19-emergency-response-fund/?gclid=CjwKCAjw49qKBhAoEiwAHQVTo2ZY-MOQVB-QDF1i9-GJLa8QISVhJqMdxwCqob5lkHq4bL347bFapBoC3ykQAvD_BwE

Appendix 'B' – Tsuut'ina Nation COVID-19 Forms

G.32. The Tsuut'ina Nation COVID-19 Forms are as listed below:

- 1) *COVID-19 Vaccinations Verification;*
- 2) *COVID-19 Employee Self-Certification to Return to Work;*
- 3) *COVID-19 Medical Questionnaire;*
- 4) *COVID-19 Event Request Form;*
- 5) *COVID-19 Contact Tracing Attendee.*

G.33. Tsuut'ina Nation COVID-19 Forms, web access link:

- (a) https://forms.tsuutina.com/Forms/form/Landing?friendlyname=EMRT_COVID_19