

# Unifor president Jerry Dias supports mandatory vaccination against COVID-



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The head of Canada's largest private sector union is challenging other labour leaders to be "more honest" with their members and to support COVID-19 vaccine mandates.

In an interview with the Star, Unifor president Jerry Dias said it was disingenuous for unions to push back against vaccine mandates by employers when the overwhelming weight of medical and legal arguments are stacked against them.

"Unions need to be more honest. Our lawyers have checked this thing out. And the bottom line is if an employer comes out with a mandatory vaccination policy, unless you have a bona fide medical reason ... it will be deemed legitimate for the employer to demand mandatory vaccinations," said Dias.

“I’m not going to say to our members, ‘If you don’t wanna take it, screw it, we’ll take ’em on.’ Because I know if I take ’em on, I’ll lose. So if I’m telling people not to get vaccinated or don’t worry about it, and they get fired? They’ll stay fired,” Dias added.

Supporting vaccine mandates, said Dias, is also a way of honouring union members who have lost their lives to COVID-19.

“I’ve had PSWs, I’ve had homecare workers, I’ve had warehouse workers who’ve died. So am I supposed to take a cavalier attitude toward the fact my members, essential workers, have lost their lives on the front lines? I’m going to honour their lives by doing the right thing,” Dias said.

In recent weeks, several high-profile unions have come out against mandatory COVID vaccination policies announced by their members’ employers, including the TTC and Toronto Police Service. Many hospitals have also instituted similar policies.

Tuesday, Amalgamated Transit Union 113 president Carlos Santos described the TTC’s new policy as an “unfair and unjust intrusions into the lives of our members.”

“Whether vaccinated or not, we are asking all members to not disclose any private medical information to the TTC,” said Santos in a written statement, adding that the union isn’t opposed to vaccines.

Toronto Police Association president Jon Reid was heavily critical of the TPS’s August announcement that it was requiring members of the force to be vaccinated against COVID-19.

“The TPA must make every effort to protect all of our members and, therefore, does not support this mandatory vaccination announcement or mandatory disclosure,” Reid said.

Dias said he was especially baffled by the ATU’s position.

“I really don’t understand that. I represent bus drivers. And one thing I know about bus drivers is that they’re nervous. They know that they are in contact with people who have not been vaccinated, they’re in contact with people who have COVID. So they are nervous. They want to go to work safe. So suggesting somehow that a bus driver should not get vaccinated, to me makes no sense,” said Dias, who added that he’s come under criticism from some Unifor members for the union’s stance. Not that he particularly cares.

“You never listen to the loudest three per cent. The bottom line is that they’re not speaking for the majority. And so I don’t get caught up in listening to the last person that yelled at me. We take a position that we think is responsible,” said Dias.

Veteran labour and employment lawyer John Craig suggested that some unions might not be specifically against vaccine mandates, but are concerned about the mandates

becoming the thin edge of the wedge from employers seeking more private information from their workers.

“I think there’s probably some concern about setting a precedent,” said Craig, a partner at Mathews Dinsdale & Clark, as well as a labour and employment lecturer at York University’s Osgoode Hall Law School.

While collective agreements differ from workplace to workplace, Craig said unions pushing back against vaccine mandates would likely be on the losing side if they ended up in a court fight.

“These policies are largely based on the occupational health and safety obligations of an employer to create a safe workplace. I think that courts would be likely to decide that it’s a reasonable policy,” said Craig.

Some of his corporate clients, said Craig, have decided to accommodate employees who have decided not to be vaccinated, albeit with consequences, such as losing out on paid sick leave or medical benefits if they get infected with COVID.

But Craig cautioned that employees could face harsher consequences, depending on a company’s policies.

“If an employee is choosing not to share information, that’s wilful non-compliance with a company policy. There will be consequences,” said Craig. Still, though, the speed at which courts, human rights and labour tribunals move could well mean that any legal rulings are moot by the time they’re made, Craig added.

“That litigation could take a long, long time. Let’s hope that by then the pandemic will be over,” Craig said.

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