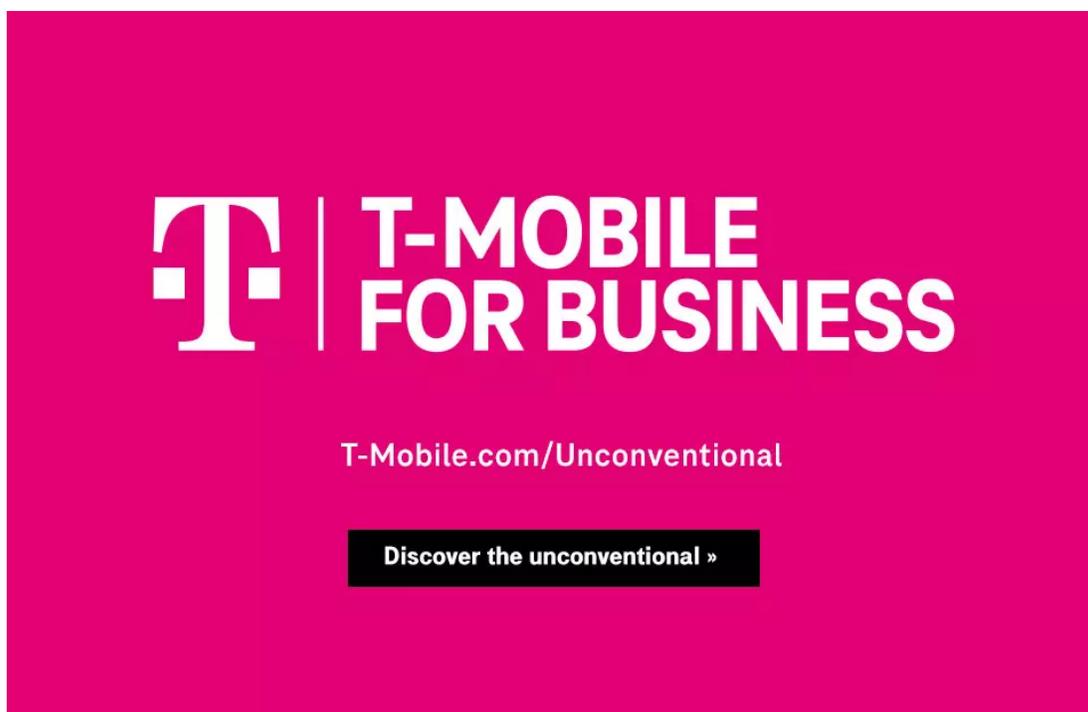


But ultimately, the battle over vaccine mandates will be waged at the bargaining table, with unions on both sides of the divide seeking similar provisions.

As a result, Baker's mandate, called one of the toughest in the nation, will probably undergo some modification, said Daniel S. Bowling III, a longtime labor lawyer and scholar who teaches at Duke Law School.

Baker's statement Thursday indicated that his administration intends to work out the details with the unions.

ADVERTISING

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“I imagine we’re going to see some fireworks at the bargaining table,” Bowling said, predicting that some unions may end up in arbitration or federal court.

In both the public and private sectors, Bowling said, employers have the right to impose health and safety rules, which might include vaccine requirements. But even so, he said, they must negotiate the specifics of how the rule will be carried out, such as the options for those who refuse vaccination and the process by which they would be terminated if it

for those who refuse vaccination and the process by which they would be terminated, if it comes to that.

Even the aspect of Baker's rule that makes it more aggressive than those of other states — that it doesn't allow people to choose regular testing instead of vaccination — could potentially be bargained away, Bowling said.

Some unions hinted that was their intention. The State Police Association of Massachusetts said in a statement that it expects Baker to “identify meaningful alternatives for those with concerns about receiving a vaccine.”

Council 93 of the American Federation of State, County & Municipal Employees called for regular testing as an alternative to vaccination, and said in a statement that if that doesn't happen “we will be reviewing all of our options under the law.”

David Holway, president of the National Association of Government Employees, which represents 12,000 Massachusetts state employees, pointed out that if people get fired for refusing vaccination, it could be hard for many organizations to replace them. “Is he going to close prisons and hospitals?” Holway said, speaking of Baker. Holway predicted a court battle.

Mike Cherven, president of the State Police union, which represents 1,900 people, called the mandate a “surprise” and “crudely done.”

“It was hurried and rushed with no input from any association,” he said.

Tom Juravich, professor of labor studies and sociology at the University of Massachusetts Amherst, said union leaders' opposition has roots in lingering resentment among state workers about the early days of the pandemic.

“A lot of state workers felt unprotected, ill-advised, out there on their own,” he said. They want to ask the Baker administration: “Where were you when we needed PPE? Where were you when our folks were getting exposed and you didn't want to hear about it? Now, because it's politically convenient for you, you're making this decision.”

Work rules like vaccine mandates are more readily adopted when management approaches the union first to talk it through. Instead, Juravich said, “There’s going to be probably more arbitrations and court cases before all this gets resolved.”

In contrast, negotiations at universities and other private employers have already started, with much less public discord.

For example, several unions have negotiated agreements allowing those who refuse the vaccine to retain their right to return to work if they eventually do get vaccinated. Unions also commonly ask for employers to provide vaccines in the workplace and guarantee time off to recover from any side effects.

“While we do fully support keeping our members safe at work, when employers come out with these mandates, we do obviously want to bargain with them,” said Roxana Rivera, vice president of Local 615 of the Service Employees International Union, which represents 20,000 janitors, security officers, and maintenance and custodial workers in the private sector.

If a building requires janitors to be vaccinated, for example, the union will look for ways for an unvaccinated employee to work in a different building, Rivera said. MIT has agreed to let unvaccinated union members go on leave for as long as two years, retaining their right to be recalled if they ultimately get vaccinated.

UNITE HERE Local 26, which represents 12,000 food industry, hotel, and casino workers in Rhode Island and Massachusetts, has supported vaccine mandates where they’ve been imposed, primarily at universities such as Harvard and MIT. “We think it’s safer for our members,” said Carlos Aramayo, union president.

SEIU Local 509, which represents 20,000 human services workers and educators in state government and the private sector, has taken it a step further, actively calling on all

45 companies that employ its workers to institute vaccine mandates.

Local 509 members are “interacting face to face with the public. There’s a need for our members to be safe not just for themselves but for the clients they serve,” said Peter MacKinnon, union president, who has said the union “unequivocally supports” Baker’s mandate. The union’s members provide social services to elders, at-risk children, and people with mental illnesses or developmental disabilities.

Inevitably, some members objected to the union’s stance on vaccines, MacKinnon said, but he was surprised at how few contacted him to complain — about 100 out of the 8,500 state workers the union represents.

The [Massachusetts Teachers Union](#) and the [Boston Teachers Union](#) have come out in support of requiring vaccines — or regular testing — for educators.

And in a notable turnabout, the Massachusetts Nurses Association reversed its previous opposition to vaccine mandates at a leadership meeting on Thursday. “It’s a pretty big step,” said its president, Katie Murphy.

The union — which in 2018 lost a legal battle to block a hospital’s flu vaccine requirement — now supports COVID vaccine mandates, provided certain conditions are met, such as workplace availability of the shots, paid sick time for those who have reactions, and “safe staffing levels.” The nurses union is not asking for the option of getting tested instead of vaccination.

With concern rising about the Delta variant and 90 percent of the membership already vaccinated, the nurses union meeting on Thursday was not very contentious and the vote was unanimous, Murphy said.

“We really don’t have a lot of pushback,” she said. “We feel that this will protect ourselves, our patients, and our communities and it’s an important tool in ending this pandemic.”

Emma Platoff of the Globe staff and correspondent Julia Carlin contributed to this report.

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