

**November 22, 2021**

**Dear Council Members,**

**Why are you allowing, enforcing and encouraging the violations of our fundamental rights and freedoms?**

No municipal regulation supersedes provincial and federal **laws/legislations**. Vaccine Passport is a provincial regulation to be enforced by public health officers. Anyone enforcing the regulation/mandates are acting as public officers, including business owners and staff; and therefore, must adhere to the Canadian Bill of Rights and the Criminal Code of Canada. **Vaccine Passports violate our Bill of Rights and the Criminal Code of Canada.**

There is no scientific proof that *Vaccine Passports* stop the spread of COVID19. In fact, fully vaccinated people can spread and get COVID-19. The harm done by Vaccine Passports reach far into our businesses, daily living and it divides our community. Discrimination, segregation, medical apartheid are far reaching and traumatizing for those people who have chosen differently. It promotes and incites hate and anger among those who believe that their choices should be imposed onto others. This harm that you are promoting and encouraging goes against every principal based on a free and democratic society. It is unfortunate, that you are making decisions based on your **personal fears** and not on real facts. It is also unfortunate that you are not making the right decisions for the benefit of **all** of the people that elected you and that you represent. By doing so, you are violating the following laws and regulations:

**Canadian Bill of Rights (CBR) S.C. 1960, c. 44: Section 1(a)** the right of the individual to life, liberty and security of persons, which protects the right of informed consent for medical procedures and the right to privacy. And (b) the right of the individual to equality before the law and the protection of the law.

These violations render the vaccine passport regulations to be of no force or effect of law because they violate the CBR.

<https://laws-lois.justice.gc.ca/eng/acts/c-12.3/page-1.html>

**Freedom of Information and Protection of Privacy Act (FOIPOP) (ONTARIO)** <https://www.ontario.ca/laws/statute/90f31>

**Personal Information Protection and Electronic Documents Act 2000 (PIPEDA)** <https://laws-lois.justice.gc.ca/ENG/ACTS/P-8.6/index.html>

**Personal Health Information Protection Act 2004 (PHIPA)**  
**(ONTARIO)** <https://www.ontario.ca/laws/statute/04p03>

**Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56 (ONTARIO)** Section 18, Personal information (1) In this section: "Personal information" includes information that is not recorded and that is otherwise defined as "personal information" under this Act. Collection of personal information

(2) No person shall collect personal information on behalf of an institution unless the collection is expressly authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity. R.S.O. 1990, c. M.56, s. 28.

<https://www.ontario.ca/laws/statute/90f31>

**2.i Privacy Act (R.S.C., 1985, c. P-21)**

<https://laws-lois.justice.gc.ca/eng/acts/P-21/>

**2.j Office of the Privacy Commissioner of Canada:** RE: COVID, Joint Statement by Federal, Provincial and Territorial Privacy Commissioners - in this statement they reiterate there must be consent, laws and privacy must be respected. Please take a moment to review.

[https://www.priv.gc.ca/en/opc-news/speeches/2021/s-d\\_20210519/](https://www.priv.gc.ca/en/opc-news/speeches/2021/s-d_20210519/)

**Why are you coercing, threatening and bullying your employees with unpaid leave and/or termination of employment if vaccination in Canada is VOLUNTARY?**

Vaccination is voluntary in Canada. The federal and provincial governments made it clear that getting the COVID-19 injections would NOT be mandatory. Even if they do attempt to mandate it, there is no law, nor can there be, as it is a violation of Human Rights, International Agreements, etc. Employers are infringing on human rights and putting yourself **personally** at risk of a **civil lawsuit** for damages, and **potential imprisonment**, by attempting to impose this experimental medical treatment upon their employees. Canadian law has long recognized that individuals have the right to control what happens to their bodies.

The citizens of Canada are protected under the medical and legal ethics of express informed consent, and are entitled to the full protections guaranteed under:

- **Canadian Charter of Rights and Freedoms**<sup>37</sup> (1982) Section 2a, 2b, 7, 8, 9, 15.
- **Universal Declaration on Bioethics and Human Rights**<sup>38</sup> (2005)
- **Nuremberg Code**<sup>39</sup> (1947)
- **Helsinki Declaration**<sup>40</sup> (1964, Revised 2013) Article 25, 26

According to top constitutional lawyer, Rocco Galati, "both government and private businesses cannot impose mandatory vaccinations...mandatory vaccination in all employment context would be unconstitutional and/or illegal and unenforceable."<sup>41</sup>

There is no legislation that allows an employer to terminate an employee for NOT getting a COVID-19 shot. If an employer does so, they are inviting a wrongful dismissal claim, as well as a claim for a human rights code violation<sup>42</sup>. For those employees who are influenced, pressured or coerced by their employer to have the COVID-19 shot, and suffer any adverse consequences as a result of the injection, the employer, and its directors, officers, and those in positions carrying out these measures on behalf of the employer, will be opening themselves up to **personal civil liability**, and potential **personal criminal liability**, under the Nuremberg Code, the Criminal Code of Canada, and the Crimes Against Humanity and War Crimes Act of Canada, all referenced above.

In conclusion, administration of vaccines is defined as a "medical procedure". In what other medical context could non-doctors and non-pharmacists prescribe, promote and help distribute pharmaceutical drugs? This is unauthorized practice of medicine.

<sup>37</sup><https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>

<sup>38</sup> <https://en.unesco.org/themes/ethics-science-and-technology/bioethics-and-human-rights>

<sup>39</sup> <http://www.cirp.org/library/ethics/nuremberg>

<sup>40</sup> <https://www.wma.net/what-we-do/medical-ethics/declaration-of-helsinki/>

<sup>41</sup><https://www.constitutionalrightscentre.ca/employee-rights-the-covid-19-vaccine/>

<sup>42</sup> <https://www.chrc-ccdp.gc.ca/en/about-human-rights/what-discrimination>

**Employer Vaccination Policy (this is not a statute):**

**This is a MUNICIPAL public health guideline. It is NOT A BYLAW, IT IS NOT LEGISLATION... it is a mandate.**

<https://www.toronto.ca/home/covid-19/covid-19-reopening-recovery-rebuild/covid-19-reopening-guidelines-for-businesses-organizations/covid-19-guidance-employers-workplaces-businesses/covid-19-vaccine-information-for-employers/?accordion=establishing-a-vaccination-policy-for-your-workplace&fbclid=IwAR2syxKpOMtB031Z6LHqKuW0LHU5UtrAZt8J5NvYjwyig1r3UU3eIcYpB98>

### **Criminal Code of Canada:**

Enforcement of this bylaw is a crime under the following criminal codes:

Section 265 (1), (3) - regarding no consent medical treatment is assault.

Section 346(1) - Extortion to take the test/vaccine or...

Section 264.1(1) - Uttering threats, do the test or take the vaccine or...

Section 319(1) - Public Incitement of Hate by asking for a vaccine status in public.

<https://laws-lois.justice.gc.ca/eng/acts/c-46/section-264.1.html>

As a person involved in public oversight and/or decision making, you are NOT a qualified medical professional and, therefore, you are unlawfully practising medicine by recommending, advertising, incentivising, mandating, facilitating and/or using coercion or undue influence, to insist the public and employees disclose vaccination status and/or be fully vaccinated as a condition of employment and/or condition to participate in the community; and/or submit to the experimental medical treatment for COVID-19, namely being injected with one of the experimental gene therapies commonly referred to as a "vaccine".

**"Extortion, committing tort, privacy violations, wilful misconduct and acting in bad faith are serious indictable criminal code offences. Interfering with someone's right to gainful employment or essential, or non-essential services, is a further violation of the Constitution and Charter of Rights and Freedoms.**

I demand you cease and desist requiring proof of vaccination (Vaccine Passports) in our tax funded facilities, libraries, recreational and sports facilities and programs run by the city. I demand that cease and desist with your vaccine policy as a condition of employment. Furthermore, I demand you set an example, lead, inform and educate local groups, businesses, the general public as to how our municipality respects and upholds our founding laws and legislations that govern this great country of ours: **the Canadian Constitution, The Charter of Rights and Freedoms and our Bill of Rights.**

Sincerely,

Graciela Cárdenas-Mustapha