

September 18, 2015

Michael Marchbank
President and CEO
Fraser Health Authority
Suite 400, Central City Tower
13450 – 102nd Avenue
Surrey, BC V3T 0H1

Via email
Via hard copy

Dear Mr. Marchbank,

Subject: Vaccinate or Mask Policy

I am writing you today to once again raise nurses concerns as we approach flu season.

Fraser Health has a policy which requires that employees either be vaccinated for influenza or wear a surgical mask for the duration of the flu season. This has historically been from November 1st to March 31st, five long months.

You may be aware that there has been a recent arbitration decision (attached) in Ontario that supports the BC Nurses' Union very public views on this issue. In that decision, Arbitrator Hayes finds that a similar policy is unreasonable, a violation of the collective agreement and in effect "a coercive tool." He goes on to state that "the imposition of a mask requirement, without sufficient justification relating to the use of masks, is tantamount to an impossible penalty upon a nurse choosing to exercise that right." Importantly he also concludes "there is insufficient evidence to support its introduction on any other basis."

Given the lack of scientific evidence, we believe the policy was introduced for the sole purpose of driving vaccination rates up. Staff who choose not to vaccinate are forced to wear a mask as a consequence of their decision. As such, the policy is by its very nature, coercive. It is our position that the policy is unreasonable and a violation of the collective agreement. The scientific basis for the policy is flawed as the "ample" evidence the employer relied upon in creating and introducing the policy is in fact weak or scant.

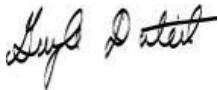
The BCNU remains committed to supporting proven measures to reduce the spread of influenza, such as public education, hand hygiene and reducing overcrowding in hospitals. The BC Nurses Union will continue to advocate that nurses be immunized while respecting a nurses professional right to decide such personal decisions. I personally will continue to receive and advertise my influenza vaccination. We hope we may work with you on initiatives such as these rather than spending time, energy and money disputing an ineffective policy.

For these reasons and to avoid further litigation on this issue, we are writing to encourage you withdraw your policy immediately.

I await your urgent reply.

Warm Regards,

BRITISH COLUMBIA NURSES' UNION



Gayle Duteil
President

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
David Logan - President & CEO, HEABC
Wendy Strugnell - Vice President, People and Organization Development, Fraser Health
Authority
Katherine Hamilton - BCNU Chair, Fraser Valley Region
Deb Picco – BCNU Co-Chair, Simon Fraser Region
Lynn Lagace - BCNU Co-Chair, Simon Fraser Region
Jonathan Karmazinuk – BCNU Co-Chair, South Fraser Valley Region
Michelle Sordal - BCNU Co-Chair, South Fraser Valley Region
Gary Fane - BCNU Executive Director, Negotiations and Strategic Development
Lara Acheson - BCNU Director of Health and Safety and Disability Management
Patricia Wejr – BCNU Director of Communications Systems and Policy Advisor
Carolin Bleich – BCNU Coordinator, Servicing

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