

Mandatory vaccination FAQ for stewards and union staff

BCGEU mandatory vaccination FAQ for stewards and union staff

August 27, 2021

These responses are provided in the context of mandatory vaccinations in long-term care or assisted living. Please be advised that answers should be adapted depending on the industry/service context as mandatory vaccination policies should be considered on a case-by-case basis.

Sample text to build a response from

Thank you for your response. We appreciate hearing your concerns as we all navigate this ongoing public health crisis.

Our union is committed to protecting member's health and safety on the job and the rights laid out in our collective agreements. This includes supporting accommodation for workers who cannot vaccinate for substantiated medical reasons.

With regards to vaccination and mandatory orders, we have and will continue to encourage members to follow the advice of public health officials and get vaccinated. Doing so will better protect all employees at our worksites.

These are incredibly difficult times, and we understand the stress and anxiety that comes as a result. If you have specific questions regarding a mandatory vaccination policy and its impact at your worksite, please reach out to your BCGEU union steward or area office for assistance.

Questions and Answers

Why is my union asking that I get vaccinated for COVID-19?

All members' health and safety in the workplace is of the highest priority. The BCGEU encourages all members to be fully vaccinated against COVID-19.

Getting vaccinated is the most important tool we have in stopping transmission and bringing the pandemic to an end. Because every vaccine administered in Canada is safe and effective, we urge all British Columbians to take the steps necessary to prevent the spread of the virus and protect our vulnerable neighbours and front-line workers.

If members are unable to get a vaccine for medical reasons and are concerned it will impact their work status, they should contact their union.

What will you do to protect workers who simply don't want to get vaccinated?

-or-

My human rights are being ignored. My privacy rights are being ignored. The union

should be backing members in their fight to not require being vaccinated, after all, “they’re paying dues & we should be supporting them!”

Our union is committed to protecting member’s health and safety on the job and the rights laid out in our collective agreements. This includes supporting accommodation requests for workers who cannot receive a vaccine and have objective medical evidence from a physician stating so.

If a worker does not vaccinate for a reason other than medical accommodation, and faces discipline by their employer, or is negatively treated by the employer in some way, the worker may grieve that discipline.

However, that grievance could be found to be without merit. Grievance arbitrators have frequently concluded that employers can restrict the work of employees who refuse vaccines for communicable disease.

I am asking that the BCGEU demand that government protects their employees by mandating anyone returning to work to be fully vaccinated.

-or-

I'd like to know what BCGEU's position is on vaccine mandates.

When it comes to vaccination, the BCGEU has and will continue to encourage members to follow the advice of public health officials and get vaccinated. This will help protect the health and safety of everyone at the worksite.

The union has neither supported nor opposed specific mandatory vaccine policies. However, the union would consider such policies if they adequately protect workers’ privacy and accommodate those with legitimate medical exemptions.

What is going to be the policy for members in a workplace where a mandatory vaccination order is in place who are not vaccinated?

-or-

Questions on anything regarding medical reasons for not getting vaccinated. E.g.: “I suffer from PTSD. Just the thought of injecting a foreign object into myself sets off my PTSD.”

Members who cannot receive a vaccine and have objective medical evidence from a physician stating so, may have a legitimate case for a duty to accommodate. If you are facing such a situation, please contact your shop steward to determine how to move forward.

Can my employer require vaccination, and fire me for not getting vaccinated?

The law has previously supported mandatory vaccination policies, such as influenza immunization, in seniors' health care settings. In these cases, alternatives to vaccinations were available or were explored by employers. Also, an employer may have a duty to accommodate a worker who cannot be vaccinated.

However, the likelihood of accommodation for those who are exercising a personal preference and are without medical documentation for refusing a COVID-19 vaccine is very low. Opinion-based objections to vaccination policies fall outside the scope of human rights legislation as it is not a protected ground under the Human Rights Code of B.C.

The COVID-19 pandemic presents a unique situation concerning the protection of public health and the safety of workers. The current PHO order requires long-term care and assisted-living workers to be fully vaccinated with the COVID-19 vaccine by October 12, 2021. Until then, unvaccinated workers are required to remain masked and undergo regular testing for COVID-19.

Considering the effectiveness of COVID-19 vaccines and the serious risk that COVID-19 presents to health care residents and other health care staff, requiring vaccinations may be considered a reasonable requirement for employment. We are reviewing the issue as to what this could mean for members and their continued employment.

In the meantime, and before an employer takes a step that adversely affects a worker, it is necessary to ensure that alternative measures have been explored for unvaccinated workers, such as temporary reassignments where possible, mandatory masking, and regular rapid testing. If a worker is fired or disciplined by their employer for not being vaccinated, or if the employer is not accommodating a worker who has a medical reason for not vaccinated, they can file a grievance.

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