

Your Legal Rights To Say No To Masking:

Municipal, Provincial, Federal, Constitutional & International Laws

1) Toronto By-Law 541-2020

- <https://www.toronto.ca/legdocs/bylaws/2020/law0541.pdf>
- Sections 2. (a), sub-sections 2 & 5, and (d):
- 2. (a) The policy shall include the following exemptions from the requirement to wear a Mask or Face Covering: (1) children under two years of age; (2) persons with an underlying medical condition which inhibits their ability to wear a Mask or Face Covering; (3) persons who are unable to place or remove a Mask or Face Covering without assistance; (4) employees and agents of the person responsible for the Establishment within an area designated for them and not for public access, or within or behind a physical barrier; and (5) persons who are reasonably accommodated by not wearing a Mask or Face Covering in accordance with the Ontario Human Rights Code.
- 2. (d) The policy shall not require employees or members of the public to provide proof of any exemptions set out in Section 2 (a).

2) Ontario Human Rights Code

- <http://www.ohrc.on.ca/en/ontario-human-rights-code>
- **Accommodation**
- 2 (1) Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance.

3) Canadian Human Rights Act

- <https://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html>
- **Prohibited grounds of discrimination**
- 3 (1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

4) Constitutional Act - 1982: Canadian Charter of Rights & Freedoms

- <https://laws-lois.justice.gc.ca/eng/const/page-15.html>

- Mandating the wearing of masks contravenes sections 2 & 7
- **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.
- **Life, liberty and security of person**
- **7.** Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

5) Personal Information Protection and Electronic Documents Act

- <https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/>

6) The Nuremberg Code (1947)

- [https://media.tghn.org/medialibrary/2011/04/BMJ No 7070 Volume 313 The Nuremberg Code.pdf](https://media.tghn.org/medialibrary/2011/04/BMJ%20No%207070%20Volume%20313%20The%20Nuremberg%20Code.pdf)
- 1. The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision.

7) Health Care Consent Act, Ontario

- <https://www.ontario.ca/laws/statute/96h02#BK14>
- Mandating masks to stop the spread of a disease is a medical treatment requiring an individual's consent under sections 10 and 11 of the Health Care Consent Act, Ontario.