

Can your B.C. employer fire you for not getting vaccinated?

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Pfizer Canada COVID-19 vaccine. With COVID-19 vaccines rolling out in 2021, workers will want to consider their rights and obligations if their employer requests they get a shot. (via Pfizer Canada)

Workers shouldn't be compelled to get vaccinated and should seek legal advice if they have doubts, says a Coquitlam lawyer who specializes in employment and labour law.

With Prime Minister Justin Trudeau and Dr. Bonnie Henry promising "[light at the end of the tunnel,](#)" as vaccines near approval, not all people will want to stick their arm out for the COVID-19 jab.

And if workers have any concerns, Coquitlam lawyer Sebastien Anderson said they should weigh all the issues.

"It depends on the situation. If they're working in a hospital on a COVID ward they'd have a hard time saying 'no' based on public health and safety matters. If they work in an automotive shop, I think my advice

would be different," said Anderson.

The veteran lawyer, who recently handled a judicial review for Port Coquitlam Coun. Laura Dupont, which will be held in January, said he expects many employers will be asking their workers to get vaccinated.

Among industries that will be at the front of the line for shots when they become available, are essential services, such as grocery workers, and unionized health care workers.

Anderson said nurses already won the right to refuse flu shots, after an agreement was reached last year, but he expects a COVID-19 shot may be more difficult to avoid for those working in a health care or long-term care setting.

B.C.'s nurses, meanwhile, say they are pro-vaccine and will be encouraging colleagues to get the shot.

"We would be telling our members and encouraging them to be fully informed and make the decision that's right for them," said a BC Nurses Union spokesperson.

As to what to do if COVID-19 vaccines become mandatory, the spokesperson said it's too soon to comment "until that actually does occur," said Katharine Kitts. "It's speculative at this point."

It's not unusual for employers to seek to ensure the health of their workforce, said Anderson, with some enforcing a requirement that workers submit to a doctor's exam to keep their job. Still, workers have some leeway once they get to the doctor's office — by withholding their consent, a doctor would not carry out the exam because it could be considered assault, Anderson said.

A similar situation could arise with COVID-19 vaccinations, he suggests.

"I expect this is going to raise some interesting legal arguments particularly from anti-vaxxers," said Anderson, "I'm sure someone will take it on."

He agreed that most people view a COVID-19 vaccine as a way to get lives and the economy up and running, but some will oppose it on various grounds, including safety, and he advises those with concerns to contact an employment lawyer for legal advice.

Meanwhile, provincial health officials are confident a vaccine can [roll out](#) in B.C. over the next several months with a vaccine strategy for the province already in the works.

On Thursday, Dr. Henry indicated residents of long-term care homes will have priority for vaccinations, and health care workers, caregivers, first responders and essential workers like grocery clerks are expected to follow.

But making people get their shots is not in the cards, according to Henry, a comment echoed by Health Minister Adrian Dix at a press conference Wednesday, Dec. 2.

"We have no mandatory immunization programs in this country or this province, and we do not expect COVID immunization will be mandatory either," Henry said.

"Having said that, there are some key positions where we know the risk of transmission — in long term care, for example, in some health care settings — can be very high. So we will be strongly encouraging everyone in those settings to be immunized."

However, she suggested that those who don't believe in immunization and are thinking about going into these settings should "look for other things to do."

Dix acknowledged that there are some people who don't agree with immunization, but he said education and involving people in decisions will be key to introducing the vaccine to the public.

"What you will see is for vaccines that I believe will be proven safe, you will see an effort to engage with people and give people the information they need so they can feel safe when they get immunized," he said, echoing the province's approach during a series of measles outbreaks in 2019, and set to repeated in vaccination efforts against the coronavirus.

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