

# HOW TO FILE A VICTIM STATEMENT

## PHASE II: EMPLOYEE

*If you have had your income threatened because you won't disclose your status, if you are being told that you will not be entitled to post-secondary education if you are not fully vaccinated, if you are on an unpaid leave of absence or have lost your job because you will not submit to swabbing, if you have submitted to swabbing under duress, if you have gotten a vaccine under threat of job loss... this tutorial is for you.*

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# HOW TO FILE A VICTIM STATEMENT

## Purpose, Background & Recommendations

### PURPOSE

To hold those who have broken the law accountable.

If you are a victim of assault, you have the right to file a victim statement with the police or RCMP. This process is free, does not require legal counsel and granted to every Canadian Citizen. Police can only enforce the Criminal Code, so your statement needs to be concise and focused on the specific crime (ex: assault). This will allow the police officer to clearly see the crime that has been committed.

### BACKGROUND

Your employer can not mandate any medical procedures (RT-PCR test or Rapid Antigen Test) or medical treatments (experimental vaccines). Only your physician can administer medical treatments or medical procedures and only with your informed consent. At this time no physician would be able to give you the required disclosure sufficient for informed consent. Why not? Because these vaccines are still experimental. No clinical trials have been completed; hence these companies do not have a complete list of adverse effects for both the vaccines or the swabs. This means that it is impossible to give *informed consent*.

Vaccination is voluntary in Canada. Employers, CEOs, presidents of universities and colleges etc. are infringing on human rights and putting themselves personally at risk of a civil tort and/or criminal charges, and potential imprisonment by attempting to impose these experimental medical treatments upon their employees or students. Canadian law has long recognized that individuals have the right to control what happens to their bodies.

No one in Canada is protected from criminal law.

### RECOMMENDATIONS

A victim statement is organized chronologically. Take the time to print off and collect all of your evidence. Highlight the lines that demonstrate that voluntary has been removed from the equation. An example of this is, "You are *required* to submit to testing by November 6, 2021 or disciplinary action will follow." Include these statements as direct quotes in your statement.

All evidence should be *copies* of the original. You will need your original documents should your case be presented in front of the Crown. If the evidence is an email, it should be the fully printed version of the email including all headers etc. If the evidence is an MP3 file, files should be properly named and saved on a jump drive to submit with the statement. If the evidence is a conversation that was not recorded, create a separate document which includes the date and time, names of those involved and their position, as well as what was said/responses/questions/witnesses etc. If you have photographic evidence, print and label the

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image. All evidence must be properly labeled as referenced in the victim statement (ex: Exhibit 1, Exhibit 2, Exhibit 3 etc.)

## NOTE

Writing a victim statement is an independent endeavor and must be uniquely yours.

The process may take several days. Give yourself time between collecting your evidence and using the provided template to draft an outline of your victim statement. Take time to think and edit over the next few days, adding the physical, emotional and financial impact that this has had on you and your family.

When your statement is complete, you may want to go to the police station or RCMP detachment in small groups to submit your statements. There is strength and courage in numbers.

Later, your victim statement can be notarized and used as an affidavit should you choose to peruse further action.

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## What you will need to provide to the police

1. Photo ID with your name, date of birth and home address to identify yourself to the police.
2. The name of the person(s) you feel has committed assault against you (the one[s] who have menaced you for consequences with non-compliance (through e-mail, written or verbal warning). Ideally you would provide their date of birth, home address and contact phone number. If these are not available, their work address and work phone number will do.
3. Your completed written statement signed and dated at the end. Multiple page statements should include page numbers and be signed at the bottom of each page.
4. A copy of the *Assault Primer* attached to the front of your victim statement. This is a reference for the police investigator to put the offence into context. Note that the laws and jurisdictions mentioned in the *Public Health Information Act* and the *Workplace Safety and Health Act* are Manitoba laws. Adjust these with the appropriate legislation and examples for your province (or federal regulation like PIPEDA for employees working for a federally-regulated employer).
5. A printout of any written communications from the person you are charging relating to compliance with revealing your private health information or mandatory vaccination or testing (email chains, text messages, paper documents such as letters or written warnings, audio recordings, photographs etc.)
6. Any other documentation or evidence you feel would be relevant to the case.

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## Victim Statement Primer

The laws in Canada are clear when one is subjected to medical treatments, one must voluntarily give consent based on an informed decision, as per the Supreme Court of Canada's decisions; *Yule v. Parmley*, 1945, *Hopp v. Lepp*, 1980, *Hughes v. Reibl*, 1980, specifically; *R. v. Ewanchuk*, 1999. To mandate (require, requirement, must, company policy, or policy) for a medical treatment i.e., RT-PCR test, Rapid antigen test or being vaccinated removes voluntary and informed consent from the equation.

Words used like *mandate, require, requirement, must, company policy* or *policy* should be considered coercion and/or duress, as the choices provided are made in the following fashion:

**Coercion:** You are required to take the vaccine and get the vaccine passport so you can go to a restaurant and have a meal.

**Duress:** You must take the vaccine or be tested or you will be fired from your job.

### **Criminal Code:**

#### **Assault**

**265 (1)** A person commits an assault when

- (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- (b) **he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to affect his purpose;** or
- (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

#### **Consent**

**265 (3)** For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of

- (a) the application of force to the complainant or to a person other than the complainant;
- (b) threats or fear of the application of force to the complainant or to a person other than the complainant;
- (c) fraud; or
- (d) **the exercise of authority.**

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## Victim Statement Exemplar

My name is [REDACTED] and I have been working for the Toronto District School Board for 10 years as a Special Needs Assistant. I HAVE NOT GIVEN MY INFORMED CONSENT AND I HAVE NOT CONSENTED TO THE ACCESS OF MY MEDICAL INFORMATION.

On the [REDACTED] of August 2021, I received an email from [REDACTED], Director of Education, advising me that “Trustees voted unanimously to have [REDACTED] staff develop a mandatory COVID 19 vaccination procedure<sup>1</sup> which will require all [REDACTED] staff, Trustees, and visitors to disclose and provide proof of vaccination status and to be fully vaccinated.” (Exhibit #1)

On the [REDACTED] of September 2021, I received an email from the [REDACTED] School Board email address, which has a “NO-REPLY” feature, so that I could not respond back to (proof attached to the email). The email stated, “As you know, the [REDACTED] is currently developing a mandatory vaccination procedure for all staff, trustees and visitors. While this procedure is still in the process of being finalized, the Ministry of Education requires all school board staff to disclose their vaccination status. To enable the board to collect this required information, a new “My Vaccination Status” menu item has been added to the [REDACTED] Health Screening App. When this item is selected, staff should select “Update Vaccination Status” and complete the form, including the uploading of verification of vaccination (vaccination receipt). We ask staff to please complete this form as soon as possible and no later than September 7, 2021 as required by the Ministry of Education.” It also mentions, “However, in the interim, those employees who do not disclose their vaccination status or are unvaccinated will need to undergo rapid antigen testing as prescribed by the government.” (Exhibit #2)

...

So according to [REDACTED], acting as Interim Executive Officer for employee services at [REDACTED], I am expected to perform a medical procedure where I am not qualified as a health care worker. Furthermore, [REDACTED] has not provided me with any information regarding potential risks using this rapid antigen testing kit that has Ethylene Oxide, a verified carcinogen and controlled substance in Canada listed as an ingredient on the nasal swabs, he has at no time given me any opportunity or appropriate information to give my full INFORMED CONSENT. He just states that I must do the testing, “individuals who are not fully vaccinated must meet the COVID-19 testing requirements and provide verification of negative test results two times per week.” The letter that is attached to the email by [REDACTED] states, “Please accept this letter to confirm the individual presenting it is a [REDACTED] District School Board employee and is eligible to pick up a “rapid antigen test kit” which clearly does not keep my medical information private as the person I would be showing the letter, would most likely assume that I am not vaccinated. (Exhibit #4)

<sup>1</sup> <https://www.tdsb.on.ca/News/ArticleDetails/ArtMID/474/ArticleID/1684/TDSB-to-Develop-Mandatory-COVID-19-Vaccine-Plan>

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...

The policy clearly threatened by way of financial injury and/or loss of my personal income and my ability to provide food and shelter for my family, “**Non-Compliance** - Individuals who fail to comply with this Procedure may be subject to administrative or disciplinary action, up to and including termination from their employment.” (Exhibit #5 and #6 – The policy [REDACTED])

...

On the [REDACTED] of October 2021, I received a letter in the mail dated [REDACTED] October 2021, from [REDACTED], Interim Executive Superintendent, stating that, “Our records indicate that you have not yet completed the **mandatory** COVID-19 vaccination disclosure form as required by the Ministry of Education. In line with the Ministry of Education’s direction, all permanent and casual/supply/temporary employees must complete this disclosure form immediately on either the [REDACTED] Health Screening App or online web portal. While a last resort, it is important to note that employees who fail to comply with the Ministry of Education disclosure requirement, may be subject to administrative, disciplinary action and/or may be prevented from accessing the workplace. Please be advised that the Boards COVID-19 Vaccination Procedure for Staff, Trustees and other Individuals (PR734) requires all employees to complete the full course of vaccination by **November [REDACTED], 2021**. You are still required to disclose your vaccination status, regardless of accommodation, as soon as possible.” (Exhibit #8)

...

Effective November [REDACTED], 2021, you will be placed on a non-disciplinary administrative leave of absence without pay as you have made yourself unavailable for work.” It also states in the email from [REDACTED], “Please be advised that this leave will impact your pension and benefit coverage.”

[REDACTED] closes the email with threatening financial injury and/or loss of my personal income and my ability to provide food and shelter for my family by stating, “Non-compliance with the procedure will affect your ability to work at the [REDACTED]. Effective November [REDACTED], 2021, you will be placed on a non-disciplinary administrative leave of absence without pay as you have made yourself unavailable for work.” It also states in the email from [REDACTED], “Please be advised that this leave will impact your pension and benefit coverage.” (Exhibit #9)

My private health information, including what vaccines I've had, is protected by OHSA section 63 and [REDACTED], and by law I don't have to provide it to my employer. Menacing my employment to obtain my compliance in turning over this information is an act of extortion. Mandating the vaccination and rapid antigen tests is assault.

The COVID-19 vaccines currently available are experimental drugs still undergoing clinical trials (until the year 2027 for Pfizer), and their long-term effects are still not known. I do not consent to having one injected in my body, and if someone tried to inject me I would consider it an assault.

Full Name  
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Menacing my employment to obtain my submission is assault. Under the **Criminal Code of Canada (265 s3)**, For the purposes of this section, **no consent is obtained where the complainant submits or does not resist by reason of:** (a) the application of force to the complainant or person other than the complainant; (b) threats or fear of the application of force to the complainant or to a person other than the complainant; (c) fraud; or (d) **the exercise of authority**. With regards to employers' vaccination mandates and rapid antigen tests, administrators are abusing their positions of power to menace employees through fear of discipline, forced unpaid leave, or dismissal from their position to obtain their compliance with an assault on their person. Assault is primarily defined in the Criminal Code as, "A person commits an assault when...without the consent of another person, he applies force intentionally to that other person, directly or indirectly."

There is no reasonable justification or excuse for these demands by my employer. PPE and other workplace safety measures have kept my workplace safe for the past 20 months during this pandemic, [REDACTED] and [REDACTED] of the [REDACTED] forcing me to take an experimental drug with my job held hostage is a criminal abuse of power by my employer. This situation has caused great stress for myself and my household. I question if I am going to be able to continue to provide for my family and my first-born daughter whose due date is the same day [REDACTED] has communicated to me I will have my income cut off if I do not submit to the [REDACTED] preferred pharmaceutical treatment that presents a verifiable, demonstrated threat to the security of my person, I am under constant anxiety and deteriorating mental health wondering how I will pay for food, my rent, and bills for hydro, heating and water. I am not eating much food so my family can eat. I am not getting much sleep either. I am finding that I am spacing out and forget what I am supposed to be doing at that moment in time. I have a tough time getting out of bed in the morning as I am not motivated to do so. The employer may think this is "just a policy" but it's an assault and I never agreed to participate in a clinical trial when I signed my employment contract.

If my manager told me, "Sleep with me or you'll be put on unpaid leave," or, "Go let a nurse stab you in the shoulder with a scalpel or you'll be put on unpaid leave," clearly this would be unethical and criminal. I don't understand why my employer thinks forcing this mandate is acceptable. I hate that I've been put in the position that I have to charge them for assault, but I just want them to back off and leave me alone.

Date

Name (printed)

Signature

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## TEMPLATE FOR VICTIM STATEMENT

This is only a *guide* to your written statement to police. While you can use most of this for your own statement, DO NOT just copy this completely. Make sure your statement is in your own words. Describe how the situation has affected you and how you feel about the matter. Also make sure that any privacy or workplace laws quoted in your statement are applicable to your province or territory. This sample uses Manitoba laws.

Police statements should be handwritten with the bottom of each page signed. In some jurisdictions they will accept emailed/electronic statements, however check with police when you attend to see if this is true in your case.

### TEMPLATE

My name is (full name) and I've been working for (company or agency) for (xx) years as a (role).

On (date) I received an email from (name of head of the organization/manager/supervisor + title) advising me that (describe language in the letter telling you to turn over your vaxx status and/or get vaxxd). The (policy/letter/email) stated that if I didn't comply, I could be placed on leave without pay and could be subject to discipline up to and including dismissal (quote your policy, letter or email).

My private health information, including what vaccines I've had, is protected by *Manitoba's Workplace Safety and Health Act* and *Personal Health Information Act* and by law I don't have to provide it to my employer. Menacing my employment to obtain my compliance in turning over this information is an act of assault.

The COVID-19 vaccines currently available are experimental drugs are still undergoing clinical trials. Their long-term effects are still not known. I do not consent to having one injected in my body, and if someone tried to inject me, I would consider it an assault. Menacing my employment to obtain my submission assault.

Rapid Antigen Tests are medical procedures which are approved for emergency use only. There is no long-term data to inform me of potential adverse effects that may come from swabbing three times a week. Only my doctor can administer medical procedures with my expressed, informed consent. However, at this time, no physician would be able to give me this information. This attempt to impose these experimental medical procedures on me by threatening my income is assault under the Criminal Code.

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There is no reasonable justification or excuse for these demands by my employer. PPE and other workplace safety measures have kept my workplace safe for the past 18 months during this pandemic, and forcing me to take an experimental drug with my job held hostage is a criminal abuse of power by my employer (name of employer).

This situation has caused great stress for myself and my household. (Describe the financial, physical & emotional stress - worry, may not be able to pay mortgage/bills, may lose pension, losing sleep or whatever your situation is). (Name of employer) may think this is, "just a policy," but it's assault. I never agreed to participate in a clinical trial when I began my employment with them.

If my manager told me, "Sleep with me or you'll be put on unpaid leave," or, "Go let a nurse stab you in the shoulder with a scalpel or you'll be put on unpaid leave," clearly this would be unethical and criminal. I don't understand why my employer thinks forcing this mandate is acceptable. I hate that I've been put in the position that I have to charge them with assault but I just want them to back off and leave me alone.

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

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

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

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## How to file your victim statement

1. If you are living and working in Winnipeg, you will give your in-person statement at Police Headquarters located on 245 Smith Street. This is the only location currently accepting victim statements in Winnipeg. For further information, consult the Victim Service Section at 1-204-986-6350. If you live in a town outside of Winnipeg, call your local station to see what the proper protocol is. If you live in rural Manitoba, call 1-833-803-9399 to begin the procedure. Your local RCMP detachment should call within a day or two to book an appointment with you. (Please note that these resources may change with the shifting political climate. This is a starting point. Police and RCMP will be able to further direct you at the time you are filing your statement.)
2. Take your printed victim statement (with attached copies of *Assault Primer* & Exhibits) and say, "I have been victimized and I need an investigation."
3. You will need to sign your statement in front of the officer.
4. You will be given a case number. If they do not give you a case number, request one.
5. Once you have been given a case number, follow up with a phone call requesting confirmation that your statement has been scanned into the system. If your statement has not been properly filed, you can make a complaint with Professional Services.
6. If you are refused a case number, stay calm. Request the full name of the officer serving you, as well as his rank and badge number. Once you have left the building you can make a complaint with Professional Service.
7. If you have filed your statement with the Winnipeg Police and need to make a complaint, call the Professional Standards Unit at 204-986-7242, use this [online form](#) or write to the Chief of Police, P.O. Box 1680, Winnipeg, Manitoba R3C 2Z7. If you live outside of Winnipeg, call your local police station or RCMP detachment for proper protocol to filing a complaint.