



August 17, 2021

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To:

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**RE: Manitoba Immunization Cards and medical exemptions**

Premier Pallister,

We are writing to you because of concerns we have regarding the Manitoba Immunization Card and the General COVID-19 Prevention Orders made on June 30 (the June 30 Order) and August 5 (the August 5 Order) made by Chief Provincial Public Health Officer Dr. Brent Roussin (together the Orders).

The Orders exclude unvaccinated individuals from entering certain public spaces. There is no accommodation for individuals who cannot be vaccinated for medical reasons or reasons of faith or conscience.

The Canadian Constitution Foundation (the CCF) is a legal charity that advocates for the fundamental freedoms of Canadians. The CCF believes that COVID-19 is a serious illness that warrants health

measures, and that vaccines are safe and effective. The CCF believes that individuals who are able should make the choice to get vaccinated against this virus, for their own safety and for the safety of their family, friends, and community.

However, the Orders prevent people who are unable to get vaccinated for medical reasons or reasons of religion or conscience from participating in public life. This is unwarranted and extreme. A failure to create an exemption or accommodation for these individuals is a violation of their section 15 Charter protected right not to be discriminated against on the basis of religion or disability.

**We have been contacted by a Manitoba resident who is unable to get fully vaccinated due to an adverse reaction to the first dose of a COVID-19 vaccine. We are deeply troubled by the failure to accommodate this individual, and all similarly situated individuals.**

Sarah ■■■ is a resident of Winnipeg. She is 30 years old, holds a business degree, and has a full time job. Sarah was a previously healthy and physically active woman who would run 4-5 times a week and maintained a healthy lifestyle. Sarah has asthma, which has been managed since childhood.

Sarah is pro-vaccine and has been vaccinated many times before against other diseases. This includes flu vaccinations and vaccinations for travel to Asia. However, she had some initial hesitancy around the COVID-19 vaccine because she has anaphylactic allergies, and because of another personal medical situation. She experienced a miscarriage in January of 2021. This caused her to have some hesitancy related to potential unknown impacts of the vaccine on her reproductive cycle.

Ultimately, Sarah decided to get her first dose of the Pfizer vaccine against COVID-19 on May 26, 2021. She disclosed her allergies before getting vaccinated.

Sarah experienced heart palpitations in the first 15 minutes following her dose of the vaccine. After being monitored, the palpitations subsided and Sarah was sent home. In the days following her vaccination Sarah experienced increasing pain in her chest as well as a new and unfamiliar shortness of breath that could not be treated with her asthma inhaler. The pain became more intense and more frequent, and on the fourth day after her vaccination Sarah decided to go to the hospital to be examined.

**At the hospital, Sarah was diagnosed with pericarditis (heart inflammation) and pericardial effusion (fluid around her heart).** These conditions were new, and Sarah did not have any prior heart issues. These specific heart conditions are rare adverse reactions to the COVID-19 vaccine.

Because of the adverse reaction to her initial dose, Sarah was advised by her family doctor not to get a second dose of any COVID-19 vaccine. Sarah is interested in potentially getting a COVID-19 vaccine in the future if one is developed that can be safe for her, although as it currently stands there is no current COVID-19 vaccine her family doctor can recommend as safe for her.

Sarah would like to participate in public life. She would like to go to the theatre. She would like to go to sporting events. However, the Orders prevent her from doing this. There is no way for Sarah to access an exemption to the Orders. Sarah's continued exclusion from public life is now beginning to have negative impacts on her mental health.

Under the August 5 Order, unvaccinated individuals are able to participate in more parts of public life than they were able to under the June 30 Order. For example, under the August 5 Order, individuals who are not fully vaccinated can now eat with friends at restaurants if the restaurant ensures a two-metre separation. However, many restaurants are now requiring visitors to show the government issued Manitoba Immunization Card in order to enter. The government has created a process for proving immunization, which is now being relied upon by businesses. The government has not created any process for individuals like Sarah who have a disability that makes them ineligible for this Immunization Card which being relied upon by businesses.

**We are writing to you today to ask that you create a process that will grant exemptions to the Orders or a process for obtaining an alternative to the Manitoba Immunization Card for individuals who cannot be vaccinated for medical reasons.** Individuals living with disabilities cannot be excluded from participation in public life, as they currently are in Manitoba.

We are also asking for the government of Manitoba to create an exemption from the Orders or alternative to the Immunization Card for individuals who cannot be vaccinated for reasons of faith or sincerely held belief.

We have an urgent concern for individuals like Sarah who despite a desire to be vaccinated are unable to do so. We view the entire policy as an unjustified infringement of s 7 Charter protected right to liberty and bodily autonomy given the current risk of COVID-19 in the highly vaccinated Canadian population. However, our urgent concern is related to section 15 equality rights, and that is why we are asking the government to immediately create medical and religious exemptions to the Orders or alternatives to the Immunization Card.

As a legal charity, we have a long track record litigating on behalf of individuals whose rights have been violated by government overreach. It is our strong preference not to litigate, and we believe the needs of individuals like Sarah can be accommodated by an amendment to the Orders or alternatives to the Immunization Card. **However, we are prepared to litigate if the government of Manitoba fails to make an accommodation for individuals who cannot be vaccinated for medical or religious reasons.**

We hope to hear from you soon and look forward to your response.

Sincerely,

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