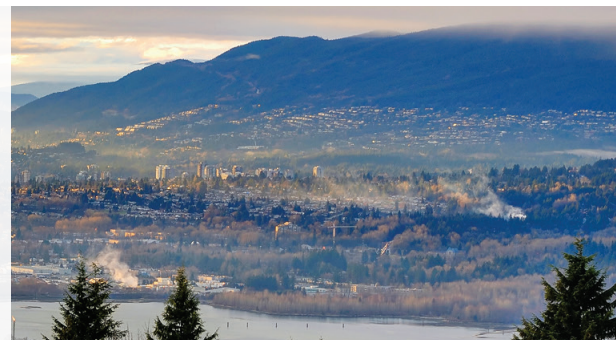




# SOUNDING BOARD



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## Annual Economic Outlook Forum

### LOOKING FORWARD | Planning for recovery

We close out the second year of COVID-19 with economic conditions undoubtedly improved, but new uncertainties and challenges are also emerging just as we seemed to be rounding the corner. At the same time, aspects of our post-pandemic “new normal” have become clearer, and there is more need than ever for a comprehensive long-run vision for economic prosperity—in British Columbia and across the country.

For the business community, understanding imbalances in the global, B.C., and Vancouver economies will be critical not only to surviving the next battle against COVID-19, but also to navigating—and eventually thriving in—its aftermath.

#### Assessing Economic Recovery and Charting the Path Forward

The Greater Vancouver Board of Trade’s 33rd Annual Economic Outlook Forum will provide our region’s business leaders with a detailed, insightful and timely look at the key challenges and opportunities facing Greater Vancouver, British Columbia and all of Canada. Taking place on Friday January 21, it will deliver practical conversations to help business-owners as they plan for a new year set against a backdrop of economic uncertainty.

One of the flagship events of the GVBOT event calendar, this year’s Economic Forum boasts a stellar panel with some of the leading names in business coming together to address the year



Marc Desormeaux

ahead. This year’s forum will kick off with a keynote from Jean-François Perrault, Senior Vice President and Chief Economist at Scotiabank, who will present an economic forecast and provide

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insights on what business leaders can expect in 2021 both here in Canada and across the globe.

Topics to be discussed include: How much of an impact will COVID-19’s Omicron variant have on the economic recovery in Canada and B.C.? When can we expect supply chain bottlenecks to ease? How long will inflation last? When will interest rates rise

in Canada and how will that affect B.C.’s economy and housing market? How will remote work impact business in our province and across the country? How should various levels of government work together to support long-run economic prosperity?

Following Perrault’s keynote, a panel of CEOs from some of B.C.’s leading businesses will take the stage to provide their outlook on economic recovery and how it will impact their decision-making this year. MD

Register for the Economic Outlook Forum at [boardoftrade.com/outlook2022](https://boardoftrade.com/outlook2022).

Marc Desormeaux leads Scotiabank Economics’ regional economic forecasting and commodity market coverage.

## One-to-one with Wyle Baoween

### INSPIRATION | Lessons in leadership

Welcome to the latest installment of Q&A, our regular series of one-to-ones with some of Greater Vancouver’s leading business figures.

This edition features Wyle Baoween, CEO and Co-founder of HRx.

#### How do you balance work and maintaining a personal life?

The truth is, there is very little balance. My work and my personal life are so connected. My wife is my business partner, my children are biracial, my family members are recent refugees to Canada, the broadcasters on the soccer matches I watch promote anti-racism – everyone in my life both professionally and personally is impacted by race, bias, privilege, and other equity-related issues in some capacity. I think I just started enjoying the fact that my work is life, and my life is work, and both are intertwined in a beautifully meaningful way.

#### What is the biggest challenge you’ve faced in your career?

Starting this company at a time when discussions about social equity weren’t mainstream and companies didn’t face the social and business pressure they do today. This was a huge risk. I started HRx six years ago because I believed in this work and I saw the potential. However, that didn’t make the decision to leave a stable corporate job, while starting a family, an easy one.

#### What do you think makes a great leader?

There are four values I always tell people that are very important for shaping great leaders: commitment, courage, humility, and curiosity. Great leaders are committed to social equity, diversity and inclusion because these objectives align with their personal values and their business’s goals. They are humble about their knowledge and strengths and admit imperfections and



Wyle Baoween

accept feedback. They have the courage to speak up and challenge the status quo, and they are not afraid of admitting mistakes and having difficult conversations. And finally, they have an open mindset and a desire to understand how others view and

experience the world.

I encourage leaders to surround themselves with, and listen to, the perspectives of other groups.

#### Who has helped you most in your career?

I have been fortunate to have the

support of many people throughout my life. There was my father who knew that education would open up doors for me, my first manager in Canada who took a chance on interviewing someone with an unfamiliar resume but the person that has helped me the most in my career is my wife. We met in grad school and she has been by my side ever since. She helped me to navigate the difficult transition as a person from Yemen moving to Vancouver, and was the one who encouraged me to launch HRx.

#### What might (someone) be surprised to know about you?

I am on a lifelong mission to find the best almond croissant - a journey I hope will take many years! WB

Wyle Baoween is the CEO and Co-founder of HRx, a Canadian firm that provides training, consulting and data analytics to enable equity, diversity and inclusion in the workplace.

## EMPLOYMENT | Navigating workplace vaccine mandates

### What employers need to know

There is overwhelming evidence that vaccines are effective (with low risk of side effects). A large majority of Canadians are now fully vaccinated, including approximately 87 per cent of the British Columbian population 12 years of age and older eligible for vaccination.

Although the B.C. Vaccine Passport does not apply to employees working in the non-essential businesses where customers must show it prior to entering the premises, the overall existence of these passports may support acceptance of mandatory vaccination policies in workplaces by most employees, particularly those already vaccinated and using B.C. Vaccine Passports to access non-essential businesses.

Within this context, we are observing a trend of more and more employers implementing mandatory vaccination policies in their workplaces, despite potential legal risks, such as human rights and privacy claims.

Pursuant to occupational health and safety legislation in British Columbia, employers have the obligation to ensure that they are maintaining safe and healthy workplaces, which now include communicable disease prevention. However, occupational health and safety obligations must be balanced against privacy and human rights interests. Employers seeking to implement mandatory vaccination policies should seek legal advice to ensure their policies are compliant with legal obligations and mitigate legal risk in this uncertain legal environment.

Some considerations that employers will want to think about before implementing a policy include the following:

#### Is it a unionized or non-unionized environment?

If the workplace is unionized, the policy implemented must be consistent with the collective agreement and it is advisable to work in cooperation with the union in creating and implementing the policy. Further, a certain amount of prior notice may need to be given pursuant to the British Columbia *Labour Relations Code*. There are fewer constraints with implementing a mandatory vaccine policy in a non-unionized workplace. Employers will want to be mindful of potential wrongful dismissal claims where employees are terminated with or without cause for failure to comply with the policy or claims of constructive dismissal where employees are placed on temporary leaves without pay or are otherwise excluded from the workplace if not vaccinated. It is generally accepted that, except in rare circumstances, the common law doctrine of constructive dismissal has no application to unionized employees.

#### What is the consequence for breach of the policy?

Employers have a right to manage their workplace and to protect their business interests. This overarching power is not set out in any law; rather, it is an inherent right of every employer implied in every employment contract, including collective agreements.

Nonetheless, disciplinary measures taken against employees who are not vaccinated may give rise to legal challenges, as discussed under the first bullet. Taking into account legal risk, businesses should consider what the consequence for



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Providing some notice enables unvaccinated employees time to consider their decision and comply with the policy



non-compliance with the policy would be – will the employee be fired with cause, fired without cause, or placed on a leave of absence? Are they able to continue working remotely? The risk of the policy changes depends on how the policy is enforced and the level of consequence. For example, termination with cause is more likely to be subject to legal challenge as compared to a leave without pay for a temporary period of time. Failure to comply with a vaccination policy is unlikely to amount to just cause for dismissal.

#### Where will the data collected from employees be kept?

Businesses in British Columbia must safeguard personal information that is collected from employees in compliance with the *Personal Information Protection Act*.

#### When will the effective date of the policy be?

Implementing a policy now with an effective date later in the month, may be considered more reasonable than implementing a policy now that is effective in two weeks with the consequence of dismissal for cause for non-compliance with the policy. Providing some notice enables unvaccinated employees time to consider their decision and comply with the policy.

In developing a workplace vaccination policy, businesses will need to weigh the risks of their operational environment in addition to considering the current vaccination rate in the workplace (i.e. is there anonymized data on the vaccination rate of the workplace to date?). Businesses will also need to determine whether employees will be accommodated (i.e. will the business only accommodate for the human rights protected grounds; i.e. medical and religious exemptions,) or if employees will also be accommodated based on personal preferences despite no legal requirement to do so.

Beyond legal considerations, there are business considerations when contemplating the appropriate consequences that flow from the breach of a policy. For example, will implementation of the policy cause the business to lose good employees? Notably, some businesses are expressing concerns that if vaccination policies are too strict, they will encounter challenges

with retaining employees and recruiting new talent when current employees leave. Losing employees – and even customers – may directly affect a business' bottom line.

Overall, we encourage businesses to consider the following steps to bolster the successful implementation of a mandatory vaccination policy.

- Draft the policy, with the help of legal advisors, well in advance of the implementation of the policy.
- Ensure the policy includes sections addressing the following:
  - purpose of the policy;
  - scope of the policy;
  - length and nature of policy (i.e. when it will be reviewed, expected end date, temporary or permanent in nature, etc.);
  - accommodations;
  - privacy; and
  - potential consequences for breach of the policy (if any).
- Provide employees with plenty of notice of implementation of the policy.
- Provide a copy of the policy to employees for their review and encourage them to ask questions and seek clarification on sections of the policy that they do not understand.
- Work with employees to understand their concerns with the policy ahead of the effective date of the policy. 🗨️

For more reading on workplace considerations around COVID-19, visit [BLG.com](https://www.blg.com).

Kimberly Gosel is an Associate at Borden Ladner Gervais LLP. This article is intended to provide general information, not legal advice. For specific direction regarding your situation, contact the author, [kgosel@blg.com](mailto:kgosel@blg.com).

## Trade Accelerator Program for Indigenous-owned/led businesses.

Starts February 23, 2022

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Canadian Council for Aboriginal Business.

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