

NATIONAL CITIZENS INQUIRY



# Undermining Democratic Institutions

Analysis from the NCI Final Report | **7.1. Civil**



[nationalcitizensinquiry.ca](http://nationalcitizensinquiry.ca)



# Analysis

Excerpts from the NCI Final Report | 7.1. Civil

## 7.1.5. Undermining Democratic Institutions

### Introduction

The Commission heard evidence that Canada's democratic processes were interrupted and undermined during the pandemic.

**Rick Nicholls** (Toronto)

**Stéphane Hamel** (Québec City)

### Testimony that Politicians Were Pressured to Vaccinate Against Their Will

It is fundamental to Canada's democracy that elected representatives must be able to participate in the legislative affairs for which they were elected, without undue interference.

Rick Nicholls was a member of the Ontario Legislature from October 2011 to June 2022. He served three terms and was elected as a member of the Progressive Conservative Party. During his time, he was an opposition shadow cabinet minister and deputy speaker of the opposition, and deputy speaker for the legislative assembly.

Elected members of the provincial legislatures serve at the pleasure of the people. While he was a sitting member of the legislature:

- At caucus meetings, the chief medical officer of Ontario and other doctors gave presentations to the members about the new vaccines. He asked questions about the efficacy and safety,
- Some colleagues were supportive, but others would not entertain his vaccine hesitancy,
- Premier Ford himself called Mr. Nicholls and asked him to "do me a favour" and get vaccinated,
- He received a call from a Progressive Conservative Party pollster, a campaign chair for the re-elect Doug Ford campaign (who is a lobbyist for pharmaceutical companies), threatening him to get vaccinated within 72 hours or be removed from the Progressive Conservative caucus.

Mr. Nicholls instead declared publicly that he would not get vaccinated. Later that day, a press release was issued by the party removing Mr. Nicholls from the Progressive Conservative caucus. Mr. Nicholls sat as an independent member of the legislature for a while before joining the Ontario Party.

How can the public be confident that their elected representatives are able to serve their interests if they are threatened and coerced to "go along" with something they either disagree with or are hesitant about?

### Testimony that Politicians Were Pressured to Not Dissent

The Commission heard testimony from Stéphane Hamel, one of the founders of the Québec provincial political party, the Coalition Avenir Québec (CAQ). In 2020, he was the president of the CAQ, which was the governing party of the province.

When the pandemic measures were first discussed and introduced, he questioned them but understood that it was important not to put doubt in the mind of the population during a time of crisis. However, as more data and information was coming out, he had more questions. The executive of the CAQ cautioned him against speaking out, warning him that it was important for the entire population to be on the same page due to the dangerous virus.

When the CAQ began discussing the implementation of a vaccine pass, Mr. Hamel wrote a letter to the party stating he did not agree with the measure and that he would oppose it. Ultimately, he expressed his position on his personal social media page. The CAQ accused him of not following the party's constitution and not being in solidarity with the party. They unanimously voted to remove him from the party.

Thus, Mr. Hamel was removed from his political party for criticizing its position, and his voice was silenced. Not only was he silenced, but the party made an example out of him to ensure that there would be no other opposition. If the elected members of a political party cannot speak their minds, the political process is undermined.

### **Testimony that the Normal Passing of Legislation Was Undermined**

The pandemic gave Parliament and provincial legislatures an opportunity to subvert the normal democratic process of passing legislation by passing legislation that gave themselves (and the administration) powers that would not normally be acceptable to the public. Parliament and the legislatures took the opportunity to change their own procedures and adopt practices such as virtual attendance and voting, and extended sessions into evenings when most were not in attendance.

Rick Nicholls testified that in respect of the vaccine measures, he repeatedly challenged the Health Minister in the legislature, as more and more boosters were recommended and the response was always the same—that it's "safe and effective" and we have to protect others. Bills are first discussed in caucus. The minister presenting it makes a presentation in caucus, and the other members can ask questions. Then it gets presented in the legislature for readings, amendments, debate, and a vote.

The timing of readings changed during the pandemic. For example, when the Emergencies Act was implemented in Ontario and the government wanted to extend the emergency, the legislature called for third reading on a Wednesday evening, when very few MPPs were around and not many were attending in person. He hurried to attend and asked to remove the provisions that give immunity to pharmaceutical companies. His changes were not accepted, and the legislation was passed.

During the pandemic, insufficient time was given to review and understand proposed bills. Debate was started immediately, and the party dictated how each MPP should vote. Members were given talking points on how to present the bill to their constituents and convince them to support the bill. Members were pressured to not show up for a vote if they would not vote to support it. When one person secretly voted against a bill, they were removed from caucus.



# Recommendations

NCI Final Report | 7.1.5. Undermining Democratic Institutions

## Recommendations

### **A. Informed Consent:**

Political parties should enshrine the principle of Informed Consent into party rules and constitutions, guaranteeing each member the freedom to make their own decision and to be free from coercion or mandates to receive a medical treatment.

### **B. Protection of Elected Representatives' Independence:**

The parties should adopt regulations to protect the independence of elected representatives so that elected officials are able to express their views and concerns freely without fear of retribution from their own political parties.

### **C. Whistleblower Protections:**

Clear whistleblower protections for politicians and party members who raise concerns about government actions or policies should be established, with protections extending to all levels of government and including all elected officials at all levels of government.

### **D. Transparency and Accountability:**

Decisions by political parties, municipalities, and school boards should be transparent. Parties should be required to provide clear reasons for any actions taken against their members. This includes publicizing party decisions and disciplinary actions.

### **E. Strengthen Party Democracy:**

Encourage internal party democracy by allowing members to openly debate and express dissenting opinions on significant issues, especially during crises like a pandemic.

### **F. Reform Legislative Procedures:**

Review and reform legislative procedures, particularly during emergencies, to ensure that there is sufficient time for members to review and debate bills. Emergency legislation should not by-pass the regular legislative process.

### **G. Public Consultation and Accountability:**

Ensure that significant decisions related to public health measures and emergencies are subject to public consultation and accountability. Decisions should be based on a transparent and evidence-based approach.

### **H. Protection of Parliamentary Sessions:**

Protect the integrity of parliamentary sessions by maintaining regular working hours and ensuring that important votes are conducted when a significant number of members are present.

### **I. Review Emergency Powers:**

Review and assess the powers granted to governments during emergencies, such as those under the Emergencies Act, to ensure that they are not overly broad and they respect democratic principles. Consider legal mechanisms for parliamentary oversight.

**J. Education on Legislative Processes:**

Educate elected representatives and the public about legislative processes and the implications of emergency measures. This includes training for politicians on their roles and responsibilities during crises.

**K. Independent Oversight:**

Consider the establishment of an independent oversight body or commission to monitor and evaluate government actions during emergencies, ensuring that democratic principles are upheld.

**L. Protection of Opposition Rights:**

Strengthen the rights and protections of opposition parties to allow them to effectively scrutinize government actions, especially during emergencies. This includes timely access to information and the ability to hold the government accountable.

**M. Public Inquiry:**

Consider launching a public inquiry to investigate the undermining of democratic institutions during the pandemic. The findings of such an inquiry can inform necessary reforms.

These recommendations aim to safeguard democratic institutions, protect the independence of elected representatives, and ensure that decision-making during emergencies is transparent, accountable, and based on democratic principles.