

# Judge Orders Nurses Opposing Flu Vaccination to Comply



By Erik Lief — December 6, 2017



Nurse providing vaccination (via Google Images) [1]

When millions of Americans are battered each year by the flu – and tens of thousands of them die from it – it would seem to be a no-brainer for the average citizen to receive a simple and effective flu shot.

That decision would seem to be even more of a no-brainer for those employed as healthcare professionals, whose day-to-day objective, among others, is to help protect their patients from getting sick. Or so you might think.

But that thought is lost on one particular nurses group in Boston, which recently refused a hospital directive to receive flu vaccinations as a requirement to come to work. That would be where sick people are. Where also there are vulnerable elderly folks, who often die from exposure to influenza and pneumonia.

But if it wasn't for a judge's decision forcing the group to comply, these nurses – the ones who would have chosen not to be vaccinated – would have remained a potential threat to those who they tend to each day.

Really?

Really.

***“MNA’s speculative claim of potential harm to an unspecified number of unidentified nurses is not adequate to outweigh the risk of harm to the hospital, its employees, and its patients if there is an outbreak of the flu.”*** – Robert N. [Tochka](#), Suffolk Superior Court Judge

Suffolk Superior

Court’s Robert Tochka ruled that those represented by the Massachusetts Nurses Association must adhere to the vaccination policy set forth by Brigham and Women’s Hospital. Judge Tochka’s action was in response to a lawsuit filed by the association, which represents 3,400 employees at the facility, alleging the hospital’s requirement amounted to unfair control over personnel. However, in his decision issued Nov. 29, the judge disagreed.

“MNA’s speculative claim of potential harm to an unspecified number of unidentified nurses,” he wrote in his decision, “is not adequate to outweigh the risk of harm to the hospital, its employees, and its patients if there is an outbreak of the flu.”

We couldn’t agree more.

As we [reported recently](#) [2], in the United States the flu annually kills between 3,300 and 49,000 people, with an average yearly death toll of roughly 36,000. So with something so lethal that can be halted with something so simple and innocuous, it’s rather astounding that healthcare workers, of all people, would take such an anti-science stand.

In its policy, Brigham and Women’s carved out exceptions for workers with medical or religious exemptions, but those employees are required to wear face masks. But apparently, to discourage union members from flouting the policy, the hospital included the prospect of dismissal for noncompliers, an event that rankled the MNA and helped fuel the lawsuit.

“We think it’s a bad decision, but we’ve had to encourage nurses to comply with the policy,” stated MNA representative David Schildmeier, talking to the [Boston Globe](#) [3] “Our position remains the same. To maintain this as a fireable offense... is really outlandish.”

The Massachusetts Nurses Association, which represents over 23,000 registered nurses, is “the largest union and professional association of registered nurses and health professionals in the state, and the third largest in the nation,” [according to its website](#) [4].

Protecting oneself is a great reason to get a flu shot. Another, as Manish Sadarangani, Asst. Professor at the University of British Columbia, wrote recently in an [article published](#) <sup>[5]</sup> on our site, is to assist those around us who are most vulnerable.

"People at greatest risk of severe influenza are seniors (65 years and older), young children (under five years)," he wrote, "residents of nursing homes and other chronic-care facilities, pregnant women and people with chronic medical conditions."

There are many excellent reasons to have a union work on an employee's behalf. But with all due respect to individual freedoms, opposing a simple – and potentially life-saving – flu shot is certainly not one of them.

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**Links**

[1] <https://lehub.sanofi.com/en/prevention-support/international-nurses-day/>

[2] <https://www.acsh.org/news/2017/09/08/flu-2017-good-news-and-bad-news-11793>

[3] <https://www.bostonglobe.com/business/2017/11/30/brigham/eh1x4OJDj9ZyN7ZtrE9FXO/story.html>

[4] <https://www.massnurses.org/about-mna>

[5] <https://www.acsh.org/news/2017/11/13/what-flu-who-should-get-flu-shot-and-why-12128>