

**Attn: School Board Trustees, Superintendents, Employees and Officers**

**Re: Vaccinating Teachers/School Staff and the Letter from the British Columbia School Trustee Association**

In a letter<sup>1</sup> to its members addressing the Notices of Liability the BCSTA provides false information when advising that "trustees, employees and officers of a board are statutorily immunized from claims against them personally." Section 94 of the School Act was referenced but only in part.

The BCSTA neglected to include Section 94 (2) and (4) which defines when a defence is NOT provided and a board is NOT absolved from personal liability. According to the named Sections, trustees, officers, or employees of the board are not absolved of liability for any injuries sustained by a person due to dishonesty, gross negligence, malicious or wilful misconduct, or any injury arising out of a tort.

#### **Division 4 — Limitation of Actions and Indemnification Interpretation**

##### **Actions against board**

94 (1) No action for damages lies or may be instituted against a trustee, an officer, or an employee of a board for anything said or done or omitted to be said or done by him or her in the performance or intended performance of his or her duty or the exercise of his or her power or for any alleged neglect or default in the performance or intended performance of the duty or the exercise of the power.

(2) Subsections (1) and (1.1) do not provide a defence if

- (a) the trustee, officer, employee, or volunteer has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or **wilful** misconduct, or
- (b) the cause of action is libel or slander.

(4) Subsections (1), (1.1) and (3) do not absolve a board from vicarious liability arising out of a **tort** committed by a trustee, officer, or employee of the board, a student, or a volunteer for which the board would have been liable had subsections (1), (1.1) and (3) not been in force.

**What is Willful Misconduct?** Conduct that is either intentional or committed under circumstances exhibiting a reckless disregard for the safety of others, such as a failure after knowledge of impending danger to exercise ordinary care or a failure to discover the dangers through recklessness or carelessness.

**What is Tort Law?** Tort law provides compensation to individuals who have been injured due to physical, psychological or emotional distress by the wrongdoing of others, whether through negligence or intention. Types of tort includes battery and assault and is an indictable, criminal offense.

Intentionally coercing people into taking a harmful and deadly experimental injection, under threat of losing their job, qualifies as an indictable, criminal tort offense.

The School Boards are being instructed by the government to make the decision regarding teachers being injected with the experimental gene therapy referred to as a COVID-19 vaccine. This is opening up the Trustees to personal liability as outlined in Section 94 (2)(4) of the School Act.

The School Board Superintendents have already been served a Notice of Liability fully advising them of the harms associated with this injection, the criminal code violations associated to forcing or coercing anyone

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<sup>1</sup> <https://action4canada.com/wp-content/uploads/NOL-Educators-BCSTA-Letter-to-all-Trustees-Notice-of-Liability-Letters.pdf>

to take the 'vaccine' (or risk losing their income, medical and pension), as well as the blatant violations to the Privacy Act, the Constitution, Charter of Rights and Freedoms and International Agreements.

Legal action has commenced against the BC and federal government<sup>2</sup>. The BC Minister of Education, Jennifer Whiteside, is named as a defendant. As a result, Ms. Whiteside understands the threat of liability associated with mandating and coercing employees to take the vaccine and, therefore, is putting the onus on the School Boards to implement the vaccine mandate.

It is the responsibility of every Canadian citizen to respect the "guaranteed" rights of others and to know and uphold the law.

According to Section 52(1) of the Constitution Act, 1982, any law that is inconsistent with the Constitution is of no force and effect. There is no law in Canada legislating that anyone must be vaccinated. In fact, vaccines cannot be mandated in Canada because the Constitution protects the guaranteed right of the individual to decide what happens to their body.

In addition to this letter, you are being served an official and personal Notice of Liability. By attempting to enforce a vaccine mandate you are in violation of the law and your actions will be met with a human rights complaint, civil litigation, and/or potential criminal charges against you.

If action against you is pursued, the Courts will see that every effort has been made to warn you.

It is highly recommended that you vote against the vaccine mandate.

Yours truly,

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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<sup>2</sup> <https://action4canada.com/wp-content/uploads/21.08.17-FILED-Notice-of-Civil-Claim-Action4Canada.pdf>