

Delivered via In Person

October 22, 2021

Mark Varga
[REDACTED]
[REDACTED]

Dear Mark:

On August 17, 2021, the Chief Medical Officer of Health for Ontario – Dr. Kieran Moore – issued Directive #6 for Public Hospitals pursuant to Section 77.7 of the *Health Protection and Promotion Act* which introduced new measures establishing minimum requirements for Ontario hospitals regarding COVID-19 vaccinations for employees and others.

The rationale for issuing this Directive, as stated in the Directive itself, was as follows:

“Whereas, many healthcare workers (HCW) in higher risk settings remain unvaccinated, posing risks to patients and healthcare system capacity due to the potential (RE) introduction of COVID-19 in those settings, placing both HCW and patients at risk due to COVID-19 infection.

And having regard to the prevalence of the Delta Variant of concern globally and within Ontario, which has increased transmissibility and disease severity than previous COVID-19 virus strains, in addition to the declaration by the World Health Organization (WHO) on March 11, 2020 that COVID-19 is a pandemic virus and the spread of COVID-19 in Ontario.

And having regard to the immediate risk to patients within hospitals and home and community care settings who are more vulnerable and medically complex than the general population, and therefore more susceptible to infection and severe outcomes from COVID-19.”

The Hospital fully supported and agreed with the issuance of Directive #6 including the rationale for issuing it as set out above.

Following issuance of the Directive, the Hospital's CEO – Dr. Jackie Schleifer Taylor emailed every employee on August 31, 2021. Her email advised, in part, that with the following objectives in mind:

1. Protect patients and visitors who come to us for care. This includes the most vulnerable, such as children who cannot yet be vaccinated; and
2. Protect ourselves so that we can stay well and continue to fulfill our critical caring role.

The Hospital was instituting a mandatory vaccination policy. She stated “This way we can give our community the confidence that everyone caring for them at LHSC is fully vaccinated and we can further protect ourselves and our loved ones.” She advised that all employees must receive their second vaccine dose by no later than October 8, 2021 and that those who failed to do so will face discipline up to and including termination.

Shortly after this, the Hospital revised its COVID-19 Vaccination Policy on September 3, 2021. The key elements of the revised policy are as follows:

1. All employees must complete a COVID-19 vaccination e-learning program;
2. All employees need to be fully vaccinated against COVID-19 by October 21, 2021 and must provide documentation to Occupational Health and Safety Services confirming that they have received all required COVID-19 vaccination doses;
3. If an employee has valid documentation confirming a medical exemption from being vaccinated against COVID-19, that employee must submit the documentation to OHSS which will assess the validity of the requested exemption;
4. If an employee has a valid claim for an exemption from being vaccinated against COVID-19 pursuant to the Human Rights Code, that employee must submit documentation to the Hospital's People Services Department which will assess the validity of the claim for exemption;
5. If an exemption under paragraphs 3 or 4 above is granted, accommodation will be provided which will include a requirement that the employee who is granted the exemption conduct a self administered COVID-19 rapid antigen test and document the results, prior to attending work.

The Policy provided that failure to comply with it may result in discipline up to and including termination of employment.

Employees were also notified through the Hospital's regular COVID-19 Updates regarding the requirements of the revised Policy.

After careful consideration, the Hospital concluded that it would in fact terminate the employment of any employee who was not fully vaccinated by October 21, 2021 unless the employee had an approved medical exemption or an approved Human Rights Code exemption.

To ensure that you fully understood the outcome of not complying with the requirement to be fully vaccinated, we met with you in person on October 15, 2021 to: (1) confirm that you understood this requirement, which you said you did; (2) confirm that our records were accurate whereby you are not COVID-19 fully vaccinated and have not been granted an exemption, all of which you confirmed; and (3) confirm that you are not going to receive any COVID-19 vaccinations on or before October 21, 2021, which you confirmed. In addition, at this meeting you were informed that the Hospital would be proceeding with a termination of your employment on or after October 22, 2021 due to your non-compliance. Having regard to the nature of our business and our obligations to our patients and staff, your failure to become fully vaccinated has made the continuance of a viable employment relationship impossible. As a result, the employment relationship between the Hospital and yourself has been irretrievably broken.

Please be advised, therefore, that effective immediately, you are hereby terminated from your employment with London Health Sciences Centre for cause. Any monies accrued and owing to you will be paid by direct deposit no later than October 29, 2021. Semi-private, extended healthcare, dental benefits, life insurance, short term and long-term benefit coverage ceases effective immediately. You may convert your life insurance to a personal policy within thirty (30) days of today. Should you so choose to convert your group life coverage to an individual policy, contact Customer Service at Manulife at 1-800-268-6195 and reference Policy No. 38081. Please contact the Healthcare of Ontario Pension Plan (HOOPP) at 1-877-434-6677 regarding clarification on the pension plan or clarification on your options with respect to the Pension Plan.

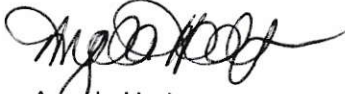
You must return all property belonging to LHSC and any business information belonging to LHSC, including but not limited to identification cards, keys, paper and electronic files, computer, printer, cell phone and any other property you have in your possession by no later than October 25, 2021 by contacting GO2HR.

Payroll Services will submit your Record of Employment (ROE) electronically to Service Canada.

LHSC's Employee and Family Assistance Program is available to you through Homewood Health until no later than October 31, 2021. I encourage you to utilize this support should you determine that you or your family require confidential counselling. To access this support any time of the day, any day of the week call toll-free 1-800-663-1142.

Should you choose to become fully vaccinated you may apply to available opportunities in the future. On behalf of LHSC, I wish to thank you for your services and wish you all the best in the future.

Sincerely,



Angela Hodgson,
Director, People Services

cc: Employee File
Payroll Services