



NATIONAL CITIZENS INQUIRY

Vancouver, BC

Day 3

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EVIDENCE

Witness 9: Zoran Boskovic

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[00:00:00]

Wayne Lenhardt

Welcome back. Our next witness is Zoran Boskovic. I hope I got that right. So if you would please give us your full name, spell it for us, and then I'll do an oath with you.

Zoran Boskovic

My name is Zoran Boskovic. First name Z-O-R-A-N. Last name B-O-S-K-O-V-I-C.

Wayne Lenhardt

And do you promise that the evidence you give today will be the truth, the whole truth, and nothing but the truth?

Zoran Boskovic

I do.

Wayne Lenhardt

Thank you. Given the time constraints today, I think what I'll do just to shorten things up a little bit, let me give your bio, and you can correct me if I get anything wrong. You were born in Bosnia and Herzegovina, and you and your wife have forestry degrees from the university there.

Zoran Boskovic

Correct.

Wayne Lenhardt

Due to strife in the country, in 1994, you immigrated to Canada, and I'm quoting here, "with an 18-month-old baby and two suitcases," back in 1994. So at that point, you got work in

New Brunswick briefly; '96 you moved across the country to BC, and you got work with the Ministry of Forests there. In 2004, you moved to Kamloops. Your wife became operations manager with Kamloops Forest District and you were senior manager with Mountain Resorts Branch. So you took care of some ski resorts.

Zoran Boskovic

Correct, that was my last position with the Ministry of Forests with the Mountain Resorts Branch.

Wayne Lenhardt

So tell us what happened as COVID came along.

Zoran Boskovic

Well, we all heard through different testimonies and the expert witnesses that 2020 was the year where we didn't know a lot. There was some information out there, but the overall operations and the occupational health and safety within my workplace were put in place, and we followed those protocols and, more or less, there was no single incident within the workplace that I know of in 2020. Plus the government, at that time, introduced a gradual opening, and the Phase 3 was supposed to kick in sometime during the summer of 2021, and then Delta hit. I got infected in mid-August of 2021.

I should say during that period of time during 2020 and early 2021, there was a very limited number of people in the office. I was, due to my family circumstances: I didn't have extended family around me or kids of school age. Both my wife and I opted to be present in the office, and we worked from the office. My office environment was a small one, twenty people overall. But only five of us were present consistently throughout the summer of 2020 and the summer 2021. As I said, when I got infected with COVID, so did my wife. And I can only surmise or speculate that given the presentation and the context that was given by the expert witnesses, I got infected actually from the vaccinated people—I contracted the virus.

Wayne Lenhardt

Yeah, and at a certain point, they made having the vaccine a term of employment, is that right?

Zoran Boskovic

That's correct. Shortly after I got infected, I decided to leave the country and go and visit family. I had visited the family doctor and tested positive, and I asked if I can obtain the letter that I recovered from COVID. That was September of 2021. And the doctor asked why would I require something like that and I said, "natural immunity." If you recovered from COVID, it is actually recognized in most European countries. And even if some of them had any of the vaccine requirements or something like that, the equivalent of obtaining the post-infection, natural immunity would count.

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Wayne Lenhardt

So you and your wife both applied for an exemption after you had gotten it, but you were both denied, correct?

Zoran Boskovic

That's correct. Sometime in October, a head of a public service agency announced that there will be a vaccine policy introduced mandating vaccines. We didn't know what exactly we would have and whether there will be any flexibility within the policy itself. That policy came into effect on November 1st, I believe. On the first day of the witness testimony, Mr. Philip Davidson provided very good review and overview of the mandate that was introduced with one stroke of a pen by the head of a public service agency.

So from November 1st when we had the opportunity to take a look at the policy—what it takes, what the requirements are—we had until November 22nd to comply with the policy. For the government or anyone else to make the medical treatment compulsory, it was a red line for us. We always believed in the informed consent. I tried to work with the family doctor to obtain that kind of informed consent; I shared a number of studies and information that confirmed the effectiveness of the natural immunity. That was in November, and there was silence and no response.

In December I followed up with an email with my family doctor too, and no response. By that time it was November 22nd. I had to disclose whether I'm vaccinated or submit the exemption request, which I did. I wrote the exemption request and while I was awaiting the response, I was directed to work from home. I was working basically throughout the month of December from home and in the month of January until I got the letter denying the exemption request on January 17. Effective January 19, I was placed on leave without pay, and if I don't comply within three months then I may be terminated.

Wayne Lenhardt

Yeah, so you were put on leave without pay for six months. Is that correct?

Zoran Boskovic

The three months past. Within the three months— I believe what is important for the Commission to know, and the people as well, was that I felt that I'm participating in a Kafka's Trial: You're communicating by a letter with someone; you don't know who that is. You send a letter providing more information. They respond basically dismissing, "Those are your subjective, you didn't provide any objective information," although I forwarded a link to over 50 different studies. It was everything dismissed. Beyond that three months, on leave without pay, they didn't communicate anything until sometime in June, seven days before they would terminate me.

It was June 23rd, I believe, I received one letter that the recommendations went to the assistant deputy minister for my termination, and I was terminated on June 20th, which coincidentally was the same date that the federal government lifted the vaccine pass and mandates for the federally employed workers. I thought throughout all this time, I was hopeful that there would be some common sense and logic returning to provincial government, but to no avail. So I was terminated June 20th and so was my wife. Whether it's a coincidence or not, within the same ministry, everything that happened to us, happened at the very same day. So we were placed on leave without pay the same day, and we are terminated the same day.

Wayne Lenhardt

So just to emphasize, you were suspended without pay

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and then eventually terminated on the exact same day that the federal government lifted the restrictions saying that you had to get vaccinated.

Zoran Boskovic

Correct.

Wayne Lenhardt

Did you bring that to their attention?

Zoran Boskovic

I didn't have anyone to bring to attention. I mean, the letter was signed by the assistant deputy minister, but throughout that time I had never received a single phone call from my employer asking me about the situation or to explain why I'm going to be terminated or disciplined, for that matter.

Wayne Lenhardt

At that point, how old were you?

Zoran Boskovic

Sorry, can you repeat the question?

Wayne Lenhardt

Fifty-eight or how old were you?

Zoran Boskovic

I was, when I was terminated, 59.

Wayne Lenhardt

Okay. And you had put in over something like 25 years in the same department, correct?

Zoran Boskovic

I wouldn't say the same department but within the same ministry. I worked more than 20 years as a professional forester in various capacities and the last four years as a senior manager within the Mountain Resorts Branch. The same Ministry of Forests and Range.

Wayne Lenhardt

Okay. You had some other difficulties around this time as well. You were going to go back to your parents, and your wife's parents had some health problems back home. Tell us about that.

Zoran Boskovic

Yes, as I mentioned before, shortly after I recovered from COVID, I obtained that letter and I went to visit the family in a fear that perhaps the borders may be closed, and I just wanted to see my family before things perhaps got worse, after the Delta variant. My wife as well had the plan to go back home sometime in November because her father was suffering from stroke effects. He was immobile in a nursing home, and she promised to come and visit him. Because of the vaccine mandate and everything else, she decided not to go in the month of November, before the vaccine passports were put in place, fighting under a fear that she's going to lose a job and ability to support him in a nursing home.

She obtained the same letter, and we were determined to board the plane on the eve of December 31st of 2021. After a three hours ordeal at the airport in Vancouver at the boarding entrance, it was denied. There were multiple phone calls with some people somewhere, no one knows where to, to determine that basically she is not able to board the plane. The agent, to put further insult, commented that we should do our duty as the other Canadians did and get vaccinated. And shortly after that, my father-in-law passed away on January 10, 2022.

Wayne Lenhardt

At the time you went on leave without pay, your wife and you both ended up going on leave without pay, correct?

Zoran Boskovic

Correct. We were deprived of any income. We survived on some of the savings that we had and with no family support. We did apply for employment insurance the moment we were put on leave without pay—we knew that it is not in my contract and that it is contrary to the employment contract that I have signed with the government. They unilaterally changed the terms and the conditions. There is nothing within that contract that exists that the employer can actually put the employee on leave without pay, only on the request of the employee.

Wayne Lenhardt

You tried to apply for EI, did you not?

Zoran Boskovic

I tried to apply for the EI. I requested the record of employment to be sent to the federal government, to the Service Canada Agency, Employment Insurance and there was no communication for months.

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I tried to follow up over the several months, and eventually in the month of May, I got a letter that my application for the employment insurance benefits was rejected based on the

assessment that a leave without pay is deemed suspension, and the suspension means misconduct. That was one ground. And the second ground that they put is that I didn't prove availability for work.

Wayne Lenhardt

But your wife also applied for EI at this point.

Zoran Boskovic

She did apply at the same time and, just like me, didn't hear anything until the month of May, and through the good fortune or whatnot, she actually was approved.

Wayne Lenhardt

She got approved, but you didn't.

Zoran Boskovic

It's just the arbitrary nature of who you're dealing with. And that's the state of the administrative justice that we have and the bureaucrats that decide who can or cannot get the support. So after 26 years of paying for the employment insurance benefits, I was denied the opportunity to get the social assistance when it was most needed.

Wayne Lenhardt

I believe you retired in September of '22, though, and then you would get a pension. Is that correct?

Zoran Boskovic

As I was terminated on June 20th, I know from that point on, I received that capital punishment in the employment law that my career with the public service was over.

Wayne Lenhardt

So you did get a pension at some point, did you not?

Zoran Boskovic

Because of my age and the length of service, I was eligible for the early retirement. So I applied for the early retirement and effective September, I am in retirement but, with that step, I've taken the financial hit of approximately \$900 a month in my pension income. So for the rest of my life, I'm going to be paying penalties every month. Nine hundred dollars for not obeying the employer's and the government mandate, and that will be a reminder for me for the rest of my life.

Wayne Lenhardt

And you're still just living on your pension. You haven't been re-employed, am I right?

Zoran Boskovic

I haven't been re-employed. We're still trying, as Mr. Phil Davidson in his testimony— We tried to put in a petition for the injunction to stop the firing of the public service employees. We were supported through the crowdfunding of the BC public. We formed a society called BC Public Service for Freedom Employees Society that crowdfunded the legal actions and, unfortunately, our petition for the injunction was rejected as we couldn't prove two of the three grounds for the petition. The judge agreed that there is a serious issue to be tried, but on a balance of convenience and the irreparable damage, we couldn't. According to a judge, we didn't prove it.

Wayne Lenhardt

Do you still have any ongoing court cases?

Zoran Boskovic

The second step of that proceeding was meant to be the petition for judicial review and that step hasn't happened yet.

Wayne Lenhardt

Okay, at this point I think I'll ask the commissioners if they have any questions they'd like to ask.

Commissioner Kaikkonen

Thank you for your testimony. I'm just wondering if we can get a copy of the original contract. You can redact your names, and also the letters for both you and your wife from EI. Just redact your names so we have that as evidence.

Zoran Boskovic

Absolutely, I believe those are public documents. So I am currently— I should add and explain that I went through all the levels of the appeal up to the leave to appeal that was refused with the Social Security Tribunal, and at the moment, from a few days ago, I submitted, as a self-represented litigant, the notice of application for judicial review with the federal court.

Again, self-represented as you can imagine, I'm not a legal expert. I'm trying to navigate. But we talked about access to justice a lot today,

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and I did approach several lawyers and asked for representation and what would it cost. I got the estimate of anywhere up to \$50,000 to recover \$25,000, but it's absolutely out of reach for me. Access to justice is not available and that's what the public needs to know. I think through the testimonies of the expert witnesses, we learned that today and over the past several months.

Wayne Lenhardt

Just for the Commissioners, there are a number of documents that are attached to this file that you can find in your materials [Exhibits VA-12, VA-12a, VA-12b, VA-12c, VA-12d, VA-

12e, VA-12f, VA-12g, VA-12h, VA-12i, VA-12j, VA-12k]. But keep in mind that this gentleman worked, he started his employment some 26 years before, so some of the documents will be quite old.

Zoran Boskovic

Perhaps for the public, if I have enough time. When the Social Security Tribunal argued why I didn't meet the test and the criteria to receive, the Tribunal member at the general division altered the decision. Which the first reason to deny the benefits was I didn't prove the, I believe, it's reasonable— It wasn't a misconduct, but I think it revolved around reasonable alternatives.

Sorry, I can't remember exactly the reason for rejecting, and they altered and switched. The Tribunal member says it's not this criteria, but now it's a misconduct. And when it comes to the availability for work, they said that I set personal conditions—which is, I didn't get vaccinated and I couldn't get employed. Using that logic, not a single person who didn't get vaccinated would be eligible to receive the—

Wayne Lenhardt

I think our allotted time is very close to up. So are there any other quick questions from the Commissioners? No. Okay. I want to thank you very much for coming and giving your testimony today, Zoran.

Zoran Boskovic

Thank you for the opportunity.

[00:22:43]

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The evidence offered in this transcript is a true and faithful record of witness testimony given during the National Citizens Inquiry (NCI) hearings. The transcript was prepared by members of a team of volunteers using an "intelligent verbatim" transcription method.

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