

Supreme Court of Nova Scotia

Between:

Citizens Alliance of Nova Scotia and J.M. by his litigation guardian K.M

Applicant

and

Robert Strang acting as Chief Medical Officer of Health of Nova Scotia and Michelle Thompson acting as Minister of Health and Wellness of Nova Scotia and the Attorney General of Nova Scotia representing His Majesty the King in Right of the Province of Nova Scotia

Respondents

APPLICANT'S BOOK OF DOCUMENTS

VOLUME I of II

MOTION FOR THE OBSERVANCE OF PUBLIC INTEREST STANDING

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SOLICITOR FOR THE APPLICANT J.M.
BY HIS LITIGATION GUARDIAN K.M.

Daniel Boyle
Barrister & Solicitor
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COUNSEL FOR THE RESPONDENTS

APPLICANT'S BOOK OF DOCUMENTS

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TAB 1

Supreme Court of Nova Scotia

BETWEEN:

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Applicant

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Respondents

Affidavit of Angella Ferris

I make oath and affirm and give evidence as follows:

1. I am Angella Ferris, I live in Nova Scotia and I am a registered Advanced Care Paramedic with the College of Paramedics of Nova Scotia.
2. I have personal knowledge of the evidence sworn to in this Affidavit, except where otherwise stated to be based on information and belief.
3. I state, in this Affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief in the source.
4. I was employed as an Advanced Care Paramedic from September 2021 to date with the Nova Scotia Health Authority. I have not received a termination notice from the Nova Scotia Health Authority or been made aware of termination from my union.
5. I received communication from my employer to attest to my covid-vaccination status as per the October 06, 2021 Restated HPA Order.
6. I received notification of the change in my employment status for this reason. I requested a religious exemption to the mandatory covid vaccination policy. I was denied a religious exemption by the occupational health and safety department at the Nova Scotia Health Authority.

7. I filed a grievance with my union. My union informed me March 10, 2023, at an in person meeting with my national Rep, that my grievance was not going to arbitration as their legal team determined I could not win due to the mandate being implemented by the provincial health department and Dr. Robert Strang.
8. My union also informed me that if they were to go to arbitration and lose, it would set an undesirable precedent for others who are also in the grievance process. I asked the members of the grievance committee, including the national Rep, why my religious exemption was denied when other health care workers' religious exemptions were approved. My union stated that she would ask my employer, the Nova Scotia Health Authority for the reason why my religious exemption was denied.
9. As of the date of the affidavit, I have not heard back from My union with regards to my religious exemption or my employment status with the Nova Scotia Health Authority.
10. Since December 2021, I have not been able to work any shifts available with the Nova Scotia Health Authority due to my covid vaccination status.
11. I have requested to file another grievance with My union, through email, due to the Provincial mandate for employees who work in High-risk settings having since been dropped by the provincial public health department and Dr. Robert Strang.
12. As of the date of this affidavit, my employer requires the first two covid-19 vaccinations to work in any capacity.
13. See Exhibit 'C' for a screenshot of an updated news release after the provincial mandatory covid-19 vaccination protocol is now up to the individual employer and no longer being enforced by Nova Scotia Public Health.
14. I have not received a reply from My union regarding this request.
15. I am aware that employees who work for private long-term care homes, including nurses who work for the Victoria Order of Nurses in the province of Nova Scotia, who are unvaccinated, have been requested to return to work since the provincial mandates for employees who work in high-risk settings have been dropped by the provincial Public Health Department, May 2023.
16. See exhibit 'B' for the statement released by THE Victoria Order of Nurses regarding the removal of the covid-19 vaccination policy for their nurses and staff.
17. I have tried to obtain employment as an Advanced Care Paramedic with the ambulance service in Nova Scotia. I reached out to their Hiring department to ask about the covid-19 vaccination requirement.
18. I received an email stating that the covid-19 vaccination is still a requirement to be employed with the ambulance service. The job posting on their website states that Emergency Medical Services employees fall under the Nova Scotia provincial protocol for mandatory covid-19 vaccination.

19. I asked the recruitment consultant if they would allow for exemptions to the vaccination policy because the provincial protocol for mandatory covid-19 vaccination has been removed.
20. The Recruitment Consultant for the ambulance service, responded to my email stating that they allow for medical exemptions.
21. I asked the recruitment consultant if they allow for religious exemptions. She stated that she would reach out to their Health and Wellness Department for information regarding religious exemptions.
22. I thanked the recruitment consultant for her help and stated I looked forward to hearing from her.
23. As of the date of this affidavit, I have not heard back about my request for a religious exemption from the ambulance service in Nova Scotia.
24. Attached to this affidavit labelled Exhibit 'A' is the email chain between myself and the Recruitment Consultant for the ambulance service.
25. I state that I am still being negatively affected by the policies driven by the mandates.
26. I view my interests as being aligned and without conflict to every Nova Scotian affected by the Order.
27. I endorse CANS in providing evidence of continuing harm from the policies which resulted from the PHO with this affidavit.

Sworn before me at Sydney, Nova Scotia, this 18th day of November, 2023.



Angela Ferris
Angella Ferris



Exhibit 'A' 1/2

Vaccine requirements

8 messages

Angela Ferris <ferris.angela@gmail.com>
To: paramedicapplications@emci.ca

Mon, May 29, 2023 at 4:16 p.m.

Hello,

I am interested in applying for a position as an Advanced Care Paramedic. I had previously made an inquiry about the mandatory Covid vaccination.

I understood that Emergency Medical Care falls under the Nova Scotia provincial protocol for mandatory COVID-19 Vaccination and that was the reason for the vaccination requirement.

However, public health has now stated that the Nova Scotia Provincial protocol has been lifted and it is now up to the employer.

Do you still require Covid 19 vaccination to be considered for a position with EMC? And if so, do you allow for exemptions?

Kind regards,

Angella

Paramedic Applications <paramedicapplications@emci.ca>
To: Angela Ferris <ferris.angela@gmail.com>

Tue, Jun 13, 2023 at 11:14 a.m.

Good morning Angela,

My name is Caitlyn and I'm a Recruitment Consultant with EMC – thank you for reaching out!

EMC does still require COVID-19 vaccinations. We do allow medical exemptions which are looked at on a case by case basis. We would need written authorization by the employee's/applicant's primary health care provider stating a valid medical contraindication that prevents COVID-19 immunization.

Kind regards,

Caitlyn

Caitlyn Mah

Recruitment Consultant

M: 902.220.7890 | **E:** caitlyn.cartier-mah@emci.ca | www.emci.ca

EMC Emergency Medical Care Inc.



[Quoted text hidden]



Angela Ferris <ferris.angela@gmail.com>
To: Paramedic Applications <paramedicapplications@emci.ca>

Tue, Jun 13, 2023 at 11:31 a.m.

Thank you for getting back to me. Very helpful!

Do you allow for any religious exemptions under Nova Scotia Human Rights Act?

Thank you for your time.

Angela
[Quoted text hidden]

Exhibit 'A'
212

Paramedic Applications <paramedicapplications@emci.ca>
To: Angela Ferris <ferris.angela@gmail.com>

Thu, Jun 15, 2023 at 3:36 p.m.

Hi Angela,

You're welcome! I will reach out to our Health and Wellness Department for information regarding religious exemptions.

[Quoted text hidden]

Angela Ferris <ferris.angela@gmail.com>
To: Paramedic Applications <paramedicapplications@emci.ca>

Thu, Jun 15, 2023 at 5:49 p.m.

Thank you so much for your help!

I look forward to hearing from you.

Angela
[Quoted text hidden]

Angela Ferris <ferris.angela@gmail.com>
To: Pier Community Funeral Home <info@pierfuneralhome.com>

Fri, Nov 17, 2023 at 3:13 p.m.

[Quoted text hidden]

Angela Ferris <ferris.angela@gmail.com>
To: Pier Community Funeral Home <info@pierfuneralhome.com>

Sat, Nov 18, 2023 at 12:29 p.m.

[Quoted text hidden]

Angela Ferris <ferris.angela@gmail.com>
To: Pier Community Funeral Home <info@pierfuneralhome.com>

Sat, Nov 18, 2023 at 12:36 p.m.

[Quoted text hidden]





Memorandum

Subject:	VON VACCINATION POLICY
From:	Wendy Steele, Vice President, Human Resources
To:	All VON employees – Nova Scotia and Ontario
CC:	Joint Health and Safety Committees
Date:	September 14, 2023

We wanted to take a moment to provide you with an important update regarding VON's vaccination policy.

After careful consideration and a full review of the evidence, VON has decided to amend its vaccination policy. Effective October 2, 2023 it will no longer be a requirement for employees to be fully vaccinated against COVID-19 to secure employment with VON.

Please note that our commitment to health and safety remains unwavering. It's important to receive a primary series and booster doses when eligible for the best protection against COVID-19. Evidence shows that the vaccines used in Canada are very effective at preventing severe illness, hospitalization and death from COVID-19. We will continue to follow the guidance provided by public health authorities and the National Advisory Committee on Immunization (NACI) and implement safety measures to mitigate the risk of COVID-19 transmission in the workplace. These measures may include regular testing, physical distancing, and the use of personal protective equipment (PPE) when applicable.

VON has a robust process for protecting the health and safety of our clients and staff. We will continue the use of the Point of Care Risk Assessment (PCRA) and the Personal Risk Assessment to drive decisions about PPE selection. Instructions for the correct use of PPE can be accessed at any time on the Learning Management System (LMS). For more information, once logged in to the LMS search in the Content Library for "How to Correctly Wear your Personal Protective Equipment".

We understand that this update may raise questions. We encourage you to reach out to your manager if you have any specific inquiries or require additional information. Based upon the changing circumstances related to COVID-19, VON reserves the right to amend our position in the future to maintain the safety and well-being of our employees and our clientele.

Thank you for your understanding and ongoing commitment to maintaining a safe and healthy workplace.

VICTORIAN ORDER OF NURSES FOR CANADA | NATIONAL OFFICE

2315 St. Laurent Blvd., Suite 100 K1G 4J8 | T. 613-233-5694 | Toll Free 1-888-811-2222

VON is accredited with Exemplary Standing by Accreditation Canada
Charitable Number: 129 482 493 RR0001

William J. Laure
A Commissioner of Oaths for Nova Scotia,
being a funeral director

Latest news

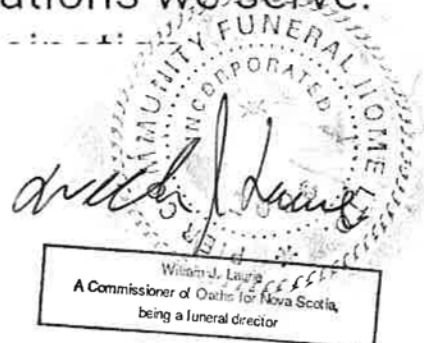
Nova Scotia Health and IWK Health update on COVID-19 response

Earlier today, the Province issued an update on Nova Scotia's response to COVID-19. As part of the release, it was announced that going forward, vaccination and masking mandates would now be at the direction and decision of employers. As a result, Nova Scotia Health has shared the following news release.

All Nova Scotia Health and IWK Health employees (including employees who work from home), and onsite medical staff are still required to complete and provide proof of their primary series COVID-19 vaccination and are encouraged to obtain all future recommended booster doses. Medical and human rights exception processes remain in place.

Nova Scotia Health and IWK are high-risk settings because of the patient populations we serve.

That's why the COVID-19 response is a high priority.



TAB 2

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Respondents

Affidavit of FirstName LastName

I make oath and affirm and give evidence as follows:

- 1. I am Carolyn ANN Vaughan, I live in <Nova Scotia and I am a <Registered Nurse>.**
- 2. I have personal knowledge of the evidence sworn to in this Affidavit, except where otherwise stated to be based on information and belief.**
- 3. I state, in this Affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief in the source.**
- 4. I was employed as a <Registered Nurse> from <March 2020> to <Dec 2021> with NSHA as part of the pandemic response. I came out of retirement to assist.**
- 5. I received communication from my employer to attest to my covid-vaccination status as per the October 06, 2021 Restated HPA Order on Dec, 21, 2021 and was further advised that I would be removed from the casual list.**
- 6. I received notification of the change in my employment status for this reason . I was advised by my supervisor, that I would be removed from the covid testing center casual list because I could not provide proof of a Covid injection. I advised I would seek a religious exemption, I made efforts to do so, including providing a letter from a pastor, but I did not receive any further communication and was removed from the casual list.**

7. I state that I am still being affected by the policies driven by the mandates because although I receive frequent requests for RNs to work at Covid testing center I am barred due to current mandates.
8. I view my interests as being aligned and without conflict to every Nova Scotian affected by the Order.
- 9.
10. I endorse CANS in providing evidence of continuing harm from the policies which resulted from the PHO with this affidavit.

Sworn before me at Eastern Passage Nova Scotia, this 17th day of November, 2023.

Barbara Adams Carolyn Vance

Notary Public

FirstName LastName



TAB 3

Supreme Court of Nova Scotia

BETWEEN:

Citizens Alliance of Nova Scotia and J.M. by his litigation guardian K.M

Applicant

and

Robert Strang acting as Chief Medical Officer of Health of Nova Scotia and Michelle Thompson acting as Minister of Health and Wellness of Nova Scotia and the Attorney General of Nova Scotia representing His Majesty the King in Right of the Province of Nova Scotia

Respondents

Affidavit of FirstName LastName

I make oath and affirm and give evidence as follows:

1. I am Caitlin Eedy, I live in Nova Scotia and am a Registered Nurse.
2. I have personal knowledge of the evidence sworn to in this Affidavit, except where otherwise stated to be based on information and belief.
3. I state, in this Affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief in the source.
4. I was employed as a Registered Nurse in good standing from July 2013, to Dec 2021 with NSHA within a highly trained specialty area. I remain employed with NSHA but off on involuntary unpaid leave since Dec 2021.
5. I received communication from my employer to attest to my covid-vaccination status as per the October 06, 2021 Restated HPA Order (send digital versions of any supporting emails / notifications / memos) on November 30th, 2021.
6. I received notification of the change in my employment status to unpaid leave for not receiving the primary series of COVID vaccinations and was placed on unpaid leave effective December 1st, 2021. I was unable to receive a religious exemption.
7. There have been no changes in my employment i.e termination but I have remained off work in Nova Scotia since December 1st, 2021.



8. I state that I am still being negatively affected by the policies driven by the Order
9. I view my interests as being aligned and without conflict to every Nova Scotian affected by the Order.
10. I endorse CANS in providing evidence of continuing harm from the policies which resulted from the PHO with this affidavit.

Sworn before me at Bedford., Nova Scotia, this 20th day of November, 2023.

Caitlin Eedy 



Notary Public



FirstName LastName

SERENA RICHARDSON
A Commissioner of the
Supreme Court of Nova Scotia
My Commission expires on Oct. 21, 2025