

RE: Integrity Commissioner Report
May 2, 2021

Dear Colleagues,

This will be the first time I comment on the event and complaint process, as I thought it best to wait until the integrity commissioner's report was delivered.

I think we might want to review this process in the future because, in ways, it didn't seem satisfactory. Interactions with the integrity commissioner were so few that there were significant gaps in mutual understanding. I will go through the sections below and describe where we still disagree.

First, I want to point out the frequent misrepresentation that happens by use of the term anti-vax. The anti-vaccine stance is widely considered kooky, so it has become a pejorative term used as a weapon to discredit people. I am not against vaccination in general, nor have I met someone in the last couple of years who is. My concerns are with government overreach, loss of civil liberties, coercion, loss of privacy and especially the loss of the right to informed consent for medical treatments. Sadly, I know nurses who have had and have been administering vaccines for decades. They gave up their careers because they disagreed with the loss of informed consent for themselves and their patients. Afterwards, they were wrongly labelled anti-vaccine, as have I.

Someone who is genuinely anti-vaccine would never *knowingly* submit to a vaccination. Someone concerned about informed consent wouldn't *unwillingly* submit to a vaccination. In his report, the integrity commissioner quotes my attestation four times. Twice correctly with the latter term and twice incorrectly with the former. There is an apparent conflation of these distinct ideas that seems to bear out in the rulings, which I will discuss now.

SECTION 2.6

The Integrity Commissioner states:

Section 2.6 of the Code of Conduct requires Councillors to accurately communicate decisions of the Council even if they disagree with Council's decision so as to **foster respect for the decision making processes** of Council. In promoting the Order of Freedom and urging people to join for the purpose of gaining an exemption to vaccine requirements and policies, Councillor van Holst has **failed to foster respect for Council's decisions** in that regard. I find that he has violated Section 2.6 of the Code of Conduct.

I think 2.6 may have been misapplied. To “**foster respect for Council's decisions**” is not a requirement under 2.6, which provides for disagreement. A councillor needs only foster respect for the decision-making process, which is different. Notwithstanding, I disagree with the statement still. I publicly praised the policy and said other companies should create one like it because it contained the provision for exemptions that allowed me and others to comply without violating our beliefs, specifically in not surrendering the rights to privacy and informed consent.

With these concerns mitigated, I had no reason to bad-mouth the process or miscommunicate the policy. And no time did I tell someone else not to follow the policy. I see no code violation here.

Another statement I consider incorrect is that I urged people to join in order to get an exemption. I urged people with similar views to join in order to grow the organization. Most don't need or do not have the opportunity for an exemption, but their moral support is valuable. No one needs to join to claim the creed as an exemption. It just has to match their beliefs. I told people that creed could be used for a human rights exemption only if their employers honoured such exemptions.

SECTION 2.5

The Integrity Commissioner states:

Section 2.5 requires a Member of Council to uphold both the letter and the spirit of the by-laws and policies of the Corporation. In speaking out publicly about the Order of Freedom and urging the public to join it for the purpose of obtaining a creed-based exemption, Councillor van Holst has attempted to undermine the position of Council with respect to vaccination requirements. In that regard, I find that he has violated Section 2.5 of the Code of Conduct.

Because Council included human rights exemptions in the policy, I should be able to conclude that this was done in good faith and the spirit of the law is to create the safest working environment while simultaneously respecting human rights. So, choosing either proof of vaccination or an exemption will uphold that spirit. The assertions from the report only seem true if one conflates the name of the policy (proof of vaccination) with its broader intent of keeping people safe through a host of precautionary measures that must be followed, whether the councillor provides proof or an attestation. I see no violation in claiming an exemption or telling people about the possibility.

SECTION 8.1

The Integrity Commissioner states:

Section 8.1 of the Code of Conduct requires councillors to adhere to the by-laws, policies and procedures adopted by the Council that are applicable to them. The Council Vaccination Policy applies to Councillor van Holst.

On its face, by filing an attestation with the Clerk, he has complied with that policy. However, when considered in light of his public comments urging people to join his creed for the purpose of obtaining a creed-based exemption, this would appear to be disingenuous. By his own admission he is claiming an exemption based on a creed that he has developed and promoted to provide that exemption. In that regard, I find that he has violated Section 8.1 of the Code of Conduct

I agree that I had taken the actions necessary to comply with the policy before the rally. I also agree that one of the purposes for starting the Order of Freedom was to provide immediate protection from human rights violations, including those posed by proof of vaccination policies. I

do not see this as extraordinary as many people have started organizations to protect human rights from violation, and often, this happens shortly after those violations are identified.

At first, I was surprised by the suggestion that I appeared disingenuous. However, earlier in the report, the commissioner likens me to someone who urges others to join their religion to gain an exemption. I cannot entirely agree with how the metaphor is applied. I see myself as someone asking people who regularly attend their church (freedom rallies) and already share their beliefs (about freedom) to become formal congregation members. Fortunately, the objection that this is a creed of convenience will disappear in future human rights challenges because existing members will be like those who are long-time formal congregation members.

I don't understand how I can be considered disingenuous for doing exactly what I set out to do, which was to formalize the long-held beliefs of freedom lovers into a creed so that they would not be discriminated against. The commissioner and I agree on most of the facts, but I don't understand how he arrived at the conclusion, which is necessary for me to respond adequately. We could have resolved this with further dialogue, but as I said, that does not seem possible given our processes.

SECTION 2.4

The Integrity Commissioner states:

Section 2.4 of the Code of Conduct requires a councillor to perform his or her duties in office and conduct their private affairs in a manner that will *promote public confidence*. By his conduct in urging the public to participate in a manner to provide themselves with an exemption to Council's general view on vaccination, he has engaged in a course of conduct *intended to undermine Council's wishes and decisions*. He can certainly hold his own views but *does not have to publicize them*. Such conduct does not promote public confidence. By his conduct in that regard, I find that he has violated Section 2.4 of the Code of Conduct.

I don't think the integrity commissioner can speak authoritatively about my intentions. Many hospital workers simply quit their jobs in disgust when employers denied their rights to privacy and informed consent. These are the people whose conscience would not allow them to surrender those rights. I intended to provide a way to reconcile corporate policies with personal beliefs so that people could keep their jobs and companies would not lose valuable employees. It is applicable where corporations have pledged to uphold human rights with the provision of exemptions. Our Council created such a policy, and I worked within that policy.

I didn't say much to the integrity commissioner about Section 2.4 because it is very subjective, and the test to determine public confidence is not clear. I agree that I did not have to publicize my views. However, this suggests the code of conduct requires a councillor to surrender their freedom of expression when section 2.5 provides a provision for disagreement and for expressing that disagreement. Someone often asked to comment on city matters said, "Why should councillor van Holst have less freedom of speech than I do? "

Concerning public confidence, I was the only one sharing a different view and many people have greater confidence when they know that other opinions and open debate are allowed. I certainly have the confidence of people who agree with me. If we held a public participation meeting on the issue, I wonder if we could distinguish between public opinion and public confidence.

It is interesting how often legislation has unintended consequences. If we hadn't created a council policy on vaccination to match the one developed for staff, I would never have been drawn into this conflict, and there might not be an Order of Freedom. In a previous council meeting, I talked about how we have different world views. It seems this may also be the case with the Integrity Commissioner and me. However, I thank him for his work, wisdom and recommendations. We agreed on the large majority of allegations that came forward.

Sincerely,

Michael van Holst