



Email: [info@vaccinechoicecanada.com](mailto:info@vaccinechoicecanada.com)  
Mail: P.O. Box 169, Winlaw, BC, V0G 2J0  
Web site: [www.vaccinechoicecanada.com](http://www.vaccinechoicecanada.com)

Friday, May 13, 2016

by email and Canada Post

To Hasting Prince Edward Board of Health Directors  
c/o Board Chair, Terry McGuigan  
179 North Park Street  
Belleville, ON K8P 4P1

Dear Chair McGuigan,

It has been brought to our attention by a parent in your community that the recently issued *Orders for Suspension from Attendance at School* from the Medical Officer of Health of Hasting Prince Edward Public Health are in violation of both the Immunization of School Pupils Act (ISPA) and the Health Care Consent Act. Further the suspension letters breach the Canadian Charter of Rights and Freedoms, Sections 2, 7 and 15 at a minimum.

Specifically, the Order for Suspension states the following:

PLEASE NOTE THAT THIS ORDER WILL BE RESCINDED UPON RECEIPT OF 1(A) OR 1(B) OR 1(C) AS INDICATED BELOW.

In the Order,

1(A) refers to "a statement that the student has completed the prescribed program of immunization in relation to" certain vaccinations.

1(B) refers to "a statement of medical exemption", and

1(C) refers to "a further medical exemption to replace one that has expired".

However, the letter does not state that 1(D) "A statement of conscience or religious belief" exemption affidavit (also "indicated below" in the Order) is acceptable to rescind the Order. In fact, it appears to exclude this option. It is this omission that breaches the laws mentioned above for the following reasons.

The *Immunization of School Pupils Act* (ISPA) specifically allows for personal belief exemptions to the prescribed program of immunizations:

"(3) Subsection (1) does not apply to a parent who has filed a statement of conscience or religious belief with the proper medical officer of health. R.S.O. 1990, c. I.1, s. 3 (3)."

The Medical Officer of Health cannot decide he will not accept or enforce this section of ISPA. Yet that is what the Suspension Order states.

The *Health Care Consent Act* defines the Elements of Consent in Section 11(1) as follows:

"11. (1) The following are the elements required for consent to treatment:

1. The consent must relate to the treatment.
2. The consent must be informed.
3. The consent must be given voluntarily.
4. The consent must not be obtained through misrepresentation or fraud.  
1996, c. 2, Sched. A, s. 11 (1)."

It is obvious that the Medical Officer of Health is not upholding the legal requirements of informed consent in his Order of Suspension. A parent who does not consent to vaccination for reasons of religious belief or personal conscience is not granted the right to voluntary consent to the Order as their exemption option is excluded. Further the Order misrepresents the rights of parents and students under ISPA and thus forces consent to vaccination "through misrepresentation or fraud".

As to the Canadian *Charter of Rights and Freedoms*, all levels of government are required to conform to the

Charter. The Charter was put in place to oversee the actions of government with regard to certain rights and freedoms. In the case of the Suspension Orders the following sections are breached:

**Section 2 Fundamental Freedoms:**

“Everyone has the following fundamental freedoms: (a) freedom of conscience and religion...”

**Section 7 Legal Rights (in this case “security of the person”):**

“Everyone has the 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.”

**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...”

The Suspension Orders deny the fundamental freedom of conscience and religion to parents who hold sincere beliefs regarding exemption to vaccinations. The Suspension Orders deny the legal right to “security of the person” by forcing vaccination on children who do not qualify for medical exemptions as the only remedy to rescind a legal action (the Order). The Orders discriminate against parents who do not consent to vaccinations for their children by not providing equal protection and equal benefit of both ISPA and the Health Care Consent Act.

As outlined above, the Suspension Orders represent a serious breach of both provincial law and federal law. As the governing body of Hastings Prince Edward Public Health, it is the Health Board’s responsibility to address the shortcoming in the Suspension Orders that were issued to parents in your region and ensure that the Medical Officer of Health follows the requirements of ISPA and accepts personal belief exemptions as fulfilling the requirements for rescinding an Order for Suspension from Attendance at School.

To remedy these egregious breaches of the law, The Health Board must notify all parents who received the unlawful Suspension Orders of their actual rights and freedoms under the law by issuing corrected Suspension Orders.

We see that included in the Health Board’s Feb. 3, 2016 meeting agenda package is a presentation from Hasting Prince Edwards Public Health titled *Immunization of School Pupils Status Update*. This presentation clearly states the status of personal belief exemptions under the ISPA. Slides 4 and 5 offer the following information:

**Exemptions**

Even though immunization is mandatory in Ontario, some children may be exempted under the following circumstances:

- appropriate medical reasons;
- religious or conscientious reasons.

**Suspension from School**

The legislation clearly permits a Medical Officer of Health to order the suspension from school of any student who has failed to become immunized and is not exempt for medical, religious or conscientious reasons. Yet the Suspension Orders do not reflect this information to parents in your health region.

We request a response from the Health Board to our concerns and a delineation of actions taken to repair the breeches of law in this matter.

Also note that we are forwarding a copy of this letter with a cover letters to the Minister of Health and Long Term Care and to the Chairman of the Board of Public Health Ontario. As the Ministry is the main funder of Hastings Prince Edward Public Health, they are also responsible for and should be aware of actions taken by your Medical Health Officer. Public Health Ontario should also be made aware of these breaches of law.

Signed:

Nelle Maxey, Secretary/Treasurer of Vaccine Choice Canada  
On behalf of the Vaccine Choice Canada Board of Directors

Attachment: Scanned copy of first page of the HPEPH Suspension Order