



Justice Centre
for Constitutional Freedoms

**UNDERSTANDING YOUR FUNDAMENTAL RIGHTS
AND FREEDOMS IN A WORLD FILLED WITH FEAR**

The current violations of our *Charter* rights and freedoms is unprecedented in Canadian history

WWW.JCCF.CA

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THE CURRENT VIOLATIONS OF OUR *CHARTER* RIGHTS AND FREEDOMS IS UNPRECEDENTED IN CANADIAN HISTORY



Under what circumstances can governments restrict our human rights and fundamental freedoms?

The Justice Centre for Constitutional Freedoms (www.jccf.ca) is deeply concerned about the avalanche of government restrictions on the *Charter* rights and freedoms of Canadians. We are working diligently to bring government to account before courts, and in the public square, to defend their violations of our freedoms to move, travel, associate, worship, and assemble publicly and peacefully.

Government must answer to these unprecedented measures and ensure compliance with the rule of law and the Canadian *Charter* of Rights and Freedoms.

Under the *Charter*, Canada's federal, provincial and municipal governments may only infringe our rights and freedoms to meet serious external threats and internal threats. But the *Charter* requires that restrictions on our freedoms be imposed in the least restrictive manner possible, for the shortest amount of time possible. Further, any and all restrictions must be based on science and evidence, not merely speculation or conjecture, and certainly not based on fearmongering.

If a restriction on freedom is challenged in court, the onus is on the government to justify that restriction as reasonable, and to explain why that particular measure was chosen over other, less restrictive means that might achieve the same goal.

To comply with the *Charter*, governments must have given careful thought about the costs and harms of their laws, policies and health orders. Many of the measures being taken today in Canada have never or rarely been addressed by a court. The information contained within this publication should not be relied on for legal advice specific to your own unique situation.



What is the Justice Centre about?

The Justice Centre is a public interest law firm and registered charity, which relies entirely on the voluntary donations of Canadians to carry out its mission of defending the free society. Independent and non-partisan, the Justice Centre provides legal representation free of charge, to protect the rights and freedoms of all Canadians, which are guaranteed under our constitution. Since our founding in 2010, we have been involved in more than 83 legal files with a dedicated legal team and outstanding communications and administrative support staff.

Thanks to the generosity of more than 10,000 Canadians from coast to coast, the Justice Centre has grown to become Canada's leading defender of the fundamental freedoms protected by section 2 of the Canadian *Charter* of Rights and Freedoms. Our legal team consists of nine lawyers, four paralegals and one articling student. New funds from new donors are used to hire more lawyers and legal staff, so that we can take on more cases to defend human rights and human dignity.

OUR VISION

• FREE TO EXPRESS

All Canadians are free to express peacefully their thoughts, opinions and beliefs without fear of persecution or oppression.

• CONTROL ONE'S DESTINY

All Canadians have the right and self-determination to make fundamental life choices for themselves and their children as free and responsible members of our society.

• PRESERVE HUMAN RIGHTS

Every Canadian has the understanding and determination to recognize, protect and preserve their human rights and constitutional freedoms.

• INDIVIDUAL FREEDOM

People can enjoy individual freedom as responsible members of a free society.

• EQUAL TREATMENT

Each and every Canadian is treated equally by governments and by the courts, regardless of race, ancestry, ethnicity, age, gender, beliefs, or other personal characteristics.



How does the Justice Centre defend Canada as a free society?

We provide free legal representation to Canadians from coast to coast whose rights and freedoms are violated by governments. Much of our legal work is unrelated to Covid and in fact, we had dozens of files underway on other violations of fundamental freedoms before the virus demanded a recalibration of our attentions and efforts. This is a small selection of our current legal work in progress:

- We successfully sued the federal government over its refusal to renew and process the passport applications of Canadians during Covid in 2020.
- We successfully represented two separate Alberta parents who were facing human rights complaints filed against them, after a mother asked a potential babysitter whether he had children of his own, and a father asked the age and gender of the same potential babysitter. The complaint against the mother was dismissed, and the complaint against the mother was withdrawn.
- We represented three individuals who received tickets under the Alberta Public Health Act during separate peaceful protests at the Edmonton legislature grounds in Spring 2020. All of the tickets were withdrawn.
- We represent The Free Speech Club in its court challenging against the University of British Columbia for cancelling a campus talk entitled “Understanding Antifa Violence.”
- We continue to hold the Ottawa-Carlton School District to account for having harmed a young girl by way of a teacher claiming that “girls are not real.”
- We continue to advocate for the conscience rights of doctors and nurses who do not want to participate in assisted suicide, and for their free speech rights to speak publicly on the topics and issues of their choice.
- We represent a number of churches who are being forbidden from having worship services, even on a drive-in basis, even after complying with all the government’s public health regulations. Meanwhile, big box stores remain open, which is violating the *Charter* rights of freedom of religion, freedom of assembly and freedom of association.



- We continue to advocate for the *Charter* freedoms of all Canadians, threatened by Trudeau's misguided Bill C-6 on "conversion therapy."
- We are defending over 30 Canadians who have been fined exorbitant amounts for exercising their *Charter* rights to protest, assemble and worship.
- We are taking provincial governments in five provinces to court, to challenge the constitutionality of lockdowns that have not been shown to actually save lives, with clear evidence that lockdowns are actually increasing deaths from suicide, drug overdoses, cancelled surgeries, delayed medical diagnostics, damage to mental health, poverty, misery and despair.
- We are defending the *Charter* rights and freedoms of neglected and abused seniors in nursing homes, who have been cut off and isolated from their family members for months.
- We are challenging Bill 10, an Alberta law that gives cabinet ministers new powers to write new laws unilaterally, without any input from, or review by, the elected Members of the Legislative Assembly.
- We successfully defended emergency room physician Dr. Chris Milburn from professional discipline proceedings by the Nova Scotia College of Physicians and Surgeons after activists filed a complaint against him for an opinion column he wrote in the Chronicle-Herald.
- We are representing a Canadian beauty pageant against a new human rights complaint made by serial complainant Jessica (a/k/a Jonathan) Yaniv. As Yaniv had not had reassignment surgery and had male body parts at the time of his application, the pageant refused to allow him to compete in a pageant restricted to biological females age six and older.
- We have asked Chief Medical Officers and Provincial Health Ministers to provide data and information on the cancellation of medically necessary surgeries, physician consultations, diagnostic imaging procedures, and blood tests due to Covid lockdown measures.



How we defend the *Charter* rights and freedoms of Canadians

For every dollar the Justice Centre receives, we provide the equivalent of two or three dollars worth of free legal services to Canadians in respect of their fundamental freedoms. We achieve this high value-for-donations ratio by relying on our own experienced in-house counsel rather than paying the high hourly rates charged by regular law firms. Further, all Justice Centre lawyers are devoted to defending the free society, and tirelessly carry out this work even while earning considerably less than lawyers at private law firms.

When you donate \$1,000 to the Justice Centre, your donation makes it possible for us to provide legal representation that would cost from \$2,000 to \$3,000 if provided by a regular law firm. Your \$100 donation allows Justice Centre lawyers to perform legal work that would cost from \$200 to \$300 if provided by a regular law firm. Many of our clients would never be able to afford help to defend and protect their rights without our kind and generous supporters.

COMMON GENERAL QUESTIONS



How is the Justice Centre funded?

The Justice Centre is funded entirely by private donations from more than 10,000 Canadians from coast to coast. We neither ask for or accept government funding. We receive donations from individuals, privately-owned businesses, and charitable foundations. We are not partners with any other organization.

Does the Justice Centre have any political or religious affiliations?

The Justice Centre is strictly non-partisan, non-political and non-religious. We do not take political positions or affiliate with any political parties. All of our cases are undertaken on the basis of defending *Charter* rights and freedoms.

Are your legal services really free of charge?

Yes, there is no charge. Since 2010, the Justice Centre has been defending the *Charter* rights and freedoms of Canadians, and now this work is more important than ever before.

Our clients may donate to the Justice Centre if they wish, but there is no requirement or expectation that they do so.



How do you decide which cases to take? Why didn't you take my case?

The Justice Centre is able to take on only a fraction of the hundreds of cases that are submitted to us each year. Since March of 2020, with “temporary” government restrictions having become permanent, donors have made it possible for us to expand our legal team significantly, to try and meet increasing demand. However, we must still turn down many cases. Our Board of Directors reviews potential cases and plays a key role in determining whether a case is accepted or not.

Each court case requires at least dozens, and often hundreds, of hours of time to gather and review evidence, conduct detailed legal research, prepare legal documents, conduct necessary cross-examinations of government officials, and present oral argument in court.

The Justice Centre only takes cases against governments and governmental authorities (ie. school boards, municipalities, universities, regulatory bodies created under federal or provincial law, etc.). We cannot sue private companies and businesses because they are not bound by the *Charter*. The *Charter* only applies to the relationship a citizen has with the government.

The Justice Centre's mandate is limited to constitutional matters. We do not take cases that primarily involve criminal or family law, civil litigation, landlord and tenant matters, employment law, tax law, immigration law, or class action lawsuits seeking damages (financial compensation).



A company has violated my *Charter* rights. Can you sue a business? Will you help me?

Charter rights do not apply to the relationships between individuals, or to the relationships between individuals and companies. The *Charter* applies against the government, to protect people from government violations of their rights and freedoms. We do not take action against private individuals or companies, only the government.

Why does the Justice Centre not file class action lawsuits?

In many of our court cases, we act for several clients; a court action can have multiple applicants or plaintiffs. Our court cases seek a declaration from the court that a particular law, rule or policy is an unjustified violation of *Charter* freedoms. Representing many applicants in one court action is not a “class action” in the legal sense of that word. Class actions seek financial compensation on behalf of a “class” of individuals who have all suffered the same harms.

Class action lawsuits are incredibly time consuming, take years to progress, require certification and permission from the Court to proceed, and are focused on financial compensation for past wrongs. Rather than pursuing financial compensation, the Justice Centre’s court actions seek a court declaration to stop the government’s violations of our *Charter* rights and freedoms, to bring an end to injustice as quickly as possible.

We leave it to other lawyers and other firms to pursue financial compensation, if there are strong legal grounds for doing so.



The entry for Wikipedia on the Justice Centre contains concerning information that does not appear true by the information on your website. Why do you not fix this?

Wikipedia's own entry acknowledges the issue: "Wikipedia is not a reliable source. Wikipedia can be edited by anyone at any time. This means that any information it contains at any particular time could be vandalism, a work in progress, or just plain wrong". Unfortunately, even though we have corrected multiple instances of false and inaccurate information on Wikipedia, certain editors constantly re-edit the information to reflect their own political or personal viewpoint. https://en.wikipedia.org/wiki/Wikipedia:Wikipedia_is_not_a_reliable_source

HOW DOES CANADA'S CONSTITUTION WORK?

Some laws are unconstitutional because they violate the federal-provincial separation of powers, even when those laws do not violate *Charter* rights and freedoms. If the federal government creates law in an area of exclusive provincial jurisdiction, or if a province creates a law in an area of exclusive federal jurisdiction, such law can be challenged and struck down by a court.

The Constitution Act, 1867

Provincial governments and federal governments each have held different powers and areas of responsibility under the Constitution Act, 1867 since Confederation.

The legislative powers of the federal government and the provincial governments are set out in the Constitution Act, 1867, which used to be called the British North America Act. These powers are interpreted by the Supreme Court of Canada.

Section 91 of the Constitution Act, 1867 gives federal governments the power to legislate for “peace, order and good government of Canada” in any area not specifically assigned to the provinces, and in matters of national interest, such as the Criminal Code and inter-provincial trade. Provinces have jurisdiction over health care, over property and civil rights, and many matters of a local or regional nature.



How does the Canadian *Charter* of Rights and Freedoms work?

The *Charter* is the supreme law of Canada and lays out the rights and freedoms of citizens, to protect citizens from government. It is a bill of rights that was added to the Constitution in 1982.

In 2021, the *Charter* will celebrate its 39th Anniversary. Its purpose is to protect Canadian citizens from federal and provincial governments from violating their rights and freedoms.

Charter protections include freedom of thought, belief, opinion and expression including freedom of the press and other media communication; the right to vote and participate in political activities;

the right to a democratic government; mobility rights to travel across the country, and enter and leave Canada; legal rights to a lawyer; language rights; the right to life, liberty and security of the person; freedom of religion and conscience; freedom of association; freedom of peaceful assembly; and the right to equal protection and benefit of the law without discrimination based on personal characteristics including race, religious and sex.

Unfortunately, and increasingly, it is necessary to take governments to court to defend fundamental rights and freedoms.

Federal Powers – business incorporation with federal matters, aeronautics, radio, television, nuclear energy, national capital, offshore mineral rights, official languages, drug control, trade and commerce, taxation, currency, postal service, census, statistics, national defence, federal civil service, navigation, fishers, banking, copyright laws, Indigenous affairs, citizenship, criminal law, marriage and divorce, prisons, foreign affairs, and emergency powers in peace and war (War Measures Act; Emergencies Act), etc.

Powers and how they are divided can be changed over time through court rulings. There have been many disputes over history regarding the distribution of powers.

Provincial Powers – provincial laws, direct provincial taxation, municipalities, school boards, hospitals, property and civil rights, civil and criminal justice administration, provincial statutes, prisons, celebration of marriage, the provincial civil service, local matters, and provincial corporations. Education is a provincial responsibility.

Shared Provincial and Federal Powers – agriculture, immigration, pensions for seniors, and supplementary benefits.

Under what circumstances can government violate *Charter* rights and freedoms?

The rights and freedoms protected in the *Charter* do have limits.

“The Canadian *Charter* of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” *Charter*, section 1.

Section 1 of the *Charter* is applied to both government laws and government decisions.

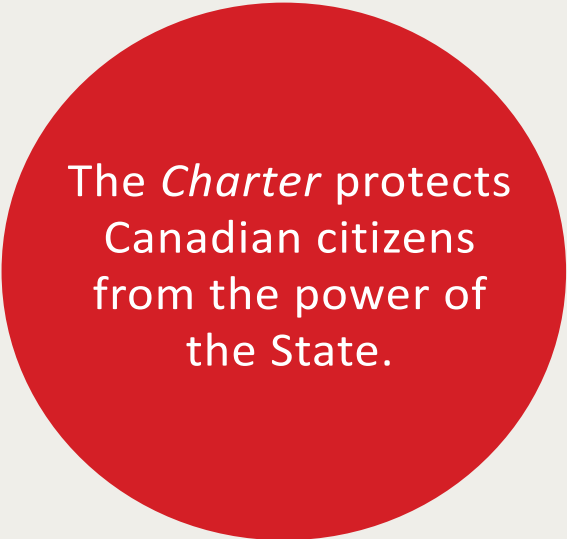
In reviewing a law, courts apply the Oakes test which required that the government show the following:

- The law must have an important objective that is both “pressing and substantial”.
- The law is “rationally connected” to meeting the important objective. It cannot be arbitrary or lack a logical purpose.

- The law must cause “minimal impairment” to a *Charter* right. It must infringe rights and freedoms as little as possible.
- The law’s violation of the *Charter* right must be in proportion to the benefit it actually achieves. This means that courts can decide that the harm to Canadians’ *Charter* rights and freedoms is too great to justify the law.

In reviewing a government decision that infringes *Charter* rights or freedoms, courts generally apply a reasonableness review that considers whether the decision affected as little as reasonably possible the *Charter* right or freedom in light of the government objective.

The *Charter* also contains a “notwithstanding clause” (section 33), which allows a provincial or federal government to opt out of a court ruling, by taking very specific and clear legislative action to limit or override fundamental rights and freedoms. This power has never been used by the federal government and only invoked a handful of times by provincial governments. The clause was added because provinces were concerned that the *Charter* gave courts and judges too much power and refused to support the *Charter* unless this clause was included. It allows governments to exempt laws from certain sections of the *Charter*, however democratic, mobility and language rights can never be overridden using the notwithstanding clause.

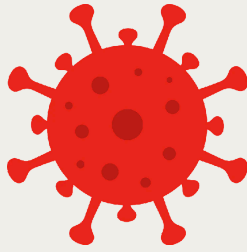


The *Charter* protects
Canadian citizens
from the power of
the State.

What is the Common Law?

Common law is basically the law of precedent – the state of the law as it is set by court decisions. It is not written down in legislation, but judges use decisions of past cases to guide them in decisions in present cases. Judges follow a concept of the “Rule of Law”, which means they must provide reasons for their decisions, and look to earlier decisions on the basis that similar facts should result in similar decisions in logic and reasoning. Legislation always takes priority over common law or case law in the case of contrary principles.

Most of the “law” on *Charter* rights and freedoms comes from court decisions, not the words of the *Charter* itself. The courts of Canada have interpreted and applied most sections of the *Charter* many times. This is the heritage of the British legal system that Canada and most of the English speaking world has inherited.



COVID AND LOCKDOWN QUESTIONS

What is the Justice Centre's position on lockdowns?

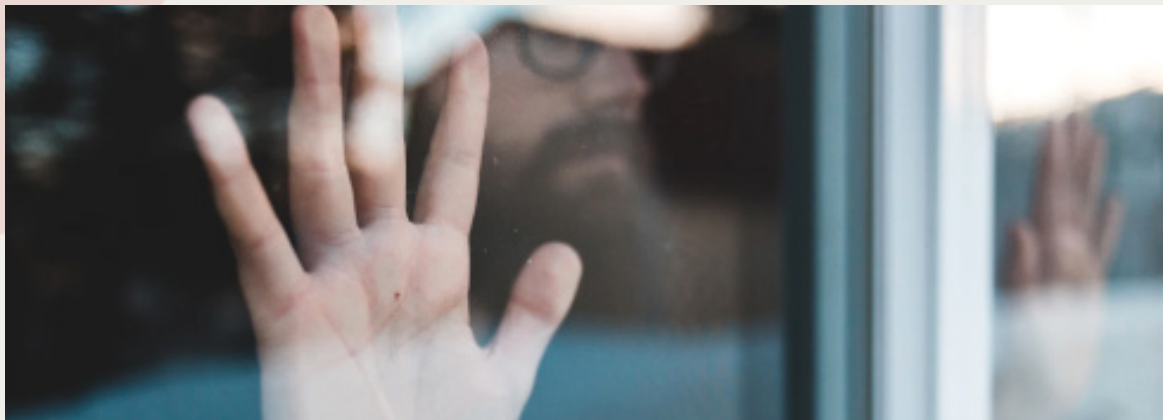
When it comes to fighting Covid, one thing we can probably all agree on is that the cure should not be worse than the disease. The *Charter* requires governments to demonstrate with evidence that restrictions on our freedom to move, travel, associate, assemble and worship are “demonstrably justified.”

The problem is that our federal and provincial governments have not demonstrably justified their lockdown actions as reasonable limits on our constitutionally-protected rights and freedoms. This past April, not long after governments imposed lockdowns, the Justice Centre sent letters to each of our premiers, as well as the prime minister and all of the chief medical officers, to ask whether they had considered any of the consequences of their lockdown restrictions.

To date, not one government official has given us meaningful answers about deaths from cancelled surgeries, deaths from delayed medical diagnostics, increases in suicides and drug overdoses, damage to mental health, or about the unemployment, poverty, misery and despair resulting from lockdowns.

Back in March and April, governments created plenty of models to predict Covid deaths (which have proven to be wildly inaccurate). Governments did not create models to predict the harms that would come from cancelling 200,000 non-emergency but medically necessary surgeries. Or the harms that come from delaying over 500,000 necessary MRIs and CT scans to diagnose cancer and other serious conditions. Or the increase in drug overdoses and suicides that would result from throwing millions of Canadians into unemployment. Or the harm to well-being that results when people risk fines of \$1,000 or more just for spending Christmas with friends and family.

The bottom line is that governments in Canada need to answer how many lives will be saved from lockdown measures, versus how many lives will be lost as a result of them, not to mention harm to the economy and our well-being.





Why fight against lockdowns when the government is trying to save people?

The short answer is that lockdowns are inflicting a great deal of harm on Canadians, while politicians have not yet put forward clear and persuasive evidence that lockdowns are bringing about good.

The Justice Centre has been inundated with thousands of emails from people who have been seriously harmed, physically, emotionally and financially, by lockdown measures. Many Canadians are grieving the deaths of their children, and the deaths of their parents, because chief medical officers cancelled life-saving surgeries.

Meanwhile, elderly and vulnerable people are living alone and in the most miserable circumstances in care homes, in many cases unreasonably denied the company of their loved ones.

Politicians have not put forward persuasive evidence that lockdowns have been worth their horrendous costs. Millions of Canadians are suffering from unemployment, poverty, cancelled surgeries, isolation, loneliness, drug overdoses, suicides, and the loss of their liberty and human dignity. Further, our children and grandchildren will have to repay hundreds of billions of dollars, borrowed by federal and provincial governments. This jeopardizes future funding for health care and other government programs.

There is abundant data available that tells us that loneliness is bad for your health; isolation is bad for your health; isolation facilitates abuse; contact via zoom and skype are insufficient to sustain healthy relationships; excessive alcohol consumption is bad for your health; staying indoors is bad for your health; lack of exercise is bad for your health; poverty is bad for your health; depression is bad for

your health; anxiety is bad for your health; delayed cancer diagnosis is bad for your health; lack of physical contact is bad for your health.

This list doesn't include Canadian lockdown deaths resulting from cancelling over 200,000 surgeries and delaying over 500,000 medically necessary MRIs and CT scans to diagnose cancer and other life-threatening conditions, nor does this list include the increased deaths from suicide and drug overdoses that lockdowns have caused. Even school has been cancelled for many students, forcing them to become virtual learners and increasing isolation and loneliness.

There are numerous healthy, good things which lockdowns have now made illegal or next-to-impossible to do: singing, socializing, engaging personally with friends, playing team sports and watching live performances and sports events.

Politicians have failed abysmally to protect vulnerable seniors in nursing homes, who make up at least three quarters of Covid deaths in Canada. Instead, they continue to inflict harm and damage on tens of millions of healthy Canadians who are not at risk from Covid.

It is very important to realize that *Charter* rights, such as freedom of thought, belief, opinion, expression, conscience and religion are individual rights, and are supposed to protect the individual from the State.

Are you going to launch a class action lawsuit against government?

As explained in greater detail elsewhere in this document, the Justice Centre does not undertake class action lawsuits that seek financial compensation. A class action has to be approved by the court, is very complicated and inefficient, and takes years longer than a court actions seeking to strike down a *Charter*-violating law or policy. Our focus is to end the violation of *Charter* rights and freedoms as quickly as possible (and prevent future violations), by seeking a court declaration that a particular law or government policy or practice is an unjustified violation of the *Charter*. When a claim for financial compensation is added to the court action, it significantly delays the court action.

Can I join a court challenge?

Potentially yes, if the Justice Centre takes on your case, after you have submitted a case online that has been approved by our legal team and reviewed by our Board of Directors. Regarding existing court challenges that are already underway, we typically do not seek to add applicants (plaintiffs) to existing court actions.

We select participants in our lawsuit based on several factors, including the harms they have suffered from lockdowns and their willingness to swear an affidavit and be involved in the court action. To be considered for any legal action, you must first submit a case on our website at www.jccf.ca. Once a case has been filed, it is unlikely that the Justice Centre will add additional parties to the case.

Are the violations of *Charter* freedoms by way of lockdowns justified?

No. While continuing to promote an exaggerated and disproportionate fear of Covid, politicians have yet to provide persuasive evidence that lockdowns have actually saved any lives. Politicians have failed to protect vulnerable seniors in nursing homes, who make up more than three quarters of all Covid deaths. Instead, politicians imposed lockdowns on the entire population, even healthy individuals. The *Charter* requires politicians (not Canadian citizens) to demonstrate that lockdowns do more good than harm.

Governments have not demonstrated with evidence that lockdowns have saved lives, nor have governments sought to track, measure and monitor the many different kinds of lockdown harms. The Canadian *Charter* of Rights and Freedoms guarantees the rights of Canadians to move, travel, associate (gather in-person with friends and family), assemble (peaceful, non-violent protests), worship (including meeting together with fellow believers), express themselves (including the choice of whether to wear a mask or not) and enjoy bodily autonomy (no mandatory vaccinations). Governments have failed to justify their violations of these freedoms.



Does the Justice Centre plan to challenge the state of emergency itself?

At this point, no. We have not gone after challenging the emergency declaration itself. Rather, we are challenging the validity of the lockdown measures. Although we are not directly challenging the state of emergency, our court actions point to government data and statistics which tell us that Covid is not the unusually deadly killer that politicians made it out to be in March of 2020. Covid poses no threat to roughly 90% of Canadians, and we should focus on protecting the vulnerable, particularly seniors in nursing homes.

I disagree with you fighting lockdowns when the government is trying to save us from a terrible virus.

One must consider the 99.7% survival rate for Covid, and the 95% survival rate for people over 70. The government's own data and statistics tell us that the number of Canadians who died in 2020 is in line with the number of deaths in 2019, 2018, 2017 and prior years. The government's statistics and data show that Covid has not had any significant impact on the life expectancy of Canadians. Politicians are still operating on the basis of the false predictions that were made in March of 2020, and seem unable to move out of a state of fear and panic.

We ask that you consider supporting our efforts to maintain a free society even if you do not agree with each one of our cases. One day you may need someone to fight for you against the government when other people disagree with your position.



What is the current status on lockdown legal actions taken by the Justice Centre?

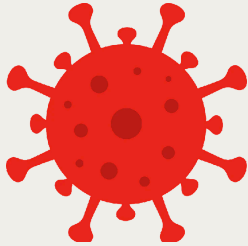
At the time of writing this document, the Justice Centre had launched lawsuits against the governments of Alberta, Manitoba and British Columbia, with plans to sue Ontario and Saskatchewan as well. This document will be updated periodically as necessary.

Can you help in Quebec?

We are very concerned by what is happening in Quebec, whose people often suffer the worst lockdowns in Canada. However, the province represents a unique challenge in that any lawyers have to be fully fluent in French, and require special permission from the Quebec bar to appear in court if they are from outside the province. Further, Quebec's legal system is based on French Civil Law, which is different from the rest of Canada's foundation on the English Common Law. At this point, we do not

have enough French-speaking lawyers to be able to launch a legal challenge in Quebec. We may do so in the future, however, by retaining Quebec-based lawyers.

You may not be aware that the Justice Centre is a charity and we are fully funded by private donations. We take on as many legal actions as our funding allows.



COVID AND EMPLOYMENT CONCERNS

Do I legally have to tell my employer if I test positive for Covid?



Being in the workplace while infected is considered a workplace hazard under the Canada Labour Code, and you have a duty to report this hazard to management so they can determine if other employees were exposed.

Under most public health orders in Canada, you must quarantine if you test positive for Covid. If you have Covid symptoms, or have been told to isolate by public health authorities, you should not go to work. You are not required to disclose your medical condition to your employer if you were not at work while sick, but will need to say that you are ill and cannot attend work. There are rules about what medical information an employer can make you give them. Some employers make it a condition of employment that staff take alcohol or drug tests in most cases to operate equipment or for safety reasons.

Check your local employment standards regulations for your own province, as most workplaces are governed by provincial employment standards laws, not by the Canada Labour Code. Many provinces have updated their regulations to state that employees are entitled to 14 consecutive unpaid days of job leave if under quarantine, without a medical note. Many provinces have enacted employment standards that state that an employee that cannot work due to quarantine or being advised to self-

isolate cannot be terminated or disciplined. You can ask your employer to allow you to work remotely, wherever possible.

Many employers, hospitals, and other businesses may screen visitors and staff with a variety of questions such as:

Have you experienced a fever, cough, shortness of breath, difficulty breathing, sore throat in the last 10 days or vomiting or diarrhea in the last 48 hours? Have you been closely associated with a person who has been tested for Covid in the last 10 days or has been tested and is awaiting results? Have you been closely associated with someone who has symptoms of Covid or is otherwise sick?

Have you been tested for Covid in the last 10 days? Or are you awaiting test results for symptoms in the last 10 days? Have you returned to Canada from another country in the last 14 days? Have you been asked to self-isolate in the last 14 days?

There is not much legal justification for refusing to answer these basic screening questions if you want to go to work under the various public health orders, or enter somewhere high risk like a medical office or hospital.



Can my employer take my temperature?

This is a question in regard to a situation to which we have no court rulings yet. A court may decide a temperature check is not overly invasive but a reasonable requirement given the governments' belief that Covid is serious risk.

Am I required to submit to a Covid PCR test or any other test against my will?

Employees have a right to security of the person and privacy, including medical and health information. An employer cannot force you to do a medical test without a good reason. Ultimately, if an employer terminates an employee for refusing to take a Covid test, this would be a matter decided in court or before a Human Rights Commission.

Some employers who are health care providers may be allowed to force employees to have a Covid test, to protect the vulnerable in those workplaces, such as a long-term care homes. The need for reducing risk to ill seniors may be judged as more important than an employee's right to security of the person and privacy. The law requires employers to provide a safe workplace. Some employers may argue that they need to protect other staff against Covid, and then require some of your medical information.

We understand how concerning it is to be forced to comply with mandatory testing to maintain your job. Many employers are telling their employees they have no choice but to accept a Covid test.

We strongly recommend that individuals lobby the government for a law which prohibits force testing as a condition of employment.

The other option is to file a complaint with the Human Rights Commission in your province, or bring a lawsuit against the employer for breach of contract. The Justice Centre cannot take action against private employers and companies.

Most provincial governments have told employers to "screen" employees for Covid by asking certain questions, such as:

- Have you had any fever, sore throat, cough, runny nose, difficulty breathing, shortness of breath or other symptoms
- Have you been in contact with people who have Covid

You likely do have to answer these questions.

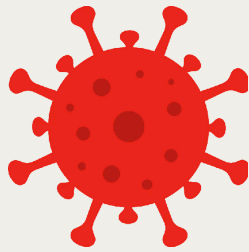
My employer is trying to force me to wear a mask and I can't for medical and health reasons.

A requirement to wear a mask as a condition of employment, or as a condition to receive a service, is discriminatory against people with medical or health conditions that preclude them from wearing a mask. If an employer terminates employment over inability to wear a mask, this would make for strong grounds for a successful human rights complaint.

Some people refuse to wear a mask for religious reasons. Other people cannot or should not wear masks because of various medical and health conditions. Many of the municipal bylaws are worded broadly enough to exempt those with "health concerns" or "health conditions", including mental conditions like claustrophobia. Laws must not disproportionately punish the vulnerable who are unable to wear masks. Please also review our section on masks.

Can my employer tell me what to do in regard to masking or protesting when I'm off their clock in my personal time?

No, the employer cannot dictate what you do when not at work, as long as you are acting in your personal capacity, and not as a representative of the employer, and provided that you have not otherwise signed a contract with your employer limiting what you do and say on your personal time. That said, some employers do monitor the social media of their employees; this has been the case for many years, apart from Covid and lockdowns.



COVID AND BUSINESS SHUT-DOWNS

Can you sue the government so I can open my business?

Our court actions to end the lockdowns, to the extent they are successful, will result in businesses being able to re-open. The applicants (plaintiffs) in the Justice Centre's court action include business people.

Businesses have been subjected to severe, extended and devastating closures, on-and-off since March of 2020. Many small businesses were deemed non-essential by the government and forced to close, while large, big-box stores could continue operations as usual.

Unfortunately, the *Charter* does not protect private property rights, or shield Canadians from financial or economic harm that governments may inflict by way of laws and government policies. In the years leading up to the adoption of the *Charter* in 1982, Prime Minister Pierre Trudeau and the provincial premiers expressly rejected including property rights protections in the *Charter*.

However, the government does have to show that their lockdown measures are not discriminatory or arbitrary. For example, allowing people to dine in a restaurant while prohibiting in-person religious services is discriminatory and arbitrary.

Politicians continue to justify violating Canadians' *Charter* freedoms to move, travel, associate, assemble and worship with the stated goal of "saving lives." If they are actually serious about saving lives, the *Charter* requires them to do two things.

First: demonstrate with evidence that lockdowns have saved lives; speculation and conjecture are no substitutes for evidence and science. Second: make an honest and concerted effort to find out how many Canadians have been harmed or killed by lockdowns, and the exact nature and extent of all the lockdown harms to public health.

We share your concern about the lockdowns and how they are affecting small businesses. We have legal action underway or pending in five provinces, with the goal of ending lockdowns.



Can you help me sue the government if they are infringing on my *Charter* rights in running my business?

If a business owner is being told to specifically do something that is against her or his *Charter* rights, the Justice Centre may be able to provide legal representation, if we take on the case submitted online at www.jccf.ca. For example, public health officials told a store owner in Ontario that she could not place a sign in her business welcoming people who are mask exempt, which is a violation of the business owner's freedom of expression, which is protected under the *Charter*. This store owner had posted a "masks mandatory" sign in her store, as required by law, but had also posted her own sign to affirm the rights of mask-exempt individuals. The government had no right to censor her expression.



I run a small store. Can the government force me to install plexiglass or put up signs requiring people to wear a mask?

Informing yourself of the contents of public health orders is the key to dealing with this kind of situation. It is worth taking the time to review carefully the Public Health Orders in the province

where you live, to determine what are actual legal requirements versus mere suggestions, recommendations or “guidance.” When something is said to be a “recommendation” or “guidance” that is not the same as law.

A requirement of “should” likely does not have legal consequences for non-compliance while “must” likely does. That said, some health inspectors can be very persistent with businesses and imply things are law that are merely guidance. Many of these guidance documents include wording that businesses are required to “comply to the extent possible”.

A restaurant wants my personal contact information. Is that legal?

The legality of the requiring private businesses to gather personal information for contact tracing has not been determined legally.

Generally, private entities such as restaurants would have the right to require patrons to provide their name and contact information (e.g. for making a reservation). Customers are free to refuse to do so, and a private entity would be entitled to refuse services. Since the contact tracing requirement has been mandated by the government, however, additional concerns are raised under privacy legislation.

We believe this invasive government requirement is best be addressed by challenging the root of the issue, which is the Public Health Act and the delegation of legislative authority to the Chief Medical Officer of Health who is making these requirements. To see what the Justice Centre is doing on these broad issues in Alberta, you can visit: https://www.jccf.ca/court_cases/heights-baptist-church-northside-baptist-church-et-al-vs-alberta-and-the-chief-medical-officer-of-health/ and https://www.jccf.ca/court_cases/justice-centre-v-alberta-government/.



COVID, TICKETS AND LAW ENFORCEMENT

When do I have to give police my name or ID?

Police cannot randomly stop and question the public without a legitimate reason. Providing information to the police is voluntary. Police are required to tell citizens why they are being stopped and to inform the person that providing information is voluntary. In the majority of cases if you are stopped as a pedestrian on the street, you do not have to show police your ID or answer questions. The police cannot stop you from leaving unless you are placed under investigative detention or arrest. Police can arrest you if they have reasonable and probable grounds that you have committed a criminal offence. Always ask, “Am I free to leave?” If you are not free to leave, then you are detained, and you must be told why you are being detained and be allowed to speak to a lawyer in private as soon as possible. Remain calm and respectful while speaking to the police.

If you are stopped while driving or cycling, most provincial highway traffic acts and municipal bylaws

do require you to show police your ID and tell them who you are, if asked.

If a police officer (or health inspector or other government official) intends to write you a ticket because, in their view, you have broken a law, it is best to provide your name and cooperate, receive the ticket, and thereafter decide whether to pay or plead not guilty. Technically, one is not legally required to provide the policeman or government official with one's name when she/he wishes to write a ticket. However, in a "ticket writing" situation like this, when you refuse to provide your name it is common practice for police to charge you with obstructing justice (a criminal charge), and then arrest you on that basis. It is extremely unpleasant to be handcuffed and forcibly taken to a police station for finger-printing and other legal procedures, even if you are eventually acquitted of criminal charges.

Tickets that are issued under unconstitutional laws are best challenged in court, by accepting the ticket and pleading not guilty, and thereby forcing a trial. Refusing to provide one's name and ID, to attempt to avoid the ticket, is not the best approach.



Do passengers in a car have to show ID?

Under the *Charter*, citizens are protected from arbitrary and unreasonable police powers, illegal searches, and intrusions into privacy. Passengers in a car are not required to identify themselves to police unless the police have reasonable grounds to believe there is a criminal offence. If police are demanding ID of passengers, or to search your vehicle, you should not consent without speaking to a lawyer before giving permission.

Do I have to talk to police?

Apart from providing one's name and ID in situations where police intend to write a ticket, you are never under any obligation to speak to the police and you do not have to answer any of their questions. This cannot be stressed enough. When police ask you questions, whether you have been charged with a crime or not, talking to them does not benefit you. You should say nothing. You have the right to talk to an attorney, but one will not be allowed in the room with you if police attempt to question you.

Your time to tell your side of the story is if and when the matter goes to trial in court, after you have received disclosure from the police and crown (their evidence against you), and have received proper and adequate legal advice to prepare a defence. Again, you do not have to answer any questions asked of you by police, and you are advised against answering questions if police are investigating or looking to charge you with a crime.

Please seek further advice from a criminal defence lawyer, preferably one who lives in the same town or city as you, or at least in the same province.



When can police legally enter a private residence?

Police can only enter a private residence if given permission to enter the home by an adult that lives in the home. Without that permission, police can enter private residences only with a search warrant for the property, or with an arrest warrant for a resident who lives there. Otherwise, police can enter without a warrant and without permission only if they are pursuing a suspect imminently involved in a crime, or to protect a resident in immediate danger. Apart from these specific situations, you have the right to refuse entry and should clearly communicate that you are not permitting them to enter.



Can police ask us in a restaurant to show ID to prove we live in the same household?

No.

Can bylaw officers or police legally come into my house to see how many people are there?

Generally, you do not need to allow any bylaw or enforcement officers into your home, unless they have a warrant. If you do receive a ticket related to public health orders that violate your *Charter* rights, it is advisable to plead not guilty and contact the Justice Centre to request help defending your constitutional freedoms.

However, some provinces (Alberta, for example) have public health laws which state that the police and health officials can enter without a warrant during a public health emergency. Such provisions likely violate fundamental *Charter* freedoms but we are not aware of any court rulings rendered in respect of challenges to those laws, suggesting that these provisions have not been challenged by citizens.



What do I do if I receive a ticket (for protesting, for not social distancing, for not wearing a mask, for attending a rally, for having a family dinner, or otherwise violating a public health order, etc.)?

The *Charter* protects your freedom to assemble peacefully and to publicly express your views. This does not mean that you will not receive a ticket for doing so, but it does mean that you will have a strong constitutional defence to raise against that ticket. While our website cannot give specific legal advice on how to handle a particular situation, the *Charter* protects your right to gather and associate with others.

You do not need to allow any bylaw or enforcement officers into your home, unless they have a warrant. You do not even have to answer your door. If you do receive a ticket, you should plead not guilty and contact the Justice Centre to request help defending your constitutional freedoms. If appropriate, you can change your plea prior to a trial and seek a settlement of the ticket.

After you plead not guilty, we recommend that you request disclosure of the government's information about the ticket.

Once you receive disclosure of the government's information related to your ticket, we invite you to

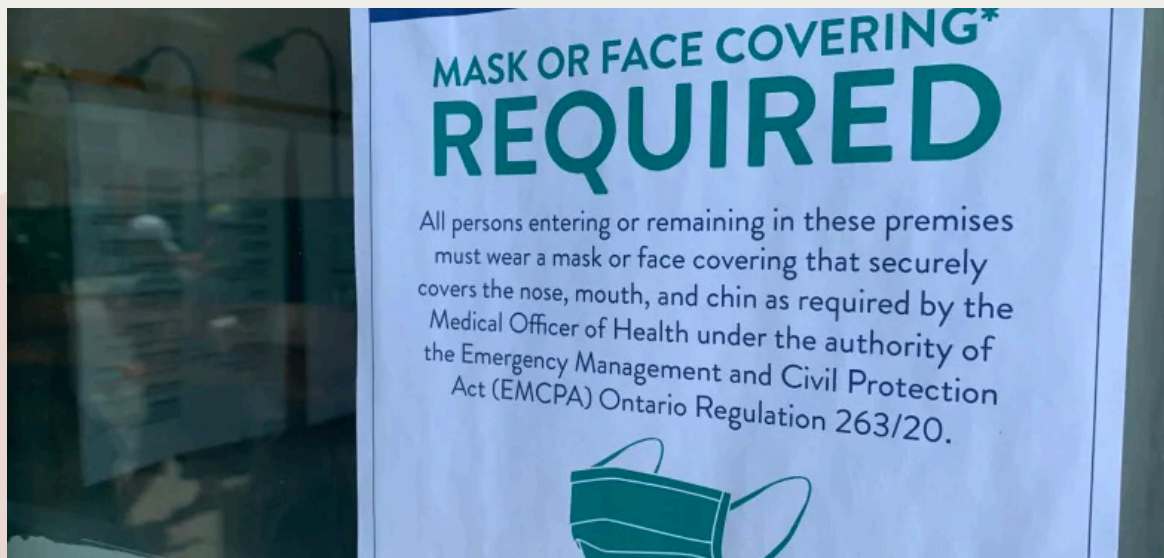
contact us at <https://www.jccf.ca/get-help/> and request that the Justice Centre help defend you if your case heads to trial. (Many tickets will likely be dropped by prosecutors without heading to trial). Due to limited resources, the Justice Centre cannot promise legal representation for everyone who asks, we can assure you that, provided we have the available resources, we will be making best efforts to defend the rights of those who responsibly exercise their *Charter* rights.



COVID AND MANDATORY MASK ISSUES

A store is forcing me to wear a mask against my *Charter* rights. Can you help?

Only in situations where the requirement to wear a mask is forced on an individual by a government body, or by a government order or law, does the Canadian *Charter* of Rights and Freedoms apply. That is, if a business is not required by government to enforce the wearing of facemasks – but does require them of their own accord – the *Charter* does not apply. However, while the *Charter* has no application to businesses, human rights legislation does apply to businesses. It is illegal for a business to discriminate against someone due to religion, race, gender, mental or physical disability or other grounds.



Can a store or business force me to wear a mask to shop or enter?

If someone is unable to wear a mask because of a mental condition (eg. claustrophobia; PTSD) or a physical condition (difficulty breathing; skin condition), a business would be engaging in illegal discrimination if it denied services to such a person for not wearing a mask, and did not provide some

form of reasonable accommodation.

A business is required by law to comply with provincial and federal human rights legislation. Provincial human rights legislation applies to every business operating in the province. Federal human rights legislation applies to only some businesses (eg. banks) that are federally regulated.

Apart from province-wide mask-wearing laws, businesses and private companies have the legal authority to require that employees, customers, clients, or visitors to their premises wear face masks. However, businesses cannot discriminate based on grounds like race, religion, creed, physical disability, mental disability, etc.

What do I do if I was denied services for not wearing a mask?

Go to your provincial human rights commission or tribunal and file a complaint. Note: you will most likely require proof of medical, physical, religious, or conscientious basis for not wearing a mask, at some point during the complaints process. If the store has not made any attempts to accommodate you, for example by providing curb side service, online ordering, or delivery, it is likely your complaint will proceed.



My city has put a mask bylaw in place: is that legal?

The legal authority of Canada's cities and towns is typically set out in provincial legislation known as a Municipal Government Act or similar legislation. The city's mask bylaw will be authorized (or not) depending on whether the city is complying with the provincial legislation.

Cities do not enjoy their own jurisdiction to enact laws, because they are entirely creatures of statute: their power is delegated from provinces through legislation. As of yet, there are no court rulings on whether the mask bylaws of various cities and towns are permissible under the various provincial

laws. If a province has chosen not to enact mandatory masking requirements, then what empowers a municipality to do so? The answer may well be “nothing”.

Despite the poor drafting of mask bylaws and despite jurisdictional and constitutional issues, a legal challenge to them is not guaranteed to be successful. Hard data now demonstrates that the virus has a survivability rate of 99.7 per cent, but the mask requirements remain.



What does it mean that a store has a duty to accommodate?

If a store or any other business accommodates non-mask wearers with curbside pickup, online shopping, or some other alternative, a provincial human rights commission would likely rule that sufficient accommodation has been provided.

Am I legally obligated to reveal my private medical information to exercise my right to a mask exemption?

No. An individual is typically not required to disclose his medical condition to any store, service, restaurant or facility, provide proof of exemption, or discuss religious beliefs. Individuals are not required to prove that they have a mask exemption.

If asked to wear a mask, you can reply, “I can’t wear a mask.” A store or company can ask if you have a doctor’s note due to ignorance of the law, however, you are under no legal obligation to provide a note, discuss your medical condition, or get into detail about why you cannot wear a mask.

The exception to this is if you file a human rights complaint. You are likely going to be required to provide proof as part of the complaint process.

Do I have to tell a bylaw officer or police officer why I can't wear a mask?

No. Medical information is private and covered under privacy laws.

Are there still mask exemptions with the new Alberta orders and in every province?

Yes. All provinces have mask exemptions for those under a certain age (children), those who cannot remove or place a mask without assistance, those who have health or medical conditions, and under protected grounds as outlined in various provincial human rights codes.



I'm mask-exempt and my condo board made it mandatory in common areas, stairs, elevator and to walk to my condo what do I do?

Condo boards are not permitted to violate the human rights of residents, including their right not to be discriminated against on the basis of a mental or physical disability, or a religious belief, that prevents them from wearing a mask. The condo board must accommodate such individuals to the point of undue hardship, meaning that the condo board is required, if necessary, to suffer reasonable hardship or inconvenience.

Some cities have enacted bylaws that apply to common areas on condos and apartment buildings. Again, some people are exempt from mask wearing and are not required to provide a doctor's note or proof. While businesses may be able to refuse entry or service to those who cannot wear a mask, tenants have rights and building owners should be careful not to discriminate against those who cannot wear a mask for health, religious or medical reasons.

How can mandatory masks be legal?

Legally, the question of mask bylaws remains circumstance-dependent and uncertain. Scientists and doctors disagree on the benefits of masks to prevent the spread of Covid. Ultimately, the constitutionality of government requirements to compel the wearing of non-medical masks can only be determined by a court after it considers all factors, including the individual's freedom of expression and right to liberty and security of person. This including the freedom to make one's own medical decisions and the right to control one's own body and bodily integrity.



I've been fired for not wearing a mask at work. What can I do?

File a human rights complaint. Contact your union if you have one. Contact a lawyer to discuss suing your employer for wrongful dismissal or discrimination if your reason for not wearing a mask falls under health, medical, religious or conscientious exemptions. (For reasons explained elsewhere, the Justice Centre uses its limited resources to sue only governments and governmental authorities, not private businesses or employers.)

I'm being refused my mail if I don't wear a mask. Is this legal?

Mail is legally the possession of the person to whom it is addressed to. The only time that an individual's mail can be held is if your mail goes to a postal box and you have not paid your storage fee, at which time the mail is to be held for 30 days and then returned to sender.

Canada Post as a Crown Corporation must make accommodations for you to pick up your mail. Canada Post has created a Face Covering Practice document that notes a number of exemptions including “persons receiving alternate accommodations under the Canadian Human Rights Act based on an inability to wear a face covering; and persons under the age of 5”. <https://www.canadapost.ca/cpc/doc/en/news-and-media/face-covering-practice.PDF>

The policy further notes that “accommodated arrangements will be made with persons who require accommodation on human rights grounds.” This could mean the Canada Post outlet brings the mail outside for curbside pickup, or makes some other arrangement to ensure Canadians who cannot wear a mask still receive their mail.

If you do not receive satisfactory service from Canada Post or your mail is withheld from you, you may consider filing a complaint with the Canada Post ombudsman. <https://www.canadapost.ca/ombudsman/>



GOVERNMENT MEASURES AND MANDATES

Are provincial travel restrictions legal?

Situation at a glance

The Justice Centre filed two court actions against the government in Federal Court, in response to the actions of the Trudeau government that has forced Canadian residents into mandatory quarantine, in a quarantine hotel at their own expense, after returning from international travel. The full hearing on the constitutionality of quarantine hotels and quarantine facilities was on June 1-3, 2021. A decision was given in that court action, and we are appealing the ruling(<https://www.jccf.ca/accelerated-appeal-on-mandatory-hotel-quarantine-granted-by-court/>).

The appeal challenging the constitutionality of federal quarantine hotels and quarantine facilities will be moving forward(<https://www.jccf.ca/wp-content/uploads/2021/07/A-183-21-Order.pdf>) on an expedited basis at the Federal Court of Appeal.

The Justice Centre brought a Motion on July 9, 2021, requesting that the Court expedite the hearing of the Appeal on the basis that: thousands



of Canadians are being impacted by these oppressive measures every day, and that an expedited hearing was necessary to ensure the effectiveness of the remedy sought, namely a ruling that the learned trial judge erred in finding that the government's measures do not violate the *Charter* rights of Canadians.

The Federal Court of Appeal(<https://www.jccf.ca/wp-content/uploads/2021/07/A-183-21-Order.pdf>) agreed with the Justice Centre on July 28, 2021 that this appeal should move forward at a faster pace than an ordinary appeal due to great public interest surrounding the issue.

The question of legality of mandatory COVID tests to enter Canada as a Canadian citizen has not been decided by a court.

A court could rule the Canadian government has the right to require individuals to show they are healthy before entering Canada, however it is not clear whether this would be considered constitutional for Canadian citizens, if challenged legally on *Charter* grounds. These are unprecedented times.

Effective midnight on January 7, 2021, federal government made an interim order under Transport Canada that proof of a negative Covid laboratory test result must be presented to the airline prior to boarding a flight to Canada. The test must be conducted within 72 hours of the traveller's scheduled time of departure to Canada. It must be a molecular test (PCR) or LAMP test and antigen tests (blood) are not accepted. Children who are under the age of five on the day of their travel (so up until one day before their 5th birthday) are not required to have a negative test. The new announcement made on February 12, 2021 indicates Canadians will be forced to have a second test on arrival and be quarantined three days in a federal facility at their expense, while waiting for the results.

Effective August 9, 2021, the Government of Canada has discontinued the requirement for a three-night stopover in a hotel meant for preliminary quarantining at 12:01 EDT. The requirement to book and stay in a government-authorized hotel has ended for all travellers regardless of vaccination status.

There are no changes to the mandatory testing requirements for unvaccinated travellers. All travellers, regardless of vaccination status, coming to Canada still require a pre-entry COVID-19 molecular test result and will be required to quarantine.

To be eligible to enter Canada, travellers must use the ArriveCAN app or web portal. Travellers must ensure that mandatory requirements are met prior to departing for Canada. In addition, some provinces and territories may have their own entry restrictions in place. Check and follow both the federal and any provincial or territorial restrictions and requirements before travelling.

In addition to receiving a full series of a vaccine authorized by the Government of Canada, fully vaccinated travellers must also: provide COVID-19-related information electronically through ArriveCAN (app or web portal) including proof of vaccination prior to arrival in Canada; meet the pre-entry testing requirements; be asymptomatic upon arrival; and have a paper or digital copy of their vaccination documentation in English or French (or certified translation) ready to show a government official on request as evidence.

Mandatory hotel quarantines and travel restrictions



Returning travellers who don't want to be forced to do a COVID test

The Justice Centre appreciates the reluctance to submit to a PCR test. We are also concerned with the accuracy of the test and the rate of false positives. These tests are being challenged in court as part of our legal challenges against in Manitoba, BC and Alberta.

February 22nd, 2021, the government issued a new law that requires all international travellers to take a PCR test upon arrival at the airport and to quarantine at quarantine hotels pending a negative PCR test result, at their own expense. As it stands if a Canadian citizen was to arrive at any airport in Canada and refused a PCR test, they may be fined, charged under the Quarantine Act and/or be directed to a quarantine facility also known as DQF. There have been reports of travellers walking out of the airport and refusing quarantine(<https://www.insauga.com/international-travelers-are-walking-out-of-mississauga-pearson-airport-ignoring-quarantine-rules>). Prominent anti-lockdown advocate Chris Sky posted a video of himself and police at the airport when he arrived from Turkey, and he refused to be taken to a federal quarantine hotel. There have also been Canadians arriving home who have refused a PCR test.

An employee of the Calgary Police Service has told the Justice Centre that Calgary Police will not be arresting people or enforcing the federal quarantine order.

Unless there are some serious or aggravating circumstances, where the public safety is at risk, we are not ... detaining individuals who are not complying with the regulations under the Quarantine Act," Ontario Peel Regional Police spokesperson Constable Akhil Mooken told the National Post(<https://nationalpost.com/news/canada/some-travellers-walking-out-of-pearson-airport-or-take-a-fine-instead-of-paying-for-quarantine-hotel>).

Refusal to submit to mandatory testing

If you refuse, you may be fined, charged under the Quarantine Act and/or directed to a quarantine facility. The Justice Centre has heard from individuals who have refused the mandatory test and also refused quarantine, and were not arrested, (as far as we know nobody has been arrested yet). We have also spoken to individuals who refused and received a ticket.

If you were to be arrested, you WILL have the right to speak to counsel, the right to be taken before a court within 24 hours and the right to reasonable bail. If this is the route you choose we would highly recommend that you retain a local criminal defence lawyer BEFORE you arrive in Canada so that you can contact them immediately if you get arrested. In this way, your lawyer will be able to assert your rights for you.



Overview of choices for returning travellers

Arrive with the mandated Covid PCR test within 72 hours of flight arrival and comply voluntarily with any additional testing and quarantine in the federal facility (hotel), at a cost of \$2000 per person, and hopefully be out of quarantine in 3 days. In this scenario, in our legal opinion this process has completely suspended all *Charter* rights including right to counsel, right to appear in court within a reasonable time and right to reasonable bail.

If you refuse testing, you may be fined, charged under the quarantine act and/or be directed to a quarantine facility. Some travellers have walked out of the airport and refused quarantine. Please see the section above on refusing testing. You could refuse to take the PCR test and/or go to the federal quarantine facility. If you choose this path, you will be in breach of the Quarantine Act, and may be issued a ticket/s with a set fine. The common amount to be fined appears to be \$3,700, although the federal government has recently announced that they will increase the fines to \$5000 per person. You may also be issued with a summons, which does not have a set fine amount. In that case the maximum penalty you face could be a \$750,000 fine and/or six months imprisonment.

If you refuse testing and quarantine and are issued a ticket, contact the Justice Centre(<https://www.jccf.ca/get-help/>) immediately, with a clear and legible copy of the front and back of the ticket. We will assist you.

We have not heard from any Canadian citizen who has returned to Canada and been arrested. If arrested, you WILL have the right to speak to counsel, the right to be taken before a court within 24 hours and the right to get reasonable bail. Please note, we are unable to recommend criminal lawyers. We can assist you with any tickets or fines(<https://www.jccf.ca/get-help/>).

According to the federal government information page(<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/latest-travel-health-advice/mandatory-hotel-stay->

air-travellers/list-government-authorized-hotels-booking.html) regarding covid travel and quarantine restrictions, the three-night hotel stopover requirement will be eliminated for all travelers arriving by air after 12:01 A.M. Eastern Daylight Time on August 9, 2021.

Fully vaccinated travellers who meet the requirements will be exempt from quarantine; however, all travellers must still provide a quarantine plan and be prepared to quarantine, in case it is determined at the border that they do not meet the necessary requirements.



Travel by Air or Land - Choices

If you receive a ticket or a summons you will have the opportunity to attend Court and defend yourself. You will have the opportunity to explain your personal circumstances and why you chose not to comply. A judge will then decide what penalty you should receive based on your personal circumstances. Please note it is very rare for anyone to receive the maximum set penalty, which is generally reserved for the worst offenders. The process of contesting your ticket and going to court may take up to one year and possibly longer to complete.

1. Arrive by land. The federal government has stated they have no immediate plans(https://www.cbc.ca/news/business/government-travel-rules-hotel-quarantine-land-border-snowbirds-1.5897643?fbclid=IwAR0UhoLQixJL67s1G4XAcVT_XpPH6Qwzyti1XSLKkfYiIT_cxZI58c8eiU) to force non-essential travellers entering Canada by land to spend part of their quarantine in a hotel however they do have to present a negative PCR test taken within 72 hours of them crossing the border back to Canada rule that has been in place for air passenger arrivals since Jan. 7. In addition, a traveller will be given a take home test, to use on the eighth day of quarantine and is expected to use the ArriveCAN application on their cellular phones. Although the Canada-U.S. land border is closed to non-essential travel during the pandemic, Canadian leisure travellers can still fly to the United State(<https://www.cbc.ca/news/business/snowbirds-canada-u-s-border-drive-winter-travel-covid-19-1.5810104>), ship their cars over, and return home by any mode of transport. The federal government has stated travellers arriving by land without a PCR test may be fined up to \$3000/day and or directed to attend a quarantine facility. If you are fined or ticketed, please contact the Justice Centre(<https://www.jccf.ca/get-help/>).

2. Fly to the nearest US border point, obtain transportation, cross the border by vehicle and drive home, with the same considerations as outlined above, arrival by land. Some Canadians have reported difficulty renting a car, however.



Background Information

The new mandatory quarantine at a quarantine facility took effect(<https://www.ctvnews.ca/health/coronavirus/mandatory-hotel-quarantine-measures-for-travellers-to-come-into-effect-feb-22-1.5306556>) on February 22, 2021. Full details of the government’s plan can be reviewed here(<https://www.jccf.ca/federal-government-email-to-registered-canadians-abroad/>).

We first issued a news release(<https://www.jccf.ca/federal-government-faces-imminent-lawsuit-over-unlawful-confinement-of-returning-canadian-travelers/>) outlining the situation, and then a legal demand letter(<https://jccf.us4.list-manage.com/track/click?u=c05a091cdb4f8bb4b60b53c73&id=947df5fe5a&e=0f7d04925a>) to the Government demanding that they stop this practice immediately and release anyone they may be currently holding in federal facilities. The Trudeau government has decided to proceed with this forced confinement of travellers and the Justice Centre filed two court actions(https://www.jccf.ca/court_cases/steven-duesing-nicole-mathis-blain-gowing-et-al-v-the-attorney-general-of-canada/) against the government in Federal Court. Those actions were heard June 1-3, 2021, before the Chief Justice of the Federal Court Justice P. Crampton. A decision was given, and we are appealing the ruling.

Trudeau also announced all Canadian airlines had agreed to cancel all the flights to ‘sun and sand destinations’ until the end of April, including Mexico and the Caribbean. “We all agree that now is just not the time to be flying,” Trudeau said.

However, not all Canadians agree. The Justice Centre(www.jccf.ca/) has received thousands of emails since the federal government announced that Canadians returning to the country, regardless of their reason for travel, will be forced into mandatory quarantine, in a hotel at their own expense of \$2000 for a three day stay.

The government began requiring all people arriving in Canada by air to show a negative PCR-based Covid test in early January.

Prime Minister Justin Trudeau announced February 9 that anyone arriving at a land border with the U.S. after February 15 will be required to have taken a COVID-19 test 72 hours before seeking entry.

According to Global News(<https://globalnews.ca/news/7629517/covid-travel-restrictions-land-borders/>), “lack of a negative test won’t necessarily prevent people from entering the country. Should Canadians or permanent residents not be able to provide that test result, they could face “severe penalties,” including fines of up to \$3,000 per person. In one case reported in the news(<https://www.>

lifesitenews.com/news/mom-and-kids-fined-18k-sent-to-canadian-quarantine-site-for-presenting-2-hour-expired-covid-test-at-border), a mother and her children were fined \$18,000 and sent to a quarantine site for presenting a 2 hour-expired Covid test at the border. (This is for land travellers only; if you don't have a PCR test you will not be allowed to board your flight).

Trudeau said his government will also be implementing new measures to ensure “extensive follow up by Health Canada” to ensure they are getting tested and properly quarantining. “It’s not legal to refuse entry to a Canadian who wants to come home. That’s the major difference between land borders and air borders. You can prevent someone from boarding a flight in Miami or elsewhere, you can’t prevent someone standing at a land border crossing from coming into Canada, because technically they’re already on Canadian soil,” Trudeau said to reporters.”

It has been stated by the government that beginning Feb. 22, travellers entering Canada at the land border(<https://www.cbc.ca/news/politics/travel-restrictions-border-1.5911845>) would be required to take a COVID-19 molecular test on arrival as well as on day eight of their 14-day quarantine. However, from what we know right now, if a Canadian citizen or permanent resident shows up at the land border without a negative test, officials cannot deny you entry as you are a Canadian citizen on homeland. The federal government has stated travellers could be given tickets of up to \$3000 per day(<https://globalnews.ca/news/7629517/covid-travel-restrictions-land-borders/>).

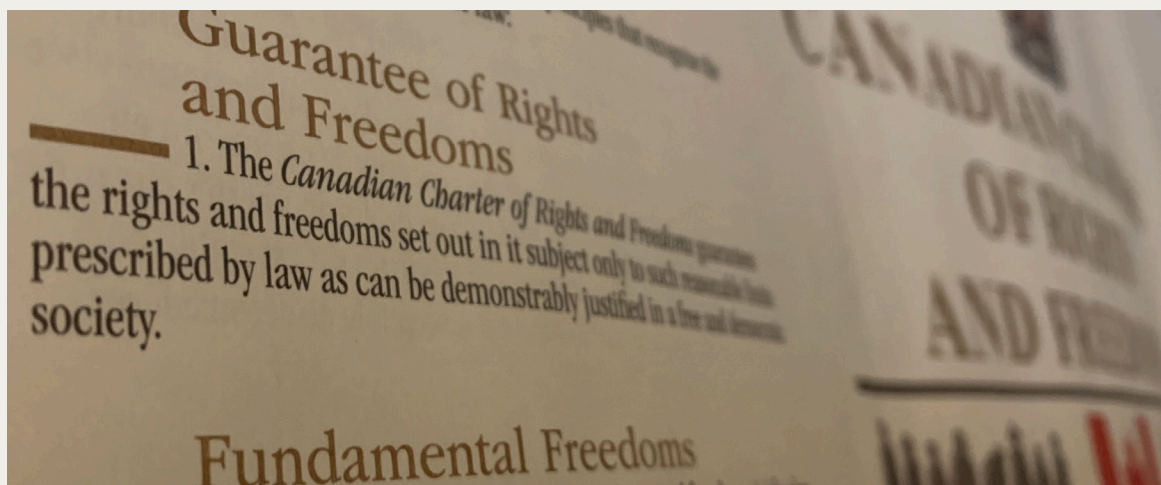
If you are detained or receive a ticket as a result of returning home, please contact the Justice Centre by filling out a case submission. (<https://www.jccf.ca/get-help/>)

CBC news(<https://www.cbc.ca/news/politics/diplomats-exempt-hotel-quarantine-1.5922967>) reported on February 23, 2021, that foreign diplomats, unaccompanied minors, truckers and patients getting treatment abroad are among the limited number of travellers who are exempt from mandatory hotel quarantine requirements when arriving in Canada by air. “Canada added the exception to the rule because it is bound by the Vienna Convention on Diplomatic Relations. The 1964 international law states that diplomats ‘shall not be liable to any form of arrest or detention.’” CBC reported. However, we have had many people recount that their exemptions are not being honoured.



Reports of Canadians being detained in hotels

The Justice Centre is aware that the federal government has been detaining Canadians arriving in the country by air and transporting them to a secret location, because they do not have the specific test the government mandates, a PCR or a LAMP test. These citizens are being held unlawfully despite not having been convicted of any offence, not having had access to a lawyer, and not having appeared before a judge. Law enforcement officers are apparently refusing to inform family members of where their loved ones are being held. The letter notes that this policy aligns with the world's most repressive and undemocratic regimes and is totally unacceptable. The Justice Centre is actively working with and representing travellers (<https://www.jccf.ca/justice-centre-will-sue-federal-government-for-forcible-confinement-of-returning-canadians/>) who have been unlawfully detained in the court action.



Violation of *Charter* rights

It is our legal opinion that the government's arrest and detention of Canadians in this fashion is unlawful and unconstitutional, and we will demand the immediate release of any Canadian currently being so detained, permitting them to continue any necessary isolation protocols in their personal residences.

This is not China or Cuba, or Chile under Pinochet, or Spain under Franco, or theocratic Iran. The Justice Centre is not prepared to permit a democratically elected government to turn Canada into a repressive replica of countries that have no respect for human rights and civil liberties. The *Charter* enshrines the protection and guarantee of individual rights and freedoms, such as the rights to liberty, mobility, and privacy, into our Constitution. All government orders, including emergency orders, must comply with the *Charter* by not infringing any of the rights protected thereunder, unless doing so can be demonstrably justified in a free and democratic society according to law.

Government Orders already mandate that, regardless of a negative COVID test result, any person entering Canada must quarantine for 14 days on arrival. In fact, they must submit a 14-day quarantine plan to a government official, which is subject to the discretion of the said official. This discretion is subjective and without parameters. Quarantine, particularly of healthy or asymptomatic individuals,

is the functional equivalent of house arrest and the Justice Centre will not allow it to continue unchallenged.



Are provincial travel restrictions legal?

Border restrictions between provinces as a result of COVID are unprecedented and very likely unconstitutional. These closures are not within the power of the provincial government. Only the federal government has a general power over national travel. The *Charter* Section 6 guarantees mobility rights, plus the right of citizens to enter, stay in, and leave Canada, and to live anywhere in Canada. Ultimately, those who are ticketed for traveling between provinces will have to fight the matter in court, and this is an area where contacting the Justice Centre for assistance and legal advice is recommended.

The issue of travel restrictions in New Brunswick, Nova Scotia & Prince Edward Island

The violation of Canadians' mobility rights, protected under section 6 of the *Charter*, is a matter of serious concern to the Justice Centre.

Unfortunately, this has been challenged in court in Newfoundland with a negative outcome. We are considering potential involvement in an appeal of the Newfoundland decision, and we are also looking at bringing other legal challenges to these kinds of restrictions in the Atlantic provinces, including New Brunswick.

To start a new court application in New Brunswick on this issue would require a significant expenditure of legal resources. Currently, our growing team of lawyers is working overcapacity on numerous files and court challenges. As a registered charity reliant entirely on voluntary donations(<https://www.jccf.ca/donate/>) from Canadians, we can only take on so many cases. Providing donation support increases our capacity, and we hope to litigate this issue when resources so allow. At this time, we do not have the capacity to bring legal action in New Brunswick, Nova Scotia, or in Prince Edward Island.



Returning to Canada in a few months

If you can stay where you are for the time being, we do suggest that. Watch how the situation develops in the coming weeks as we appear in Court. Review this page regularly for updated information. According to the federal government information page(<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/latest-travel-health-advice/mandatory-hotel-stay-air-travellers/list-government-authorized-hotels-booking.html>) regarding covid travel and quarantine restrictions, the three-night hotel stopover requirement will be eliminated for all travelers arriving by air after 12:01 A.M. Eastern Daylight Time on August 9, 2021.

What can be done by the public

Canadian citizens who are concerned about this government decision can email the media, the federal Minister of Transport and the Prime Minister of Canada to express their strong disapproval. We also suggest individuals contact the Minister of Health, and the Minister of Public Safety as these orders seem to be arising out of these departments. Perhaps many thousands of letters would convince the government this is a violation of people's rights and a foolhardy endeavor.

Legal Status of the Challenge

The full hearing on the constitutionality of quarantine hotels and quarantine facilities was heard June 1-3, 2021.

On June 18, 2021, the Federal Court released its ruling(<https://www.jccf.ca/wp-content/uploads/2021/06/JudgementJune-18-2021.pdf>) finding that mandatory quarantine hotels at traveller's expense are constitutional. The Federal Court also found, however, that the constitutional rights and freedoms of Justice Centre client, Pastor Nicole Mathis, were unjustifiably infringed by authorities failure to inform the Pastor Mathis of her right to counsel upon detention, and her and her family's right to know the name and location of the designated quarantine facility she was being taken to.

On June 30, 2021, the Justice Centre launched an appeal, at the Federal Court of Appeal, of the decision of Chief Justice Paul Crampton.

The appeal states that Justice Crampton erred in law and fact in finding that the forced detention of returning Canadians(<https://www.jccf.ca/federal-court-rules-isolation-hotels-constitutional-chastises-federal-government-for-other-breaches/>) in federal facilities do not breach the *Charter* rights and freedoms of Canadians. The Justice Centre further asserts that the Chief Justice Paul Crampton erred in law by making findings that went beyond the scope of the evidence and the issues that were before the Court in making additional, conclusionary findings that “principles of fundamental justice would permit the imposition of stronger border control measures including longer period of quarantine at the border.”

The appeal challenging the constitutionality of federal quarantine hotels and quarantine facilities will be moving forward on an expedited basis(<https://www.jccf.ca/wp-content/uploads/2021/07/A-183-21-Order.pdf>) at the Federal Court of Appeal.

The Justice Centre brought a Motion on July 9, 2021, requesting that the Court expedite the hearing of the Appeal on the basis that: thousands of Canadians are being impacted by these oppressive measures every day, and that an expedited hearing was necessary to ensure the effectiveness of the remedy sought, namely a ruling that the learned trial judge erred in finding that the government’s measures do not violate the *Charter* rights of Canadians.

The Federal Court of Appeal agreed(<https://www.jccf.ca/wp-content/uploads/2021/07/A-183-21-Order.pdf>) with the Justice Centre on July 28, 2021 that this appeal should move forward at a faster pace than an ordinary appeal due to great public interest surrounding the issue.



CHURCHES AND THE FREEDOM TO WORSHIP AND GATHER

What are our rights to gather and hold religious services?

Faith communities have a constitutional right to be open, to hold services according to their faith, religion, beliefs and customs pursuant to section 2 of the *Charter*. If you want to know more, you can look at our website, with hundreds of legal documents posted. We currently represent dozens of churches before the courts related to this issue, who have decided their duty to God and to their co-religionists supercedes the demands of an increasingly tyrannical government. We will be forcing the governments to demonstrate in court that restrictions on churches are truly justified as necessary, rational and reasonable. Governments must justify their violations of *Charter* freedoms, and ought to do so even when they are not being sued.



Can my pastor or leader legally ask me to provide proof of an exemption from wearing a mask?

Churches are private organizations to which Human Rights Legislation does not apply when it comes to internal church policies, practices and procedures. For example, churches can legally discriminate on the basis of religion when hiring staff. In contrast, a retail store (depending on the province; depending on municipal bylaw) may be required to honour health exemptions from mask-wearing, and further the retail store might not be legally permitted to demand to see a doctor's note to evidence the health condition.



Are religious ministers within their rights to require a citizen to wear a mask when entering and exiting a church despite having a medical exemption?

Generally, religious officials have discretion over rules, policies, procedures, behaviour or conduct, dress codes, etc. that they impose on their own members inside their own buildings. A Gurdwara (Sikh Temple) can refuse entry to someone who refuses to cover her/his head, for example. A Church,

Gurdwara, Mosque or Orthodox Synagogue can insist on separate seating for men and women. However, the Gurdwara requires a head covering because this is a required component of religious worship in the Sikh religion.

We are not aware of any religious beliefs that require one to cover their mouth or nose during a service or while inside a religious sanctuary. This requirement only comes from the government. The same governmental requirement generally creates exemptions from this requirement: people do not have to wear a mask if they have a mental or physical condition that prevents them from doing so. Further, generally there is no requirement that an exempt person show their doctor's note. It is unclear on what basis a religious community could require someone who is legally exempt (as per provincial and municipal law) to put on a mask, or to show a doctor's note when secular authorities do not require this. Such a religious community is arguably engaging in discrimination on the basis of disability.

For example, the Catholic Church has no bona fide (sincere) religious requirement for faithful Catholics to wear masks during mass, or to require Catholics to produce doctors' notes to prove they are exempt. So, apart from a Catholic teaching that requires mask-wearing (and there is none), a bishop arguably cannot compel a medically-exempt person from covering their face during Mass or while inside the church building when the secular laws (which the Justice Centre is challenging as unjustified and illegal violations of our *Charter* rights and freedoms) provide for exemptions and (often) specify that the exempt person cannot be required to produce proof.

Can a church refuse me entry if I won't wear a mask?

A church can refuse entry or participation on the basis of a religious ground. For example, a church can refuse to host a wiccan wedding on church premises because there is a religious imperative that forms the basis for the decision. But if a church says people in wheelchairs cannot go to confession, there would be no religious underpinning they could point to; this would simply be a breach of human rights laws. Churches cannot discriminate on the basis of a health condition, absent a bona fide (sincere) religious reason or official teaching.

In a similar vein, when the civil authorities protect the privacy of mask-exempt individuals (by stipulating that no person is required to show a doctor's note) it is likely that churches do not have the authority to disregard that civil law and require mask-exempt individuals to show a doctor's note, unless that religion teaches that church members or adherents have no privacy rights vis-à-vis church leaders or ministers.

Is it problematic from a human rights perspective for a bishop to mandate that citizens wear a mask in order to participate fully in a religious service, such as receiving Communion as part of the service?

Human rights laws are a double-edged sword. If someone successfully uses human rights laws to oppose church leaders' demands or requirements vis-à-vis masks, that same power can potentially be

abused by someone who insists on receiving communion even while not adhering to church teachings on any number of moral or lifestyle issues. Hopefully, the Human Rights Tribunal would be capable of discerning the difference between an actual Catholic teaching and a policy of requiring mask-wearing during Mass. Sadly, Human Rights Tribunals often have a poor track record of defending human rights, and they often have little regard for religious freedom and freedom of expression. Those wishing to invoke the powers of Human Rights Tribunals to fight against church policies that they consider to be unjust should think long and hard about using these legal proceedings to strike down the policies and edicts of bishops.

Are you concerned to see such directives? If so, why?

It's disappointing to see so many people – including religious leaders – buy into and propagate the notion that Covid is an unusually deadly killer, when the evidence (including government data and statistics) tells us this is clearly not the case. Those who claim to love truth need to take a hard look at the facts, rather than blindly submit to fearmongering by politicians, media and politically-appointed doctors.

MANDATORY VACCINES



The Justice Centre's position is that the government should make the Covid vaccine available to Canadians who want it, starting with those who are the most vulnerable. That should be the end of their involvement in the personal health decisions of Canadians. To go further and threaten or mandate liberty restrictions on Canadians who decide not to receive such a vaccine is a violation of the rights to freedom of conscience and religion, mobility rights, and the right to liberty, and security of the person under the *Charter*.

What is the difference between forced vaccination and mandatory vaccination?

"Forced vaccination" means forcibly injecting citizens with a vaccine against their will. "Mandatory vaccination" means a legal requirement to be vaccinated, and to provide proof of vaccination. Failure to comply with the mandate could result in consequences, such as being prevented from attending events, holding certain employment, or receiving certain government benefits. Some provinces already require vaccines for children to attend public schools; however, there have always been exemptions available on medical, religious, or conscience grounds.



Can I be forced to get a vaccine?

Some provinces already have the power to make vaccines mandatory, or even forced. In Alberta, for example, legislation presently exists in the Alberta Public Health Act, section 38(1)(c), which authorizes the government to order anyone who is not immunized against an epidemic disease, or who can't prove immunity to the disease, to be vaccinated. Anyone who refuses will be treated as though they are infected with the disease, and can then be subject to other measures, including being apprehended under a warrant and forced to accept "treatment" to make them non-infectious.

Alberta Health has confirmed its view that section 38(1)(c) does provide government with the power to order immunization or re-immunization for Albertans. The Alberta Government has indicated that it will remove this section from the Act, and the Justice Centre is carefully monitoring the Government's actions to ensure that it does.

As of April 12, 2021, the Alberta government has introduced Bill 66 which, if passed, would repeal the power to mandate or force citizens to be vaccinated.

In some other provinces, governments are saying that the vaccine will not necessarily be forced, but there will be consequences for not taking it. Any proposal by government to coerce people to take vaccines against their will, through the threat of losing access to essential services, is concerning and should be challenged.



Is there a legal basis to refuse vaccination?

Canadians have the right to give their voluntary, informed consent to any medical treatment. Under the *Charter of Rights and Freedoms*, guaranteed rights to liberty and security of the person cannot be denied except in accordance with the principles of fundamental justice. This gives us autonomy over choices that impact on our own physical or psychological integrity. When a requirement is overbroad, and interferes with liberty and security of the person in ways that bear no connection to its objective, then it can be said to be contrary to principles of fundamental justice.

Mandatory vaccines for everyone, regardless of their personal risk factors, age, prior infections, etc., are likely unconstitutional on that measure.



Is the Justice Centre anti-vaccination?

The Justice Centre is not pro- or anti-vaccination. We support letting people make decisions about their own health, and we are dedicated to the protection of constitutional rights in a free society. In a free country, individuals have the right to decide what is best for their own health. That includes being free to obtain and consider a wide range of information about all potential medical treatments and their benefits and risks, and having the right to make their own decisions accordingly— including saying no to a vaccine.

The Justice Centre is also opposed to governments imposing penalties on, or denying benefits to, those who refuse or are unable to receive a vaccination. This may be done through the direct implementation of a “vaccine passport”, or the requirement that any Canadian produce proof of a Covid vaccine to access government services, including health care and education.



What if my employer fires me if I won't get the Covid vaccine?

Legally, unless governments pass specific legislation requiring it, vaccination is a choice. At a minimum, religious and medical exemptions must be honoured in accordance with various human rights codes across the country, and you may wish to file an application to your provincial human rights tribunal if you are discriminated against on protected grounds. However, some employers may demand their employees to be vaccinated, and may even terminate those who refuse without religious or medical grounds. Where there is no basis to claim an exemption, that termination may be upheld. You may wish to consider suing your employer for wrongful dismissal, and will need to contact an employment lawyer to discuss the merits of your case.

If your employer is a government entity, you may be able to raise *Charter* arguments as well, and can contact us if you face termination or other penalties in relation to a mandatory vaccination program with a government employer.

The Justice Centre supports and will defend the constitutional rights of individuals to refuse to be vaccinated. The decision to be vaccinated is a personal one and must remain so. Any cases we take will be subject to our discretion as to their appropriateness factually, legally, and strategically.

Would a vaccine “immunity passport” violate the Canadian *Charter* of Rights and Freedoms?

In the latest escalation of rights infringements, governments in Canada are now actively discussing vaccine passports, which would effectively mandate vaccination for Covid.

A government threatening or mandating liberty restrictions against Canadians who do not want a Covid vaccine would, in our view, be a violation of the section 7 right to life, liberty and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Once established, the government would then have to prove that this serious rights infringement is demonstrably justified on a preponderance of evidence.

The Supreme Court of Canada, in a foundational case, established that in Canada freedom means the absence of coercion or constraint. If Canadian governments move to force or otherwise mandate vaccines, they need to be effectively and immediately challenged in court.



My child's school has said they can receive a vaccine without parental consent. What can we do?

The Justice Centre advises that for every child, both parents should sign a letter to the school informing them that they do not have consent to vaccinate their child, that any such medical decisions will be made after appropriate consultation by the parents with medical professionals, and that their child does not have the legal capacity to consent to this vaccination without his or her parents. The letter should warn that legal proceedings will be commenced against the school if they facilitate vaccination of the child against the consent of the parents.



Covid Vaccine Passports an emerging concern

The Justice Centre is concerned about the imposition of vaccine passports in Canada. Those Canadians who cannot or choose not to be vaccinated, who aren't even at risk from this virus (especially children and young adults), or who have natural immunity from a prior infection, will all face unreasonable and unjustified restrictions on their civil liberties.

Not only is the survival rate from the virus over 99% for those under 65, but vaccine manufacturers claim that anyone who takes the vaccine will be fully protected from a severe outcome (hospitalization or death) from Covid-19. It is not, however, guaranteed that they will prevent someone from becoming infected and transmitting the virus to someone else, even after vaccination. It stands to reason that those opting for the vaccine should have no greater liberty rights than anyone else. Forcing people to show vaccine passports to access services or to move about freely creates a two-tier system where some people have their rights and freedoms while others are shut out from theirs.

Governments should make the Covid-19 vaccines available to those who choose it, and that should be the end of their involvement in the personal health decisions of Canadians. To do otherwise is a violation of the rights to freedom of conscience and belief, mobility, and life, liberty and security of the person under the Charter. There is simply no rational basis for the infringement of these rights, and it sets a concerning precedent for government control over Canadians' basic liberties for other reasons in the future.

The Justice Centre is monitoring the situation carefully and preparing to litigate the issue in the courts.



ONTARIO STAY-AT-HOME ORDER

As of January 14, Ontario is once again in a “state of emergency.” This will remain in effect until February 11, but could be extended further if approved by the legislature.

According to the Stay-At-Home Order [<https://files.ontario.ca/solgen-stay-at-home-order-2021-01-13.pdf>], everyone is required to remain in their residence at all times, unless leaving for a specified purpose. The order lists numerous exemptions which residents should review, including going to work or school, getting food or other necessary goods or services, assisting others (providing care or delivering goods, for example), and exercise. It is therefore legal to walk outdoors for exercise (subject to gatherings limits).

Note that outdoor gatherings that would have been permitted under the “grey zone” (now limited to groups of 5) can only be for a purpose set out under these new exceptions. This includes gatherings for a wedding, funeral or religious service. Drive-in religious services continue to be permitted.

Some police have said they will primarily respond to complaints, but it remains to be seen how enforcement will be handled. Another Regulation [<https://www.ontario.ca/laws/regulation/r21008>] is in effect that requires citizens to identify themselves to police or other provincial law enforcement officers.

The Justice Centre recommends that anyone stopped by police first provide a simple explanation for being outside (there are many allowable reasons). Do not offer more information than necessary. If asked for your identification, you may ask the officer if he or she has grounds to believe that you are in violation of any orders. If so, you must identify yourself.

Please note this order does not allow the police officer to conduct a search of your person or your possessions. You are under no obligation to allow the officer to search your pockets, purse etc. While asserting your rights, be cordial and polite and speak in a calm manner. Verbal confrontation may lead to the escalation of the situation.

If you are given a ticket and wish to dispute it on *Charter* grounds (such as section 7 – right to liberty; or s. 2 (c) – peaceful assembly), you should take a photo or scan of the ticket (both sides), indicate on the ticket that you wish to plead “not guilty” and request a trial, and then contact the Justice Centre for consideration of your case.

HOW CAN PEOPLE FIGHT BACK AGAINST THESE GOVERNMENT RESTRICTIONS?

1. **Educate yourself and others.** Share the articles, columns and documents on the resources page of our website at www.jccf.ca with your neighbours, friends, family members and colleagues.
2. **Contact your provincial MPP/MLA, your federal MP, and your city councillor,** and tell them to stop violating your *Charter* rights and freedoms.
3. **Write letters** to the media and state your opinions and thoughts. Point out inaccurate or misleading coverage and unnecessary fearmongering.
4. **Responsibly exercise your *Charter* freedoms** of expression, religion, association and peaceful assembly, as your conscience and beliefs dictate. Continue to exercise your right to peacefully protest. Exercising your *Charter* freedoms may mean risking large fines. If you receive a fine or ticket for peacefully exercising your *Charter* freedoms, contact the Justice Centre about obtaining legal representation.
5. **Donate** to the Justice Centre to support our court actions against the governments of Ontario, Manitoba, Saskatchewan, Alberta and BC pertaining to lockdowns, as well as our ongoing efforts to protect freedom of religion, free speech, freedom of the press, freedom of association, and freedom of thought and belief. We are a registered charity and issue official tax receipts.
6. **Go to www.jccf.ca** to subscribe to our email newsletter, sent once or twice per month, with updates about the Justice Centre’s court cases and our other work to defend constitutional freedoms.



HOW CAN I DONATE?

As a public interest, non-partisan law firm and registered charity, the Justice Centre for Constitutional Freedoms provides legal representation free of charge, to protect the rights and freedoms of all Canadians, which are guaranteed under our constitution.

In 2020, Covid created legal issues and challenges that are unprecedented in Canadian history.

The Justice Centre issues official tax receipts to donors for donations of \$50 or more. The Justice Centre does not ask for, or accept, any government funding. We rely entirely on the voluntary donations of Canadians who support our work in support of freedom and justice.

Canadians have a strong history of giving to support their principles and beliefs. As the Justice Centre receives no government funding, we depend on the generosity of people like you and your dedication to the defence of our freedoms. You may indicate your donation is towards a specific challenge or court case by either selecting a campaign on our donation page, or by sending us an email to indicate you would like to earmark your gift.

You can donate online at <https://www.jccf.ca/donate/>

If you would like to set up a monthly giving recurrent donation, please contact us at admin@jccf.ca.

The Justice Centre also accepts donations via E-Transfer. If you would like to send a secure E-Transfer to the Justice Centre, please email your gift to admin@jccf.ca. Please include your full name, mailing address, postal code, and email address with the email transfer in the notes, or in a second email. We require this information to issue official tax receipts.

IF YOU PREFER TO SEND A CHEQUE, OUR MAILING ADDRESS IS:

**THE JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS
#253, 7620 ELBOW DRIVE SW
CALGARY, AB
T2V 1K2**