

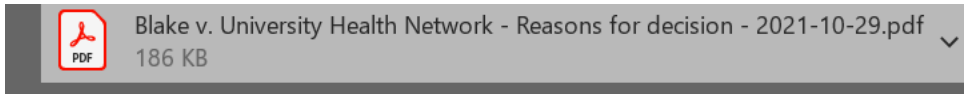
04 Nov 21 Special Meeting for HSN CUPE 1623 members

Attendance: Many members via ZOOM

Executive Attendance: Lise Morrissette, Sue Wirnsperger, Marion Van Horn, David Tremblay, Dave Stamplecoski, Marc Mailloux Sr., Karen Brosseau

Purpose: this meeting was called to discuss the new mandatory vaccine policy at HSN.

- HSN has implemented a mandatory vaccine policy on 29 Oct 21
- There are deadlines to be followed for vaccination, medical exemption, or religious exemption
- Deadlines are as follows:
 - o November 12th, 2021 must have proof of 1st vaccination or will be on leave without pay
 - o November 26th, 2021 if you do not provide proof of vaccination, you will be terminated
 - o December 7th, 2021 must have proof of 2nd vaccination or will be on leave without pay
 - o December 21st, 2021 if you not provide proof of vaccination, you will be terminated
- HSN is following Directive #6 from the Ministry of Health
 - o This directive allows then to make the decision on whether staff must be vaccinated
- Ford government has made the decision to allow hospital to make their own policy on mandatory vaccination
- OCHU (Ontario Council of Unions – our central bargaining unit) has meet with the legal team and currently the only recourse we have is to file a grievance against the employer
- UHN (University Health Network) in Toronto brought the issue to the Supreme Court as they had members who were terminated, and the Supreme Court would not rule on a decision as they indicated that this must be decided via the collective agreement route which is via a grievance.



Can the hospital create a policy without the unions or workers agreement?

Yes, it is well established that the hospital has a right to implement workplace policies as they have a "right to manage" if these policies do not conflict with the collective agreement.

Can the hospital force me to be vaccinated?

The employer cannot force you to be vaccinated. But they can impose consequences on a worker who chooses not to become vaccinated.

What kind of consequences is the hospital to impose if I choose not to be vaccinated?

HSN has clearly identified what the consequences are in their policy as well as in the COVID bulletin and the letter you would have received on or by November 1st, 2021.

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What is the union doing for me? Why am I paying dues?

The union is here to support you and your decision. The current avenue that the union must protect your rights is to file a grievance and then to go arbitration.

How long will it take to go to arbitration? And will I get my job back?

Going to arbitration is a lengthy process and can take up to 24 months. There has been no hospital yet who have gone to arbitration on this issue.

If the outcome is in your favor, you can potentially get your job back or you could lose.

What about my human rights?

There are two grounds under the Human Rights Code with respect to vaccination: disability and creed. For disability you must have your health care practitioner complete a specific medical exemption form that the employer would have given to you and returned by November 12th.

It doesn't seem fair that my employer is making me take a vaccine that has not been tested or proven?

You have a right to understand the law as it currently stands, and you have a right to view it is fair or not. You also need to understand the consequences of your choice, whether you feel it is fair.

Can I get a vacation payout if I choose not to be vaccinated?

If you are terminated your vacation will be paid out to you approximately 4 weeks later. If you are a leave of absence, you probably will not be paid your vacation payout as it is an "unpaid" leave.

If I am eligible, can I retire?

I believe you can retire. You need to realize that there may be a delay in you getting your 1st pension cheque because you should be completing the paperwork at least 2 months in advance.

Can we create a Facebook support page for those of us who are not vaccinated?

The union strongly advises against this as you still need to follow the hospital social media policy,

Will the employer sign a liability form if I get side effects from this vaccine?

No, they will not. Should you get side effects then you can file a WSIB claim and let WSIB make the decision.

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If I am terminated, can I collect employment benefits?

Your Record of Employment (ROE) will be sent directly to the EI office, and you would have to follow their rules regarding this.

When I was hired, I was never told that I would have to be vaccinated or told I would have to have a vaccine.

Unfortunately, circumstances have changed therefore the employer has decided to make this mandatory.

Does the union have language for the grievance?

Yes, we do, OCHU has provided specific language for these grievances.