Ontario ramps up its “mandatory” vaccination mantra

The province of Ontario has added three more vaccines to the “required” list for students in primary or secondary school. On July 1, 2014, pertussis, chickenpox and meningococcal vaccines were added to the "prescribed program of immunization" of "designated diseases". This is in addition to already existing vaccine requirements which include tetanus, diphtheria, measles, mumps and rubella vaccines.

Ontario’s Immunization of School Pupils Act (ISPA) is the legal instrument enabling health officials to intrude into the public and private school systems to scrutinize the vaccine status of all children ages 4 to 17. The stated purpose of the Act is to “increase the protection of the health of children against the diseases that are designated diseases under this Act. R.S.O. 1990, c. I.1, s. 2”.

The Act does NOT give health officials license to coerce parents or students into compliance with vaccine demands nor to insinuate that vaccination is compulsory. While the Act provides health officials the legal parameters to scrutinize vaccine records and even to suspend students who have not completed the prescribed course of vaccines or produced up-to-date vaccine records, the Act also provides a legal remedy for those who choose not to vaccinate their children.

Since 1984, ISPA has guaranteed the right of Ontario families with school age children to be exempted from any or all vaccines for reasons of conscience or sincerely held belief, for religious reasons, and for medical reasons. This has NOT changed. Legal exemptions to vaccination as specified in the Act remain intact and valid. Vaccination of school age children is NOT mandatory in Ontario nor anywhere else in Canada. Because, the constitutional rights set out in the Canadian Charter of Rights and Freedoms guarantees every individual the fundamental right to freedom of conscience and religion, the Immunization of School Pupils Act is required to include these freedoms in its vaccine exemption clauses to protect the individual’s right to be exempted from vaccination.

Close scrutiny of the Immunization of School Pupils Act (ISPA) confirms that the word “mandatory” or “compulsory” does NOT appear anywhere in the wording of the Act. Despite this, Ministry of Health disinformation posters use inflammatory and coercive language stating that these vaccines are now “mandatory”.

As confirmed by Health Canada in the Canadian National Report on Immunization in 1997, “immunization is not mandatory in Canada; it cannot be made mandatory because of the Canadian Constitution……legislation and regulations must not be interpreted to imply compulsory immunization.”

We encourage all parents concerned about this issue to familiarize themselves with the Act and the vaccine exemption clauses embedded in it. Reading through the Act, you’ll find that your legal exemption rights are still in place, and that you do have the right to refuse any or all vaccines for your children.
The Ontario Day Nurseries Act also provides legal exemption from vaccines for younger children in daycare.

Despite the absence of a mandatory vaccination law, this government handout “School Immunization Checklist” states that “For your children to attend school in Ontario, they need to be immunized against the following infectious diseases.” To add emphasis to the lie, the words, "New mandatory immunizations" are circled in red. The availability of exemptions is obscurely included in tiny print at the very bottom of the poster and directs people to health units rather than providing links to the Immunization of School Pupils Act (ISPA), and the legal exemptions forms that are available online at the Ontario government website.

This poster from Halton Region public health proclaims that “Menactra will be mandatory like the diphtheria, tetanus and polio vaccines”. Menactra® is a polysaccharide meningitis vaccine containing sero-groups A,C,Y and W-135. It does not include sero-group B, the most common type of meningitis in Canada which is responsible for 80 percent of cases in babies under one year of age, 67 percent of 1-4 year olds and 62 percent of cases in teens aged 15-19.

And this poster from public health in the Waterloo region states that “Mandatory Immunizations Are Changing”.

By failing to inform the public that vaccination of school children is governed by the legal parameters of the Act, that legal exemptions from vaccination are embedded in the Act, and by stating that vaccination for school entry is “mandatory”, the posters misinform and mislead. The disinformation in the posters contravenes Ontario’s Health Care Consent Act which stipulates the following elements for consent to medical treatment “the consent must be informed”, “the consent must be given voluntarily” and “the consent must not be obtained through misrepresentation or fraud”.

By implying that the law has changed and that these vaccines are now “mandatory”, health officials misrepresent the letter of the law in order to manipulate public compliance with their goal of maximum vaccine coverage. Use of the word "mandatory" in these posters is a deceptive and coercive tactic designed to make people erroneously believe that they have no choice other than to comply with government vaccine demands or their children will be excluded from school.

Government approved vaccine notices stating that vaccination is ”mandatory" while excluding information about the legal vaccine exemptions available to every student under ISPA deprive people of their right to Informed Consent as stipulated in the Health Care Consent Act and contravenes Canadian Charter guarantees.

When a provincial ministry of health misrepresents the parameters of the law in order to influence public acceptance of its programs, what else can one call this but coercive and fraudulent? Justifiably, there is rising public concern that the individual’s right to voluntary informed consent is being eroded.

Our concerns presented to the Ontario Ministry of Health over the years have been ignored. Our legal letter sent in 1999 clearly outlined the issues. Other letters followed this one. We have compiled a thick dossier of media articles that fail to inform the public of legal vaccine exemptions. Two years ago, we lodged a complaint with
the Ontario Ombudsman about the ongoing stream of misinformation routinely issued to the public by health officials. The Ombudsman's office suggested that VRAN have a conversation with the Ministry of Health staff. VRAN did have this conversation in February 2014, unfortunately none of our concerns have been addressed to date.

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