



ACMG

Association of Canadian Mountain Guides
Association canadienne des guides de montagne

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COVID-19 and Communicable Disease Prevention

Public Health Directives and Guidance

As we have from the onset, the ACMG mirrors the position of the appropriate provincial health authorities concerning vaccination and the prevention of viral spread. ACMG members have a professional obligation to adhere to provincial health orders and monitor for changes to those orders and understand their legal rights and responsibilities regarding vaccination requirements.

Transparency with Staff and Clients

- Inform staff and clients that you are following the current provincial guidelines and provide them with the necessary tools to access that information.
- Make your policies on vaccination requirements and viral spread reduction (COVID-19 Safety Plan) known to all your staff and clients.
- Clarify with all staff and clients that their agreement to work on and/or participate in the trip confirms their agreement to abide by your COVID-19 Safety Plan.
- Inform staff and clients that despite all precautions, contracting the virus is still a possibility.



COVID 19 Safety Plans

Alberta: [OHS Publication. COVID-19 as a workplace hazard \(alberta.ca\)](#)

British Columbia: [COVID-19 Safety Plan | WorkSafeBC](#)



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Legal Rights and Responsibilities with respect to Vaccination

Independent Guides

If an ACMG member is an independent contractor and has no employees, then their only concern will be with respect to their clients. An independent contractor has the right to require proof of vaccination as a term of their service. Hiring a guide or climbing instructor is a discretionary activity and the guide or climbing instructor has the right to require vaccinations of their clientele if they so choose. There is no requirement that they accommodate their clientele on either religious or medical grounds.

Employees and Employers

The general rule of law is that an employer is allowed to bring in a vaccine mandate subject to exceptions for religious or health concerns. This restriction is also contemplated under the various human rights legislation.

An employee who has legitimate health issues, documented by an appropriate medical doctor, has the right to expect an accommodation from an employer. A legitimate health issue is not something that is stated on the internet or on someone's blog but rather must be from a recognized medical professional. An employee can be required to supply satisfactory documentation explaining the health issue. This also applies to employees seeking an accommodation on religious grounds. The objection based on religion must be of an established religion and not one made up for the purpose of vaccine avoidance.

An employee who does not have legitimate and documented health concerns or legitimate religious concerns can be mandated to be vaccinated as a condition of employment. If the employee refuses the employer has the right to terminate the employment. In the case of either legitimate health or religious concerns an employer has a duty to accommodate the employee. However, that in and of itself does not prevent the employer from terminating if they pay severance or provide proper notice of termination.

Employment law allows an employer to terminate without cause so long as proper severance is paid. The amount of severance required to be paid is set out in the provincial or territorial employment standards acts. If the employer chooses to terminate, they can either pay out the severance or give the employee working notice. For example, if the notice period is three weeks the employer can give written notice that three weeks hence you are terminated or can ask you to leave immediately on payment of the notice. To summarize: under employment law an employer can terminate any employee at any time so long as proper notice is given.

This situation is complicated for many ACMG members especially those who work as ski guides. Many of these positions are not full-time employment and are often seasonal contracts. If an employer, for example a mechanized ski operation, requires vaccination as a term of being hired on a new seasonal contract there is no recourse for the employee.



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ACMG Operations and Administration

From an operational and administrative point of view the ACMG will once again be taking its cues from health experts and government health authorities across Canada. Effective October 1, 2021, the ACMG will require proof of immunization to participate in Continuing Professional Development (CPD) field events, Training and Assessment Program (TAP) courses and other ACMG sanctioned in-person events and meetings.

Evolving Changes to Guidelines and Standard Practices

It all comes down to risk management. While other safety measures, such as masking, sanitizing and physical distancing, are part of the equation, vaccination along with proof of immunization, is the highest order to protect our health and reduce the spread of infection.

As our collective knowledge evolves, the ACMG and its members need to continue to change and adapt their guidelines and standard practices as government and public health regulations change. In situations that seem grey to you, err on the side of caution, and return to past guiding and climbing instruction specific guidance.

The ACMG would like to acknowledge the effort and professionalism that members have demonstrated negotiating these unprecedented times. We would also like to remind members to stay vigilant with their COVID-19 precautions and that staying up to date with current provincial and federal recommendations is a professional obligation.

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