

January 19, 2023

Sabrina McGrath
[REDACTED]
[REDACTED]

Dear Sabrina,

I write to you today to follow-up on grievance file M-22-614.

As background on factors that led to the filing of this grievance, on October 26, 2021, the NSLC notified all employees that their Board of Directors had approved a COVID-19 Mandatory Vaccination Policy. This policy required all current employees to provide confirmation of being fully vaccinated, as per Health Canada's definition. Proof of this confirmation was required to be submitted by January 15, 2022. Employees who did not provide confirmation of being fully vaccinated by this date, and were not subject to reasonable accommodation, were placed on a temporary unpaid leave of absence effective January 15, 2022.

On February 23, 2022, the Province of Nova Scotia announced the easing of COVID-19 restrictions, with all remaining government-imposed restrictions to be removed by March 21, 2022. Despite the removal of the provincially mandated COVID-19 measures, the NSLC communicated to the Union that their mandatory vaccination policy would remain in effect. The NSLC advised they would review their policy again in June 2022.

As a result of this decision to extend their mandatory vaccination policy, the Union filed a grievance on your behalf. For greater clarity, the grievance challenged the decision of the employer to refuse employees to return to work on March 21, 2022, in coordination with other public sector employers.

The Union filed the above noted grievance on your behalf on April 7, 2022.

On April 21, 2022, the NSLC updated their policy which allowed for unvaccinated and partially vaccinated employees to return to the workplace, effective May 15, 2022. This updated policy was communicated to the Union and employees on May 11, 2022.

While the NSLC was agreeable for unvaccinated, or partially vaccinated, employees to return to active duty, they were unwilling to consider compensation for the time frame of March 21, 2022 – May 15, 2022, approximately seven plus weeks in duration. This refusal led to the Union proceeding with your grievance file.

The Union retained legal counsel to represent us on M-22-614 and adjudication was scheduled for January 9 and 10, 2023 to address the policy decision impacting eighteen (18) individual grievance files.

The Union's records indicate that you were deemed to have resigned your employment with NSLC effective June 13, 2022. There was no grievance filed over this deemed resignation.

On December 15, 2022, the Union met with legal counsel and was provided an update on the current jurisprudence regarding an Employer's right to impose an unpaid leave of absence for unvaccinated or partially vaccinated employees. The Union has been provided a legal opinion that outlines we stand no chance for success in adjudication.

This leaves the Union in a position to decide if this grievance has merit to proceed to adjudication.

After careful review and consideration of your grievance, it is the decision of the Union to not proceed any further with your grievance. It is the decision of the union to withdraw your grievance, without prejudice.


The decision to not proceed may be appealed in writing to the Grievance Appeal Committee within fifteen (15) calendar days of the date of this letter to the following address:

Grievance Appeal Committee
Attention: Sandra Mullen, President
Nova Scotia Government & General Employees Union
255 John Savage Avenue
Dartmouth NS B3B 0J3

For greater clarity, no action shall be taken on your file within the timelines provided.

If you have any questions, please contact me toll-free at 1-877-556-7438 or gboyd@nsgeu.ca.

Thank you,



Gina Boyd
Employee Relations Officer

GW/cmb