



Speaking out against mandatory mask bylaw extension

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AGENDA

- Pandemic?
- Statistics flu vs covid
- Quarantine act violations to the bill of rights
- Bill of rights Part 1, sec 2, a
- Efficacy of masks (evidence from academia)
- Freedom of expression - what is expression (evidence from academia)
- Conclusions



Pandemic?

- Who gets to define and label this a pandemic if the numbers are consistent with flu season?
- Our definition of a pandemic is arbitrary! And based on someone's arbitrary opinion of what a pandemic is the Government of Canada has invoked the Quarantine Act 2005



Need of Masks: The flu stats⁽²⁰¹⁵⁻¹⁶⁾

Tiny virus, big impact!

Worldwide

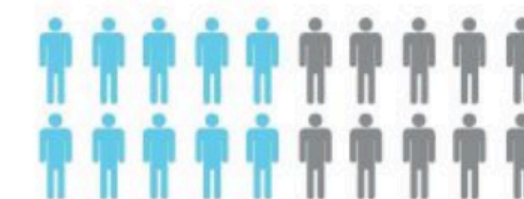


Every year
there are

1 billion
flu cases

250,000 to
500,000
people die

3 to **5** million
result in
severe illness



In Canada



Each year
influenza causes

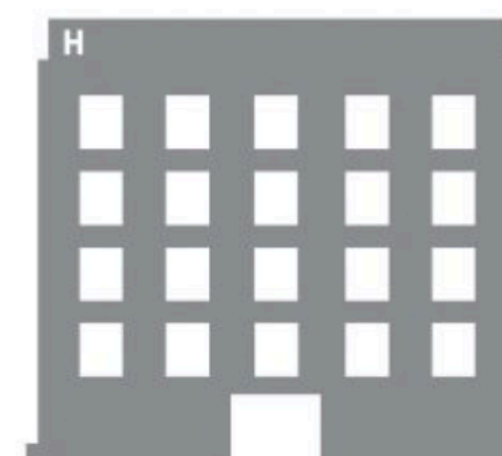
12,000
hospitalizations



2,000 deaths (more than any
other infectious disease)

Local impact

The number of patients
with influenza who need
to be **admitted** to the
hospital can vary from year
to year – each influenza
season is different.



The **2015/16** flu season

In the GTA **2,021** people were
admitted to hospital with the flu.
More than **100** of those patients died.





		Age at time of death, all ages ^{12 13}				
		Both sexes				
		Canada, place of residence (map)				
Leading causes of death (ICD-10) ^{14 15 16}	Characteristics	2014	2015	2016	2017	2018
		Number				
Malignant neoplasms [C00-C97]	Rank of leading causes of death ¹⁷	1	1	1	1	1
	Number of deaths	77,059	77,054	79,084	79,844	79,536
Diabetes mellitus [E10-E14]	Rank of leading causes of death ¹⁷	6	7	6	7	7
	Number of deaths	7,071	7,172	6,838	6,882	6,794
Alzheimer's disease [G30]	Rank of leading causes of death ¹⁷	8	8	7	8	8
	Number of deaths	6,410	6,587	6,521	6,675	6,429
Diseases of heart [I00-I09, I11, I13, I20-I51]	Rank of leading causes of death ¹⁷	2	2	2	2	2
	Number of deaths	51,014	51,534	51,396	53,029	53,134
Cerebrovascular diseases [I60-I69]	Rank of leading causes of death ¹⁷	3	3	3	4	3
	Number of deaths	13,573	13,795	13,551	13,893	13,480
Influenza and pneumonia [J09-J18]	Rank of leading causes of death ¹⁷	7	6	8	6	6
	Number of deaths	6,597	7,630	6,235	7,396	8,511
Chronic lower respiratory diseases [J40-J47]	Rank of leading causes of death ¹⁷	4	4	5	5	5
	Number of deaths	11,876	12,573	12,293	12,847	12,998
Chronic liver disease and cirrhosis [K70, K73-K74]	Rank of leading causes of death ¹⁷	10	10	10	10	11
	Number of deaths	3,126	3,176	3,385	3,425	3,514
Nephritis, nephrotic syndrome and nephrosis [N00-N07, N17-N19, N25-N27]	Rank of leading causes of death ¹⁷	11	11	11	11	10
	Number of deaths	3,098	3,129	3,054	3,270	3,615
Accidents (unintentional injuries) [V01-X59, Y85-Y86]	Rank of leading causes of death ¹⁷	5	5	4	3	4
	Number of deaths	11,724	11,833	12,524	13,894	13,290
Intentional self-harm (suicide) [X60-X84, Y87.0]	Rank of leading causes of death ¹⁷	9	9	9	9	9
	Number of deaths	4,254	4,405	3,978	4,157	3,811
Assault (homicide) [X85-Y09, Y87.1]	Rank of leading causes of death ¹⁷	23	23	25	22	25
	Number of deaths	439	456	396	459	373



COVID Stats- to date

- [Provincial/territorial and international reporting](#)

Key updates as of September 16, 2020, 7 pm EDT

139,747

Total cases

8,105 (5.8%)

Active cases

122,449 (87.6%)

Recovered

9,193 (6.6%)

Deaths

944

New cases

169,055

People tested per 1 million

2.1%

Percent positive (total)

► [Daily epidemiology update: Text description](#)

- This page will be updated once per day in the evening at 7:00PM Eastern Time.
- The majority of cases (79.6%) and deaths (93.7%) have been reported by Ontario and Quebec.



Quarantine Act States

risk of imminent death or serious bodily harm to another person while wilfully or recklessly contravening this Act or the regulations.

Punishment

(2) Every person who commits an offence under subsection (1) is liable

(a) on conviction on indictment, to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than three years, or to both; and

(b) on summary conviction, to a fine of not more than \$300,000 or to imprisonment for a term of not more than six months, or to both.

Failure to comply

68 Every person who fails to comply with an obligation imposed under subsection 15(3) or 25(1) or section 26 is guilty of an offence and liable on summary conviction to a fine of not more than \$200,000 or to imprisonment for a term of not more than six months, or to both.

Failure to comply

69 Every person who fails to comply with an obligation imposed under section 35, subsection 39(1) or 44(3) or section 51 is guilty of an offence and liable on summary conviction to a fine of not more than \$750,000 or to imprisonment for a term of not more than six months, or to both.

Contravention

70 Every person who contravenes section 12 or 13. sub-

nant intentionnellement ou par insouciance à la présente loi ou aux règlements, expose autrui à un danger imminent de mort ou de blessures graves.

Peine

(2) Quiconque commet l'infraction prévue au paragraphe (1) encourt, sur déclaration de culpabilité :

a) par mise en accusation, une amende maximale de 1 000 000 \$ et un emprisonnement maximal de trois ans, ou l'une de ces peines;

b) par procédure sommaire, une amende maximale de 300 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

Manquement à une obligation

68 Quiconque manque à toute obligation prévue par les paragraphes 15(3) ou 25(1) ou l'article 26 commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 200 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

Manquement à une obligation

69 Quiconque manque à toute obligation prévue par l'article 35, les paragraphes 39(1) ou 44(3) ou l'article 51 commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 750 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

Manquement à une obligation

70 Quiconque contrevient aux articles 12 ou 13. au para-



Canadian Bill of Rights



Canadian Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared, and in particular, no law of Canada shall be construed or applied so as to

- (a) authorize or effect the arbitrary detention, imprisonment or exile of any person;
- (b) impose or authorize the imposition of cruel and unusual treatment or punishment;
- (c) deprive a person who has been arrested or detained
 - (i) of the right to be informed promptly of the reason for his arrest or detention,
 - (ii) of the right to retain and instruct counsel without delay, or
 - (iii) of the remedy by way of *habeas corpus* for the determination of the validity of his detention and for his release if the detention is not lawful;
- (d) authorize a court, tribunal, commission, board or other authority to compel a person to give evidence if he is denied counsel, protection against self incrimination or other constitutional safeguards;
- (e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;
- (f) deprive a person charged with a criminal offence of the right to be presumed innocent until proved guilty according to law in a fair and public hearing by an independent and impartial tribunal, or of the right to reasonable bail without just cause; or
- (g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak the language in which such proceedings are conducted.

3. (1) Subject to subsection (2), the Minister of Justice shall, in accordance with such regulations as may be prescribed by the Governor in Council, examine every regulation transmitted to the Clerk of the Privy Council for registration pursuant to the *Statutory Instruments Act* and every Bill introduced in or presented to the House of Commons by a Minister of the Crown, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this Part and he shall report any such inconsistency to the House of Commons at the first convenient opportunity.

(2) A regulation need not be examined in accordance with subsection (1) if prior to being made it was examined as a proposed regulation in accordance with section 3 of the *Statutory Instruments Act* to ensure that it was not inconsistent with the purposes and provisions of this Part.

1960, c. 44, s. 3; 1970-71-72, c. 38, s. 29; 1985, c. 26, s. 105; 1992, c. 1, s. 144(F).

4. The provisions of this Part shall be known as the *Canadian Bill of Rights*.

PART II

5. (1) Nothing in Part I shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this Act.

(2) The expression "law of Canada" in Part I means an Act of the Parliament of Canada enacted before or after the coming into force of this Act, any order, rule or regulation thereunder, and any law in force in Canada or in any part of Canada at the commencement of this Act that is subject to be repealed, abolished or altered by the Parliament of Canada.

(3) The provisions of Part I shall be construed as extending only to matters coming within the legislative authority of the Parliament of Canada.



Canadian Bill of Rights

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

2. Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.

OF RIGHTS AND FREEDOMS





Canadian Bill of Rights

Bill of Rights: Para 2. “ Men and institutions remain free only when freedom is founded upon respect for Moral and spiritual values and the rule of law.

“the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law; (b) the right of the individual to equality before the law and the protection of the law; (c) freedom of religion; (d) freedom of speech; (e) freedom of assembly and association; and (f) freedom of the press.”

Nothing in Part I shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this Act. (2) The expression “law of Canada” in Part I means an Act of the Parliament of Canada enacted before or after the coming into force of this Act, any order, rule or regulation thereunder, and any law in force in Canada or in any part of Canada at the commencement of this Act that is subject to be repealed, abolished or altered by the Parliament of Canada.



Efficacy of Masks

Wang, Chen, cui, Xu & Zheng (2020)

1. States Common masks or surgical masks have limited effectiveness in preventing the lungs from harmful substances entering from the environment. These are the basic parameters of the mask that tell us. More evidence is needed as to whether masks could protect people in the community.[1]
3. Concludes “ Maybe we cannot fight the epidemic alone, and we need a team. There is a lot we need to do, and masks may be a part of that. In the face of a disaster like COVID-19, even if the masks cannot be shown to be significantly effective, as an option, we could use it before the evidence is available. Just like a Chinese proverb, treating a dead horse tentatively as if it were still alive, which means that we should never give up for lost. We hope that with our efforts, the outbreak can be ended as soon as possible.” (p. 3)



Efficacy of Masks cont.

“Even though the expectation of risk reduction (personal or collective) explained only small portion of mask usage, motivations superficially irrelevant to disease mitigation strongly promoted mask-wearing behavior; conformity to the social norm was the most prominent driving force for wearing masks (**Nakayachi, et al, 2020, p. 3**).



Efficacy of Masks cont.

N95 respirators, but not medical masks, were significantly protective against bacterial colonization, co-colonization, viral-bacterial co-infection and dual virus infection in HCWs. **MacIntyre, R. C., Wang, Q., Rahman, B., Seale, H., Ridda, I., Gao, Z., Yang, P., Shi, W., Pang, X., Moa, A., & Dwyer, D. (2014).**



Efficacy of Masks cont.

“Published data on the efficacy of universal masking policies to prevent healthcare-associated transmission of respiratory viruses are limited, and the generalizability of these results to the ongoing SARS-CoV-2 pandemic is uncertain” (**Advani, et al., 2020, p. 1067**).



COMPROMISED FREEDOM OF EXPRESSION

Authors Ma, Qian, Hu, & Wang, and Riepl, Mussel, Osinsky, & Hewig as cited as cited in Spape, Harjunen, Ahmed, Jacucci & Ravaja, 2019) state “facial appearance of the bringers of offers, and the mood of those who received them, was found to determine how such messages were processed” p. 1260.



COMPROMISED FREEDOM OF EXPRESSION

Stouten & De Cremer (2010). Provide evidence that individual must see facial expressions to understand the underlying message that is being spoke stating that “Facial expressions of emotions may shape a context in which communication may be perceived differently” (p. 272). And “Facial displays of emotion lead people to perceive others’ emotional state” (p, 273). And that “In addition, people further use these emotional signals and subsequent interpretations to guide their actions” (p. 273). And displays of happiness communicate appeasement and feelings of reassurance, thereby discouraging aggressive or flight responses in others” p. 273.



COMPROMISED FREEDOM OF EXPRESSION

Berman (2015) states that “six distinct emotions that can be registered with the face include anger, disgust, fear, happiness, sadness and surprise Para. 4).



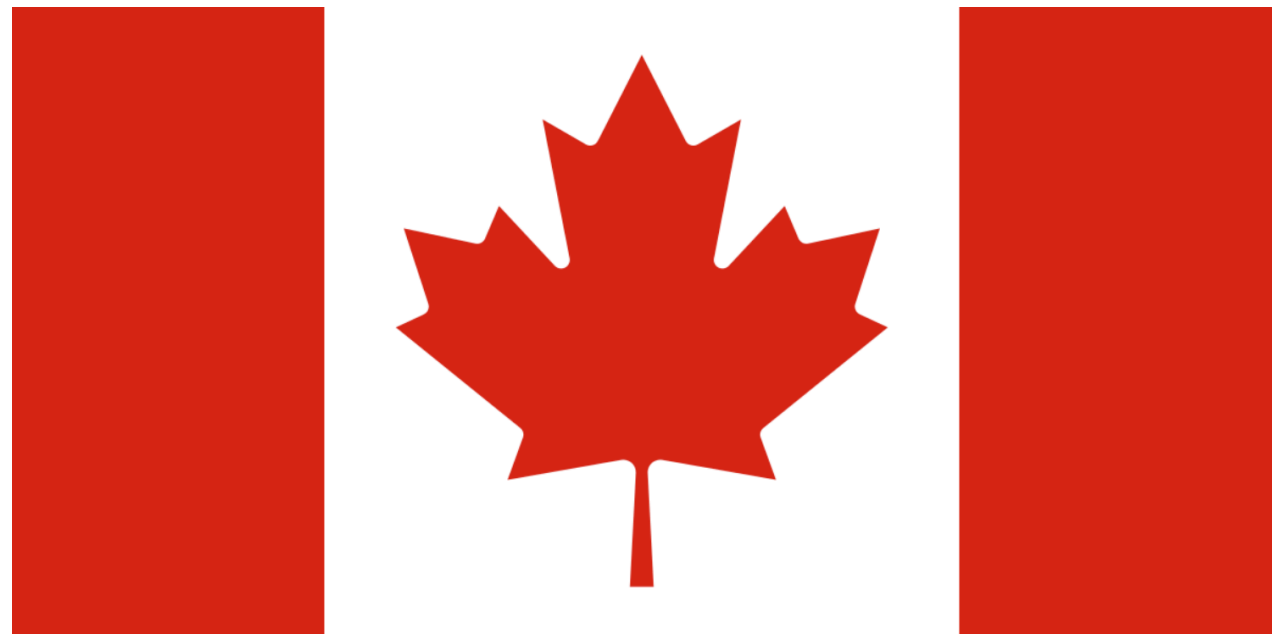
COMPROMISED FREEDOM OF EXPRESSION

Spape et al (2012) presents evidence that facial expression is a necessary component in communication to express emotion- a lack in facial expression according to the study hinders empathy. Messages are not clear without facial expression- stunting our ability to express ourselves!



Conclusions

- The statistics generated from COVID-19 do not rationalize as a pandemic that is different than any other influenza year
- Quaranteen Act 2005 is illegal given that the bill of rights states that no other law either created before or after the bill of rights can “infringe’ upon the rights and r=freedoms layed out (thus fining or improsoning an individual based on non-compliance is illegal since masking, and detaining for non-masking infringes on the rights of freedom of expression, and liberty.
- Masks have not demonstrated their stop of the spread
- Communication as our fundamental freedom of expression is largely impart due to facial expression and with out the acbnility to read facial expression individuals are hindered from their right to communicate with others and to understand others communication with them.
- It is illegal to force mandatory masks on a population and this is specifically outlined in the bill of rights, Part 2, section 5(1).
- The right to civil suit for this infringement will likely be exercised by the people of Canada if mandatory mask bylaws continue to infringe pun the peoples freedom of expression and freedom of liberty



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Thank you