

Right to Refuse Details

1. On October 6, 2021, Treasury Board issued its “Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police” (the “Policy”)¹, pursuant to sections 7 and 11.1 of the Financial Administration Act, RSC 1985, c. F-11 and management rights provided for in my collective agreement².

2. Today, December 1, 2021, [REDACTED] will be invoking my right to refuse dangerous³ work. Based on my employer mandating and coercing me into administering an unproven hazardous substance⁴ into my body in order to continue the duties I have been performing for the past 19 months without any issues in the workplace, pursuant to section 128 of the Canada Labour Code (R.S.C., 1985, c. L-2), PART II Occupational Health and Safety⁵;

A. Lack of safety & efficacy data and information relating to the hazardous substance required to perform my duties at my work place

Every employer shall, in any work place in which an employee is likely to handle or be exposed to a hazardous product, keep readily available a copy of the work place safety data sheet or the supplier safety data sheet, as the case may be, in English and in French, for examination by employees and by any policy committee, work place committee or health and safety representative

3. On August 18, 2021, I requested a “list of ingredients” or an SDS sheet from management & the [REDACTED] health and safety committee, in order to make an informed decision as to this hazardous substance my employer is now requiring me to use in order to perform my work place duties. This request has yet to be fulfilled. Pursuant to section 10.34(1) of the Occupational Health and Safety Regulations(SOR/86-304), 10.1 - PART X - Hazardous Substances⁶, my employer is required to provide me the employee an English and French version of these SDS sheets.

4. As per the directive from the “Chief of Defence Staff(CDS) on Canadian Armed Forces(CAF) COVID-19 Vaccination”⁷, CAF members are mandated to use this hazardous substance to participate in the CAF and any of the operations with in the department. Yet on November 21, 2021 the Canadian Military Family Magazine(CMFMAG) reported an outbreak of “several” individuals occurred⁸. This directly speaks to the efficacy of this hazardous substance and

¹ Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police

² Technical Services-Collective Bargaining Agreement

³ Canada Labour Code R.S.C., 1985, c. L-2, Part II Occupational Health and Safety “danger”.

⁴ Canada Labour Code R.S.C., 1985, c. L-2, Part II Occupational Health and Safety “hazardous substance”.

⁵ Canada Labour Code R.S.C., 1985, c. L-2, Part II Occupational Health and Safety, Section 128 “Right to Refuse”.

⁶ Occupational Health and Safety Regulations (SOR/86-304), 10.1 - Part X - Hazardous Substances, Section 10.34

⁷ CDS Directive on CAF COVID-19 Vaccination

⁸ CMFMAG - COVID-19 Outbreak at CFB Petawawa

directly contradicts the objective of the policy outlined by the treasury board “Vaccination is a key element in the protection of employees against COVID-19”⁹.

B. Overwhelming data provided by Health Canada in relation to the serious adverse side effects that are possible with single or multiple does exposure to these hazardous substances required in order to perform my work place activities

No person shall use a hazardous substance in a work place if a non-hazardous substance or one that is less hazardous can be used instead

5. Health Canada has reported multiple serious adverse side effects in relation to the hazardous substances¹⁰, along with the possible side effects listed on the product monographs¹¹. Pursuant to section 10.16 of the Canada Occupational Health and Safety Regulations(SOR/86-304), 10.1 - PART X - Hazardous Substances, employee’s have the right to use a non-hazardous substance or one that is less hazardous in order to perform their job activities¹². With that being said the FDA approving and evaluating other agents assisting with the combat of the “COVID-19 Virus”¹³.

6. Any hazardous substance that could potentially result in chronic illness, disease or damage to the male or female reproductive systems should be paid close attention to¹⁴. Health Canada has reported over 57 serious adverse side effects to do with pregnancy outcomes specifically¹⁵. I personally fall within the 3rd highest age bracket of adverse side effects, of which 70% of those reactions are happening to women¹⁶. I have not birthed any children yet (and would like to) and have significant underlying longterm health conditions, I take serious offence to my employer mandating a hazardous substance that could cause more harm than good and possibly effect my chances of becoming a mother.

C. The implementation of “mandatory vaccination” as a term & condition of my employment is an overreach and an unreasonable measure to control a naturally occurring health hazard in our workplace & the community

Without restricting the generality of section 124, every employer shall, in respect of every work place controlled by the employer and, in respect of every work activity carried out by an employee in a work place that is not controlled by the employer, to the extent that the employer

⁹ Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police, Section 3.1.1.

¹⁰ Reported side effects following COVID-19 vaccination in Canada (November 19, 2021).

¹¹ Pfizer-BioNTech Comirnaty, Moderna Spikevax, AstraZeneca Vaxzevria & Janssen, Product Monographs.

¹² Occupational Health and Safety Regulations (SOR/86-304), 10.1 - Part X - Hazardous Substances, Section 10.16

¹³ Table 2e. Characteristics of Antiviral Agents That Are Approved or Under Evaluation for the Treatment of COVID-19

¹⁴ Manager's Handbook Canada Labour Code - Part II, Chapter 2: Danger, Definition of Danger (section 122)

¹⁵ Reported side effects following COVID-19 vaccination in Canada (November 19, 2021).

¹⁶ Graph of Adverse Side Effect Numbers by Age and Sex - Screen Shot 2021-11-26 at 12.38.21 PM

controls the activity, ensure that each employee is made aware of every known or foreseeable health or safety hazard in the area where the employee works;

7. The employer is required to take all reasonable steps to ensure the health and safety of its employees, the standard being one of due care and diligence, not perfection.¹⁷ As such, the employer is not required to ensure that all of its employees are vaccinated in an attempt to eliminate all risk of COVID-19 transmission in the workplace.¹⁸ Further, there is no evidence that the vaccination rate needs to be further increased for employees to be protected.¹⁹ Nor is there any law that states my employer MUST protect me from naturally occurring communicable viruses that has been infecting humans since the 1960's²⁰. In fact on August 13, 2021 Department of National Defence website stated "DND management cannot require a public servant to get a vaccine, nor is mandatory vaccination supported under Canadian law"²¹, since that date there has been no sitting house, so please explain how these laws have changed, along with your stance on the rule of law in Canada. As it states now on the DND website "In light of an announcement...Government of Canada requires COVID-19 Vaccinations", announcements are not law in Canada.²² It has been announced that 96.3% of the public service is fully vaccinated.²³ Increasing the vaccination rate further is unlikely to meaningfully impact the risk of transmission.

8. The Policy's objective is to "protect the health and safety of employees."²⁴ It is important to examine the likelihood and magnitude of potential harm from employees who choose to remain unvaccinated. Public servants are eligible to retire between 55 and 65, depending on when they began service and their personal financial decisions. The vast majority of civil servants are under 65 years of age. This age group is not at high risk for COVID-19 deaths. Of the 9500 deaths that occurred between March and July 2020, 90% has at least one other cause, condition or complication reported on the death certificate.²⁵ More than 80% of COVID-19 deaths occurred in long-term care, a setting in which the age profile is older and dementia is common.²⁶ There

¹⁷ Canadian National Railway Company v Teamsters Canada Rail Conference, 2016 OHSTC 20, paras. 74 to 78.

¹⁸ Sault Area Hospital and Ontario Nurses' Association, 2015 CanLII 55643 (ON LA), para. 340.

¹⁹ Sault Area Hospital and Ontario Nurses' Association, 2015 CanLII 55643 (ON LA), para. 314.

²⁰ Human Coronavirus Types: CDC

²¹ DND Site: <https://www.canada.ca/en/department-national-defence/campaigns/covid-19/resuming-work/frequently-asked-questions/vaccines-immunization.html#toc2> Screen Shot Taken: 2021-08-13 at 3.43.10

²² DND Site: <https://www.canada.ca/en/department-national-defence/campaigns/covid-19/resuming-work/frequently-asked-questions/vaccines-immunization.html#toc2> Screen Shot Taken: 2021-11-29 at 6.49.06

²³ Reported attestations in the federal public service: COVID-19 Vaccination Requirement.

²⁴ Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police, Section 3.1.1.

²⁵ StatCan COVID-19: Data to Insights for a Better Canada, COVID-19 death comorbidities in Canada, (November 16, 2020), p. 4.

²⁶ StatCan COVID-19 and deaths in older Canadians: Excess mortality and the impacts of age and comorbidity, (2021), p. 3.

were fewer than fifty COVID involved deaths among those under the age of 45 during that same period, which represents 0.00015% of Canada's population of 33,000,000.²⁷

9. According to the Canadian Centre for Occupational Health & Safety, there are MANY other measures that can and have been set in place to ensure our workplace health and safety²⁸, and NONE of them include MANDATORY VACCINATION. During the course of this pandemic I have been in the office for 19 out of 24 months. March 2020, we were sent home for 1 month, after that my co-worker and I came in on rotating shifts, without ANY hand sanitizer, face masks or boxes of tissues provided. To assist with the production of COVID Personal Protective Equipment(PPE) for the [REDACTED] and to produce gifts for retiring [REDACTED] members (requested by the [REDACTED]). 4 months into the pandemic, I was provided hand sanitizer and 3 non-medical face masks that would NOT pass a FIT test as they cover my entire face²⁹, long after we had returned to work full time. 1 year into the pandemic I finally received my first non-medical face mask that would meet fit standards. 1.5 years into the pandemic I received my second face mask that would meet fit standards. Considering the standard is to wash non-medical face masks each day³⁰, I would have expected 5 properly fitting masks April 1, 2020, for my return to work during the peak of a pandemic. In spite of this lack of due diligence, [REDACTED] has had not one COVID-19 case stemming from the workplace. In conclusion, if [REDACTED] or the Treasury Board's goals are to take "every precaution reasonable" then I would suggest first providing proper PPE (FIT, Quantity and Training) and the many other alternative safety measures, prior to mandating a hazardous substance that could result in; Thrombosis with Thrombocytopenia Syndrome, Guillain-Barré Syndrome (GBS), Myocarditis, Capillary Leak Syndrome, Bell's Palsy, Immune Thrombocytopenia, Venous Thromboembolism, Thrombocytopenia, Cardiac Arrest or Failure, Hepato-gastrointestinal and Renal System Injury, Cerebrovascular accident, Anaphylaxis, Spontaneous abortion and Death³¹.

Thank you and I look forward to working with you from home on this investigation into the safety of this hazardous substance and its use/efficacy as a reasonable protective measure in the workplace.

[REDACTED]

²⁷ StatCan COVID-19: Data to Insights for a Better Canada, COVID-19 death comorbidities in Canada, (November 16, 2020), p. 5.

²⁸ Coronavirus OSH Answers, Section 3 "What can workplace management do?"

²⁹ Government of Canada - COVID-19 mask use - Advice for community settings, Section 5 "Fit is important for all mask types"

³⁰ CDC - Your Guide to Masks, Section 5 "How to Clean"

³¹ Reported side effects following COVID-19 vaccination in Canada (November 19, 2021).

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16. Graph of Adverse Side Effects Age and Sex - Screen Shot 2021-11-26 at 12.38.21 PM

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