
Subject: FW: Email - Communication - Philip Hamel - Saskatoon Vaccine Passports Discussion - CK 270-7
Attachments: vaccine_passport_letter_to_saskatoon_city_council.pdf

From: Web NoReply <web-noreply@saskatoon.ca>
Sent: Sunday, August 29, 2021 10:52 PM
To: City Council <City.Council@saskatoon.ca>
Subject: Email - Communication - Philip Hamel - Saskatoon Vaccine Passports Discussion - CK 270-7

--- Replies to this email will go to [REDACTED] ---

Submitted on Sunday, August 29, 2021 - 22:51

Submitted by user: Anonymous

Submitted values are:

Date Sunday, August 29, 2021
To His Worship the Mayor and Members of City Council
First Name Philip
Last Name Hamel
Phone Number [REDACTED]
Email [REDACTED]
Address [REDACTED] Main St.
City Saskatoon
Province Saskatchewan
Postal Code [REDACTED]
Name of the organization or agency you are representing (if applicable)
Subject Saskatoon vaccine passports discussion
Meeting (if known)
Comments
Hi,

In reference to a recent CTV article, it sounds like council is considering discussion regarding the implementation of a vaccine passport system. I've attached a letter offering my perspective on this topic, and I would be willing to speak with council if and when this topic is on the agenda.

Thank you.

Attachments

[vaccine_passport_letter_to_saskatoon_city_council.pdf](#)

Will you be submitting a video to be vetted prior to council meeting? No

The results of this submission may be viewed at:

[REDACTED]

August 29, 2021

Greetings council,

My name is Philip Hamel, and I've been a Saskatoon resident for 9 years. I'm writing to offer my perspective on the concept of vaccine passports as suggested by Mayor Charlie Clark, and according to CTV news, supported by councillors Mairin Loewen, Zach Jeffries, and Bev Dubois, while Randy Donauer supports passports implemented at a provincial level. (CTV, 2021)

I can appreciate the challenges facing policy makers in these unprecedented times, as you have a desire to protect City of Saskatoon employees as well as residents in the community; however, disregarding the civil liberties afforded to all Canadian citizens is not an appropriate means to that end. Fundamentally, vaccine passports are coercive, unconstitutional, discriminatory, divisive, and mostly importantly, criminal in nature.

The first fundamental problem with vaccine passports is that people have autonomy and must consent to receiving a vaccine. Referring to R. v. Ewanchuk:

*"Society is committed to protecting the personal integrity, both physical and psychological, of every individual. **Having control over who touches one's body, and how, lies at the core of human dignity and autonomy. The inclusion of assault and sexual assault in the Code expresses society's determination to protect the security of the person from any non-consensual contact or threats of force.** The common law has recognized for centuries that the individual's right to physical integrity is a fundamental principle, "every man's person being sacred, and no other having a right to meddle with it, in any the slightest manner" (R. v. Ewanchuk, 1999 CanLII 711 (SCC), [1999] 1 SCR 330)*

People must freely consent to be vaccinated, therefore it is illegal to mandate a vaccine, as this would be considered an exercise of authority, and delivery of a vaccine would be considered assault:

*"**To be legally effective, consent must be freely given.** Therefore, even if the complainant consented, or her conduct raises a reasonable doubt about her non-consent, circumstances may arise which call into question what factors prompted her apparent consent. The Code defines a series of conditions under which the law will deem an absence of consent in cases of assault, notwithstanding the complainant's ostensible consent or participation. As enumerated in s. 265(3), these include submission by reason of force, fear, threats, fraud or the exercise of authority, and codify the longstanding common law rule that **consent given under fear or duress is ineffective.**" (R. v. Ewanchuk, 1999 CanLII 711 (SCC), [1999] 1 SCR 330)*

There are several legal precedents upholding the necessity of consent in medical procedures. I would refer you to the case of Parmley v. Parmley, in which a surgeon extracted a patient's teeth without consent. The Supreme Court of Canada ruled the following:

"The conclusion appears unavoidable that both of the parties hereto, particularly in the operating room, failed to recognize the right of a patient, when consulting a professional man in the practice of his profession"

And,

“No amount of professional skill can justify the substitution of the will of the surgeon for that of his patient.” (Parmley v. Parmley, 1945 CanLII 13 (SCC), [1945] SCR 635)

Councillor Loewen was quoted by CTV as saying “**The advice that we’re getting from public health officials** is that we’re in a very concerning situation in Saskatoon. We need to do things differently if we want better public health outcomes. **We need to get more people vaccinated**”; however, referring to Parmley v. Parmley above, no amount of skill exhibited by public health officials can replace the will of the public. Getting the public vaccinated is fine, coercing City employees and the public by removing access to public facilities is illegal.

The second fundamental problem with vaccine passports is the various violations under the Canadian Charter of Rights and Freedoms. First, this would be a violation under Section 7 – Life, liberty and security of the person:

“Section 7 of the Charter requires that laws that interfere with life, liberty and security of the person conform to the principles of fundamental justice — the basic principles that underlie our notions of justice and fair process. These principles include a guarantee of procedural fairness, having regard to the circumstances and consequences of the intrusion on life, liberty or security.”
(Government of Canada, 2021)

Second, vaccine passports are a violation of Section 15 – Equality rights:

“Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”
(Government of Canada, 2021)

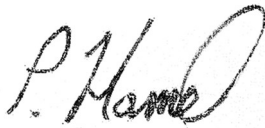
Therefore, restricting the movements and opportunities of people based on vaccination status is a clear violation of Section 15.

The introduction of a vaccine passport bears disturbing similarity to other passports in history:

1. Ahnenpass in Nazi Germany
 - a. This pass enabled racial segregation by allowing only “racially pure” individuals to hold certain positions and go to certain places. A vaccine mandate, allowing only the vaccinated to hold positions with the City of Saskatoon, and vaccinated persons to utilize city facilities is gross overreach of government powers.
2. Apartheid in South Africa
3. Jim Crow laws in the United States

The people of Saskatoon have voted for you and entrusted you to engage in good and just governance; however, the introduction of vaccine passports will only divide our community and country. I would implore you to reconsider your stance on vaccine passports as you will be inviting the City of Saskatoon and yourselves to significant legal challenges.

Thank you,

A handwritten signature in black ink, appearing to read "P. Hamel". The signature is written in a cursive style with a large, looping initial "P".

Philip Hamel

References

- CTV. (2021, August 26). *Saskatoon city council to discuss COVID-19 vaccine mandate for city staff, facilities*. Retrieved from <https://saskatoon.ctvnews.ca/saskatoon-city-council-to-discuss-covid-19-vaccine-mandate-for-city-staff-facilities-1.5563126>
- Government of Canada. (2021). *The Canadian Charter of Rights and Freedoms*. Retrieved from <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/index.html>
- Supreme Court of Canada. (1945). *Parmley v. Parmley, 1945 CanLII 13 (SCC), [1945] SCR 635*. Retrieved from <https://www.canlii.org/en/ca/scc/doc/1945/1945canlii13/1945canlii13.html>
- Supreme Court of Canada. (1980). *Hopp v. Lepp, 1980 CanLII 14 (SCC), [1980] 2 SCR 192*. Retrieved from <https://www.canlii.org/en/ca/scc/doc/1980/1980canlii14/1980canlii14.html>