



# United Nurses of Alberta

## Official Grievance Form

File 211864

**Name & Address**

Multiple

**Home No.**

**Work No.**

**Employer**

Alberta Health Services

**Local**

**Site**

All in Bargaining Unit

**Unit / Department / Program**

All in Bargaining Unit

**Give full details of your grievance (i.e. date, time, location, etc.)**

*Please see attached pages for additional details*

The Employer amended Policy 1189 Immunization of Workers for COVID-19 and issued the policy on 29 November 2021. The Policy requires Employees at some locations or programs to be fully immunized and requires Employees at other locations or programs to submit proof of negative COVID-19 tests within 48 hours of a scheduled shift. The Policy is unfair, unreasonable, discriminatory, and it is inconsistent with the UNA-Multi-Employer Collective Agreement. The testing option is not applied consistently to all employees. The employer's selection of sites where testing options are available are arbitrary and unreasonable. The employer has chosen an unreliable control at sites where immunization is lowest and the risk of infection hospitalization and death is therefore higher.

The Policy is unreasonable because it applies to employees and positions that are able to perform their work remotely and therefore do not pose a risk to others. The policy is not tied to an outbreak or pandemic; the indefinite nature of the policy is unreasonable and unfair. AHS has twice delayed implementation of this policy and this renders the timelines in the policy unclear. The employer has not consistently enforced its policy. The effect of the policy is that some have complied by getting vaccinated and others have not. There have been no consequences for those who have not. The policy contemplates a meeting with employees to discuss their views on vaccination that has not occurred in any consistent way, if at all.

**Which articles of the Collective Agreement were violated?**

Article 2, 4, 6, 19, 22, 23, 34 and any other applicable articles or legislation including but not limited to the Alberta Human Rights Act and the Occupational Health and Safety Act and Regulations.

**What corrective action are you requesting?**

*Please see attached pages for additional details*

As redress, we wish to be made whole in every respect including but not limited to

1. An declaration the policy is unreasonable and is inconsistent with the Collective Agreement;
2. An order the Employer amend its policy immediately to remove all aspects that are unreasonable, inconsistent with the Collective Agreement and/or violate legislation;
3. An order the Employer compensate any Employees for any costs arising from efforts to comply with the Policy;
4. An order the Employer compensate any Employees for lost wages, benefits, accruals and entitlements arising from the Employer's actions;

(signed electronically)

Monday, December 6, 2021

Date

Signature of Authorized Union Representative

Lily Huang

The Policy is inconsistent with article 6 of the Collective Agreement because it excludes protected grounds agreed to by the parties. The Policy violates Article 6 and the Alberta Human Rights Acts because it imposes arbitrary deadlines to make a request and requires an Employee to use a specific form. In addition, when implementing this Policy, the Employer has applied the incorrect test to assess religious beliefs. Effective December 13, some employees must be immunized, while others can provide testing. Likewise, some employees will be reasonably accommodated by permitting them to submit test results rather than submitting proof of being fully immunized. And, some employees will have tests paid for while others will not.

The Policy is inconsistent with Article 19 because it requires employees to pay for proof of illness or quarantine and denies employees the right to paid time to attend medical appointments. The policy contravenes article 34 and occupational health and safety legislation because it fails to apply the precautionary principle and take all necessary steps to protect employees.

***Additional corrective action information***

5. An order the Employer immediately take steps to comply with Human Rights and Occupational Health and Safety legislation when applying its Policy;
6. Any other remedy deemed fair and reasonable in the circumstances.