

Date:

Your name and contact here:

Your employer name, address here:

### **Without Prejudice**

To whom it may concern,

I am writing in relation to the recent (dated communication) eUpdate “Mandatory Vaccination Requirement you’re (your employer name) Members” sent to all members via email on (your dated here), 2021.

As my employer you are not a medical professional and, therefore, you are unlawfully practicing medicine by prescribing, recommending, and/or using coercion to insist employees 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”.

I am not going to disclose my vaccination status to the (Your employer Name) as my medical health is protected by privacy laws. My medical health and choices are private and confidential and I am not required to disclose these to anyone. 9Your employer name here) does not have the right to ask me about my vaccination status. My privacy is protected under the Personal Information Protection and Electronic Documents Act, 2000 (PIPEDA) as well as the Personal Health Information Protection Act, 2004 (PHIPA) as well as the Ontario Occupational Health and Safety Act, R.S.O. 1990, c. O.1 and the Municipal Freedom of Information and Protection of Privacy Act, RSO 1990. The same privacy laws apply to all members.

I am not going to consent to any type of COVID-19 testing that the (your employer name) may mandate. I do not give my informed consent.

Informed consent means that the person who will administer the medical treatment or procedure, needs to **inform** you of all the benefits and risks associated with the medical treatment or procedures as well as alternative treatments before you decide if you will consent or not. This is medical freedom. These are our God-given inalienable rights.

Elements of consent: your expressed, informed and explicit consent (voluntary) must be obtained **prior** to treatment. Without consent it is considered assault under the Criminal Code of Canada. Consent given under fear or duress is **not** consent. Section 265(3) of the Criminal Code of Canada defines consent in relation to assault as:

### **Consent**

**(3)** For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of

- **(a)** the application of force to the complainant or to a person other than the complainant;
- **(b)** threats or fear of the application of force to the complainant or to a person other than the complainant;

- (c) fraud; or
- (d) the exercise of authority.

The Ontario Health Care Consent Act, 1996 defines “consent” as well :

Consent to Treatment

### **No treatment without consent**

**10** (1) A health practitioner who proposes a treatment for a person shall not administer the treatment, and shall take reasonable steps to ensure that it is not administered, unless,

- (a) he or she is of the opinion that the person is capable with respect to the treatment, and the person has given consent; or
- (b) he or she is of the opinion that the person is incapable with respect to the treatment, and the person’s substitute decision-maker has given consent on the person’s behalf in accordance with this Act. 1996, c. 2, Sched. A, s. 10 (1).

### **Elements of consent**

**11** (1) The following are the elements required for consent to treatment:

1. The consent must relate to the treatment.
2. The consent must be informed.
3. The consent must be given voluntarily.
4. The consent must not be obtained through misrepresentation or fraud. 1996, c. 2, Sched. A, s. 11 (1).

Treatment is defined in the Ontario Health Care Consent Act, 1996 as follows:

“means anything that is done for a therapeutic, preventive, palliative, diagnostic, cosmetic or other health-related purpose, and includes a course of treatment, plan of treatment or community treatment plan”. This definition would include any vaccination or any COVID-19 test, as they are both, allegedly, “preventive”, “diagnostic” and for a “health-related purpose”.

The Nuremberg Code, to which Canada is a signatory, states that it is essential before performing a medical procedure on human beings, that there is voluntary informed consent. It also confirms a person involved should have legal capacity to give consent, without the intervention of any element of force, fraud, deceit, duress, overreaching, 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/her to make an informed decision.

Nuremberg Code: Article 6, Section 1:

Any preventative, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be expressed and may be withdrawn by the person concerned at any time and for any reason **without disadvantage or prejudice**.

Nuremberg Code: Article 6: Section 3:

In no case should a collective community agreement or the consent of a community leader or other authority substitute for an individual's informed consent.

By forcing members to submit to a COVID-19 vaccination or test (including the rapid antigen test), you will also be in breach of the Nuremberg Code.

Furthermore, the Supreme Court of Canada has well established case law that deals with medical treatment without the informed consent of the patient. Case law, to some in the legal field, would be regarded as the most recent, gold-standard-type of law. As you know, (your employer name here) being a large employer, case law cannot be overturned or overruled without new case law on that issue. All unions, as paid representatives of (your position title here), have a duty to be up to date and knowledgeable on recent case law.

The Supreme Court of Canada has made it clear that it is **unconstitutional** to force medical treatment of any kind without the informed consent of the patient. Any action taken by the (name of employer) in contravention of case law would be unlawful. Furthermore, ignorance of case law could be considered willful blindness or neglect of duty, failure to apply a due standard of care where a large employee should know or ought to have known their legal and lawful obligations, to name a few.

**In terms of accessing my health records, the Ontario Occupational Health and Safety Act also speaks to this. Under the Ontario Occupational Health and Safety Act, R.S.O. 1990, c. O.1 under Section 63(2) it states:**

#### **Information confidential**

#### **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).

Also under the Ontario Occupational Health and Safety Act, R.S.O. 1990, c O.1 it outlines penalties:

### **PART IX OFFENCES AND PENALTIES**

#### **Penalties**

**66 (1)** Every person who contravenes or fails to comply with,

- (a) a provision of this Act or the regulations;
- (b) an order or requirement of an inspector or a Director; or
- (c) an order of the Minister,

is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1990, c. O.1, s. 66 (1); 2017, c. 34, Sched. 30, s. 4 (1).

While I recognize that Section 63(2) of the Ontario Occupational Health and Safety Act, 1990, states that accessing the health records of an employee is subject to any other statute (which presumably includes the

Reopening Ontario {A Flexible Response to Covid-19} Act, 2020), it is nonetheless important to highlight this Act, for a several reasons. We have, after all, been relying partly on this Act to govern our internal (your employer) routine orders and mandates surrounding COVID-19. Laws surrounding mask exemptions for employees, for example, found within the Reopening Ontario Act, is one example where the (your employer) has relied on (legally or not) the Ontario Occupational Health and Safety Act over the Reopening Ontario Act. Furthermore, “any other statute” is a very broad legal inclusion and would include many of the laws I have referenced in this letter.

Furthermore, the Canadian Charter of Rights and Freedoms Section 2 (a) (freedom of conscience and religion) and Section 7 (everyone has the right to life, liberty, and security of person and the right not to be deprived thereof except in accordance with the principles of fundamental justice), apply to these mandates. Human bodily autonomy is as basic as it gets in terms of rights. I have the right to liberty – and this includes my right to refuse medical treatment (including vaccines or any of the available or future tests for COVID-19).

The PCR and the rapid antigen test is a form of genetic test and also would fall under the definition of a medical procedure. The following legislation also applies: Bill S-201, Statutes of Canada 2017: “An Act to prohibit and prevent genetic discrimination”. In it, it clearly defines “genetic test”: *genetic test* means 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. (*test génétique*)

Furthermore, in this legislation it also outlines Prohibitions:

Prohibitions

### **Genetic test**

**3 (1)** It is prohibited for any person to require an individual to undergo a genetic test as a condition of

- (a) providing goods or services to that individual;
- (b) entering into or continuing a contract or agreement with that individual; or
- (c) offering or continuing specific terms or conditions in a contract or agreement with that individual.

This legislation also outlines “Offences and Punishment”

### **Contravention of sections 3 to 5**

**7** Every person who contravenes any of sections 3 to 5 is guilty of an offence and is liable

- (a) on conviction on indictment, to a fine not exceeding \$1,000,000 or to imprisonment for a term not exceeding five years, or to both; or
- (b) on summary conviction, to a fine not exceeding \$300,000 or to imprisonment for a term not exceeding twelve months, or to both.

It is a further violation of the Canadian Criminal Code,<sup>34</sup> to endanger the life of another person. Sections 216, 217, 217.1 and 221.

### **Duty of persons undertaking acts dangerous to life**

**Sec. 216:** Everyone who undertakes to administer surgical or medical treatment to another person or to do any other lawful act that may endanger the life of another person is, except in cases of necessity, under a legal duty to have and to use reasonable knowledge, skill and care in so doing.

R.S., c. C-34, s. 198

### **Duty of persons undertaking acts**

**Sec. 217:** Everyone who undertakes to do an act is under a legal duty to do it if an omission to do the act is or may be dangerous to life.

### **Duty of persons directing work**

**Sec. 217.1:** Everyone who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.

### **Causing bodily harm by criminal negligence**

**Sec. 221:** Every person who by criminal negligence causes bodily harm to another person is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than 10 years; or,

(b) an offence punishable on summary conviction.

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

Lastly, as indicated by Ontario Public Health numerous times (and as evidenced in our ICU statistics and in Israeli statistics, 86% of hospitalizations due to infection are double vaccinated are no), vaccinated persons can still get and transmit COVID-19 despite their inoculation. (It is noted that Israel has the highest Pfizer COVID-19 vaccinated population in the world to date). With this “scientific” evidence, if you target only the non-disclosed, unvaccinated or accommodated persons under the Human Rights Code to COVID-19 testing, this is grounds for discrimination.

The testing, hypothetically, is to ensure that you don’t transmit COVID-19 to other co-workers or the citizens of Toronto that you interact with on a regular basis. If you do in fact outwardly target unvaccinated, accommodated or non-disclosed employees only, this is grounds for discrimination and harassment and is liable for legal action as well. In addition, by discriminating against non-disclosed, unvaccinated or accommodated employees, the Toronto Police (Your employer names here) will be breaking its own Procedure and is violates the collective agreement. Contained within the (your employer’s policy/procedure) “Workplace Harassment” it states in the first line: **“The (Your employer and union names) and are committed to providing a workplace that is free of discrimination and harassment to all its members”**.

It is evident that the (Your employer) is in breach of various federal and provincial legislations, as well as case law and their own internal procedures with the recent COVID-19 vaccine disclose requirement, vaccination and possible testing mandates.

In conclusion, I hereby notify you that I will hold you personally liable for any financial injury and/or loss of my personal income and my ability to provide food and shelter for my family if you use coercion or discrimination against me based on my decision to not participate in (Your Employer name) vaccination and testing mandates or declarations, nor will I disclose my health or vaccination status to you.

Regards,

Your name here

CC'd to your local, Ontario provincial union executive here