



## President's Message on Possible Vaccine Mandates

Many people have been watching as vaccine mandates are starting to get issued in public service sectors across the province, particularly in health care. Some members have been wondering how these mandates are going to affect education. At this point, we don't have specific information about a potential vaccine mandate in our local district or across the province. As such, we don't have many answers.

Here's what we do know. The BCTF Executive Committee has taken the position that the Federation supports a vaccine mandate if it includes a fair process, protects privacy, and accommodates members with a legitimate exemption from the COVID-19 vaccine. I have copied Teri Mooring's email below to help you understand the Federation's position.

Like Teri's message to members says, the Federation is working to reach an agreement with the Ministry of Education and BC Public School Employers' Association to ensure any potential mandate is provincial and not applied in an unequal way district-by-district. The Federation will also work to ensure members' privacy rights are protected and that people are treated fairly.

At this point, we don't have any information about potential consequences for people who refuse to be vaccinated without an exemption. However, it is likely that there will be some and the union may not have the ability to prevent them. The union is encouraging everyone who is eligible, to get vaccinated. That is the best way to protect yourself and those around you.

The BCTF has created a dedicated direct phone line for members to leave their thoughts and feedback on this issue. You can call 604-871-2113 and Federation representatives will hear your concerns. You can also email the BCTF at [covidquestions@bctf.ca](mailto:covidquestions@bctf.ca).

*The following is the text from Teri Mooring to members on an update on vaccine mandates:*

In August, the BCTF Executive Committee discussed the issue of vaccine mandates and took the position that the Federation would not oppose a mandate for K-12 workers as long as privacy rights were protected and members who needed medical exemptions were accommodated. Since then, much has changed on the topic of vaccine mandates.

Many employers, including the federal government, have mandated vaccines for their workers. This week, the BC government announced that they are mandating vaccines for people employed by the province. That mandate will cover about 30,000 workers who are mostly members of the BC General Employees' Union (BC-GEU). It is similar to the vaccine mandates implemented in health care settings for many other professions. Both the BCGEU and CUPE have publicly stated that they, like the BCTF, do not oppose vaccine mandates. However, the unions are not in control over whether vaccine mandates are implemented—that is up to employers, government, and the Provincial Health Officer.

It has become clear to us that a COVID-19 vaccine mandate is likely to come to the public education system. To respond to this rapidly shifting ground, the BCTF Executive Committee met again last night, discussed



## Excerpt from Teri Mooring's Update to Members (con't)

the issues, and took the position that the Federation supports provincial mandatory vaccines in the K–12 system for school staff and volunteers.

This is about keeping everyone safe—you, your family, your coworkers, and your students. We all need to do everything we can to protect each other. Please get vaccinated.

We don't know what a mandate might look like or how it would be implemented, but it seems clear that it is coming. If you have not been vaccinated, please take steps now to start that process. Like vaccine mandates in other sectors, there could be consequences. Any exemptions will likely be extremely limited.

At this point, I am very concerned that a potential vaccine mandate could be implemented district-by-district, employer-by-employer. That's the wrong approach. Any vaccine mandate would need to be provincially implemented and done equitably. We can't have unequal treatment of workers in the public education system.

To date, the province's Public Health Officer has not issued a public health order to force districts to mandate vaccines. In the absence of such an order, the BCTF is planning to enter into discussions with the BC Public School Employers' Association and the Ministry of Education to ensure that, should a provincial mandate be imposed, a fair process be put in place to protect the rights all teachers that we can enforce through traditional labour relations tactics, such as grievances.

The BCTF and our locals will work to protect members' rights, like your right to privacy and a right to an accommodation for those with legitimate exemptions. We will work with BCPSEA to reach an agreement to ensure any process applied to members who refuse to get a vaccine without an exemption are treated fairly.

However, to be clear, we don't know what the consequences would be, neither does your local union. If you are not vaccinated and do not have a legitimate exemption, you should start planning now to get the vaccine. It could potentially affect your pay, your benefits, and even your pension. We just don't know at this point and we may be limited in what we can do to help you.

The best course of action for you is to get the vaccine. They are safe, effective, and will help all of us move on from this pandemic.

At this point there is no vaccine mandate that applies to BCTF members, nor have any Boards of Education instituted vaccine mandates, but things are changing quickly during this pandemic.

We will continue to update you every step of the way, but please know that the BCTF will not be standing against a mandate. It's the right thing to do at this stage in the pandemic.



## COVID-19 Vaccine Mandate FAQ

### Introduction

It has become clear in recent weeks that a COVID-19 vaccine mandate is likely to come within the public education setting. The Federation continues to engage with government to ensure that any mandate is not implemented district-by-district but guided as a provincial approach and done equitably for all workers in public education. This is about keeping everyone safe—you, your family, your coworkers, and your students in what is a unique and complex time for worker safety and the protection of public health.

While no mandate has been announced yet, by either the Provincial Health Office (PHO) or district employers, the Federation is being proactive and engaging with government and the BC Public School Employers' Association (BCPSEA) to ensure that policies or mandates that come are fair, equitable, and have due process that applies to all members.

Please find below a list of frequently asked questions.

### What is the BCTF's role in mandatory vaccinations?

The BCTF is the union and is not in control over whether vaccine mandates are implemented—that is up to employers, government, and the Provincial Health Officer. We do know that many employers, including the federal government, have mandated vaccines for their workers. Earlier this month, the BC government announced that they are mandating vaccines for people employed by the province. Knowing this is likely to come, the BCTF Executive Committee has taken the position that the Federation supports a vaccine mandate if it is provincial in scope and includes a fair process, protects privacy, and accommodates members with a legitimate exemption from receiving the COVID-19 vaccine.

Our role is to protect members' rights as laid out in the collective agreement. This includes advocating for protections for workplace safety, protection of all members' privacy, as well as potential accommodations for those with bona fide medical exemptions from their health care provider.

### Can my employer make me get a vaccination?

An employer cannot force you to get vaccinated and only you can make the vaccination choice for yourself. However, the decision to not get vaccinated can have employment consequences as an employer can make workplace rules about vaccination and other protective health measures.

### Is there a vaccination mandate in place?

As of October 14, 2021, the province's Public Health Officer has not issued a public health order to mandate vaccines. In the absence of such an order, the BCTF is in discussions with BCPSEA and the Ministry of Education to ensure that, should the provincial mandate be imposed, a fair process is put in place to protect the rights of all teachers - one that we can enforce through traditional labour relations tactics such as grievances.



## **COVID-19 Vaccine Mandate FAQs (con't)**

### **Can I request an exemption?**

We don't know yet what a mandate could or will look like, or what the process will be for exemptions. Any mandate needs to be done equitably and consider possible accommodation processes for those who have bona fide exemptions.

The BCTF committed to working with BCPSEA to ensure that any process applied to members includes clear exemption criteria (for example, those with medical exemptions) and how they will then be accommodated. This presents uncertainty which can be difficult but at this point we cannot provide more information on what may be required to demonstrate a legitimate exemption until a potential mandate is in place.

Any exemptions for non-medical reasons are likely to be extremely limited. The BC Human Rights tribunal has confirmed that personal desire not to get vaccinated is not protected by the Human Rights Code.

### **What if I am opposed to vaccinations and refuse?**

For those without a bona fide exemption who do not want to get vaccinated—the union is committed to working with BCPSEA to ensure the process, timelines, and potential outcomes are clear and treat all members fairly. However, to be clear, we don't yet know what the consequences could be should a member choose not to be vaccinated. It could potentially affect your pay, your benefits, and even your pension. We don't know what leave options may be available or how long a mandate could be in place.

We do not want to see any Federation member impacted in this way. If you have not been vaccinated, please take steps now to start the process. Like vaccine mandates in other sectors, there could be consequences if you refuse and exemptions will likely be limited to specific criteria and require documentation. Workers in BC are eligible for up to three hours of paid leave to be vaccinated against Covid-19.

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### **How will the BCTF represent me if I choose not to get vaccinated?**

The BCTF has a statutory role as bargaining agent for the terms and conditions of all members' employment. The BCTF takes this role seriously and is committed to represent all members with respect to the impact of the policy on their collective agreement and related rights as employees. The employer does not have a duty to accommodate employees who fail to get vaccinated due to personal preference. The BCTF role may then involve advocacy with respect to specific features of any mandate such as timeline or what information must be disclosed and to whom. It may also include advocacy around possible alternatives for those who cannot be vaccinated.

### **If I don't get vaccinated, can/will the employer put me on unpaid leave?**

As there has not yet been a mandate put in place for K–12 staff, the answer to this is unclear at this time. The best we can say is perhaps. We do know that in other sectors that already have a mandate in place, employers have placed employees on unpaid leave while COVID-19 continues to be a hazard to public health.