NOTICE TO CONTRACTORS OF THE BC PROVINCIAL GOVERNMENT

The COVID-19 pandemic continues to have an unprecedented impact on the health of Canadians. COVID-19 vaccines are a critical tool that reduce the risk of COVID-19 and protect broader public health.

As a responsible employer, the BC Provincial Government is committed to protecting the health and safety of its employees. On November 1, 2021, the Deputy Minister to the Premier, Cabinet Secretary and Head of the BC Public Service announced mandatory COVID-19 vaccination within the BC Public Service.

HR Policy 25, issued under the BC *Public Service Act*, requires that as of December 13, 2021 all contractor and subcontractor personnel entering a staff-only area of an indoor BC government workplace while BC government employees are present (a "**BC government workplace**"), for provision of services under a government contract, must be fully vaccinated against COVID-19 with a vaccine approved for use in Canada. A staff-only area is an area that is not intended for access by the public or clients receiving government services.

This requirement is part of the BC government's occupational health and safety plan and is intended to ensure that BC government workplaces are kept safe and that employees and other personnel who work in them are protected.

Details of the requirement are set out below and additional information about the requirement can be found here:

- *Core Policy Objectives & Human Resources Policies - Policy 4 – Occupational Safety and Health-Exposure Control* section
- COVID-19 vaccination policy FAQs

If you have any questions, please contact your ministry contract manager.

1. Vaccination requirement for contractor and subcontractor personnel

As of December 13, 2021, all contractor and subcontractor personnel entering a BC government workplace while BC government employees are present, for provision of services under a government contract, must be fully vaccinated against COVID-19 with a vaccine approved for use in Canada.

For clarity, this requirement does not apply to personnel performing services in workplaces that are not BC government workplaces, or to situations where government employees may enter contractor facilities (such as to conduct compliance audits or security verification).

Affected contractors must take the necessary steps to ensure that all contractor and subcontractor personnel are aware of this requirement, and that they fully comply with it.

2. Future contracts & procurement processes

As a condition of finalizing any service contracts with the Province, including service contracts arising from procurement processes, those contracts will require that all contractors and their personnel and any subcontractors and their personnel who will access BC government workplaces be fully vaccinated with COVID-19 vaccines approved for use in Canada, subject to any authorized exemptions. Such contracts will contain associated provisions required by and satisfactory to the Province regarding the foregoing, which may include provisions regarding mitigation measures for exempt personnel, compliance, enforcement and the use of an attestation certifying compliance or presentation of a BC Vaccine Card by personnel.

3. Exemptions

If any personnel of a contractor or subcontractor is exempt from the requirement to be vaccinated for a valid reason under the BC *Human Rights Code*, the contractor will provide notice of the exemption to the ministry contract manager under the applicable contract, and will provide the ministry contract manager with all requested information, including:

- the number of affected personnel
- the impacted work locations
- mitigation measures proposed by the contractor to adequately address the risk of viral transmission in the BC government workplace.

The ministry contract manager may approve entry to a BC government workplace by exempt personnel if the ministry contract manager determines that reasonable measures can be put in place to adequately mitigate the risk of viral transmission. All mitigation measures are subject to prior written approval by the ministry contract manager.

Personnel who require an exemption must not attend a BC government workplace unless and until mitigation measures required by and approved by the ministry contract manager are in place. Affected contractors must ensure that exempt personnel of the contractor and its subcontractors comply at all times with all approved mitigation measures.

Except as may be requested by the Province, contractors should not share any personal information with the Province, such as names or reasons for exemptions.

4. Verification and monitoring

Ministries may implement measures to confirm compliance with the vaccination requirement. Measures may include contractor attestations or verification of vaccination status with individual personnel prior to entering a BC government workplace (including by having personnel show their BC vaccine card in person or by live video conference with the contract manager), in accordance with HR Policy 4. Contractors must ensure compliance with all such measures.

If an attestation is required by the contracting ministry, contractors must submit an attestation by no later than December 10, 2021 certifying compliance with the vaccination requirement as of December 13, 2021, or at any other time or times required by the contracting ministry.

4. Verification and monitoring (cont.)

Unless another form of attestation is required by the contracting ministry, the attestation form included below should be used.

The Province has the right to monitor contractors' adherence to the vaccination requirement. The contractor will provide any additional information requested by the ministry contract manager in connection with compliance with the vaccination requirement.

For more information, contractors should contact their ministry contract manager.

5. Failure to comply

Contractors that do not comply with the vaccination requirement, including all verification and mitigation requirements, may be subject to any measures available to the Province, which may include contract termination if provided for in the applicable contract.

6. Form of attestation

If an attestation is required by the contracting ministry, the attached form should be used unless the ministry specifies another form. If the contractor is not an individual, the attestation must be signed by an authorized officer of the contractor.

COVID-19 VACCINATION ATTESTATION

I (first and last name), being the contractor or, if the contractor is a corporation, the authorized representative of (name of contractor), pursuant to Contract (contract number) (the "Contract"), warrant and certify to the Province of British Columbia as follows:

1. All contractor and subcontractor personnel who will provide services under the Contract on or after December 13, 2021:

    (a) will be fully vaccinated against COVID-19 with a vaccine approved in Canada at such time that they access any staff-only area of indoor BC government workplaces while BC government employees are present; or

    (b) if exempt from the requirement to be fully vaccinated against COVID-19 for a valid reason under the BC *Human Rights Code*, will comply with all mitigation measures approved by the Province if the Province permits access to a staff-only area of a BC government workplace.

2. All personnel of any subcontractor engaged to provide services under the Contract have been notified of the vaccination requirements of the BC government and each subcontractor has provided the contractor with a written attestation of its compliance with these vaccination requirements.

3. The information provided is true as of the date of this attestation and will continue to be true for the term of the Contract.

I understand that the attestation provided to the Province is subject to verification at all times. The Province reserves the right to require additional information to verify this attestation. I acknowledge that if this attestation is or becomes untrue at any time during the Contract term, or if the contractor fails to comply with any requirement of the Province in connection with this vaccination requirement, the Province may exercise any remedies available to it which may include termination of the Contract.

Certified as of the _____ day of _____, 2021

_____

Print Name:
Print Title:

Information provided in this attestation will be protected, used, stored and disclosed in accordance with the Freedom of Information and Protection of Privacy Act.