

Attn: Kevin Kaardal
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December ____, 2021

NOTICE

Re: Central Okanagan School District – Central Okanagan Public Schools
December 10th, 2021 Email: Vaccination Data Collection Notice
Kevin Kaardal – Office of the Superintendent kevin.kaardal@sd23.bc.ca
Forced compliance to provide private medical information and threat to use an experimental injection as a term of employment.

Mr. Kevin Kaardal:

Pursuant to Section 1 subsection (1) of the BC School Act, the Kelowna School Board is considered a government body and thus subject to all of our Constitutional provisions and protections. Section 94(2), (4) define when a board is not absolved from vicarious liability arising out of a tort, dishonesty, gross negligence or willful misconduct¹.

There are no provisions in any orders of any health minister, doctor, or provincial legislation, that can, nor pretend that any measures can, override Charter or other pre-Charter constitutional rights.

All Statutes, By-laws, Orders and Acts must be consistent with the Constitution...or they are of no force or effect.

Section 52(1) of the Constitution Act, 1982: The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

According to the Public Health Agency of Canada, Canadian National Report on Immunization, 1996

“Vaccines are not mandatory in Canada and they cannot be made mandatory because of the Canadian Constitution.”

In addition, if the Federal Government had invoked the **Federal Emergencies Act**, which it has not, even that Emergencies Act states:

AND WHEREAS the Governor in Council, in taking such special temporary measures, would be subject to the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights and must have regard to the International Covenant on Civil and Political Rights, particularly with respect to **those fundamental rights that are not to be limited or abridged even in a national emergency.**

Employment is 100% guaranteed and protected under Section 7 of The Canadian Charter of Rights and Freedoms:

“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.”

¹ <https://www2.gov.bc.ca/assets/gov/education/administration/legislation-policy/legislation/schoollaw/revisedstatutescontents.pdf>

On December 10th, 2021 you sent an email² with an attached letter³ instructing all Central Okanagan Public School Staff that they were 'expected' to submit their proof of vaccination.

This is a direct violation of employee's privacy rights. Teri Mooring, President of the BC Teachers Federation (BCTF) and Susan Bauhart, President Central Okanagan Teachers' Association (COTA), sent a letter⁴ to their members on December 8th, 2021 advising them that the decision made by your office is "a serious violation of employee privacy rights."

The BCTF/COTA informed its members that should you persist, they will take the position that this is a breach of teacher privacy rights and that no teacher should be disciplined for failing to provide proof.

Aside from the BCTF/COTA's statements, the fact of the matter is that at no time is it acceptable to demand or request private medical information from employees. Further, to do so, with the threat of termination, unpaid leave or disciplinary action opens you up to personal and civil liability as you cannot discriminate against anyone or interfere with a person's right to gainful employment.

In your letter to the employees of School District 23 on December 10th, 2021 you are on record for making damning and false statements that are misleading, threatening and meant to, and does intimidate employees into compliance in providing their vaccine status. Such as:

"The School District reserves the right to follow up or require disclosure from those who do not participate if it determines that their vaccination status information is needed for risk assessment, workplace health and safety purpose, or to implement any vaccination programs that may be adopted by the School District. Employees who elect not to provide their vaccination status to the School District will be deemed to be unvaccinated, which means that they may be subject to follow up and additional protective measures that may be implemented by the School District. Any employees who misrepresent their vaccination status may be subject to discipline."

According to Canadian Supreme Court rulings regarding consent to medical treatment and testing, a doctrine of informed consent for any medical treatment has become part of Canadian Federal law. According to Supreme Court rulings, no Canadian citizen is required to take any medical treatment without informed consent, which includes the right to refuse such treatment⁵.

In reference to any COVID-19 testing, the Genetic Non-Discrimination Act Bill S-201, states that it is an indictable offence to force anyone to take a DNA/RNA test or deny any service, employment, or education opportunity to anyone who refuses to take such a test.

There are further applicable offences in Section 4, 5 of this Act, for compelling an individual to disclose the results of the DNA/RNA genetic test, to collect, use or disclose the results of this said genetic test, or to cancel employment contracts with the School Board or Province, because a staff member refuses to disclose the results of any said genetic test.

The punishment for being in violation of the Genetic Non-Discrimination Act is a fine not exceeding \$1,000,000 or imprisonment for a term not exceeding five years, or both, for all such offences⁶.

Extortion, committing tort, privacy violations, wilful misconduct, assault and battery and acting in bad faith are serious indictable Criminal Code offences. Interfering with someone's right to employment or essential, or non-essential services, is a further violation of the Constitution and the Charter of Rights and Freedoms.

² <https://action4canada.com/wp-content/uploads/superintendent-okanagan.pdf>

³ <https://action4canada.com/wp-content/uploads/Okanagan-School-District-Vaccination-Data-Collection-Notice.pdf>

⁴ <https://action4canada.com/wp-content/uploads/BCTF-and-COTA-letter-to-okanagan-school-members.jpg>

⁵ https://bottomlineresearch.ca/pdf/informed_consent.pdf

⁶ <https://laws-lois.justice.gc.ca/eng/acts/G-2.5/index.html>

Mr. Kaardal, you were served a Notice of Liability on two separate occasions. The first one was delivered on June 14th, 2021.

The NOL advises you that you may be held personally liable for your participation in mandating the government's unlawful orders. An additional letter was also provided regarding the government's decision instructing School Boards to vote on whether or not vaccines should be mandated for teachers.

This most recent Notice is to make you aware that if you persist in interfering with the guaranteed rights of school staff by supporting or enforcing the injection or any other medical treatment, under threat of loss of employment or unpaid leave, you will be held personally liable for breaches of any and all Statutes including but not restricted to the Criminal Code, for any loss of income, damages and/or any injury suffered as a result of your actions. You are personally not protected under any Act, Order or Statute that is in violation of the Canadian Rule of Law, the Criminal Code, Constitution and Charter of Rights and Freedoms. You have been duly warned.

Your Vaccination Data Collection Notice is clearly intended to advance the agenda to mandate vaccines for school staff in an indirect way, rather than having a direct vote on the matter. Either way, you are violating the rights of school staff and leaving the trustees liable to personal liability and possible criminal charges.

The Vaccinations Data Collection Notice states that the School District is seeking to collect and use information about the vaccination status of employees, in order to:

- make decisions about whether **mandatory vaccination** or other risk mitigation programs are needed;
- **implement any vaccination** or risk mitigation programs that may be adopted;
- monitor and **enforce compliance with any vaccination mandates** or similar programs that may be adopted.

By providing any information requested on the Vaccination Data Collection Notice school staff are opening themselves up to further risk of their private medical information being provided to the health authorities according to the Notice. On page 3 it states that the vaccination data will be shared externally if “requested or required by public health officials.” Public health officials have no legal right to receive this personal data at any time, for any reason. This admission alone, is evidence that your said actions and requirements are contrary to Section 4(1) and 5 of the Genetic Non-Discrimination Act.

Twenty-two (22) School Districts have voted no⁷ to mandating vaccines for school staff.

You are hereby and herein put on Notice and strongly advised to cease and desist, and retract the Vaccination Data Collection Notice as well as vote no “to implementing any vaccination program.”

Name: _____

Signed: _____

Date: ____/____/____

⁷ <https://action4canada.com/bc-trustee-campaign/>

CC: School District 23 Trustees and BC School Board Superintendents

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