



Latest Update: Legal and PR Referrals

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Disclaimer: Dear United Health Care Workers of Ontario (UHCWO) - this means each and every one of you who have come together under this grass roots movements to unite under our shared mission of standing up for our rights. None of us under the banner of the UHCWO, nor Stand Up Canada, are lawyers and are not giving legal counsel. We are all volunteers, doing our best to give information, resources, and ideas on how to navigate through these illegal policies. Stand Up Canada in particular is a federally registered non-profit organization and their Statement of Purpose is to educate Canadians to know first and foremost that they have legal rights and how to use the law to defend their civil liberties. As such, the following document should not be construed as legal, medical or union advice.

Dear United Health Care Workers of Ontario (UHCWO),

Over 2,400 health care workers have united under the banner of the UHCWO to stand up for our rights and against the medical policies we are facing. This is amazing – congratulations! Thank you for sharing this message and bringing people together. We feel certain there must be more like-mind colleagues out there but they don't know that we exist. They feel they are living and working in isolation. Keep having conversations and uniting people under this mission. As we move forward into the unknown, our biggest strength is our growing numbers. It is inspiring to see people coming together and supporting each other.

Legal Consultations - Received

UHCWO has been blessed to receive many legal consultations over the past week and a half. We have been tirelessly engaging with different lawyers who are sympathetic to our situation as health care workers; employment, civil litigation, law professor, constitutional, COVID-19 specialist, including a PR Firm with their perspective. All consultations on how to address our situation are valuable and there is no one particular legal approach that will guarantee our success or safeguard our employment. There may be other options out there that people have pursued on their own. A varied approach may just be the answer because it would not be prudent to put all of our hopes in one single lawyer.

Below are the varied legal referrals from lawyers or Law Firms willing to help health care workers identified by the UHCWO. You may choose to engage with all or none, **but if you retain any lawyer it is highly recommend that you discuss all your legal actions with them to make sure they do not conflict.**

As health care workers impacted by Directive #6 and the policies being enforced by our employers, **we have reached a pivotal moment**. Every single one of us is dealing with many challenges, but we must continue to move forward. We would encourage you to take the time to review this document and any other information you've gathered, and decide what aligns the best with YOUR own goals, values and situation, as well as what you want for the citizens of this country. This is a deeply personal decision and journey.

Whatever we do on an individual or group basis, we will move forward as a collective by continuing to stand up for, and defend our rights to medical privacy and choice. We will always have that if we stay connected and united. **It is your RIGHT to make informed decisions that are best for you and your family**. One benefit of working with groups of like-minded people is that you may be able to join together to share in the costs for legal representation.

Finally, above all else, please remember that there are no guarantees with any legal avenues that you choose and no one can say what a potential resolution will be and when that will happen. All options available to you will have risks and benefits. Any success or failure will have a rippling effect – but we must try!

Non-legal and Legal Referrals for Health Care Workers

Please note, UHCWO is not endorsing or promoting any of these referrals or other options available to you as individuals. We are also not responsible for any outcome or changes in the information should you consult with or retain any of the referrals below. We believe in the freedom of CHOICE and your right to make the best decision for your own situation.

1	Public Relations Strategy	<p>A public relations (PR) Firm that believes in the need for a strong case to shift the public narrative and work closely with a PR expert. This came from a consultation with a civil litigation lawyer, an employment lawyer and a law professor who feel we need PR support to achieve results.</p> <ul style="list-style-type: none"> • PR strategy and crisis management to represent <u>individuals and groups of employees</u>. • The PR Firm consults with a legal team as needed given the complex situation and legal implications. • There are costs associated with this service and quotes would come after consultation. <p><i>UHCWO Comments: Resource for individual and/or group PR strategy, particularly for those who wish to bring their message to the public.</i></p> <p>→ If this option is appealing to you, you are encouraged to join with others and present one main contact to the UHCWO who will connect you with this PR Firm.</p> <p>→ Email UHCWO@protonmail.com</p>
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2	Challenge Authority and Intention of Directive #6	<p>Presented by a lawyer who has worked extensively on COVID-19 issues since the beginning:</p> <ul style="list-style-type: none"> ● Challenge authority of Chief Medical Officer of Health in issuing this Directive whose powers stem from the <i>Health Protection and Promotion Act</i>, and ultimately the <i>Reopening Ontario Act</i>; question the Precautionary Principle; either there is science to support these measures or not. ● Seek clarity on intention of Directive #6 regarding vaccination “policies”; this Directive does not indicate anything about punitive action for not disclosing, testing or refusing vaccination, nor does it include anything about mandatory vaccination – mandatory vaccination could be seen as falling outside of the scope of Directive #6. ● This legal challenge does not need a mass number of litigants. ● There are costs associated with this legal representation; to be discussed between applicant(s) and Law Firm. <p><i>UHCWO Comments: Targeted approach that could be done alongside other legal action such as #3 and #4 below. When you retain any lawyer or seek a consultation, it’s highly recommended they are aware of any other legal action you are taking or want to take so they can share the risks and benefits from their perspective and inform you of any conflicts.</i></p> <p>→ If this option is appealing to you, register your name and email address at the following URL link: https://mailchi.mp/b13f2e7bf1ea/intake</p> <ul style="list-style-type: none"> ○ The UHCWO admin will then forward your interest to the lawyer.
3	Support and Collaboration from Justice Centre for Constitutional Freedoms (JCCF)	<p>Initial consultation with JCCF covered the following:</p> <ul style="list-style-type: none"> ● Seeking whistle blowers to come forward and join a legal action already underway by the JCCF. They have gathered facts and expert testimony, but need more frontline stories to corroborate. They need people who will go on record. ● Could have other doctors under the UHCWO join a legal action already underway by the JCCF. ● They will be meeting this week to strategize further on case for health care workers impacted by Directive #6. Generally, with mandates, they are making arguments based on the legal principles and the science. ● The JCCF takes on high-profile and high impact cases.

		<ul style="list-style-type: none"> • The JCCF could produce videos that would assist with PR strategies. • They are open to working with other lawyers with respect to challenging the authority of Directive #6. • The JCCF provides pro-bono legal services based on donations to their organization - no cost to litigants. <p><i>UHCWO Comments: Hopeful for the potential collaboration with other lawyers which will ultimately benefit us all. UHCWO is eagerly waiting to hear more about a possible strategy from JCCF.</i></p> <p>→ If any of these options are appealing to you, please reach out to the JCCF at their website: https://www.iccf.ca/contact-information/</p>
4	Workplace Disputes for Unionized and Non-Unionized – Employment and/or Labour Challenge	<p>Whitten & Lublin Employment Law Firm offer the following:</p> <ul style="list-style-type: none"> • Able to represent <u>individuals</u> and <u>groups of employees</u> from the same union or employer. • Their focus is settling workplace disputes. • They can help with understanding your rights from an employment and labour context; provide advocacy on your behalf; fight unions to fairly represent their membership; and, fight employers in response to mandatory vaccine mandates, threats of termination, unpaid layoffs and wrongful dismissals. • Fees can be distributed through groupings of clients or you can seek legal counsel as an individual – if you consult or retain with them as a group, you could greatly reduce your legal fees. The fees can vary depending on the seniority of the lawyer from their Firm. • If a settlement is reached, you may not be able to seek relief through other legal avenues like Constitutional challenges for the same case. When you retain any lawyer or seek a consultation, it's highly recommended they are aware of any other legal action you are taking or want to take so they can share the risks and benefits from their perspective and inform you of any conflicts. <p><i>UHCWO Comments: Does not address the root cause of these problems but could provide relief and resolution faster, and a valuable challenge in the employment and labour context.</i></p> <ul style="list-style-type: none"> • If this option is appealing to you, you may contact the Law Firm as an individual or you can opt to join with others from the same employers. • If you wish to be included in an employment group legal representation, register your name, email address, place of

		<p>employment and name of union at the following URL link https://mailchi.mp/6424dfa2c587/intake</p> <ul style="list-style-type: none"> ○ The UHCWO admin will connect people from the same employer. This group will need to select one contact who will reach out to the Law Firm. ○ Remember, if you elect to join any other legal action, please let all lawyers know so they can ensure there are no conflicts to move forward with a consultation or representation.
5	<p>Constitutional Challenge to Root of Problem</p>	<p>Rocco Galati, founder and Chair of Constitutional Rights Centre:</p> <ul style="list-style-type: none"> ➔ Able to assist large <u>groups of unionized and non-unionized</u> health care workers – as individual plaintiffs. ➔ Group legal constitutional challenges to <u>unions</u> and <u>employers</u>. ➔ Seeking declarations that COVID-19 measures are unconstitutional and seeking damages. ➔ Rocco describes himself as a lawyer who will go to court if he tells you that’s his plan. ➔ He doesn’t share his full legal strategy in the consultation phase but you can look at previous statement of claims here: https://vaccinechoicecanada.com/media/press-release-legal-challenge-to-covid-19-measures-filed-in-ontario-superior-court/ ➔ His Law Firm has gathered extensive evidence and expert testimony to support his cases. ➔ He is working with multiple professional groups. ➔ Constitutional challenge is a slow process. Potential relief/resolution could take several years. ➔ This kind of case is able to set precedence in Canadian law if successful but can also impact other outcomes if not successful. <p><i>UHCWO Comments: Long-term approach; this targets the root problems of the whole COVID-19 narrative, including the situation facing health care workers in Ontario; as far as we understand, this option is for health care workers, firefighters and paramedics.</i></p> <ul style="list-style-type: none"> ➔ Estimated retainer fee could cost between \$1,000 and \$2,000 per litigant, depending upon the number of litigants involved. This fee would entitle you to a full-scale constitutional challenge up to and including trial. <ul style="list-style-type: none"> ○ Remember, lawyers reserve the right to ask for more money if their retainer is empty. ○ By joining as a group of plaintiffs, you are significantly reducing the cost of this type of legal challenge per plaintiff.

		<p>→ If this option is appealing to you, register the required information as your commitment to retain Rocco Galati and his Law Firm at the following URL link: https://eepurl.com/hJRVoH</p> <ul style="list-style-type: none"> ○ The UHCWO admin will then forward your interest to the lawyer. <p>Important: No fee is being asked under this <i>commitment to retain</i> first step; the only purpose right now is to gather the number of people interested in this group legal challenge, with a further breakdown by employer and union.</p> <p>Note: As with any legal process, Rocco Galati and his Law Firm, will handle the intake process and will provide details on their inclusion and exclusion criteria. It is up to them to decide who can move forward as a plaintiff or not, and they may not know all the qualifiers at this time. If you are serious about this option, it is recommended that you sign up - but please know that UHCWO cannot answer any questions related to individual qualifications for the lawsuit as that can only be determined by this Law Firm, and this may not happen until his intake process is fully underway.</p> <p>→ Registration deadline is Friday, October 8, 2021 by 8 p.m.</p>
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Union Grievances

None of the legal and PR referrals above deal with union grievances except for number 4, where this Law Firm will assist with workplace disputes. No Law Firm can file a grievance on your behalf. Your union is your legal representative and they are only ones who can file a grievance on your behalf to your employer. Remember, you are paying union dues for this legal representation and it is your right to file complaints and grievances in the process set out by your Collective Agreement.

Members of a bargaining unit have a variety of legal rights and your union is meant to provide legal representation. Generally, unionized employees are not able to sue their employers in court. However, unions have a legal duty to fairly represent you and MUST ensure that the interests of ALL employees are served in a manner that is not arbitrary, discriminatory or in bad faith. Sending the “good faith” letter template made available by UHCWO is an important step in helping you understand if your union is willing to give you fair representation or not.

If your union will not represent you in the manner in which you expressed either through the “good faith” letters that you sent, or through any other correspondence exchange, your next **option** is to file a complaint to the Ontario Labour Relations Board for Duty of Fair Representation. Remember, this was explained in detail in the communication document titled “*Hard Line in the Sand.*”

Depending on your union and the interactions that you've had with your representatives, you may decide to work with them to file a grievance - or some of you may have already chosen this option.

Some unions have said that they will file a grievance for termination under these policies, or even the policy itself. It is highly encouraged for you to gather **as much information** from your union as you can to understand their legal position, how they will represent you, and what the process is for taking this action including any deadlines. Consider speaking to your union representative about this process and asking the questions that you need answered to make your decision.

Important: Remember that you need to research any legal option you want to take and it's highly recommended that you make sure it doesn't conflict with any other legal counsel or course of action you want to take.

Final Considerations to Remember

Legal action is not the end nor the solution to this tyranny. It is one *mechanism* that we are all gravitating around as a collective. While legal action is imperative to fighting for our rights, what holds more power is the people **united** by our collective belief to medical privacy and choice.

It will not matter what outcome will happen legally, what our employer does to us or which political party is in power. ***If we hold this belief***, we will be immovable as a collective. No matter what consequences may come our way or what personal decisions every one makes.

We are stronger when we come together. Nature has a powerful lesson for us this time of year...we need only look up to be reminded of it. Canadian geese fly further together. With the iconic flying V, each bird as it flaps its wings, creates lift for their fellow birds, allowing them to fly further with less effort. That is the *power* of the collective.

