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Our File No. 99000

Via email css.ohscc@gov.ab.ca

Alberta Occupational Health & Safety
10808 – 99 Avenue
Edmonton, AB T5K 0G5

Attention: Alyssa, Supervisor

Dear OHS Complaint Director:

This letter of complaint is in regard to an existing dangerous work situation. I represent a large number of Government of Alberta (GoA) workers who are prepared to exercise the right to refuse dangerous work based on an exiting hazard in the workplace. My clients are obligated under Section 5(e) of the *Occupational Health & Safety Act* to report this maleficence:

“...Every worker shall, while engaged in an occupation, report to the employer or supervisor a concern about an unsafe or harmful work site act that occurs or has occurred or an unsafe or harmful work site condition that exists or has existed...”

The GoA Public Service Commission and Human Resources Department are in violation of Section 3(1) of the *Occupational Health & Safety Act*, specifically:

“...Every employer shall ensure, as far as it is reasonably practicable for the employer to do so, the health and safety and welfare of workers engaged in the work of that employer... other persons at or in the vicinity of the work site who may be affected by hazards originating from the work site... that none of the employer’s workers are subjected to or participate in harassment or violence at the work site... that health and safety concerns raised by workers, supervisors, self-employed persons and the joint work site health and safety committee or health and safety representative are resolved in a timely manner...”

Please recognize this letter as an **official complaint** and notice of intent to **refuse dangerous work** submitted to you from GoA employees. These employees, your complainants in this instance, are concerned about employer retaliation, so they have retained our legal services to communicate to you on their behalf.

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Nevertheless, my clients are following the protocol for giving notice as per Section 31 of the *Occupational Health & Safety Act*, specifically:

“...Subject to this section and section 5, a worker may refuse to work or to do particular work at a work site if the worker believes on reasonable grounds that there is a dangerous condition at the work site or that the work constitutes a danger to the worker’s health and safety or to the health and safety of another worker or another person... A worker who refuses to work or to do particular work under subsection (1) shall promptly report the refusal and the reasons for it to the worker’s employer or supervisor or to another person designated by the employer or supervisor...”

It is now incumbent, as per Section 31, on the GoA as the employer to exercise the following:

“...If the employer does not remedy the dangerous condition immediately, the employer shall immediately inspect the dangerous condition in the presence of the worker, when it is reasonably practicable to do so... The employer required to inspect... shall take any action necessary to remedy any dangerous condition, or ensure that such action is taken... Until the dangerous condition is remedied, the worker who reported it may continue to refuse to work or to do particular work to which the dangerous condition may relate... On completing an inspection under subsection (3), the employer shall prepare a written report of the refusal to work, the inspection and action taken, if any, under subsection (4)...”

It is also important to note the obligation the GoA employer has with the employee who has refused to work because of a workplace danger. Section 33 and 34 of the *Occupational Health & Safety Act* clearly states:

“...If a worker has refused to work or to do particular work under section 31(1), the worker is entitled to the same wages and benefits that the worker would have received had the worker continued to work, and (b) the employer may reassign the worker temporarily to alternate work...”

“...No person shall take any discriminatory action against a worker, by reason of that worker acting in compliance with this Act, the regulations, the OHS code or an order given under this Act, the regulations or the OHS code or the terms, conditions or requirements on an acceptance under section 55 or on an approval under section 56...”

There are occupational health & safety omissions within the policy outlining mandatory full vaccination for all Government of Alberta Public Service employees by November 30, 2021.

The new GoA Vaccination Policy clearly states: *“...A negative COVID-19 test result will be required for unvaccinated employees, as of December 14th 2021. Employees will be required to produce an approved negative PCR or rapid test result, dated within 72 hours of every schedule work day/shift, on an ongoing basis...”*

The significant gap in the policy which has created a high-risk hazard in the workplace is the emphasis on testing only the unvaccinated. Numerous scientific and medical research studies have shown that people who have been vaccinated are still at high risk to other because of the ability to transmit the virus. Therefore, limiting testing to the vaccinated has created a false sense of safety security for employees and exposes all employees to a high risk of COVID transmission. Unless all GoA who are working in a combined worksite are tested, the hazard qualifies as an unsafe and harmful worksite.

It is our clients' submission that the GoA vaccine policy will not protect all employees. It has been scientifically verified that the vaccinated and the unvaccinated both spread COVID19 in similar measure, as members of both groups carry high viral loads when infected, according to data from the Center for Disease Control (CDC). A recent report from Director of the CDC confirmed this hypothesis in October 2021.

- The CDC provided Interim Public Health Recommendations for Fully Vaccinated People; “Based on evolving evidence, CDC recommends fully vaccinated people get tested 5-7 days after close contact with a person with suspected or confirmed COVID-19.”
- Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace, US Department of Labour: “...Evidence suggests that fully vaccinated people who do become infected with the Delta variant can be infectious and can spread the virus to others.”
- Viral Loads Similar Between Vaccinated and Unvaccinated People: “A new study from the University of California, Davis, Genome Center and UC San Francisco shows no significant difference in viral load between vaccinated and unvaccinated people who tested positive for the delta variant of SARS-CoV-2. It also found no significant difference between infected people with or without symptoms.”
- Both The Vaccinated and The Unvaccinated Can Spread COVID-19: “The vaccine does not necessarily prevent you from getting COVID. It prevents you from being hospitalized or dying from it,” Dr. Kris Bungay, a Manhattan primary care physician. “That is why we all still have to be careful.”
- UK hospital data shocks the world, World Press: “80% of COVID deaths are among the vaccinated... COVID deaths up 3,000% after vaccine wave: The UK’s Yellow Card Scheme, a vaccine injury and medical error surveillance system, shows a clear pattern of vaccine failure. COVID vaccines are increasing hospitalization and death for people who could have easily gone on with their lives, healthy and VAX-free. Instead of being coerced into risky, compounding vaccine experiments, thousands of sick and dying people could have faced a potential infection and recovered with durable, natural immunity.”
- Covid-19 Breakthrough Infections in Vaccinated Health Care Workers: Despite the high efficacy of the BNT162b2 messenger RNA vaccine against severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), rare breakthrough infections have been reported, including infections among health care workers.

- Iceland halts Moderna jabs over heart-inflammation fears: “This decision owed to “the increased incidence of myocarditis and pericarditis after vaccination with the Moderna vaccine, as well as with vaccination using Pfizer/BioNTech,” the chief epidemiologist said in a statement.”
- Covid-19: Fully vaccinated people can carry as much delta virus as unvaccinated people, data indicate, Nuffield Department of Medicine: “...those infected with the delta variant can carry similar virus levels as unvaccinated people... The authors said the implications for transmission were not yet clear but suggested that the potential for fully vaccinated individuals to transmit the virus to others would make achieving herd immunity more of a challenge...”
- Pfizer Vaccine Recipients at 27 Times Greater Risk of Symptomatic COVID Breakthrough than Natural Immunity: Large Israeli Study, Vision Times: “A preprint study from Israel examining an extensive amount of the country’s medical data has found that natural exposure to SARS-CoV-2, the virus which causes Coronavirus Disease 2019 (COVID-19), provides significantly greater immunity to the virus than Pfizer-BioNTech’s vaccine.”
- Sweden and Denmark suspend use of Moderna COVID vaccine for younger age groups over risks: “The Swedish health agency said it would pause using the shot for people born in 1991 and later as data pointed to an increase of myocarditis and pericarditis among youths and young adults that had been vaccinated.”
- 169 Dead, 644 Hospitalized in Illinois Breakthrough COVID Cases, Chicago 5: “According to data updated Wednesday by the Illinois Department of Public Health, 169 people in Illinois have died due to COVID-19 or complications after being fully vaccinated. That figure equates to 2.44% of COVID-19 deaths in the state since Jan. 1, officials said.”
- Israel Reports COVID Vaccine Effectiveness Against Infection Down to 40%, Haaretz: “The Health Ministry said Thursday that the effectiveness of the Pfizer-BioNTech coronavirus vaccine in preventing infection and mild symptoms has dropped to 40 percent.”
- The vaccine will not be as effective for some as it is for others: National Institute of Allergy and Infectious Disease: “Comprehensive analyses of innate and adaptive immune responses during acute COVID-19 infection and convalescence.”
- A study in *Science Transitional Medicine* finds natural infection may provide more powerful protection than double dose Covid-19 vaccination.
- A Finnish study of Covid-19 recovered patients that looked as far as 13 months after infection finds "protection against re-infection is long-lived, although antibody-mediated immunity may not persist equally well among elderly subjects." Federal scientists have previously found that flu shots are ineffective in the elderly due to immune issues. As more of the elderly got flu shots over the years, more of them died rather than the other way around, according to the definitive government study.

- Immune response will overcome COVID19 not vaccines by themselves: US National Library of Medicine: "...nutrition (eg, dietary recommendations) to boost the immune system should be explored and recommended because no registered medicine is available for COVID-19 treatment..."
- Data from the UK finds vaccines are "highly effective," but effectiveness wanes after as little as 3-4 months.
- Former Pfizer Employee Confirms Unvaccinated Are At Risk From The Vaccinated: According to a former Pfizer employee who studied the COVID vaccine's medicinal patents, those who have not been vaccinated face grave medical risk from those who have been inoculated.
- Moderna says everyone will need booster shots soon as vaccines wear off: "We believe dose 3 booster will likely be necessary prior to the winter season. We believe that increased force of infection resulting from Delta, non-pharmaceutical intervention (NPI) fatigue, and season effects (moving indoors) will lead to an increase of breakthrough infections in vaccinated individuals," Moderna said in a presentation posted to its website.

The Alberta Health Services, Health Professionals United reported:

- These mRNA vaccines have NOT been proven to prevent disease uptake nor disease transmission supported by the CDC's Morbidity and Mortality Weekly Report August 6, 2021 / 70(31);1059-1062 (among other reports) where it is stated "Real-time RT-PCR Ct values in specimens from 127 fully vaccinated patients (median = 22.77) were similar to those among 84 patients who were unvaccinated, not fully vaccinated, or whose vaccination status was unknown (median = 21.54)". Asymptomatic unvaccinated people have never been proven to be more infectious or transmit more disease than vaccinated individuals.
- The vaccine is showing weakened efficacy after only a few months. AHS's own data shows currently approximately 25% of all new cases are in fully vaccinated patients and over 18% of hospitalizations are also fully vaccinated with percentages increasing as weeks go by.

In our view, rationale to impose vaccines without follow up and regular testing as a primary prevention strategy is flawed. Whether or not it is openly reported by the GoA, the media or suppressed – there is clear scientific evidence from reputable professionals who have examined vaccines, medicines, treatments and protocols, from a critical thinking perspective, for the better protection of individuals against the COVID19 virus. Antiviral medicines are on the rise. Current available medications are effective. Vaccines will not prevent a person from contracting COVID19. The vaccinated and unvaccinated employees place all employees at an equal level of health risk.

If universal testing is not administered through the GoA, not merely to the unvaccinated, the workplace hazard is too severe to allow any employee to work collaboratively. It is my clients view that this invokes their right to refuse dangerous work.

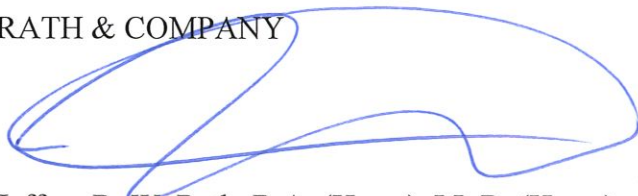
An alternative is to promote an extension of the work-from-home model until herd immunity peaks. Several employees are effectively and efficiently working from home. They pose no risk to their colleagues or the public. The term of their remote work could be easily extended with no impediment to GoA deliverable services.

My clients decisively conclude that they are in strong opposition to any vaccination policy that does not include every consideration for unified occupational health & safety by considering the full spectrum of safety protocols. We respectfully request that you intervene with haste and as authorized under Section 59 of the *Occupational Health & Safety Act*, order the employer (GoA) to rescind or amend immediately the vaccine mandate until it complies with Act, Regulation and OHS Code.

These Alberta Public Servant employees will not resume their duties if their work environment is unsafe and exposes them to dangerous health hazards.

Yours very truly,

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