

Human Rights Complaint: Step 3

Respondent #1: Dr. Bonnie Henry

PHO [OCTOBER 14, 2021](#), PHO [SEPTEMBER 12, 2022](#), PHO [APRIL 6, 2023](#)

Timeline

- A. Dec.1., 2021, my employer, Thompson Community Services, deemed me an unvaccinated person and ineligible to work under the 2021 Public Health Order
- B. Dec.2, 2021 as per the Human Rights Code and my Collective Agreement, I applied for accommodations due to Political Belief. I submitted evidence of my membership with and shared philosophy of the Libertarian Party
- C. Dec. 3, 2021 my request was denied and I was placed on unpaid leave
- D. Sep 2022 new Public Health Order was issued, repealing 2021 order, with no expiration
- E. Dec 14, 2022 My employer **again** confirmed that I was still ineligible to work, and would remain on unpaid leave indefinitely, with no benefit of accommodation under the Human Rights Code
- F. Jan 4, 2023 I initiated a grievance with the BCGEU
- G. On Jan 10, 2023 My employer again confirmed in response to my grievance that I did not qualify for accommodations and would be kept on unpaid leave due to the PHO
- H. Apr 2023 a new Public Health Order was issued, repealing 2022 order, with no expiration
- I. May 2023 my grievance was rejected for forwarding to arbitration
- J. June 2023 I filed for an appeal
- K. Feb 1 2024 my grievance appeal was denied. I have filed for a Provincial Executive appeal
- L. Feb 15, 2024 I am on unpaid leave and my employer refuses to reschedule me for hours to this day. This is ongoing discrimination for my political beliefs.

Detailed Complaint

- A. Relevant Sections of the [Public Health Act of 2008](#):
 - a. Sec. 16 -(4) a person subject to a regulation requiring preventive measures may, if permitted by the regulation, make an objection to a medical health officer [] stating that the person (a) believes that the preventive measures would be harmful to the person's health, or **(b) objects to the preventive measures for reasons of conscience.**
 - b. Sec.30 -empowers the Public Health Officer to identify a health hazard, denoting a **condition, a thing or an activity** that presents a risk of a health hazard
 - c. The definition of **"thing"** includes (a) tangible things, and (b) organisms, **other than humans;**
 - d. Sec.56 -the provincial health officer or a medical health officer may, **in an emergency, order** a person to take preventive measures [] including **ordering a**

person to take preventive measures that the person could **otherwise avoid by making an objection under that section**

- B. June 2021 The [Provincial State of Emergency](#) ended.
- C. Despite this, Dr. Henry declared the situation to be a “regional event” under Public Health Act sec 52 (2), in order to maintain emergency powers, despite recognizing that covid also continues to spread around Canada and the world, where all other vaccine mandates have been lifted. In her 2023 PHO, she does not explain how the situation in BC is different enough to justify continuing the Emergency Regional Event in BC, unlike across Canada and the world.
- D. Dr. Henry describes the “regional event” as emergency in nature, allowing her to enact Sec. 56, that a provincial health officer or a medical health officer may, *in an emergency, order* a person to take preventive measures [], including ordering a person to take preventive measures that the person could otherwise avoid by making an **objection for reason of conscience** under that section. By extension, employers were dissuaded from considering accommodations with regard to the mandate.
- E. By contrast, she declares that her Public Health Order does not extend to First Nations' Authorities, but doesn't explain medical hazard reasons for this, so one can only assume this to be for political reasons.
- F. Dr. Henry's justification in 2024, to continue to order persons to undergo a medical treatment, **without the right to object based on conscience (and political belief)**, is certainly called into question now.
- G. The vaccine has also now shown to not be strictly preventative.
- H. Dr. Henry erroneously declared that an unvaccinated *person* constitutes a "health hazard" (pg4), and later in the 2022 PHO, changed to "unvaccinated workforce"
- I. There is no definition or parameters for "unvaccinated workforce" nor an explanation of what percentage of unvaccinated workers in the workforce would qualify it as an “unvaccinated workforce”. If one unvaccinated person can influence the definition, then each person is still being declared potential "health hazard", and declaring a person as a “health hazard” is not provided for in the Public Health Act.
- J. She declares that an unvaccinated person will, henceforth, be ineligible to work in their health and social services profession, that employers must determine and report vaccination status and enforce her order that the **only** acceptable prescribed preventative measure is the Covid vaccination.
- K. Dr. Henry enacted this eligibility requirement of submitting to an invasive, preventative, medical intervention, in order to continue work in a broad employment sector. She prescribed this most invasive, preventative measure of injected medical treatment as a strict and unavoidable requirement in addition to less invasive preventative measures. Under existing moral tenets and the Charter of Rights and Freedoms respecting the security of person and bodily autonomy, all medical treatments in Canada require informed, voluntary and informed consent as defined in the [Canadian Medical Protective Association](#), free from undue influence, coercion or duress.
- L. The Human Rights Code Article 13 prohibits discrimination against a person regarding employment or any term or condition of employment because of their political belief. This aligns with the Public Health Act which states that a person may object to a preventive

measure for reasons of conscience, in all times, other than possibly the rare and narrow provisional emergency powers declared under a justified regional event.

- M. However, the Human Rights Code Article 4. states that if there is a conflict between the Code and any other enactment, **the Code prevails**. Therefore, both the Public Health Act and a Public Health Order must comply with the Human Rights Code.
- N. Further, the [2016 BC Human Rights](#) conference recognized political belief to include philosophy regarding social constructs and social cooperation and that belief is understood to extend to modes of expression.
- O. The Human Rights Code Article 3 states the purpose of the Code is to foster full and free participation in the economic life of British Columbia. Under Dr. Henry's 2021 PHO, healthy British Columbian citizens were declared to be "health hazards" (pg4), contrary to Public Health Act definitions, where health hazards are "things, conditions or activities" and there is a separate definition for "infected person" or "infected thing".
- P. The PHO does not have an expiration date, thereby maintaining these emergency powers, based on a "regional event" for four years now, and indefinitely into the future. Dr. Henry's emergency power methods and restrictions have not yet mitigated or reduced the purported hazards and justification for the continued "regional event", nor is there a description of or means by which the emergency will ever end. There is no goal post, only the ongoing emergency orders which, by her own admission, violate human rights, freedoms and privacy protections.
- Q. There is no reasonable rationale for indefinite emergency powers or indefinite infringements of the Human Rights Code, Privacy Act, Charter or medical ethics. To continue to govern under indefinite emergency powers is not reasonable in a free and just society.
- R. The [October 2020 Manufacturing and Supply Agreement between Pfizer and Canada](#) was released in October 2023 through a Freedom of Information Request and the Article 5.4 *Warranty* expressly disclaims "fitness for a particular purpose" and the Article 5.5 *Purchaser Acknowledgement* states that the purchaser acknowledges that the Vaccine was "developed rapidly", "will continue to be studied" and that "the long term effects and efficacy of the vaccine are not currently known and that there may be adverse effects of the Vaccine that are not known". This contradicts the PHO which states that the Covid 19 vaccination is "safe and highly effective."
- S. A [Provincial Freedom of Information Request](#) for emails and records specific to mRNA and COVID-19 vaccine adverse reactions and death between January 2021 and October 2021 was released just last week showing that Dr. Henry and others were notified of documented cases of blood clotting, stroke, myocarditis and anaphylaxis prior to the invocation of the PHO. These serious vaccine related risks undermine the reasonableness of Dr. Henry's mandate and her refusal to allow objections for reasons of conscience. Where there is risk, there must be choice.
- T. Feb 15, 2024 I remain on unpaid leave and my current employer refuses to reschedule me to this day. I am currently and indefinitely declared ineligible to work in the Health or Community Support Sector as a result of Dr. Henry's PHO, resulting in discrimination based on my political belief in medical privacy and autonomy.