

**SENT VIA EMAIL**

September 14<sup>th</sup>, 2021

The Right Honourable Andrew Furey  
The Office of the Premier  
Confederation Building, East Block  
P.O. Box 8700 St. John's, NL A1B 4J6

**Subject: Small businesses and mandatory vaccine policies/passports**

Dear Premier Furey,

As you know, the Canadian Federation of Independent Business (CFIB) is a non-partisan, not-for-profit organization representing the interests of 95,000 small- and medium-sized enterprises (SMEs) across Canada, including 1,700 in Newfoundland and Labrador.

Despite Newfoundland and Labrador's reopening plan, small businesses continue to struggle. Preliminary results from our September "Your Voice" survey indicate that while 82% of small businesses in Newfoundland and Labrador are fully open a mere 17% are at normal sales levels (42% in Atlantic Canada)<sup>1</sup>. Small businesses in many provinces are now facing a new challenge: mandatory proof of vaccination policies, aka "vaccine passports". Support or opposition for vaccine passports varies widely depending on what such a policy would mean. While a majority of small business owners support the use of vaccine passports for international travel and large events, there are mixed views on using them with employees and customers. A considerable number remain undecided.

**Would you support the use of a vaccine passport by government in the following situations?<sup>2</sup>**

	<b>Yes</b>	<b>No</b>	<b>Undecided</b>
International travel	83%	10%	7%
Large events (concerts, festivals, large sporting events)	83%	10%	7%
Employees in our workplace	66%	20%	14%
Customers visiting our business	49%	32%	19%
Employees and/or customers in our business as an alternative to lockdowns in the event of a fourth wave of COVID-19	74%	12%	14%

Despite small business owners' mixed views on vaccine passports, many provinces have adopted or plan to adopt such a system for many sectors of the economy. In these provinces, our members are

<sup>1</sup> CFIB, preliminary results for the Your Voice - September 2021 survey, results from September 9 -13, 2021, n = 2,933.

<sup>2</sup> CFIB, Your Voice - August 2021 survey, results from August 5 -27, 2021, n = 4,670.

trying to navigate a new policy that raises many unanswered questions. For many of our members it feels as though governments are pushing the responsibility of ensuring people are vaccinated to businesses.

In provinces that are moving this direction, CFIB has received hundreds of calls expressing concerns and asking important questions. These include:

- Employee Safety:
  - Members are reporting their staff are receiving threats when asked if they plan to implement the passport.
  - We are hearing from members concerned after seeing large protests at hospitals that they will also become a flashpoint for protesters, which raises concerns about employee safety.
- Legal Concerns:
  - Members in the events area about customers demanding a refund of down payments as they don't want to comply with the passport.
  - We are hearing a similar situation from membership-based organization, such as gyms, where customers are asking for a refund of their membership while proof of vaccination is required.

If governments are determined to go down this road, they need to recognize that the businesses that are required to ask their customers for proof of vaccination need significant support. Without clear and straightforward guidelines and support programs, business owners can face serious financial and legal issues, which can place them in a precarious situation. Moreover, proof of vaccination policies may exacerbate the labour shortage as employers will need to have employees standing at the front entrance of their businesses to check vaccine credentials. In some cases, this will mean reallocating existing staff, but in others it may require a new hire, such as for a 24-hour gym that now needs someone covering the door in the early hours of the morning.

It is for this reason that **we ask the government to:**

- Clarify that a business will not be liable if facing privacy or human rights action while checking vaccine credentials for customers. 67% of our members in Newfoundland and Labrador are concerned about the legal risk<sup>3</sup>.
- Clarify that a business will have to use its best efforts, but will not be liable if facing a fraudulent or doctored piece of evidence or if a customer refuses to comply with the rules.
- Make sure businesses aren't hit with both new or ongoing restrictions and having to carry out a government mandated proof of vaccine. If businesses are limited to fully vaccinated customers only, policies such as capacity limits need to be reconsidered.

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<sup>3</sup> CFIB, Your Voice - August 2021 survey, results from August 5 -27, 2021, n = 4,670.

- Create a strong financial support program to help small business owners deal with the following issues:
  - Increased labour costs
  - Loss of customers
  - New costs for smart devices to scan QR codes
- Develop an official government poster/signage explaining the rules on vaccine passports and what customers must show to gain entry. This will help clarify that vaccines are government mandated, and that these policies are not the business' sole decision.
- Develop training for small businesses and their staff to help them when it comes to dealing with a very divided public. This needs to include what to do if a customer refuses to comply with the rules or demands to be served.
- Explain the legal aspects of vaccine passports and develop clear guidelines addressing concerns around data collection.
- Ensure a system exists to allow businesses to check the credentials once for regular customers, such as in a gym.
- Develop alternatives for areas without readily available internet and who cannot use QR codes.

Thank you for considering our members' concerns. If you have any questions or would like to meet to discuss this issue further, please feel free to contact us by phone at 506-855-2526 or by email: [Louis-Philippe.Gauthier@cfib.ca](mailto:Louis-Philippe.Gauthier@cfib.ca).

Always sincerely,



Louis-Phillipe Gauthier  
Senior Director, Legislative Affairs, Atlantic

cc: Hon. Andrew Parsons, Minister, Minister of Industry, Energy and Technology  
Hon. Steve Crocker, Minister of Tourism, Culture, Arts and Recreation