



# Carpenters' District Council of Ontario

United Brotherhood of Carpenters & Joiners of America  
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**Tony Iannuzzi**  
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## **NOTICE TO THE CDCO AND ALL CONSTITUENT LOCAL UNIONS**

### **Carpenters' District Council of Ontario, UBCJA *Policy Concerning COVID-19 Vaccinations and Explanation for the Policy September 13, 2021***

Given the speed of change and the number of new requests we have had recently from members, local unions, individual contractors and employer associations, the Carpenters' District Council of Ontario ("CDCO") is hereby setting out its current policy concerning COVID-19 vaccinations. This policy updates the previous policy which the CDCO issued on July 15, 2021.

As previously stated, both the health and legal situations in Ontario (and in other parts of Canada and the world) can and do change quite quickly. Accordingly, this "Policy" is intended to provide general guidance based on the circumstances as they exist as of September 13, 2021. The Policy is subject to change depending on changes in relevant circumstances.

#### **OUR POLICY**

The CDCO supports the COVID-19 vaccination efforts currently underway across Ontario. The CDCO strongly encourages all members of the UBCJA in Ontario to get fully vaccinated as soon as possible, unless a members has a compelling reasons for refusing to do so, such as the written advice of a doctor not to.

Despite our support for the broad vaccination of the population of our province generally, and for the members of our Union in particular, based on the existing laws and regulations, and given the existing circumstances surrounding the pandemic in our province, the decision to be, or not to be, vaccinated remains an individual choice. Therefore, the CDCO does not support any blanket or general rules requiring members of our Union to be vaccinated in order to work and will, in the appropriate circumstances, do its best to defend the individual choices being made by our members concerning this issue. However, the CDCO wishes to make clear to all members of the UBCJA in Ontario that, in our view, public sentiment is becoming increasingly in favour of mandatory vaccination policies and, as such, policies and rules requiring our members to be vaccinated in order to work on jobsites are going to become increasingly common and may be difficult to oppose.

## **EXPLANATION FOR THE POLICY**

The reasons for our Policy can be briefly outlined as follows:

1. Except in an extremely limited number of situations (the vast majority of which do not apply to any of our members), in Ontario there are currently no laws or regulations which make vaccinations mandatory for employees.
2. The above statement remains true even given the COVID-19 Vaccine Certificate requirements (announced on September 1, 2021) which come into effect starting September 22, 2021. Specifically, the Ontario Government has made clear that the various requirements to show proof of vaccination do not/will not apply to “employees”. Therefore, in Ontario (as of September 22, 2021) we will be in the somewhat strange situation whereby *you will need to be vaccinated to have a beer in a bar but the person checking your vaccination certificate and serving you your beer will not have to be vaccinated.*
3. In addition, in its September 1<sup>st</sup> announcement, the Government also stated that vaccination policies will also be mandated and will be implemented in certain “higher risk” settings. It stated that these would include post-secondary institutions, licensed retirement homes, women’s shelters, and group homes. These new requirements are to be in addition to those requirements which already exist for hospitals and long-term cares and schools. However, since none of the existing policies explicitly require vaccinations for employees, it is somewhat unclear what effect any new policy/regulations which the Government introduces will have for these types of workplaces.
4. Further, even in introducing Ontario’s new requirements, the Government has drawn a distinction between the need to be vaccinated in indoor settings as opposed to outdoor settings (in which many of our members work), which the Government has made clear it considers to be much safer.
5. Based on the above, and specifically because the Government has not made vaccinations mandatory for any employees in settings where our members regularly work, the Union will continue to do its best to support the individual choices of its members.
6. Despite the lack of definitive Government action, individual employers are still free to establish their own rules provided that such rules are “reasonable”. These rules could obviously include requirements that all employees be vaccinated for COVID-19. Many employers (the City of Toronto and the University of Toronto for example) have already issued such rules.
7. As of yet, there have been no rulings (that we are aware of) by either the Labour Board or private arbitrators as to whether or not rules concerning mandatory vaccinations for COVID-19 are “reasonable”. In addition, the reasonableness of any particular employer rule will vary with the specific circumstances involved. Accordingly, at this stage, the CDCO’s policy will be to assess any rules which are put in place by unionized employers concerning vaccinations on a “case-by-case basis”. Therefore, information or questions concerning specific situations should be referred to the Legal Department as soon as possible.

8. Despite the lack of any clear legal rulings concerning what is “reasonable”, there are certain situations where it is likely that rules requiring mandatory vaccinations would be found to be reasonable by the Labour Board/arbitrators. Some obvious examples of this are the following:
- a. “camp jobs” - where the employees are not just working together but are also living together in remote locations with limited medical facilities and where isolation and/or testing could be difficult;
  - b. jobsites, like hospital or long-term care renovations/maintenance work, where vulnerable persons are present;
  - c. jobsites where there is a great deal of potential for workers to come into contact with the public – as with public/government buildings or schools or universities or shopping centres; and,
  - d. jobsites where third parties (clients, owners or general contractors, for example) have established mandatory vaccination policies for anyone coming onto their property/jobsites.
9. As noted above, public sentiment is running strongly in favour of vaccinations. Therefore, the Union’s view is that the Labour Board and/or arbitrators are going to be extremely reluctant to strike down employer rules requiring vaccinations as being unreasonable.

### **ADVICE TO MEMBERS**

Based on all of the above, the CDCO’s advice to you all about what to say when responding to our members questions is as follows:

- the Carpenters’ Union supports COVID-19 vaccinations and we encourage members to get vaccinated, unless they have a compelling reason for not doing so (in which case details should be obtained and the matter referred to the Legal Department);
- if members have any questions about being vaccinated, they should get advice from their doctor or other legitimate public health sources;
- despite our view about the benefits of being vaccinated, the decision to be/not to be vaccinated is ultimately up to each individual member;
- if an employer implements rules requiring employees to get vaccinated (in order to keep working) members should let their business representatives know as soon as

possible. The Union will do its best to support all of its members, but there are no guarantees that mandatory vaccination rules will be struck down; and,

- although the Union will do its best to support and defend our members' individual choices, absent compelling medical or human rights related reasons, this may not always be possible. Members who choose not to be vaccinated may be limiting their employment options.

As usual, if you have any questions, speak to your Legal Department.

Thank you,

A handwritten signature in black ink, appearing to read 'A. Iannuzzi'.

**Tony Iannuzzi**

Executive Secretary Treasurer

CDCO-UBCJA