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FOR IMMEDIATE RELEASE: October 5, 2009

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NYCOSH Pandemic Flu Task Force says mandatory vaccination regulation is “seriously flawed and should be withdrawn” --Healthcare institutions need comprehensive influenza infection control programs

(New York, NY – OCT. 5) – Over 25 labor unions and occupational health and safety clinics and organizations, representing hundreds of thousands of healthcare workers throughout the state, called upon New York State Health Commissioner Richard Daines to withdraw a recently issued regulation making influenza vaccination a mandatory condition of employment.

In a letter sent to Daines on Friday, the NYCOSH Pandemic Flu Task Force charged that the Department of Health (DOH) regulation, which requires mandatory flu vaccinations for healthcare workers for the seasonal flu and the H1N1 virus, “is seriously flawed and should be withdrawn.”

The letter stated, “Healthcare institutions need comprehensive influenza control programs.” These programs address issues that include how facilities will prevent the spread of infection in emergency room waiting areas, the availability of personal protective equipment to protect workers from becoming infected, and engineering controls to isolate contagious patients. “The DOH regulation does not address any of these critical influenza infection control issues,” the letter said. It stated further that these failures “may actually contribute to the spread of disease and infection of patients and staff.”

The letter noted that many surveys have already documented that healthcare workers may not show up for work if effective infection control programs are not in place.

Requiring vaccination, as a condition of employment, could “cause a backlash among affected healthcare workers who are concerned about vaccine safety and their right to refuse an invasive procedure.”

“We are opposed to mandatory flu vaccinations for our members who are health care professionals,” Kenneth Brynien, president of the New York State Public Employees Federation (PEF), said in a separate statement. “We are part of a coalition of healthcare professional organizations and unions calling on the state health department to withdraw the regulation and instead focus on promoting voluntary vaccination programs and working with all stakeholders in implementing comprehensive influenza infection control programs.”

George Gresham, president of 1199 SEIU United Healthcare Workers East, said, “1199 SEIU encourages our members to obtain a yearly flu vaccination but we have serious concerns about the impact of mandatory vaccinations for healthcare workers. We are also very concerned about the ramifications of this requirement as a condition of employment, a pre-condition to hiring, and whether refusal or delay of any form could result in possible disciplinary action or termination.”

“This ill-conceived regulation imposed by the NYS Health Commissioner ignores the ability to control the spread of influenza through appropriate and established workplace practices and controls of which a voluntary vaccination program should be included,” said Christopher

Shelton, vice president, Communications Workers of America, District 1. “The NYS Health Commissioner shows a blatant disregard for health care workers who are being notified, ‘Be vaccinated or be fired,’” Shelton added.

“Why isn’t the Department of Health requiring a comprehensive infection control program which includes provision of appropriate personal protective equipment and worker training, engineering controls, the elimination of punitive sick-leave policies and education concerning good hygiene practices? Making vaccination a term and condition of employment appears punitive rather than motivational,” said Joel Shufro, Executive Director, New York Committee for Occupational Safety and Health (NYCOSH).

The letter also points out that the Centers for Disease Control (CDC), the Society for Healthcare Epidemiology of America, and other agencies endorse a voluntary approach to immunizations. “Members of the NYCOSH coalition fully agree with the approach these agencies endorse. Well designed programs can achieve voluntary vaccination rates and adherence to a comprehensive infection prevention program upwards to 80%,” the letter said.

The New York City Health and Hospitals Corporation, as well as facilities in the Albany area, have notified healthcare workers in writing that if they do not receive the vaccination they will be put on administrative leave without pay, and if they continue to refuse the vaccination they will be separated from service.

The NYCOSH Pandemic Flu Task Force recommends New York State Department of Health to:

- Withdraw regulations mandating healthcare personnel to receive flu vaccinations;
- Create a task force of stakeholders to assist in the development of a more effective, comprehensive approach to preventing the spread of influenza;
- Revise DOH guidelines on respiratory protection for workers to more clearly state the need for a hazard assessment when selecting the proper level of protection; and
- Establish the N-95 respirator as the minimum level of protection for direct care of patients, residents and clients who are suspected or confirmed to have an infectious respiratory illness.

A copy (.pdf) of the letter to Commissioner Daines is attached.