

September 29, 2015

**Ms. Gayle Duteil**  
President  
**British Columbia Nurses' Union**  
4060 Regent Street  
Burnaby, BC  
V5C 6P5

Dear Ms. Duteil:

I am writing on behalf of all of BC Health Authorities and Providence Health Care, who received your letter of September 18, 2015.

We are pleased to hear of BCNU's ongoing commitment to supporting proven measures to reduce the spread of influenza, and your plan to continue to advocate that nurses be vaccinated. As you know, and as the province's Influenza Control Program Policy recognizes, influenza can be a serious contagious disease. Among vaccine-preventable diseases, influenza causes, by far, the most deaths (more than all other vaccine-preventable deaths combined).

British Columbia's Health Authorities are committed to patient and worker safety, and recognize that patients are frequently more vulnerable to influenza than members of the general public. The provincial Influenza Control Program Policy was introduced as part of comprehensive infection control measures, on the advice of public health and patient safety professionals. The "vaccinate or mask" component referred to in your letter is one of the policies in place to prevent influenza from spreading, along with measures such as rapid identification of patients ill with influenza, adherence to hand hygiene, cough etiquette, the use of antivirals during outbreaks, and asking staff to stay at home when sick.

We are aware of the recent decision from Ontario referred to in your letter. We note that the collective agreement language, policy wording and policy objectives in that decision were all different from the applicable context of the British Columbia policy and collective agreement language. The Ontario decision is neither binding nor applicable to the BC policy.

As you know, the reasonableness of the British Columbia policy was extensively addressed in the recent award of Arbitrator Diebolt, Q.C., who heard 17 witnesses over 14 days, including experts on infectious diseases and epidemiology. This decision continues to be the leading decision in our province, and confirms the reasonableness of the policy. Your assertion that the scientific basis for the British Columbia policy is "flawed" is entirely contrary to Diebolt's conclusions, including his conclusion that a surgical/procedure mask acts as a barrier to the transmission of large droplets when an infected person sneezes or coughs, and thereby provides some patient protection from influenza transmission.

In short, HEABC and its members continue to be committed to patient safety, and have no plans to amend or withdraw the policy in response to the Ontario decision. As recognized by Arbitrator Diebolt, there is a real and serious patient safety issue, and the policy is a helpful program to reduce patient risk.

We look forward to the BCNU's support in protecting patient safety and encouraging its members to comply with the policy during this coming flu season.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Logan".

**David Logan**  
President & CEO

cc: Honourable Terry Lake – Minister, Ministry of Health, Province of BC  
Stephen Brown – Deputy Minister, Ministry of Health, Province of BC  
Dr. Perry Kendall – BC Provincial Health Officer  
Gary Fane – BCNU Executive Director, Negotiations and Strategic Development  
Lara Acheson – BCNU Director of Health and Safety and Disability Management  
Health Authority CEO's and Providence Health Care CEO  
Health Authority and Providence Health Care Vice-President's of Human Resources