

BULLETIN

Flu shot policy grievance heads to arbitration

July 9, 2013

A policy grievance arbitration over the unprecedented Influenza Control Program Policy introduced by the Health Employers' Association of BC (HEABC) last August will open tomorrow in Vancouver.

In October 2012 the Health Sciences Association of BC, on behalf of the Health Science Professionals Bargaining Association (HSPBA), filed a policy grievance calling for the withdrawal of the province-wide flu shot policy that threatens to fire health science professionals who refuse to declare whether they have been vaccinated against seasonal flu. In addition to the union's position that the policy breaches the collective agreement, HSA argues the policy violates member's privacy rights, as well as rights guaranteed under the Canadian Charter of Rights and Freedoms.

"The policy forces virtually anybody who works in health care to be immunized and make a public declaration they have been vaccinated; or wear a surgical mask every day for the duration of the declared flu season ... which can be as long as four months. The policy is punitive, since if people don't comply they risk being fired," said HSA President Reid Johnson.

Jeanne Meyers, HSA's executive director of legal services and labour relations, said the bargaining association's grievance of the policy calls on HEABC to declare the policy is not in force and effect, and to revert back to the policy which was in place prior to August 2012.

"HSA has historically encouraged members to be vaccinated against seasonal flu, and continues to encourage members to be vaccinated. But we are firmly of the view that nobody should reasonably be expected to make a public declaration of their personal health choices. HSA will continue to defend members' rights to privacy," she said.

"While we do encourage members to take advantage of on-site flu vaccine clinics or to visit their family doctor to get a vaccine, we do recognize that individual health care workers have a right to make their personal health decisions. If they choose not to be vaccinated for any number of factors ... including experiences with bad side effects to vaccines, and fundamental, philosophical, or religious objections to vaccination ... that is their right," Meyers said.

Nine days have been set down in July for hearing, and a further four days in September.

HSA is seeking to have the hearing completed and a decision issued by the arbitrator prior to the start of the 2013 flu season.

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