

My QUESTIONS FOR TOWN OF ORANGEVILLE COUNCIL REGARDING VACCINATION POLICY

Thank you Mr. Mayor and Council Members,

As a former Senior Human Resources Professional in Government and Corporate Banking for approximately 30 years I am deeply concerned about your decision making process for the Vaccine Policy for the Town of Orangeville.

My questions to you are as follows and I hope you can address some of these after I have completed my questions:

Have you sought advice from the Town of Orangeville Legal Council and Human Resources with regards to the Legislated Law concerning the Vaccination Policy and any potential litigation ?

Reference:

i.e Canadian Bill of Rights, Nuremburg Code, Municipal Freedom of Information and protection of Privacy Act, R.S.O 1990,cM.56, Employment Contract laws and precedence Bill S201, Genetic Non-Discrimination Act, 2020 SCC 17 (GND) Privacy Legislation, Freedom of Information ACT (FOIA)Criminal Code of Canada, Personal Health Information Protection ACT 2004, Occupational Health and Safety Act R.S.O. 1990, c.01 and individuals' rights to file civil suits based on the criminal offense to discriminate based on genetic test results.

Are you aware that the Vaccine Passport is not supported in statute and cannot be enforced?

Are you aware that there is no liability protection for employers who are informed of the legal issues and can be charged up to \$100,00 with a jail term?

Are you aware that no employer or person acting on behalf of the employer shall: dismiss or threaten to dismiss a worker; discipline or suspend or threaten to discipline or suspend a worker; impose any penalty upon a worker; or intimidate or coerce a worker, because the worker has acted in compliance with OSHA Act?.

Are you aware of the enormous financial impact to the tax payer related to termination and the rehiring process?

Are you aware of the impact to the individual's livelihood without government support at a time when our community is trying to house and feed and provide for the homeless and underprivileged not to mention their mental and emotional well being and hardships and impact on their families?

It appears that you have made policy decisions without appropriate legal counsel and outside the legislated laws. Are you aware that a policy does not supersede any legislated law including the Nuremberg Code! I am shocked at your decision and position to set a severe, disciplinary example and as Deputy Mayor, Mr. McIntosh has stated to punish any employee who does not get the COVID injection and to set a stern example for the Town at large! The language I heard smacks of a threat and is inappropriate dialogue! Have you considered loyalty, impact on the working environment, and job replacement, impact on the community service and backlash, cost to the taxpayer and any interruptions to service? Have you thoroughly considered some of the soft compromises which the CEO presented? Have you considered the possible interruption or delay to some of the current committee projects?

Have you considered that your decision may be fuelled by fear and emotion?

My concern is for the rights and freedoms of all Canadians under the Canadian Charter of Rights and Freedoms. 1982.

With respect, I have provided some references for your information below:

LEGISLATION AND LEGAL PRECEDENTS THAT PROTECTS OUR RIGHTS AND FREEDOMS IN CANADA

1. Canadian Bill of Rights (CBR) S.C. 1960, c. 44,

Section 1(a) right to informed consent and privacy. Are you aware by following the regulations on vaccine passports with our employees you are acting as an enforcement agent for public health? Therefore, you are regulated under the Criminal Code of Canada as a public officer and therefore are obligated to regard the rights and freedoms provided in the CBR. Most notably you must regard section 1(a) the individual right to life, liberty and security of person which protects the right to informed consent for medical procedures and the right to privacy. These violations render the vaccine passport regulations to be of no force or effect of law because they violate the CBR

2. Case law implied bill of rights:

Summary: The Bank Taxation Act; The Credit of Alberta Regulation Act; and the Accurate News and Information Act, SCR 100, 1938

Summary: The Supreme Court of Canada ruled on the Reference re Alberta Statutes. It found that the Accurate News and Information Act, along with the others submitted to it for evaluation, was ultra vires (beyond the powers of) the Alberta government. In the case of the Accurate News and Information Act, the court found that the Canadian constitution included an "implied bill of rights" that protected freedom of speech as being critical to a parliamentary democracy. This determined that the provinces cannot override fundamental rights.

<https://www.canlii.org/en/ca/scc/doc/1938/1938canlii1/1938canlii1.html>

3. Case law light to sue for breach of privacy:

Jones v. Tsige, 2012

Summary: The Ontario Court of Appeal declared that the common law in Canada recognizes a right to personal privacy, more specifically identified as a "tort of intrusion upon seclusion", as well as considering that appropriation of personality is already recognized as a tort in Ontario law. This allows individuals to sue for breach of privacy.

<https://www.canlii.org/en/on/onca/doc/2012/2012onca32/2012onca32.html>

4. Personal Information Protection and Electronic Documents Act 2000 (PIPEDA).

5. Personal Health Information Protection Act 2004 (PHIPA). (Ontario)

6. Occupational Health and Safety Act R.S.O.1990,c.0.1. (Ontario)

Section 63, Information Confidential:

(f) Employer access to health records

(2) No employer shall seek to gain access, except by an order of the court or other tribunal or in order to comply with another statute, to a health record concerning a worker without the worker's written consent. R.S.O. 1990, c. O.1, s. 63 (2).

Section 25 (1) Duties of the Employer subsection:

**IN CANADA ANYONE HAS THE RIGHT TO SUE ANYONE WHO VIOLATES THEIR RIGHT TO PRIVACY
ACCORDING TO THE SUPREME COURT OF ONTARIO**

Are you aware that employees could file a **civil suit** against you should they suffer an adverse event, death, or termination from their place of employment if the employee does not consent freely to treatment?

SIGNATURE TO CONFIRM LIABILITY FOR CONSEQUENCE OF FORCED VACCINATION

As the legally authorized officer of the employer/company, I have read all of the above information, have provided my employees with all of the information that the is legally required to be provided to recipients of the Covid-19 injections, and do hereby agree to assumed 100% financial responsibility for covering any and all expenses from adverse events, including death, through insurance coverage or directly. In addition, I affirm that the employee will not be subjected to the loss of their job should they decline to receive a Covid-19 injection or any other alternative measures such as participating in educational training sessions and ongoing testing of Covid-19..

Print and Sign below

Authorized officer of company requiring injection	Company	Date
_____	_____	_____
Employer	Company	Date
_____	_____	_____
Witness	Company	Date
_____	_____	_____

1. Case law on Bill S-201, 2020

Summary: Supreme Court of Ontario upheld Bill S-201 and that it is a criminal offense to discriminate based on genetic test results.

<https://www.canlii.org/en/ca/scc/doc/2020/2020scc17/2020scc17.html>

2. The following case law for informed consent:

Parmley vs Parmley, 1945

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Summary: Informed consent medical. Consent must be made freely and information about the risks must be given.

<https://www.canlii.org/en/ca/scc/doc/1945/1945canlii13/1945canlii13.html>

Hopp vs Lepp, 1980

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Summary: Informed consent medical. Consent must be made freely and information about the risks must be given.

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2553/index.do>

R vs Ewanchuk, 1999

If no consent, then assault Summary: Where there is a threat of harm or reprisal or pressure from an authority there is no consent and therefore the act is assault.

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1684/index.do>

The Nuremberg Code (1949)

1. The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision. This latter element requires that, before the acceptance of an affirmative decision by the experimental subject, there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person, which may possibly come from his participation in the experiment. The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity. 2. The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature. 3. The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study, that the anticipated results will justify the performance of the experiment. 4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury. 5. No experiment should be conducted, where there is an a priori reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects. 6. The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment. 7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability, or death. 8. The

experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment. 9. During the course of the experiment, the human subject should be at liberty to bring the experiment to an end, if he has reached the physical or mental state, where continuation of the experiment seemed to him to be impossible. 10. During the course of the experiment, the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill and careful judgement required of him, that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject. "Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10", Vol. 2, pp. 181-182. Washington, D.C.: U.S. Government Printing Office, 1949.]

THE VACCINE PASSPORT IS NOT SUPPORTED IN STATUE AND CANNOT BE ENFORCED

In Ontario the provincial vaccine passport mandate is passed in Ontario regulation 324/20. This is a public health regulation not a statute therefore it cannot be used against employees because it violates Occupational Health and Safety Standards that states that the employees right to privacy cannot be breached without court order, tribunal decision or instructions from a statute. The statue would have to comply with the regulations regarding enforcement in the Criminal Code of Canada (CCC). The CCC must regard the provisions of the Canadian Bill of Rights (CBR). In this case the statue could not violate CBR section 1(a) the right to life liberty, security of person and enjoyment of property and not to be deprived thereof except by due process of law. Due process of law is judicial decisions. The judicial decision would have to be arrived at by a jury because a judge cannot adjudicate as they are appointed and salaried by the government and are therefore not impartial. The vaccine passport regulation is legally unenforceable. Any fines or charges arising out of the regulation can be easily defended.

NO LIABILITY PROTECTION FOR EMPLOYERS WHO ARE INFORMED OF THE LEGAL ISSUES

Whereas pharmaceutical companies that manufacture vaccines have been protected from liability related to injuries or deaths caused by vaccines. Companies and all other institutions or individuals who mandate experimental vaccines on any human being are not protected from liability. Are you aware that you do not enjoy such liability protection?

(H) an employer shall take every REASONABLE precaution to protect the worker.

Section 28 (3) Duties of the Worker:

...A worker is not required to participate in a prescribed medical surveillance program unless the worker consents to do so R.S.O. 1990, c.O.1, sec 28.

Section 50(1) No discipline, dismissal, etc., by employer:

No employer or person acting on behalf of the employer shall; dismiss or threaten to dismiss a worker; discipline or suspend or threaten to discipline or suspend a worker; impose any penalty upon a worker; or intimidate or coerce a worker, because the worker has acted in compliance with this Act.....etc

OSHA Penalties:

Section 66(1) Immunity:

Every person who contravenes or fails to comply with a) a provision of this Act or the Regulations.....is guilty of an offence and on conviction is liable to a fine of not more than \$100,000.00 or to imprisonment for a term of not more than 12 months or to both. If a corporation is convicted of an offence under section (1) the max fine that may be imposed is \$1.5M and not a provided therein.

- 1. Municipal Freedom of Information and protection of Privacy Act, R.S.O. 1990, c.M.56.**
- 2. Freedom of Information and Protection of Privacy Act of Ontario (FOIPOP)**
- 3. Freedom of Information Act (FOIA)**
- 4. Employment contract law and precedents.**
- 5. Criminal Code of Canada:**

Section 265(3) regarding no consent medical treatment is assault.

6. Bill S-201, Genetic Non-Discrimination Act, 2020 SCC 17 (GND):

It is a criminal offence in Canada to use a genetic test to discriminate under Bill S-201.

Section 2 of the Act defines a genetic test as “a test that analyzes DNA, RNA or chromosomes for purposes such as the prediction of disease or vertical transmission risks, or monitoring, diagnosis or prognosis”.

Sections 3, 4 and 5 establish prohibitions relating to genetic tests: individuals and corporations cannot force individuals to take genetic tests or disclose genetic test results as a condition of obtaining access to goods, services and contracts; cannot refuse an individual access to goods, services and contracts because they have refused to take a genetic test or refused to disclose the results of a genetic test; and cannot use individuals' genetic test results without their written consent in the areas of contracting and the provision of goods and services.

https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries

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