

September 23, 2021

Via email

To: Unifor Local 25 Members

Sisters and Brothers,

Re: COVID-19 Vaccination Mandates

In response to a letter being circulated by Local 25 President Justin Connolly regarding vaccine mandates, we thought it important to address some inaccuracies. For Unifor, this is not political, it is a workplace health and safety issue.

Unifor has consulted with legal experts, both inside and outside the union, ALL of whom agree that a vaccine mandate and passport system are very likely to be upheld. Recent human rights decisions confirm this as do policy documents released by Human Rights Tribunals and Commissions.

It is our responsibility to make sure our membership knows what consequences are likely to flow from a refusal to abide by a policy that a decision-maker deems reasonable. It would be irresponsible to not advise people of the potential loss of employment. To be clear, Bell Canada has not made it clear what the consequences are of non-compliance with their policy as of yet.

Members deserve to know the truth so they can make informed decisions.

Just this morning, the [Ontario Human Rights Commission released a document on this topic](#) which confirms the views provided by all of the lawyers consulted:

“Vaccination requirements are generally permissible

While receiving a COVID-19 vaccine remains voluntary, the OHRC takes the position that mandating and requiring proof of vaccination to protect people at work or when receiving services is generally permissible under the Human Rights Code (Code) as long as protections are put in place to make sure people who are unable to be vaccinated for Code-related reasons are reasonably accommodated...Organizations must attempt to balance the rights of people who have not been vaccinated due to a Code-protected ground, such as disability, while ensuring individual and collective rights to health and safety.

Personal preferences and singular beliefs not protected

The OHRC and relevant human rights laws recognize the importance of balancing people's right to non-discrimination and civil liberties with public health and safety, including the need to address evidence-based risks associated with COVID-19.

Receiving a COVID-19 vaccine is voluntary. At the same time, the OHRC's position is that a person who chooses not to be vaccinated based on personal preference does not have the right to accommodation under the Code. While the Code prohibits discrimination based on creed, personal preferences or singular beliefs do not amount to a creed for the purposes of the Code".

We have no reason to believe that the Canadian Human Rights Commission would adopt a view that differs from that in every jurisdiction where commentary has been offered.

The Union takes seriously its representational duties and will continue to turn its mind to any grievance to determine the likelihood of success.

In solidarity,

A handwritten signature in black ink, appearing to read "N. Lundquist". The signature is stylized and cursive.

Niki Lundquist
Lawyer, Unifor
Legal and Human Rights Departments

NL/CM/ja:cope343

Copy: C. MacDonald, N. Rizvi, C. Nunn