

November 3, 2021

TO: Canadian Employers

RE: Unlawful Refusal to Provide Reasonable Accommodation

I write as litigation counsel with Liberty Coalition Canada (“Liberty Coalition”). Liberty Coalition advocates for the liberty of Canadians, including freedom of conscience and religion, the right to bodily autonomy, and the right to make personal health choices, free of coercion. We represent the interests of Christian employees facing job loss and the abrogation of their individual rights due to the many employers rejecting out of hand good faith requests for accommodation on the protected ground of creed regarding workplace COVID vaccination mandates.

Pursuant to human rights law, employers must not discriminate against Christians by denying reasonable accommodation. Provincial and federal human rights legislation is “quasi-constitutional” and *all* government decisions, orders, regulations and laws are subject to it, including public health legislation and medical officer of health orders. Nothing promulgated by a provincial government or public health authority prevents employers from providing reasonable accommodation or absolves employers of their lawful duty to accommodate to the point of undue hardship.

Further, as the Supreme Court of Canada has ruled, it is unlawful to require any form of third party verification of the religious beliefs of Christians (such as demanding a letter, attestation, or signature from a pastor, priest, or other religious authority), or to refuse accommodation on the basis that the claimant does not provide such verification.¹ It is trite law that the duty to accommodate is triggered once a claimant establishes their religious belief is sincerely-held, has a nexus with a religion (such as Christianity), and is interfered with in a manner that is more than trivial or insubstantial.

No Undue Hardship or *Bona Fide* Requirement

Both the COVID vaccines themselves and vaccine mandates are unnecessary and ineffective, like so many other undesirable control measures that only serve to attack rights and undermine human dignity. There is no undue hardship imposed by accommodating those in the workplace unable to receive the COVID vaccinations due to sincere religious beliefs. Further, there is no scientific or legal support to underpin a *bona fide* requirement that everyone in the workplace receive COVID vaccinations.

The COVID vaccines generally available in Canada (Pfizer and Moderna mRNA vaccines) are *known* to cause serious cardiovascular harm (Myocarditis, Pericarditis, blood clots, etc.) that can cause permanent damage and even occasionally result in death. Paralysis, seizures, and other neurological damage have also been observed. These are the known, short-term side effects. Possible long-term adverse impacts of the COVID vaccines are unknown, as the vaccines have not yet undergone the typical, multi-year clinical trials required of all previous vaccines released to the general public.

Real-world data demonstrates that whatever limited immunity is conferred initially by the COVID vaccines, it wanes within six months and does not prevent infection or transmission. Vaccinated

¹ *Syndicat Northcrest v Amselem*, 2004 SCC 47 at paras 47-54.

individuals are continuing to catch COVID, experience serious illness if they are part of the minority of the population susceptible to COVID, and transmit COVID.

As time progresses, more and more of the population is exposed to COVID and develops immunity during infection. Real-world data again indicates this “natural” immunity is both long-lasting and durable, offering effective protection over time and protection that is superior to vaccine-induced immunity.

The government-sponsored approach to handling COVID is to turn patients away, tell them to do nothing and hope it gets better, and, if it gets bad, go to the hospital where, if things still do not get better, the patient will be put on a ventilator or similar device until the patient dies, or, if lucky, gets better on their own. In contrast, the scientific reality is that simple, affordable supplements and long-proven-safe drugs provide effective early treatment of COVID, significantly reducing severe illness and risk of death. These include but are not limited to Ivermectin, Vitamins C and D, and Zinc. These plentiful and readily accessible treatments are the real way out the current situation, not impotent and dangerous vaccines.

Something as permanent and intrusive as injecting the body with foreign substances, some unknown, must always remain a free choice of the individual. It is an egregious violation of individual freedom for a person to be coerced into accepting a medical intervention.

Bodily autonomy, informed consent, and the protection of minorities are pillars of a society worth living in, as Canada’s legal and political heritage has long acknowledged. If individuals permit themselves to be coerced into accepting a medical intervention as intrusive as a chemical injection, they are not merely acquiescing to the abrogation of their own rights, they are complicit in the erasure of those rights for all individuals, including their children and the next generation.

The decision to receive a vaccine, particularly the potentially dangerous, impotent, and unnecessary COVID vaccines, is a deeply personal health decision and, for some, a matter of deep personal religious conviction. Any employee’s decision to decline the COVID vaccines that is rooted in a protected ground such as creed must not result in discriminatory treatment by that person’s employer.

Regards,



James S. M. Kitchen
Chief Litigator
Liberty Coalition Canada