



September 21, 2021

VIA EMAIL

Dear Member:

Re: YOUR LETTER REGARDING THE UNION'S POLICY ON COVID VACCINATIONS

I am writing to you on behalf of the IUOE Local 793 Executive Board to respond to your letter.

Though we have had many challenges over the years that have impacted our members, I feel safe in saying that the COVID-19 pandemic is by far the biggest challenge our organization, our members and their families have ever faced. This global health crisis has impacted all areas of our lives. It has altered our ability to go to work, travel freely, attend businesses, and have our children attend school and activities.

Since the start of this pandemics, my number one priority has been keeping members safe. Steps Local 793 has taken over the past 18 months to help keep members safe and support them through this pandemic include:

- Sending out KN-95 masks to all members
- Establishing an emergency relief grant to members to help ease the financial burden of COVID-19
- Establishing a members supplementary unemployment benefit plan to ensure members who experience any break from work are eligible to receive financial assistance, whether because of COVID-19 or other reasons
- Instituting industry-leading COVID-19 jobsite checklists to ensure your workplaces are safe and proper precautions are being followed
- Having employers sign endorsements of Local 793's COVID-19 safety policy
- Instituting a vaccination policy for all staff, students and visitors to our facilities to ensure the ongoing safety of these people.

After 18 months, we remain in a precarious situation with the Delta variant now being the dominant variant. It is more highly transmissible and is making people sicker, including young and healthy people. Data shows that non-vaccinated people continue to drive the pandemic and most of those getting ill and being hospitalized are the unvaccinated.

My views and those of my team have and will remain driven by reputable science and data, not social media and fringe news outlets. The message from all of the reputable doctors, scientists and epidemiologists is clear: getting a great majority of the population vaccinated is our only path out of this pandemic. This is why I have and will continue to encourage all members to get vaccinated, unless underlying medical conditions prevent them from doing so. To be clear, I will not compel any member to get vaccinated. It will always remain a member's choice on whether or not to get vaccinated.

However, it is key to understand that your decision to get vaccinated has an impact on everyone else. Individual rights must always be balanced against collective rights. This is what trade union's do. We represent the collective rights of our members.

I know that my views on the vaccine are not welcome by some members, you included. Challenging times call for difficult decisions. As Business Manager of the largest local of IUOE in Canada, I will never please everyone with the decisions I make. That is part of the job. However, I do believe that on this and many other issues, my decision has been consistent with the views of a vast majority of our membership and have always put the health and safety of our members at the forefront.

My responsibility as Business Manager is to keep our members, staff and students safe. If I fail to take all reasonable precautions to do so, it would put our whole organization and its reputation at risk. In order to safely reopen our area offices amidst this 4th wave of COVID-19 and re-employ many of our staff who were on layoff since March 2020, as well as continue to operate our training facilities, the decision was made to implement a mandatory vaccination policy for all of our staff and our students attending our two OETIO campuses. With respect to OETIO, as a training delivery agent, we were specifically mandated by the Ontario government to implement a vaccination policy. The policy has been supported with virtually 100% support from our staff who all wanted to return their offices safely and with concern for their families' safety as well. Many of our staff have young children who are not yet eligible to get vaccinated.

As you have no doubt seen in the news, many employers (including construction employers), municipalities, cities etc. have implemented mandatory vaccination policies for their employees and contractors. Two of our largest signatory contractors, PCL and EllisDon, have both implemented mandatory vaccination policies for all of their employees and on all of their worksites. This trend is not something I see declining in the coming weeks. In fact, I fully expect most of our signatory employers to adopt similar policies to ensure they can continue to work for their clients, and do so safely which they are obliged to do under Occupational Health and Safety legislation.

The Local has had numerous legal experts evaluating the issue of mandatory vaccinations for many months now. We are confident that the policy we have enacted is in full compliance with all laws and regulations and strikes the appropriate balancing of interests any court or tribunal would weigh when reviewing the policy. We are also confident that so far, the policies of our signatory employers we have reviewed are also in compliance. Our legal team is reviewing them as they are enacted. If a policy is enacted that does not strike the appropriate balancing of interests or departs from what our legal team has identified as appropriate, we will challenge these policies to ensure that members' human rights are protected. If a policy does not have any exceptions for medical or religious grounds, this would be an area we would seek to address.

Local 793 takes its obligations to our members and their rights seriously. We believe that mandatory vaccine policies are consistent with furthering people's rights/liberties as opposed to infringing on them. I would encourage you to review the American Civil Liberties website to review their stance on COVID-19 vaccinations since I believe our views and the rationale behind it are closely aligned with each other. The ACLU is a US based organization dedicating to fighting in the courts, legislatures and communities to defend and preserve the individual rights and liberties guaranteed to all people under the US Constitution. Their website is: [Civil Liberties and Vaccine Mandates: Here's Our Take. \(aclu.org\)](https://www.aclu.org/civil-liberties-and-vaccine-mandates).

The bottom line is that although vaccine mandates are not always permissible, they rarely run afoul of civil liberties when they involve a highly infectious and devastating disease like COVID-19 and where there is no equally effective alternative available to protect public health, not just the person being vaccinated. It is a balancing of rights that must take into account the most vulnerable in our society.

I see from your letter that you remain deeply concerned about the safety of the COVID-19 vaccine and how quickly they were developed. I would ask you to review reputable sources on the facts surrounding the COVID-19 vaccines and their approval here in Canada. Health Canada has approved a number of COVID-19 vaccines for general use. These vaccines are either approved or they are not. There is no category for approval called “emergency use vaccines”. The only difference with COVID-19 vaccines is that the authorization process was amended to allow review of the approval as information becomes available versus waiting for all information and trials before beginning a review. No vaccine will be approved under any circumstances unless the scientific and medical evidence shows it is safe, effective and the benefits far outweigh the risks. Please visit [Vaccines and treatments for COVID-19: Progress - Canada.ca](https://www.canada.ca/en/health-canada/services/covid-19/vaccines-treatments/progress-canada.html) for more information.

In terms of your request to resume Union meetings, I have been clear that as soon as it is safe to do so, we will resume regular union meetings. It is important that we return to normal as soon as possible, so long as I am not putting members at risk by doing so. My views on vaccination are consistent with this approach. Putting a number of people in an indoor room who are unvaccinated when we are in a 4th wave of COVID-19 would be irresponsible and inconsistent with my principle of safety first, always. My hope is that with the policy on vaccination in place we will be able to return to regular monthly meetings sooner than we otherwise would be able to. With the introduction of vaccine passports to travel and to attend non-essential businesses, everyone eligible to get vaccinated will need to make a choice if they wish to attend at these places of businesses, including your union offices. Do not mistake that you still have a choice. That choice just has consequences, no different than other rules and regulations we as a society abide by or don't each and every day.

Each and every member must evaluate for themselves whether or not getting a COVID-19 vaccine is the right choice for them. I 100% respect everyone's decision to make determinations about their own health and their own bodies. However, it is my obligation as Business Manager of our great union to ensure that I take appropriate steps to keep members, staff and students safe. While we all have the right to bodily integrity and to make our own health care decisions, these rights are not absolute and these rights do not include the right to inflict harm on others against their consent. Rights are a two-way street and if you wish people to respect your choice to not get the vaccine, you must also respect their choice to not expose themselves to unvaccinated people who continue to drive the 4th wave of this pandemic. On this, I am sure we can all agree.

In solidarity,



Mike Gallagher
Business Manager, IUOE Local 793

cc. *IUOE Local 793 Executive Board*
Lionel Railton, IUOE Canadian Regional Director