

THE FEDERAL GOVERNMENT SUSPENDS ITS MANDATORY VACCINATION REQUIREMENTS

Posted on June 21, 2022

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On June 20, 2022, the Government of Canada suspended vaccination requirements for federal government employees, federally regulated transportation sectors, and domestic and outbound travellers.^[1]

Background

The vaccination mandate for federally regulated transportation sectors took effect on October 30, 2021 and, practically speaking, required all persons working in the federally regulated rail, air and marine sectors to be fully vaccinated subject to *bona fide* exemptions on human rights grounds.^[2]

The federal government also announced, as far back as August 2021, that all federally regulated employees would have to be fully vaccinated against COVID-19. As [we advised in late 2021](#), the federal government further confirmed its intention to publish regulations under the *Canada Labour Code* (CLC) to implement the broader mandatory vaccination requirement. However, since its December 2021 notice, the federal government has not pursued mandatory vaccination any further.

Suspension of Federal Vaccination Mandates

The Government of Canada has now confirmed that it no longer intends to move forward with the proposed regulations to the CLC to require all federally regulated employees to be fully vaccinated.^[3]

Further, as of June 20, 2022, transportation employers in the federally regulated air, rail, and marine sectors are no longer required to have mandatory vaccination policies in place for employees (with the exception of cruise ship employers). In addition, mandatory vaccination requirements for suppliers operating in federal transportation sectors, such as airport vendors, have been lifted.

Other existing public health measures are still in effect in applicable federal workplaces, including, in some cases, mask mandates.^[4]

The federal government has advised that it will continue to closely monitor the latest public health advice and may reinstate vaccine mandates later in 2022, if needed.

Changing the Definition of “Fully Vaccinated”

Federal government officials have also stated that the federal government intends to update the definition of “fully vaccinated” to require individuals to be “up to date” with their COVID-19 vaccinations. While the federal government has not published an official release, guidance or regulations related to the definition change, requiring “up to date” vaccination suggests that two doses of an approved vaccine and at least one booster dose will be required. The government has not given a timeline for the change.

McMillan’s employment and labour relations group will continue to monitor this potential development.

Takeaways

Federally regulated employers – particularly those in the air, rail and marine sectors – should consider their COVID-19 vaccination policies and assess, in light of the changed rules, whether changes to their policies for both employees and suppliers are also necessary.

The reasonableness of each workplace’s vaccination policy will depend on a number of factors, as our colleagues previous wrote about for [Ontario vaccination policies](#) and [British Columbia vaccination policies](#). In all cases, employers that maintain their vaccination policies will continue to have to assess accommodation requests for medical or religious grounds on a case-by-case basis and demonstrate that they have sufficiently engaged in the process by documenting it.

Any employer that chooses to lift its own mandatory vaccination policy should ensure that it has the flexibility needed to re-establish the policy or vaccine mandate in the event that applicable law, government rules, or public health needs change.

[1] Government of Canada, “[Suspension of the vaccine mandates for domestic travellers, transportation workers and federal employees - Canada.ca](#)” (June 14, 2022).

[2] Government of Canada, “[Mandatory COVID-19 Vaccination Requirements for Federally Regulated Transportation Employees and Travellers](#)” (October 6, 2021).

[3] Government of Canada, “[Suspension of the vaccine mandates for domestic travellers, transportation workers and federal employees - Canada.ca](#)” (June 14, 2022).

[4] Government of Canada, “[Backgrounder: Government of Canada suspends mandatory vaccination for federal employees](#)” (June 14, 2022).

by [Kyle Lambert](#), [Ioana Pantis](#), [Yazhi Zheng](#) (Summer Law Student)

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against



making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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