

COVID-19: Arbitrator Strikes Down Unilateral Get-Vaccinated-or-Get-Fired Policy



The union contended that the employer violated the collective agreement by unilaterally imposing and then terminating long term care home workers for refusing to comply with a mandatory vaccination policy. The Ontario arbitrator agreed and upheld the grievances. The employer should have consulted with the union and at least provided it a copy of the agreement before changing its previous immunization policy which provided for putting refusers on unpaid leave rather than firing them outright. And the policy of get vaccinated or get fired was unreasonable and beyond any of the other policies upheld by courts and arbitrators so far, the arbitrator concluded [[*Chartwell Housing Reit \(The Westmount, the Wynfield, the Woodhaven and the Waterford\) v Healthcare, Office and Professional Employees Union, Local 2220*](#), 2022 CanLII 6832 (ON LA), February 7, 2022].