COVID-19 vaccination policies: New record of employment guideline for employers

November 04, 2021

Employment and Social Development Canada (ESDC) recently issued a new guideline for employers targeting their employees who violate COVID-19 vaccination policies.

As an employer, if your employee is absent from work due to the refusal to comply with your workplace's COVID-19 vaccination policy, ESDC specifies that you must enter the following codes in Block 16 of the record of employment (ROE):

- If the employee refuses to comply with your mandatory COVID-19 vaccination policy, use code E (quit) or code N (leave of absence); or
- If the employee is suspended or fired for not complying with your mandatory COVID-19 vaccination policy, use code M (dismissal).

It is important to note that if either of these codes are used in the ROE, ESDC reserves the right to contact the employee to determine if you have done the following:

- Adopted and clearly communicated a mandatory vaccination policy against COVID-19 to all employees;
- Informed employees that the violation of the policy permanently breaks the employment relationship;
- Assessed whether the application of the policy is reasonable in the context of the workplace; and
- Provided exemptions for employees who refuse to comply with the policy.

Are you considering adopting a mandatory vaccination policy against COVID-19? A member of our national Labour and Employment team can help you draft or revise a policy in order to establish the nuances that are necessary according to your work context.

By

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