

April 1, 2022

Via email

To: Unifor Locals and Servicing Representatives with Bell Canada Units

Greetings

Re: Updated Guidance Regarding Bell Mandatory Vaccination Policy

Throughout the course of the pandemic, the National noted the ongoing need to revisit and re-evaluate employer pandemic policies. We have reached out to our legal advisors and asked them to provide a view on how the law is evolving in the context of the shifting landscape of the pandemic. We also asked them to offer guidance on what, if any, changes in our legal position were supportable.

Based on our discussions with our advisors, we recommend maintaining the position that the Union will challenge instances in which a worker has their employment terminated for failing to abide by the mandatory vaccination requirement. We note that some of the cases indicate there may be circumstances in which termination may be upheld. Nonetheless, we suggest that there are sound arguments supporting the view that termination is an overstep that fails to adequately balance the employer's legitimate health and safety interests with the bodily integrity and dignity of workers. As noted by our advisors, we cannot guarantee success of all such grievances, but these kinds of cases are important to challenge. It was recommended that we strive to put our strongest cases forward first in order to attempt to create good legal precedents that may support cases that have less compelling facts.

It is important to note that the cases, thus far, have generally upheld employer decisions to place workers on unpaid leave. Accordingly, we have been cautioned of the possibility of limited success; even if we are successful in reversing termination decisions, it remains more likely than not that workers currently placed on unpaid leave will remain in that position for, at least, the near future.

We are also hoping to prioritize cases in which the health and safety rationale offered for the application of the mandatory vaccination policy is less supportable. For those who will continue to work from home and for those who work alone and do not enter customer premises, we believe we have a reasonable chance of success **of challenging the unpaid leave immediately** in light of the shift in core public health advice and the negligible risk these subsets of workers pose.

Because these inquiries are highly fact specific and because we are in a fluid situation, we commit to continuing to revisit our views and understandings and sharing guidance with you.

In solidarity,



Chris MacDonald
Assistant to the National President



Roch LeBlanc
Director of Telecommunications

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