



B.C. Provincial Health Officer Dr. Bonnie Henry provides the latest update on the COVID-19 pandemic during a press conference at the legislature in Victoria on Oct. 22, 2020. (The Canadian Press/Chad Hipolito)

PREMIUM CANADA

# Exclusion of Unvaccinated BC Health Staff Hurting Patient Care, Says Surgeon Who Filed Legal Petition

By [Lee Harding](#) | June 15, 2022 Updated: June 15, 2022

**A** Print

A surgeon who filed a petition requesting a judicial review over the exclusion of B.C. health-care workers who are unvaccinated for COVID-19 says their absence hurts patients in the province.

Dr. York Hsiang and two other plaintiffs filed [their petition](#) in the B.C. Supreme Court on [June 10](#) asking that a 2021 public health order requiring all medical staff to be vaccinated for COVID be quashed.

“There is no reasonable basis to conclude that there is presently an emergency sufficient to justify the ongoing use of the emergency powers underlying the [November 18 Order](#),” the petition states.

“[A]nd, in any event, there is no reasonable basis to support the conclusion that the mandatory vaccination of health professionals is effective or necessary to reduce transmission of the virus in affected [health care](#) settings, in light of the best available evidence and present circumstances. As such, the November 18 Order is unreasonable and unlawful, and must be quashed.”

The plaintiffs are part of the Canadian Society for Science and Ethics in Medicine (CSSEM), which has more than 40 physicians and hundreds of other health-care workers, according to its [website](#).

In an interview with The Epoch Times, Hsiang said health-care employees who lost their jobs aren't the only ones suffering. Patients are too.

“It's a significant loss. There is a massive health-care crisis with a lack of health-care workers being available. Some of these health-care workers, like our group, were terminated. On the whole that is not a very large proportion. Nonetheless, the impact of it is that the remaining health-care workers are now overworked,” he said.

“It's come at a very bad time. It's a perfect storm of baby boomer health-care workers seeking retirement [and] burnout from overwork as a result of COVID. People are saying this is just not worth it, so they are leaving in significant numbers, without the ability to replace them.”

Hsiang says the introduction of electronic health records may be a transition too far for some workers, giving them one more reason to retire.

“Smaller hospitals in B.C. are closing certain departments, such as coronary care units, emergency rooms, and certain evenings even radiology imaging, [leaving] physicians in the larger hospitals to handle the load. It's going to be a domino effect where some hospitals cannot cope,” he explained.

The vascular surgeon has been an attending doctor at the Vancouver General Hospital since 1989, and was a professor of vascular surgery at the University of British Columbia until he was [laid off in November 2021](#) due to Provincial Health Officer Dr. Bonnie Henry's order [requiring health-care staff](#) and regulated health professionals to be vaccinated against COVID-19.

Hsiang says efforts to recruit replacement staff from abroad is expensive and challenging, and that new hires and newly trained nurses can't offer the quality of veteran staff.

"The government is there just doubling down on their policies, and spending good money after bad by bringing on foreign workers. It's a shame," he said.

"You basically have removed very experienced health-care workers and had them stand on the sidelines. All of them have basically been through the first part of the pandemic prior to vaccines becoming available, didn't really get sick, were still able to function. And now you want to remove them."

"It's a disastrous policy," Hsiang adds. "Without adequate replenishment of the health-care workers who are leaving in significant numbers, we're headed towards the edge of the cliff."

## **'So Completely Unfair'**

Charlene Le Beau, a B.C. lawyer for the Justice Centre for Constitutional Freedoms, has launched a legal challenge to the mandates keeping unvaccinated staff away from patients, including those under the scope of a separate order made on [Oct. 21, 2021](#). Dr. Henry [issued a series of orders](#) in October and November 2021.

"Three classes of workers—administrative, those who didn't work with vulnerable populations, and those who worked remotely—they still were fired," Le Beau said in an interview.

"At least two B.C. health authorities ... are hiring contract health-care workers who work remotely and who do not enter facilities more than once per month. They are not subject to the vaccine mandate. ... It's so completely unfair."

Le Beau provided a letter sent by Interior Health to contracted partners on Nov. 2, 2021, that clarified which contractors “are exempt from, or not included within the scope” of the vaccine mandate. These included contractors “who work in a care location or facility occasionally (defined as less than once a month).” A letter from Northern Health dated Nov. 8 was identical.

The Nov. 18, 2021, directive included contractors, defining them as “a person contracted or funded to provide, or to provide staff to provide, care or services in a hospital or the community by a regional health board, the Provincial Health Services Authority, British Columbia Emergency Health Services, the Providence Health Care Society, Community Living British Columbia, Ministry of Health or Ministry of Mental Health and Addictions.”

Le Beau can’t account for the discrepancy between order and practice.

“It does seem to be a contradiction. It must be due to the fact that the worker works remotely and doesn’t enter facilities more than once per month. However, some of our petitioners had the same working conditions, yet were fired,” she said.

“My sense is that they had to make a point to fire these workers in order to send out a message. And then of course, there’s a health-care worker shortage, and they needed to remedy that, and so then they hired workers on contract.”

The Epoch Times reached out to the health authorities who sent the letters and two others, as well as Dr. Henry. A spokesperson from Fraser Health responded but without details. A media relations person from Vancouver Coastal Health deferred to Dr. Henry and the Ministry of Health to respond. Dr. Henry did not respond to requests by publication time.



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