

June 4, 2017

Chairman Young, Vice Chair DiVitis and Ranking member Lepore-Hagan, and members of the Economic Development, Commerce and Labor Committee, my name is Jennifer Drabik and I am grateful for the opportunity to provide testimony in support of HB193. I lost my job in December 2012 due to a mandatory flu shot policy. I live in Avon Lake, Ohio with my husband and 3 children. I have a Master's Degree in Adult fitness and Sport Physiology and for 15 years I worked in a hospital setting in Cardiac Rehabilitation as an Exercise Physiologist. In May 2000, I was hired by the Metro Health Medical Center in Cleveland, Ohio. When I was hired, the influenza vaccination was not required as a condition of employment. In fact, until the winter of 2010, no one ever mentioned the flu itself or flu shots. From 2010-2011, those who declined a flu shot were able to wear a mask during "flu season." Then, in May 2012, Metro Health implemented a policy which stated all employees, vendors, and volunteers must be vaccinated against seasonal influenza on an annual basis as a condition of employment. Exemptions for religious or philosophic reasons were not permitted. I applied for a medical exemption based on personal health concerns and my concern that repeated vaccination could potentially negatively impact my overall health. I included a letter from my personal physician which stated her opinion that I should not receive an annual flu shot due to those pre-existing conditions. Despite these efforts, my exemption request was denied. MetroHealth physicians who never examined or even *met* me offered their medical opinions in the form of a letter, and that letter superseded the opinion of my own personal physician. As a result, I was terminated from my career as an Exercise Physiologist on December 17, 2012.

Blanket vaccination policies such as these assume that "one size fits all" without any regard to possible contraindications to vaccination. All medical procedures have risk and an employer should have no right to mandate a medical procedure that could potentially result in injury or even death. Furthermore, these employers assume no liability for injury or death should one of its employees become acutely or permanently disabled from the vaccination it forces as a condition of employment.

The Occupational Safety and Health Administration (OSHA) opposes mandatory flu shots for healthcare workers because "there is insufficient evidence for the federal government to promote mandatory influenza vaccination programs that lack an option to decline based on medical, religious or other reasons and therefore may result in employment termination." Furthermore OSHA also states that an employee who refuses to be vaccinated because of a reasonable belief that he or she has a medical condition that creates a real danger of serious illness or death may be protected from job retaliation under Section 11(c) of the Occupational Safety and Health Act, which prohibits discrimination against employees who exercise their safety and health rights.

The Civil Rights Act of 1964 prohibits discrimination of employees for their religious beliefs. Yet no religious exemptions were offered at MetroHealth.

The Ohio constitution, Section 21 prohibits the compulsion of any person to “participate in a healthcare system” and also ensures “personal security, bodily integrity, and autonomy.” As soon as an employer requires a medical procedure of its employee, that employee becomes a patient. Compulsory vaccinations programs are coercive, unjust and lack informed consent (the ability to decline the vaccine).

If flu shots were as safe and effective as we have been told, it would stand to reason that Health Care Workers would be the first to run and get one each year. But they aren’t...or at least they weren’t until these compulsory vaccination programs were put in place. Prior to 2012, the vaccination rate for the influenza vaccine of this demographic hovered around 45%.

Due to this mandate I have lost the ability to help provide for my family to the best of my ability. I have the right to earn a living in the state of Ohio based on my highest level of educational achievement without being subjected to repeated exposure to a vaccine that very limited efficacy and long term safety data. Vaccination choice is a fundamental human right – one which should not be threatened in return for the right to earn a living in the state of Ohio.

Thank you very much for your time.