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From: CLRInfo
Sent: September 27, 2021 10:42 AM
To: Ken McCormack
Cc: Paul Strangway; Maria Sushkova
Subject: ***CLR BULLETIN*** BC Vaccine Card: Employee Vaccinations

Importance: High

IMPORTANT INFORMATION

Dear CLR Members,

With the rollout of the COVID-19 vaccine and the BC Vaccine Card, there have been many questions about your rights as an employer and the rights of your employees regarding mandatory vaccinations and the disclosure of vaccination information. In many cases these questions arise from owners/clients having implemented mandatory vaccination policies on their work sites. If a site owner institutes a mandatory vaccination policy on their site, you as a contractor may have no choice but to abide by site rules so that your employees are allowed site access. Under these circumstances, you are able to ask your employees to voluntarily verify their vaccine status. When collecting this information, Employers should ensure that they communicate to employees why it is necessary to do so and how the information will be used and confidentially stored and managed.

If an employee is not vaccinated or declines to provide you with their vaccine status, they may not be able to work on the site. Under these circumstances, Employers should make efforts to find alternate suitable job sites for these individuals to work on where owners do not have a mandatory vaccination policy in place. Individuals who have indicated that they are unable to be vaccinated based on reasons which are protected under the BC Human Rights Code (for example, medical or religious reasons) should be given heightened consideration in terms of finding alternative work.

If there is no other suitable work that is available to an employee who is not vaccinated or declines to verify their vaccine status, they should be laid off due to a lack of work. This is not a disciplinary issue. It is simply that the employee is disqualified from being able to work because they are unable to meet the safety requirements of a particular site and there is no alternate work available.

Some owners are allowing proof of regular COVID testing in lieu of proof of vaccination. The Business Council of BC in collaboration with the Ministry of Health and the Provincial Health Services Authority have developed the Safe Screen BC program to assist with regular rapid testing where required. CLR is currently in discussions with the Business Council about this program and the possibility of CLR purchasing a membership in the program which could be extended to all of our members and we will provide more information once we are able. The details of this program are on their website at safescreenbc.ca.

Some contractors may also be looking to implement a vaccination policy for their own businesses requiring vaccination as a condition of employment. This is a much different situation from where it is being imposed on a contractor by a client as a prerequisite to site access. The implementation of a vaccination policy is a complex and highly context-specific question that requires a careful analysis of the specific workplace, human rights issues, privacy issues, and workplace safety considerations. We strongly encourage you to seek legal advice prior to implementing a vaccination policy in your workplace.

Sincerely,

Your CLR Team

