



City of Vancouver Vaccine Mandate Policy – Next Steps

We have posted on the website a letter sent by a coalition of unions that bargain with the City of Vancouver serving the employer with a Section 54 notice under the BC Labour Relations Code, demanding that the employer provide the full notice period required at law to consult and engage in meaningful discussions of their Policy. Section 54 is triggered when an employer introduces or intends to introduce a policy that affects the terms, conditions, or security of employment of a significant number of employees. With approximately 3,500 CUPE Local 15 members working at the City of Vancouver, a new policy that includes termination for non-compliance does put a significant number of members' employment at risk, even if the majority of us are vaccinated.

Serving the Section 54 notice to the employer is our first step in a course of action that we must take given our deep concerns about the reasonableness and legality of the Policy. At this juncture, we see five areas of concern that affect our large membership. The first four affect those who are currently unvaccinated: first, those members who feel, contrary to their bodily integrity, that they have no other option but to comply to maintain their livelihood; the second are those who claim a *BC Human Rights Code* protected ground which the employer decides does not qualify for accommodation; the third are those who have privacy right concerns; and the fourth are those who simply decide for individual reasons not to get vaccinated. A fifth group is that portion of our membership who are vaccinated and only want to work alongside those who are also vaccinated. And finally, there are those who are vaccinated, have felt relatively safe and comfortable in the workplace with the existing safety measures, and would be content to carry on without a vaccine mandate.

Considering those competing interests and the generally uncharted legal territory of a vaccine mandate as an exercise of the management right to create policy, our Local's approach must be nuanced and compliant with our legal duty of fair representation of all members, no matter which of these groups they fall within.

Whether the Policy is legally enforceable in whole or in part, we expect that come the Employer's deadline of December 6th, there will be some members sitting at home without pay, or even terminated for not being compliant with the Policy. Those members who face negative consequences flowing from the implementation of this Policy should contact the union office immediately to request a steward contact them.

These members may be entitled to a remedy. Ultimately that will depend upon how the law develops around these issues. Not all members will be pleased with any outcome; however, we can assure you that no matter how our discussions with the City evolve or how any legal challenges pan out, the health and safety of our membership remains a top priority, as is our mission is to protect the livelihoods of all members in accordance with the law.

In solidarity,

Warren Williams, President

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