



NATIONAL CITIZENS INQUIRY

Toronto, ON

Day 3

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EVIDENCE

Witness 6: Jason Kurz

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[00:00:00]

Geneviève Eliany

Good afternoon, Mr. Kurz. I will ask you to state and spell your name for the record, please.

Jason Kurz

My name is Jason Kurz, K-U-R-Z.

Geneviève Eliany

Do you swear to tell the truth today?

Jason Kurz

I do.

Geneviève Eliany

You're before the inquiry to tell us about your termination with Ontario Power Generation, OPG. Can you tell us first what your role was with them?

Jason Kurz

I began working in the nuclear industry back in around 2002. I was a Certified Red Seal 309A Construction & Maintenance Electrician. I joined OPG through the building trade unions and performed work as an electrician under the BTU [Building Trade Union]. After some time and achieving some radiation qualifications, I was more eligible to apply for some full-time postings, and I was hired in 2005 as an instrumentation and control technician at Darlington Nuclear Generation Station in Bowmanville, Ontario.

I spent a number of years as an instrumentation and control technician, and my career saw me move through a few different areas inside the corporation. After a number of years working in the fuel handling department, I became what some people would call an expert

in the fuel handling processes and systems and the maintenance involved in keeping the reactor fuel handling systems operational as a control technician. And then I moved into assessing, which was planning the work, making sure that the parts were ordered, making sure that the pertinent drawings were assembled into a package that was clear and comprehensible for the maintenance workers.

After that, I moved into writing procedures for the organization as a fuel-handling control technician. After some time, I felt that my career growth was being stunted, so I started to look for opportunities outside of the union I had belonged to at that time, which was the Power Workers' Union. I began looking for opportunities to experience some personal growth and career development. And I started to apply for positions that were in a separate union in the house under OPG. That union was called the Society of the United Professionals.

Geneviève Eliany

I'm going to interrupt you for a moment. Could you tell us what your most recent role was? I'm trying to zero in on that.

Jason Kurz

Understood. The position that I was terminated from, the title of the position is Work Control Team Leader. I was specifically under the Projects and Modifications Organization for Ontario Power Generation, and that was essentially a coordinator role for a team of between 50 to 80 project managers.

Geneviève Eliany

My understanding, from what you previously described to me, is that you coordinated the installation and the safety of the installations made when the reactors are running. Is that correct?

Jason Kurz

The position that I held was referred to as IPG work control. So what that means is that the projects that I was helping monitor for milestone adherence were projects that were going to be installed as the reactor was still at power and still generating electricity.

Geneviève Eliany

It's fair to say that this role you had is quite specialized, is it not?

Jason Kurz

Extremely specialized, yes, that is correct.

Geneviève Eliany

So once the pandemic started, you were working remotely from home?

Jason Kurz

Yeah, that's correct. When I entered the role, I had just come out of a previous rotation in which I was with the Radiation Department in an oversight capacity. That rotation had ended. I went back to my home position, which was a nuclear refurbishment training. And I had applied previously for this position with the Work Control Organization, with the Projects and Modifications Team, and I was interviewed and accepted into that role on a temporary basis, what they call a rotation. And the rotation was due to be 18 months, but they hired me before my rotation was up on a full-time basis because they were pleased with my efforts.

Geneviève Eliany

Okay.

Ultimately, OPG of course, like most government institutions, instituted a number of COVID mandates, correct?

Jason Kurz

Correct.

Geneviève Eliany

And you were required to both mask and be vaccinated, is that right?

Jason Kurz

Initially, what they did was they took the workforce that was able to work remotely and they actually accommodated and made every concession that they needed to in order to minimize the amount of people that they had working on-site at the beginning.

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And so when I took the job, I actually started the position from home in my kitchen. I learned the entire role from the comfort of my own home and functioned that way accordingly until they started to call people back into the office.

When they decided it was time to start bringing the workforce back onto OPG's site, what they did was they had written up a policy, a COVID policy, that in my opinion was overreaching and discriminatory. And they tried to force everybody into compliance with that. The policy included vaccination as an expectation. If you were not comfortable with getting vaccinated, then you were expected to— I'm sorry, the COVID policy stated that their expectation was that all employees were vaccinated and that the employees would reveal their vaccination status in the OPG database, which is private medical information. And if you were not willing to disclose your vaccination status, or if you did disclose your vaccination status but you were not vaccinated, then OPG's policy was then that you would have to be undergoing testing. And yes, that was the policy.

Geneviève Eliany

Again, to be clear, you were working from home. But once 50 per cent of the staff was being called back, this is when the masking and the testing and of course the vaccination requirements were in place, is that correct?

Jason Kurz

I believe so, yeah.

Geneviève Eliany

Okay. Now, you refused to be vaccinated and ultimately you were terminated. When were you terminated?

Jason Kurz

December, I believe, 29th of 2021.

Geneviève Eliany

So end of 2021. And can you comment on what was happening with the policies at the end of 2021? Were they still as strict at the time of your termination as when they were instituted?

Jason Kurz

Well, okay, so there's a lot to cover there, right? I was placed on six weeks' unpaid leave prior to my dismissal. They were attempting to force me to comply with the policy. And they put it in writing essentially that if I would just comply with the testing requirement, then all of this could go away. My position was that Ontario Power Generation does not have the authority to mandate that I undergo any medical procedure of any kind as a condition of my employment if it's not part of my original work contract, which I agreed to when I agreed to work with Ontario Power Generation.

And so during the course of the time where I was placed on six weeks' unpaid leave, they started to back off on some of the policies and procedures. I wasn't onsite anymore. They had deleted my corporate account. I had no access to any inside information with respect to what their timelines were, only through some friends and some co-workers who were keeping in touch with me. And they started to step back on the requirements for disclosing vaccination status and wearing masks. In the end, I was terminated and lost my career and now, it's like nothing ever happened. Now, it's like the pandemic never happened. People don't have to declare their vaccination status, to my knowledge. I don't think they wear masks anymore.

Geneviève Eliany

So let's back up a little bit. It's clear that you didn't want to be vaccinated. You were terminated because of your non-compliance but the way you were treated was different than perhaps others. My understanding is that the company or OPG found out that you were involved in freedom efforts. Is that fair to say?

Jason Kurz

It's fair to say that, yes.

Geneviève Eliany

And you feel that you were singled out because of their knowledge?

Jason Kurz

I do. I do feel singled out. When I started the role, I had one particular section manager whose name began with an L. He took me into the office. At this time, they were starting to integrate the workforce back onto site. We were working onsite 50 per cent of the time and 50 per cent from home. And he took me into his office with a union representative and he stated that I had been spotted on television at a freedom rally,

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and that I was not social distancing, and that I was a potential superspreader, and essentially directed me to no longer attend these types of events.

I told my section manager at that time that while I was on site, working in the industry and on the job, I would maintain the utmost professionalism as a nuclear professional. But when I was outside of work, I would conduct myself as I see fit. And I felt that the Freedom Movement was very important for our children because I didn't want to place my children in a situation where an employer is allowed to dictate to them that they must undergo any type of medical procedure. So I was very involved in the Freedom Movement. I was spotted on the news. And then from that meeting, I was directed to work from home 100 per cent of the time until further notice.

Geneviève Eliany

But despite your ability to work from home, your employer was still unwilling to make any COVID accommodations for you?

Jason Kurz

That is correct, yeah. They refused to accommodate in any way. And even when there was a bit of a wave with the way that the corporation had treated the supposed pandemic— There was a time where they brought the workforce back, and then when Omicron came out, they started sending people home again. And at that time, there was one gentleman from the union, Joe, who had sent an email to the upper echelons of management stating that since OPG saw fit to send remote workers back home to work remotely again, why don't we let Jason come back and continue performing the role that he had been providing previously? No response.

Geneviève Eliany

Let's discuss your termination letter [Exhibit TO-20]. It's an unusual termination letter. I am a criminal lawyer but it still strikes me as unusual. Of course, you were terminated. And OPG, as you indicated, wasn't willing to have you back. But the letter also states that you're now ineligible to perform work either directly with OPG or indirectly through any contractor that carries out work for OPG.

Tell us about the impact on your career given this paragraph.

Jason Kurz

It's hard to quantify the impact on my career. I've been in the workforce since I was 16 and worked very hard to get where I am, where I was, constantly seeking self-improvement and development. And I had finally landed the job that I truly felt I was built for. I was helping in a meaningful way. The projects that I was helping to navigate through the scheduling

system that's in place in that nuclear station: people have to understand that every one of these projects was in response essentially to the disaster that happened in Fukushima. And they were all highly vetted, multi-million-dollar projects, extremely important for public safety, plant safety, equipment safety. I felt like I was doing something that I was built for.

I was an award-winning employee and then the only thing I refused to do was concede my medical autonomy over to the company. And when I got fired and they put that letter out, they essentially stated in black and white—and they put it in writing—that their intention is to sabotage my entire career in the nuclear industry by stating that no longer would I be allowed to enter any OPG site or property. But they also said I would not be, as you read, eligible for employment by any vendor or subcontractor that provides work for Ontario Power Generation.

And I wonder what gives them the authority to tell Black & McDonald or Ken Adam or BWXT or Cameco or any of these other wonderful companies that I cannot be hired by them when I have almost 16 years of CANDU nuclear experience. And I've been a single point of contact during outages in the OCC, you know.

Sorry, I'm getting emotional.

Geneviève Eliany

That's okay. You'll have to get some legal advice on it. But another point in the termination letter is that you've also been given a trespass notice. You can't even attend the building, can you?

Jason Kurz

That's correct.

Geneviève Eliany

Do you know anyone else who is terminated in the same way from OPG?

Jason Kurz

To my knowledge, I am the only person who is terminated by Ontario Power Generation under the circumstances of refusing to recognize the authority of their COVID policy.

Geneviève Eliany

Let's touch on the financial impacts on your family.

[00:15:00]

Jason Kurz

The thing that made the people concede and give up— In the beginning, there was a fight. In the beginning there was a lot of people— There were hundreds of people that belonged to a group and we would discuss and share ideas and share our own legal research with each other. And in the end, the company has a pretty big carrot to dangle. The position that I held, just like almost any other position with Ontario Power Generation, was very well-paying. It included one of the best benefits packages that you could get in Canada. The

pension was top-notch. It's basically a dream job, especially for somebody such as myself who came from blue-collar construction trades and was just seeking a way to develop myself. And so because the people around who worked for that corporation saw what happened to me when I dug in my heels and I said that OPG does not have the authority to mandate a medical procedure as a condition of employment, a lot of people conceded—some quickly and some not so quickly. But in the end, they've got that: they'll take away your lifestyle.

You asked me about the financial implications. I went from making a certain amount of money that my family had grown accustomed to and lived accordingly with. And I'm not going to cry the blues about that. But I will say that now, here I am two weeks away from turning 50 years old, I am back on the tools as an electrician. I am making less than one third of the money that I used to make. I have no vacation. Every penny that we spend is hard fought for, strictly counted, and impactful on our family's finances. And no pension and no benefits.

Geneviève Eliany

I understand that your children wanted to follow in your footsteps. How are they thinking of their future now with respect to employment?

Jason Kurz

My kids were always inspired by the career that I had developed and the lifestyle that my wife and I were able to provide. And so they trusted me to direct them and help them navigate and make life choices that would set them up for success. So their intention was to essentially follow in my footsteps as intelligent young women. They were both considering entering the nuclear industry as nuclear instrumentation and control technicians.

My oldest daughter actually started the first year of college for that course. And during that time, COVID was in full swing. And my children were not interested in learning the trade from the kitchen table. It's not something you can learn from a kitchen table. You know, they've been sending kids home and they're trying to teach them this stuff off of a computer. And it's sort of like learning how to be an automotive mechanic over the computer at your kitchen. So she placed her college on hold until the restrictions had let up. And then shortly after that time, my children and my wife got to witness how OPG treats employees that fail to concede their medical autonomy over to the company.

Geneviève Eliany

And one final question: I understand that you've had some contact with former colleagues. And what did they report back to you about how your role or position has been filled?

Jason Kurz

When I was in that role as a work control team leader, I absolutely loved that job. I just felt like I had meaning. The job had meaning. And it was a lot—and I took on more than I should have. In addition to the responsibilities that I was doing, I also was asked to speak at senior work management meetings to present the status of the projects that were on the plan. This is a nuclear station. I mean, these things are planned out 52 weeks in advance. Every penny is accounted for. Every document has to be signed on time. Every single one of these milestones, it was my job to make sure that they were all being met. And when they weren't being met, we had to make sure that they were going to be met, and that there

were forms to go along with that. It was a lot to keep track of. It was very high pressure. It was very, very stressful for some people, but I was built for it, and I loved it.

And since I have left, I've heard that they've not recovered, but I can't say that that's a fact. I've heard that things are certainly worse off than they were when I was doing all the things that were expected from me, plus the extra things I was doing that were asked of me.

Geneviève Eliany

Thank you. I'll see if the commissioners have any questions. No questions from the commissioners.

Thank you so much on behalf of the National Citizens Inquiry for your testimony today.

Jason Kurz

Thank you.

[00:20:28]



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The evidence offered in this transcript is a true and faithful record of witness testimony given during the National Citizens Inquiry (NCI) hearings. The transcript was prepared by members of a team of volunteers using an “intelligent verbatim” transcription method.

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