

THE CORPORATION OF THE CITY OF IQALUIT, NUNAVUT
BY-LAW 931
ACCESS TO COUNCIL CHAMBERS, COUNCIL COMMITTEE MEETINGS AND
MUNICIPAL BUILDINGS DURING THE COVID-19 PANDEMIC BY-LAW No. 931

A By-law of the Municipal Corporation of the City of Iqaluit (“City”) in Nunavut to regulate access to City Council (“Council”) Chambers, Council Committee meetings and municipal buildings.

WHEREAS pursuant sections .01(c) and 54.2(a) of the Cities, Towns and Villages Act, RSNWT (Nu) 1988, c. C-8 (“Act”), as amended from time to time, Council may pass by-laws respecting:

- (a) the development of a safe and viable municipality; and
- (b) the safety, health and welfare of people and the protection of people and property;

AND WHEREAS pursuant to section 2(h) of Nunavut’s January 17, 2022, Order Respecting Social Distancing and Gatherings (#23), issued by Nunavut to address the novel coronavirus COVID-19 pandemic (“COVID-19 Pandemic”), Council may continue to meet during the COVID-19 Pandemic and quorum requirements for Councillors and members of the public may be satisfied through virtual means or a combination of in-person and virtual attendance;

AND WHEREAS pursuant to section 19.1(1) Council may conduct an electronic meeting if the communication facility enables Councillors to hear and speak to each other and the public to hear the Councillors but pursuant to section 19.1(3) Council shall not hold sessions in private at a section 19.1(1) Council meeting;

AND WHEREAS vaccination is a key precaution in reducing the risk associated with the hazards of the COVID-19 virus. Immunization against COVID-19 has been shown to be a safe and effective means of preventing COVID-19 outbreaks and of reducing severe consequences associated with the virus. Immunization is particularly important for maintaining the health and safety of the many vulnerable individuals in the community;

AND WHEREAS the City is committed to taking every reasonable step to protect the health and safety of its employees and the public (including families, residents of the Iqaluit community, visitors, and everyone the City serves) in their access and use of Council Chambers, Council committee meetings, City buildings including indoor City recreational buildings;

AND WHEREAS THE MAYOR AND COUNCIL wish the City’s Chief Administrative Officer (“CAO”) to continue to monitor guidance from applicable public health authorities regarding the COVID-19 Pandemic and the City’s COVID-19 Pandemic risk mitigation planning, and to implement and administer, as required, COVID-19 Pandemic related policies and/or procedures;

NOW, THEREFORE, COUNCIL ENACTS AS FOLLOWS:

NOW THEREFORE, Council, in a regular duly assembled session, enacts as follows:

1. **SHORT TITLE**

This By-law may be cited as the “Access to Council Chambers, Council Committee Meetings and Municipal Buildings during the COVID-19 Pandemic By-law”.

2. DEFINITIONS

- (a) "CAO" means the City's Chief Administrative Officer;
- (b) "vaccinated" or "vaccination" means that an individual has received all recommended doses of a COVID-19 vaccine approved by Health Canada and/or the Chief Public Health Officer for Nunavut;
- (c) "letter of exemption" means written confirmation issued from the City and provided to an individual who requires an accommodation on the basis of a protected ground set out in Nunavut's Human Rights Act;
- (d) "Municipal Enforcement Officer" means a by-law officer appointed by the City to enforce any or all of its by-laws;
- (e) "personal identification" means any of the following piece of government-issued ID:
 - (i) birth certificate;
 - (ii) citizenship card;
 - (iii) driver's license issued by a territory or province of Canada which includes a photograph of the holder;
 - (iv) government (Nunavut or other) issued identification card, including health card;
 - (v) NTI card;
 - (vi) Indian status card;
 - (vii) Métis identification card;
 - (viii) passport attesting to citizenship or other national status, issued by a government of any jurisdiction and including a photograph of the holder;
 - (ix) Permanent Resident Card;
 - (x) Student Identification
 - (xi) any other form of identification recognized by the Chief Medical Officer of Health.
- (f) "proof of vaccination" means:
 - (i) for a resident of Canada
 - 1. a picture or paper record of a COVID-19 vaccination card issued by the Nunavut Public Health Authority, or in the format approved by the Government of Canada (in printed or electronic format);
 - 2. valid Government of Nunavut a COVID-19 vaccination QR code;

3. a COVID-19 immunization record from another Canadian territory or province displaying the name, type of vaccine and date of administration; or
 4. Canadian armed forces COVID-19 immunization record, displaying the name, type of vaccine and date of administration.
- (ii) For a non-resident of Canada, an ArriveCan app and a valid international travel identity document; or
 - (iii) such other type of proof of vaccination recognized by the Chief Medical Officer of Health.

3. **PROOF OF VACCINATION TO ATTEND COUNCIL CHAMBERS**

3.1 A person must not enter, or remain in, the premises of Council Chambers unless the person provides *personal identification* to the City and one of the following:

- (a) *proof of vaccination* against the COVID-19 virus; or
- (b) *a letter of exemption.*

3.2 No City personnel shall permit a person to enter, or remain in, the premises of Council Chambers without having been shown, by the person, the *personal identification* for that person and one of the following:

- (a) *proof of vaccination*; or
- (b) *the letter of exemption.*

4. **PROOF OF VACCINATION TO ATTEND COUNCIL COMMITTEE MEETINGS**

4.1 A person must not enter, or remain in, the premises of Council committee meeting unless the person provides *personal identification* to the City and one of the following:

- (a) *proof of vaccination*; or
- (b) *letter of exemption.*

4.2 No City personnel shall permit a person to enter, or remain in, the premises of a Council committee meeting without having been shown, by the person, the *personal identification* for that person and one of the following:

- (a) *proof of vaccination*; or
- (b) *the letter of exemption.*

5. **ALTERNATE MEANS OF ATTENDING COUNCIL MEETINGS**

5.1 If a person cannot demonstrate *proof of vaccination*, the person may be permitted to attend Council Meeting(s) by electronic means in accordance with section 19.1 of the Act.

5.2 An individual wishing to attend a Council meeting is responsible for making such arrangements with the City Clerk at least one (1) week prior to the Council meeting.

6. NEW MEMBERS OF COUNCIL

6.1 Adherence to this By-law will be required by any newly elected or appointed Council members. Safe, alternative and reasonable accommodations will be assessed and provided on an individual basis in accordance with Nunavut's Human Rights Act to the point of undue hardship.

7. PROOF OF VACCINATION TO ACCESS MUNICIPAL BUILDINGS

7.1 Any and all persons (excepting those with a *letter of exemption*) wishing to enter, visit, or conduct business for any reason whatsoever any City building, including any indoor City recreation building, is required to provide *personal identification* to the City and one of the following:

- (a) *proof of vaccination*; or
- (b) the *letter of exemption*.

7.2 No City personnel shall permit a person to enter, or remain in, the premises of a City building without having been shown, by the person, the *personal identification* for that person and one of the following:

- (a) *proof of vaccination*; or
- (b) the *letter of exemption*.

7.3 For further clarity, the persons referred to in section 7.1 include the following:

- (a) Any person eligible to receive the full complement of the COVID-19 vaccine regime in Nunavut (all Individuals ages 5 years, 6 months and over);
- (b) Any member of an organization which provides services or programs within, on, or at City premises, or any individual who enters, attends, and/or visits a City building (Visitor);
- (c) Any person attending any City building, including any indoor City recreation building, to conduct any business with the City;
- (d) Volunteers, including all coaches, officials and other volunteers entering, attending, or visiting a City building, including any indoor City recreation building, and/or when participating in indoor City sports and indoor City recreation activities (collectively, the "Volunteers");
- (e) Persons attending, participating in, or spectating any program, or activity run in any City building, including any indoor City recreation building;
- (f) Independent contractors and third-party service providers of/to the City (collectively, the "Contractors"), including staff of Contractors;
- (g) any person providing professional services of any kind to the City.

8. ACCOMMODATION PURSUANT TO NUNAVUT'S HUMAN RIGHTS ACT

8.1 The City will provide reasonable accommodations, as required under Nunavut's Human Rights Act, to the point of undue hardship.

8.2 For the purpose of this By-law, the CAO or designate will establish accommodation procedures.

9. CONTINUED COMPLIANCE WITH HEALTH AND SAFETY PRECAUTIONS

9.1 Unless a legislated or regulatory exemption applies, all persons shall continue to comply with applicable health and safety measures to reduce the hazard of COVID-19, including but not limited to compliance with established access controls (e.g. screening), wearing a mask or face covering, using provided PPE, where applicable, maintaining appropriate physical distancing and self-monitoring of potential COVID-19 symptoms.

10. PRIVACY AND CONFIDENTIALITY

10.1 All persons who are subject to this By-law are required to disclose *proof of vaccination* to the City unless subject to a *letter of exemption*.

10.2 All information regarding vaccination status or an accommodation of an individual under Nunavut's Human Rights Act will be treated with the highest confidentiality and will only be used for the purposes of this By-law.

10.3 For By-law administration purposes, medical and accommodation-related information shall only be accessed by the City on a need-to-know basis and shall be stored in a secure system, safeguarded by restricted access, ensuring the privacy of this information. This information shall be destroyed if and when it is no longer required by the City.

11. ENACTING OF COVID-19 VACCINATION ADMINISTRATIVE POLICIES / PROCEDURES

11.1 The CAO or delegate shall,

(a) continue to monitor,

(i) guidance from applicable public health authorities regarding the COVID-19 pandemic; and

(ii) the City's COVID-19 risk mitigation planning; and

(b) continue implement, as required, COVID-19 related policies and/or procedures, as required, having the objective to take every precaution reasonable from the hazard of COVID-19 and to ensure the health and safety of,

(i) City employees;

(ii) City volunteers;

(iii) Individuals acting for, or on behalf of the City; and

(iv) Anyone attending any City building for any reason including indoor City recreational, and business related concerns and activities.

12. ENFORCEMENT

- 12.1 Every person who contravenes any provision of this By-law, shall be deemed to have committed an offence against this By-law and shall be liable to a fine or an administrative penalty as outlined in this By-law.
- 12.2 The City Clerk is responsible for the administration of this By-law.
- 12.3 City Staff and Municipal Enforcement Officers are responsible for the enforcement of this By-law.
- 12.4 Any person found in violation of this By-law, or who is found to have submitted fraudulent *proof of vaccination*, may be subject to, as applicable:
- (a) a ban on entry to City building for just and sufficient cause;
 - (b) cancellation of contract;
 - (c) revocation of privileges; and/or
 - (d) a fine, pursuant to section 13 of this By-law.
- 12.5 If the totality of the circumstances surrounding any contravention of this By-law indicate a marked endangerment or increased risk of endangering public health, there may be a deviation from the specified penalty when determining the appropriate fine amount.

13. PENALTIES

- 13.1 Subject to sections 12.4 and 12.5, anyone violating any provision of this By-law is guilty of an offence and is liable to:
- (a) a fine in an amount in the amount set out below, or
 - (b) upon summary conviction to a fine set out below:

SECTIONS	DESCRIPTION OF OFFENCES	SPECIFIED PENALTY
3.1 4.1 7.1	Failure to provide <i>proof of vaccination</i> , negative COVID-19 test or <i>letter of exemption</i> . <i>Falsification of proof of vaccine or letter of exemption - Fine</i>	For an individual: \$250 for the first offence \$750 for the second offence \$1,500 for all subsequent repeated offences within a 12 month period. For a corporation: 1 st offence \$500 2 nd offence \$1,500 3 rd offence \$2,500 within a 12 months period

14. **ELECTIONS**

14.1 For clarity, this By-law shall also apply to a location use as a voting station for an election held pursuant to Nunavut's Local Authorities Election Act, RSNWT 1988, c. L-10 and the Act. However, the City shall take all reasonable steps to reasonably accommodate attendees at any voting station within any City building to ensure the person is able to vote.

15. **ENACTMENT**

15.1 This By-law shall come into force on February 22, 2022 and have effect upon from and after the third and final reading.

16. **SEVERABILITY**

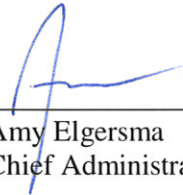
16.1 Should any provision of this By-law be found by a court to be invalid, then the invalid provision shall severed and the remainder of this By-law shall be maintained.

EFFECTIVE DATE

THIS BY-LAW READ a First Time this 22nd day of February 2022, A.D.



Kenny Bell
Mayor



Amy Elgersma
Chief Administrative Officer

THIS BY-LAW READ a Second Time this 22nd day of February 2022, A.D.



Kenny Bell
Mayor



Amy Elgersma
Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this 22nd day of February 2022 A.D.



Kenny Bell
Mayor

Amy Elgersma
Chief Administrative Officer

SCHEDULE “A”

COVID-19 REQUEST FOR ACCOMMODATION FORM

Please refer to the *Policy on Proof of Vaccination in Council Chambers* of the City of Iqaluit.

Name (print):	Date:
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Please indicate which exemption you are seeking (and then complete the form and return to the City Clerk at T.Ernst-Doiron@iqaluit.ca):

- Medical Exemption
- Religious Exemption

Medical Exemption from Vaccination

In order to request an exemption from the *Policy on Proof of Vaccination in Council Chambers* on medical grounds, please provide a medical certificate from your treating physician or licensed health practitioner attesting that you are unable to receive a COVID-19 vaccine due to a medical condition.

Religious Exemption from Vaccination

In order to request an exemption from *Policy on Proof of Vaccination in Council Chambers*, please fill out the form below.

Please explain within the text box below or by way of an attached letter why you are unable to be vaccinated due to your religion. Please be sure to clearly identify:

- (a) your religion;**
- (b) the nature of your sincerely held religious belief in question (including its basis in your religion**
- (c) how your religious belief would be infringed by the requirement for full vaccination against COVID-19.**

Please confirm the following by adding your signature below after you had read the following:

- a) I hereby verify that the information I am submitting to substantiate my request for exemption from *Policy on Proof of Vaccination in Council Chambers* is true and accurate to the best of my knowledge;
- b) If I am a City employee, I understand that any falsified information can lead to action taken against me by the City, including disciplinary action, up to and including termination of employment; and

- c) I further understand that the City is not required to provide this exemption accommodation if doing so would create an undue hardship for the City. Additional information will be required and will be discussed after the request is submitted.

Signature:	Date:
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CITY OF IQALUIT USE ONLY

Date of initial request: ___/___/___

Date certification received: ___/___/___

Accommodation request:

- Approved ___/___/___

Describe specific accommodation details:

- Denied ___/___/___

Describe why accommodation is denied:
