

Mask Laws and Exemptions

As a guard, manager, or owner of places with public access, please accept those with mask exemptions. There are instances in which persons and businesses have had complaints and charges filed against them for refusing mask exemptions. These complaints and charges include:

- harassment
- discrimination, invasion of privacy
- false detainment, arrest under false pretense, kidnapping
- violation of the Alberta Human Rights Act and the Canadian Charter of Rights and Freedoms

To avoid being entangled in legal actions, civil rights complaints, criminal charges, accept the mask exemption of anyone who declares it.

Edmonton mask (face covering) mandates and bylaws

In Edmonton, those affected by mask mandates and bylaws are:

1) Employees of companies. This is regulated by Alberta Health. This matter is between Alberta Health, employers, and employees. Alberta Health workplace mask requirement is a mandate, not a law.

2) Patrons of a business or retail with *public* access. This is regulated by the municipalities (eg, City of Edmonton). Each municipality has its own mask mandates and bylaws. Edmonton's mask requirement and exemption are a law. A law has priority over a policy or mandate.

The City of Edmonton Mask Bylaws 19408 and 19491

In summary, the Edmonton mask bylaw (local law) states:

1) A business or retail with public access can deny service or entry to anyone who refuses to wear a face covering (eg, mask).

2) Anyone who is unable to wear a mask for any medical reason or any reason under the Alberta Human Rights Act is EXEMPT.

https://www.edmonton.ca/programs_services/emergency_preparedness/masks.aspx

(scroll down to the section “Face Covering / Mask Exemptions”)

How do you know if I have an exemption? Under the Human Rights Act, I do not need to tell you what my exemption is about.

Individuals may self-identify that they are exempt. No proof or detail are required.

I have a medical condition/allergy that prevents me from wearing a mask. What do I need to show before going into a business or using public transportation?

- If you have mental or physical concerns or limitations, or any other protected ground under the Alberta Human Rights Act, then you do not have to wear a mask or face covering
- If you have an allergy to a particular kind of mask, we encourage you to try using an alternate type of face covering (for example, bandana/scarf)
- You don't need to show anything around being exempt however you may self-identify if you are exempt

The Alberta Human Rights Act

If an organization refuses to accept mask exemptions, then the burden of proof is on the organization to provide “bona fide justification” of why a face covering (eg, mask) is required. Otherwise, it may face discrimination charges. Bona fide justification may include, but not limited to:

- 1) Show masks reduce or prevent the transmission of viruses, specifically Sars-cov-2 (the virus that supposedly causes covid-19).
- 2) Demonstrate that those who don't wear masks are a health threat or overall threat in general to others.
- 3) Demonstrate that those with no symptoms (asymptomatic) can transmit or transmit a virus and cause infection in another person.
- 4) Demonstrate that any harm has come to its patrons from those not wearing a face covering.

A written policy with supporting data and just cause should be made available to the patron upon request. Failing to do so, the person and/or business may face *discrimination* and other charges resulting in significant monetary damages. By refusing an exemption, the organization is saddled with the burden of proof; costing time, resources, and possibly reputation in the age of social media.

More importantly, it could be very difficult to provide “bona fide justification” for the following reasons:

- a) When contacted, *every* cloth mask manufacturer will state that their masks are *not* designed or tested to reduce or prevent the transmission of any virus, either ejected as aerosol or via droplet.
- b) When contacted, the City of Edmonton, Alberta Health Services, and Health Canada have stated that they have *not* performed any studies that show face coverings reduce or prevent the transmission of any virus.
- c) There is no study that shows people who don’t wear masks are a health threat to other people, since healthy people cannot transmit a disease they don’t have.
- d) Under the Freedom of Information Act (FOIA) filed by Christine Massey, Health Canada admitted it had no information that a Sars-cov-2 virus had been purified and isolated in a *human* symptomatic patient. Every covid-19 symptom existed in 2019.

Canadian Charter of Rights and Freedoms (Medical Rights)

The *Prima Facie* (initially presumed correct, until proven otherwise) is that face coverings protect the wearer and others from contracting or transmitting a virus that may harm another. Therefore, face coverings are assumed to be medical devices. The Canadian Charter of Rights and Freedoms has a specific clause regarding medical rights. If masks are considered medical equipment, *anyone* affected may refuse to wear one under the Charter. The Charter states that medical procedures (mask, vaccination, medication, etc.) can be legally refused if they increase the risk of injury or death. Face coverings, specifically cloth masks, cause staph infection, bacterial pneumonia, decreased oxygen, and increased CO2. These are caused by rebreathing bacteria, viruses, and germs trapped by the mask. Breathing is a detoxing process that eliminates microbial waste from the body.

“Wearing masks longer than 20 minutes without changing them out dangerously increases infection rates, increases CO2 levels and significantly decreases oxygen levels causing multiple life threatening illnesses and existing illness flair ups. Cloth masks increase infection rates.” — OSHA (Occupational Safety and Health Administration), osha.gov

We’re a private business on private property and have our own mask policy

Policies, guidelines, mandates, laws, and rights have different priorities. A person or business should not set policies that violate city laws, provincial laws, or the Canadian Charter of Rights and Freedoms. Anyone can create policies or guidelines, but laws are created through a legislative process and voted on by elected officials. And if a law is unjust, it can be contested in the courts. More importantly, a policy or mandate should not violate a law or Right in the Charter. For example, if a law or a Right exists that permits a mask exemption, a policy/guideline/mandate should not violate that law or Right.

Petty Trespass Act

A few places with public access have refused to accept the city’s mask exemption citing the Petty Trespass Act. The argument is, “This is private property/land, we can evict anyone we want for any reason.” The Petty Trespass Act is clear on this matter.

(3) *It is a defence to a charge under subsection (1) or (1.1) for the accused to establish that the accused had a **right** or authority conferred by law to be on the land.*

(4) *There is a presumption that access for **lawful purposes** to the door of a building on land by a pathway apparently provided for the purpose of access is not a trespass.*

<https://www.qp.alberta.ca/documents/Acts/P11.pdf>

As a place with public access, the public has the right to be on the land for a lawful purpose. For example, a person (who has not previously broken the law or policy on the land) has a right to be in a store that has public access; and that person is there for the lawful person of purchasing groceries. Therefore, the Petty Trespass Act should not be used to arbitrarily evict someone on the land who has the right to be there for a lawful purpose. Otherwise, there is a strong case for discrimination.

Why do I wear a mask?

A virus is so small that an electron microscope (not a normal microscope, but an *electron* microscope) is required to see it. Everything about viruses are based on theories and modeling. Since a virus, due to its microscopic size, cannot be recorded transmitting or transmitting causing infection.

If you are healthy, you are *not* protecting anyone by wearing a mask, since you cannot transmit a disease you don't have. There is no proof that a healthy (asymptomatic) person can transmit a disease they don't have.

If you have respiratory symptoms, wearing a mask forces you to rebreathe in the virus, bacteria, and germs that are trapped in the mask.

Every covid-19 symptom (eg, cold, flu, high temperature, etc.) existed in 2019. But if anyone contracts those symptoms from March 2020 and onward, they are reclassified as covid-19 symptoms. Tens of billions of dollars are being made on healthy people by forcing them to wear masks; get tested, vaccinated, medicated, and quarantined.

Resources

Remember, a "store policy" or "this is private property" justification should *not* violate established laws or rights. According to Edmonton's law, Alberta Human Rights Act, and the Canadian Charter of Rights and Freedoms, the laws and rights are overwhelmingly in favour of those who refuse to wear mask. It is to your benefit to accept their exemption and avoid being entangled in complaints, charges, and lawsuits. When seeing a person without a mask, it is best to assume they have an exemption.

City of Edmonton mask bylaw: https://www.edmonton.ca/programs_services/emergency_preparedness/masks.aspx

Albert Human Rights Act: <https://www.qp.alberta.ca/documents/Acts/A25P5.pdf>

Canadian Charter of Rights and Freedoms: <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/>

Alberta Health Services: <https://albertahealthservices.ca>