Employee Communication
CONTRACTOR PROOF OF VACCINATION
UPDATED October 14, 2021
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Please share with your teams responsible for securing contracts.

KEY MESSAGES

- Changes to the **Proof of COVID-19 Vaccination Administrative Policy** (the “Administrative Policy”) were made and approved by the City Manager.
- Effective October 1, 2021 a proof of vaccination or negative test requirement was applied to employees and Contractors working on City property.
- To help keep employees and Contractors safe, every Contractor performing work or services on City Premises must ensure that its personnel (including subcontractors) are either fully vaccinated or provide verification of the negative test results by completing a Contractor Compliance Form available on CityConnect.

INFORMATION

On October 1, The Province of Saskatchewan added new regulations to *The Saskatchewan Employment Act* entitled *The Employers’ COVID-19 Emergency Regulations*. Contractors, including those in the construction industry, are included in the City’s Administrative Policy because they are workers falling within the City’s obligations under *The Saskatchewan Employment Act*.

To ensure the Administrative Policy met the requirements of the new legislation, the Policy has been reviewed and section 5.0 has been amended:

5.0 **Contractors**

5.1 Subject to the provisions of the Policy, every Contractor performing work or services on City Premises, either where there is:

(a) sustained or regular in-person interaction with City employees in the performance of work or services under that contract; or

(b) where work or services performed under the contract is carried out in an enclosed City owned or controlled building, facility, structure, installation, vehicle or equipment.
must ensure that their Contractor Personnel do one of the following prior to accessing any City Premises:

(a) Indicate they are Fully Vaccinated and provide Proof of Vaccination Against COVID-19 to the Contractor by October 1, 2021; or

(b) In relation to Contractor Personnel who are not Fully Vaccinated and/or do not provide Proof of Vaccination Against COVID-19 to the Contractor by October 1, 2021 or choose not to disclose their Vaccination Status to the Contractor:
   i. submit to regular testing for COVID-19, at least once every 7 days; and
   ii. provide verification of the negative test result to the Contractor in a manner that enables the Contractor to confirm the result at their discretion; or

(c) In relation to Contractor Personnel who have received their First Dose where two courses of the COVID-19 Vaccination are required and have not yet received their Second Dose:
   i. submit to regular testing for COVID-19, at least once every 7 days;
   ii. provide verification of the negative test result to the Contractor in a manner that enables the Contractor to confirm the result at its discretion; and
   iii. continue to submit to regular testing for COVID-19 until 14 days following the administration of the Second Dose, at which time the Contractor Personnel will be considered Fully Vaccinated.

5.2 Any Contractor who fails to meet the requirements of s. 5.1 of this Policy may be denied entry on City Premises.

5.3 Contractors shall ensure that any Contractor Personnel who do not comply with the requirements of this policy do not attend City Premises. If a Contractor Personnel has received a positive test result that Contractor Personnel shall not be permitted on City Premises until they receive a negative test, have completed any required quarantine and are asymptomatic. Contractors shall notify the City of the positive test result so that the City may take appropriate measures to notify employees who may have been in contact with the Contractor Personnel.

5.4 In taking measures to ensure that their Contractor Personnel meet the requirements of s. 5.1 of this Policy, Contractors must follow all applicable legislation and legal requirements, including but not limited to:

(a) The Occupational Health and Safety Regulations, 2020, RRS c S-15.1 Reg 10;
(b) The Saskatchewan Human Rights Code, 2018, SS 2018, c S-24.2; and
(c) any requirements imposed by contract, including those respecting the manner, retention and destruction of documents.

5.5 All Contractors shall provide sworn declarations to the City of Regina on a weekly basis confirming whether they are following the requirements of s. 6.1 of this Policy in the form attached hereto as Schedule “A” (the “Declaration”). The Declaration must be sworn commencing on October 1, 2021 and must be provided to the City weekly by email by no later than 10:00 AM on each Monday.

5.6 This Policy will be reviewed and updated in the event that a further dose/booster is recommended by a public health authority or provincial government, within the timeframe designated for the approved vaccination.

This section means that a declaration is required from contractors only where:

(a) sustained or regular in-person interaction with City employees in the performance of
work or services under that contract; or

(b) where work or services performed under the contract is carried out in enclosed, City owned or controlled, building, facility, structure, installation, vehicle or equipment.

Construction work occurring on rights of way, sidewalks and roads will not require the contractor to provide the declaration. Contractors entering City facilities or having prolonged interactions with City staff will need to provide the declaration weekly.

Contractors will be responsible to ensure they are compliant with the OHS requirements, recommendations and regulations, including the City's Administrative Policy, as they pertain to COVID-19. This requirement includes screening of all its personnel performing work or services on City premises and submitting the City’s Declaration of Contractor Compliance to the City by email by no later than 10 a.m. on each Monday.

Collection of the Declaration of Contractor Compliance and review of declaration to confirm compliance with the Administrative Policy will be the responsibility of the Project or Contract Manager. If you are responsible for managing a contract for contracted services, or managing a consulting or construction project, it is your responsibility to ensure the Contractor is meeting the City's Administrative Policy by requiring the Contractor submit the Declaration of Contractor Compliance.

QUESTIONS AND ANSWERS

What do Contractors need to do to comply with the Administrative Policy?
Contractors are responsible to verify vaccination status or negative test with their own employees and submit the required declaration form to the City’s project or contract manager prior to 10 a.m. each Monday. To comply with the policy the Contractor will need to:

1. Ensure their personnel are either fully vaccinated and provide proof of vaccination to the Contractor; OR

2. For personnel who are not fully vaccinated or do not provide proof, ensure the personnel submit to testing at least once every 7 days and provide verification of a negative test result to the Contractor.

Fully vaccinated means two weeks after a person has received both doses of a two-dose vaccine approved for use in Canada, or one dose of a single dose vaccine approved for use in Canada.

What if Contractors refuse to participate?
Any Contractor and any Contractor’s Personnel, whom the Contractor fails to ensure meets the requirements of the Administrative Policy, will be denied access to City property and risks contract termination.
Denying a Contractor to City Property must occur as stated in the Administrative Policy. Like other safety violations, refusal to participate is dealt with in an escalating response. Managing site safety for COVID-19 is the same as managing the site for other safety issues. The City requires project managers to work with Contractors to ensure compliance and take steps towards ensuring compliance with any safety violation that may be identified.
If a Contractor is denied access to City Property for failing to comply with the policy, how do we complete the project? Will we be obligated to pay the Contractor that is not complying with the Administrative Policy?
Each contract and Contractor will be different. It will depend on the project and the urgency of the matter. Contractors have a duty to mitigate and to not be in breach of the contract. The City has the ability to add scope to the work and the additional scope might include showing the declaration. A Contractor might be entitled to additional costs but not to walk away.

If Contractor personnel have received one vaccination but are not fully vaccinated, do they need to provide proof of negative COVID-19 test?
Yes. Only individuals who are fully vaccinated will be exempt from providing proof of a negative test.

Will the City provide testing to Contractors?
Contractors are responsible for making their own arrangements to have their Contractor Personnel tested to show proof of negative test.

What if the date for providing the declaration falls on a non-working day or a statutory holiday?
If the 7th day falls on a non-working day or a statutory holiday, then the Contractor must provide the declaration by 10:00 a.m. on the next available working day.

What is a reasonable time for Contractors to comply as they will have to put their processes in place?
Contractors must begin complying immediately. Project Managers should be working with Contractors to gather the declarations.

Some have projects finishing up in the next few weeks, would we push for compliance for this year?
Yes, Contractors must begin complying immediately. Project Managers should be working with Contractors to gather the declarations.

The Administrative Policy states that if a Contractor does not comply they will be denied access to City property. Does this include exclusively outdoor projects such as sewer cleaning or water relining?
Construction work occurring outdoors on rights of way, sidewalks and roads, and underground utilities will not require the Contractor to provide the declaration. Contractors entering City facilities or having prolonged interactions with City staff will need to provide the declaration weekly.

Is it required for services such as Dispatch Trucking (Boyd Trucking) where the Contractor remains in the vehicle at all times?
Contracts such as Dispatch Trucking (Boyd Trucking), which do not require the driver to leave the Contractor's own vehicle, will not require the Contractor to provide the declaration. Contractors entering City facilities or having prolonged interactions with City staff will need to provide the declaration weekly.

What about current contracts with Loraas Disposal (recycling, blue bin, SVTS bins)?
Loraas Disposal contracts do not require the driver to leave the Contractor's own vehicle, the City will not require the Contractor to provide the declaration.
Does the EPCOR contract with the Wastewater Treatment Plant and Hauled Wastewater Station apply?
No, EPCOR does not fall within the meaning of a worker for whom the City has an OH&S obligation.

Does this also apply to consultants?
Yes. Contractor is defined in the policy as any person or entity (other than the Personnel) that contracts with the City to provide work or services for the City, on City Premises.

For coordinated work with SaskPower, where the City enters into an agreement to have a power pole or streetlight moved, do we require SaskPower to complete this declaration?
If the City has hired SaskPower to do work on the City's behalf and the work is occurring outdoors on rights of way, sidewalks and roads, or underground utilities SaskPower will not be required to provide the declaration.
If SaskPower is entering City facilities or having prolonged interactions with City staff, they will need to provide the declaration weekly.
The new Provincial regulations require all SaskPower, and other Crown Corporation employees to be vaccinated.

The City’s existing construction contracts require our Contractors to follow existing OH&S requirements, recommendations and regulations regarding COVID-19. Our contracts specifically outline that any evidence of a delay directly related to COVID-19 and outside the mitigative measures identified in their proposal may be considered grounds for an extension to the contract. Is the City prepared to issue a change order (covering the cost of testing, delays and all other costs associated to this change) for all existing contracts due to this change?
Under the new OH&S regulations, all Contractors are able to implement a vaccine or test policy for their own employees, with the costs of both the time and the test to be borne by the employees.
Vaccinations remain a no-cost option for employees not wishing to pay for testing.
If a Contractor requests a change to a contract to reflect additional costs to comply with the Administrative Policy, the project or contract Manager is expected to work with the Contractor to determine what is a true and reasonable additional cost and if necessary, revise the contract accordingly.

For warranty repairs where we no longer have money held back from the Contractors, if a Contractor refuses to sign this declaration, are we relieving the Contractor of their warranty repair responsibilities by not allowing them to complete the work?
No, there may be additional costs, but it does not entitle the Contractor to breach the contract by failing to carry out warranty work.