

# Hospital Can't Make Unvaccinated Nurses Wear Masks for Flu Protection



A hospital unilaterally adopted a Vaccinate or Mask Policy requiring nurses and other workers who don't get the annual flu vaccine to wear surgical masks in areas where patients are present during flu season. While acknowledging that patient safety is paramount, the arbitrator struck down the policy as unreasonable and in violation of the collective agreement right of nurses to refuse to be vaccinated. The hospital didn't offer 'persuasive evidence' showing that unvaccinated workers posed flu transmission risks to patients or that use of surgical masks prevent those risks, according to the arbitrator [St. Michael's Hospital v Ontario Nurses' Association, 2018 CanLII 82519 (ON LA), Sept. 6, 2018].