



NATIONAL CITIZENS INQUIRY

Truro, NS

Day 3

March 18, 2023

EVIDENCE

Witness 7: Janessa Blauvelt

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[00:00:00]

Ches Crosbie

Ms. Blauvelt, do you affirm that you will tell the truth, the whole truth, and nothing but the truth?

Janessa Blauvelt

I do.

Ches Crosbie

Thank you.

Christina Lazier

Good afternoon, Commissioners. For the record I'm Christina Lazier. I'm Atlantic Regional Counsel with the NCI.

Would you please state your name and spell it for the record?

Janessa Blauvelt

Janessa Blauvelt, J-A-N-E-S-S-A B-L-A-U-V-E-L-T.

Christina Lazier

Thank you.

At this time, before we get into the actual testimony of the witness, I would like to ask that the Commissioners take judicial notice of certain pieces of legislation and certain public health orders. So I'll just make a list. These will be provided to you for your reference documents. There's a screen right in front of me here, so it's difficult. I can't see the commissioners.

So I would ask that you please consider and review the Nova Scotia *Health Protection Act*; the Nova Scotia Communicable Diseases Regulations made under sections 74 and 106 of the *Health Protection Act*; the Nova Scotia *Personal Health Information Act*; the *Hospitals Act*; the Nova Scotia *Health Authorities Act*; the Nova Scotia *Emergency Management Act*; and all declarations of state of emergency.

The original declaration of state of emergency, which was issued by the Minister of Municipal Affairs, the Minister responsible for the *Emergency Management Act*, on March 22nd, 2020: that was the first declaration of state of emergency in Nova Scotia. And all the subsequent declarations: they were renewals of the original declaration, and they continued every two weeks for a full two years. So the last of the declaration of state of emergency expired on the 21st of March 2022.

Also please take note of the *Nova Scotia Human Rights Act* and the *Canadian Constitution* and *Canadian Charter of Rights and Freedoms*.

Similarly, as we have had witnesses from the other Atlantic provinces, I would ask that you consider the similar health legislation and emergency management legislation and human rights legislation from Newfoundland and Labrador, New Brunswick, and Prince Edward Island.

Furthermore, to the list I would add, in the case of Nova Scotia, 97 iterations of the one section 32 order issued by the Chief Medical Officer of Health, Dr. Robert Strang. Section 32 of the *Health Protection Act* of Nova Scotia is what gives Dr. Strang the authority to issue orders for public health in the context of communicable disease.

It will be important for the Commissioners to become extremely familiar with the provisions, and the order which was issued. The initial order was issued by Dr. Strang on the 24th of March 2020, and every subsequent iteration through to July 6th, 2022. Please consider all the iterations. There are 97 in total. And it is important to note that the July 6th, 2022, iteration of the public health order pursuant to section 32 of the *Health Protection Act* is still in place now. Embedded in those *Health Protection Act* orders, section 32 orders, are protocols and directives.

I would ask that the Commissioners give particular attention to the COVID-19 Mandatory Vaccination Protocol in High-Risk Settings, the first of which iteration was issued on October 6th, 2021. That's the COVID-19 Mandatory Vaccination Protocol in High-Risk Settings. It was originally issued on October 6th, 2021.

[00:05:00]

And it has subsequently been amended. There are other iterations of it, and they will be provided as well. Also, the COVID-19 Proof of (full) Vaccination for events and activities. Those protocols were embedded in the chief medical officer of health's orders. But they appear as separate documents, so I'm just wanting to make sure they don't get lost in the shuffle, so to speak. Thank you.

Ms. Blauvelt, can you please tell us where you live?

Janessa Blauvelt

In Yarmouth, Nova Scotia.

Christina Lazier

And what is your occupation, please?

Janessa Blauvelt

I'm an LPN, licensed practical nurse.

Christina Lazier

What are the duties of an LPN?

Janessa Blauvelt

I provide safe and ethical care to my patients under the direction of the RN and attending physician. Some of my duties would include medication administration, IV insertion, wound dressing, personal care, et cetera.

Christina Lazier

And in what settings would you typically work as an LPN?

Janessa Blauvelt

I worked at the Yarmouth Regional Hospital as a float nurse, so I worked on all the departments.

Christina Lazier

Okay. Did you work at any other location as an LPN?

Janessa Blauvelt

I did. I worked in long-term care as well.

Christina Lazier

Okay, and thank you. You're not working currently as an LPN?

Janessa Blauvelt

No, I lost my job in the mandates.

Christina Lazier

When you say, "the mandates," what are you referring to, please?

Janessa Blauvelt

The forced vaccination policy that was put out by my employer and the province.

Christina Lazier

And who was your employer?

Janessa Blauvelt

Nova Scotia Health Authority.

Christina Lazier

Thank you. When did you first begin working at Yarmouth Regional Hospital?

Janessa Blauvelt

I started in May of 2008. I worked in housekeeping for a number of years, and I built on my education—started in 2016. I started my upgrading and I took a counselling course and then I started my nursing career in 2018.

Christina Lazier

And where did you do your nursing training?

Janessa Blauvelt

At Nova Scotia Community College in Yarmouth.

Christina Lazier

When did that begin?

Janessa Blauvelt

2018 to 2020.

Christina Lazier

And when were you to have graduated under the normal course?

Janessa Blauvelt

I would have graduated in June of 2020.

Christina Lazier

Okay, and did you undertake your studies with Nova Scotia Community College through June 2020?

Janessa Blauvelt

Once the emergency measures were put in place in March of 2020, we got one week of our last clinical in, and then we were pulled out. And there was a lot of uncertainty for almost two months of how we were going to finish our clinical to be able to graduate.

Christina Lazier

What was the implication of being pulled out, as you call it, from your clinical? Maybe you can explain that.

Janessa Blauvelt

Well, that is when you put everything together and you really put your skills together; that's where you get your hands-on training. So it was a very important part of the whole thing. It's where it brings it all together and you get to utilize all your skills that you've used.

Christina Lazier

So you started your program, I believe it was in September of 2018?

Janessa Blauvelt

Correct.

Christina Lazier

And your clinical placement began in, was it March 2020?

Janessa Blauvelt

Correct.

Christina Lazier

And you were in that one week before you were pulled out. So who pulled you out of that program?

Janessa Blauvelt

The College decided to pull us out.

Christina Lazier

And I don't mean to mislead: It's not that you were pulled out of the nursing program altogether but that you were removed from the clinical placement which was where? Where were you at?

Janessa Blauvelt

At the Yarmouth Hospital.

Christina Lazier

So what was the implication for you of being pulled out of the clinical, which was the most important, as you were describing, aspect of the training and hands on skills?

Janessa Blauvelt

Well, we found out after being in limbo for quite some time that we were going to finish our clinical online virtually. So we didn't get any of that experience there—the hands-on experience. And we did not complete it until August 2020.

Christina Lazier

And then did you graduate?

Janessa Blauvelt

I did, with honours.

Christina Lazier

Thank you.

So in March 2020, what was it that happened that caused your school to pull you out of the clinical placement?

[00:10:00]

Janessa Blauvelt

The public health emergency that was put in place by the province and Dr. Strang and the risk of contracting COVID in the hospitals.

Christina Lazier

Is that something that was communicated to you by your employer? Sorry, not your employer, but the Nova Scotia Community College: Is this the understanding that you gained from them?

Janessa Blauvelt

Yes.

Christina Lazier

Okay. I would like to make note and ask the Commissioners to take judicial notice of the fact that, in Nova Scotia, the Minister of Health never issued a public health emergency. Under the *Health Protection Act* there is provision—I believe it's section 53—for the Minister of Health to declare a public health emergency, but in Nova Scotia that never happened.

The only state of emergency that was ever declared was by the Minister of Municipal Affairs under the *Emergency Management Act*. There were declarations of state of emergency, and you will read them, and you will see that the presence of COVID-19 in the province was the rationale for the declaration of state of emergency. But it was not the Minister of Health who declared a state of emergency at any time.

So that was your understanding from your school?

Janessa Blauvelt

Yes.

Christina Lazier

The reason why they pulled you out, okay. So what then happened in August 2020? You had graduated. Had you invested financially in your training?

Janessa Blauvelt

Yes. Yeah, I have a substantial student loan.

Christina Lazier

Okay. So were you eager to get to work at that point?

Janessa Blauvelt

Yes.

Christina Lazier

Were you able to get a job at that time?

Janessa Blauvelt

Yes, I started working in a long-term care facility. I still continued working in housekeeping as well. And then I started my full-time position at the Yarmouth hospital as a float nurse in December of 2020.

Christina Lazier

Okay. So how long were you working at both the long-term care facility and the Yarmouth hospital?

Janessa Blauvelt

I worked in the long-term care facility from October 2020 until April 2021. And I was employed with the Yarmouth Regional Hospital since May 26, 2008.

Christina Lazier

And when you were employed with the Yarmouth Regional Hospital, your employer was Nova Scotia Health Authority?

Janessa Blauvelt

Correct. Yes.

Christina Lazier

So what changed for you in the summer— I'll take you to the summer of 2021. What happened in the summer of 2021?

Janessa Blauvelt

Well, there was a lot of talk about the forced vaccination. I had started researching early on in the pandemic, pretty much March of 2020, when it came out. I woke up within two months as to what I believed was really going on. And I knew that this vaccination, this novel vaccination, was not anything that I wanted to take. There was a lot of division amongst the co-workers in the workplace surrounding the vaccine.

Christina Lazier

In what sense was there division?

Janessa Blauvelt

Well, there was a couple times where I was working—one in particular—where a co-worker had said in front of other co-workers that anyone that was unvaccinated deserved to work the COVID unit. And that they hoped that the unvaccinated person would get COVID first, as well as their family.

Christina Lazier

And how did this make you feel, these conversations?

Janessa Blauvelt

Unsafe. It made me feel— I don't know, a bunch of different emotions, like I didn't want to be there, like I didn't fit in.

Christina Lazier

What did you observe in the hospital in the summer of 2021 in relation to the incidents of COVID appearing among patients seeking treatment at the hospital?

Janessa Blauvelt

We had no COVID patients at that time. We had a COVID ward that was ready to go, and nothing.

Christina Lazier

And how had it been since you had been at the hospital in 2020 as well?

Janessa Blauvelt

No COVID patients.

Christina Lazier

So did you inquire— In your words, you mentioned this forced vaccination. What were you referring to when there was talk about forced vaccination?

Janessa Blauvelt

It was just going around amongst the co-workers and mentioned, you know,

[00:15:00]

through nurse managers and whatever, that it was going to be mandatory. Or there was talk that it was going to be mandatory, to have to take the vaccine to keep your employment.

Christina Lazier

And when you're talking about the vaccine, what vaccine are we talking about?

Janessa Blauvelt

The mRNA COVID vaccines.

Christina Lazier

So were you concerned when you heard talk of a forced vaccine?

Janessa Blauvelt

Yes, I was.

Christina Lazier

And what, if any, steps did you take to inquire of your employer or your union about such a policy if it were coming into place?

Janessa Blauvelt

I had spoke to my educator that I did not wish to get this vaccine. I was not taking this vaccine. And they told me at that time that it would not be able to be forced on anybody.

Christina Lazier

So who was your educator?

Janessa Blauvelt

At that time, her name was Hannah Stanwood.

Christina Lazier

And was that a clinical person or an administrative person?

Janessa Blauvelt

Like an administrative educator. They go round to the floors and update you on policies and stuff like that.

Christina Lazier

So that was someone you inquired of. Did you inquire of anyone else?

Janessa Blauvelt

Well, I made it clear to my nurse manager that I was not taking this.

Christina Lazier

And what response did you get?

Janessa Blauvelt

There was really no support. It was— They were following what they were being told.

Christina Lazier

Is that what your nurse manager expressed to you? I need to understand a little bit more about the conversation you had, what you were left with in the way of an answer.

Janessa Blauvelt

Basically, that I did not have a choice if I wanted to keep my job.

Christina Lazier

So what communication did you have from your employer formally with respect to vaccination with COVID-19 vaccines?

Janessa Blauvelt

Well, we found out on October 1st of 2021 that the COVID vaccines would be mandatory by November 29th, 2021. And we did receive email confirmation.

Christina Lazier

And I'll enter into the record as Exhibit 1, the Nova Scotia Health Authority notice to Ms. Blauvelt that she would have to get vaccinated or lose her job.

What did receipt of that notice do to you?

Janessa Blauvelt

It made me spiral out of control and go into a grave depression and anxiety. And my last day worked was actually October the 1st. I worked in the emergency department. That night too, I had a co-worker say that anybody that did not take the vaccine was being selfish because we were in a pandemic, and we were putting others at risk.

Christina Lazier

Were comments like that reprimanded or dispelled by senior supervisors or other people in the administration or clinical staff?

Janessa Blauvelt

Well, I never reported it or anything.

Christina Lazier

So on October 1st, you had a shift. I'll indicate to the commissioners that October 1st, 2021, is the first date on which a proof of vaccination mandate was issued in Nova Scotia. And it's contained in one of the section 32 orders of that date.

So you went into mental health crisis. Is that fair to say?

Janessa Blauvelt

Correct.

Christina Lazier

And what did you do?

Janessa Blauvelt

I reached out to the crisis response team.

Christina Lazier

And who would the crisis response team be? What is that?

Janessa Blauvelt

It's a mental health department that's within the outpatient department in the hospital.

Christina Lazier

And did they see you?

Janessa Blauvelt

They did.

Christina Lazier

And what happened?

Janessa Blauvelt

They put me in contact with a psychiatrist.

Christina Lazier

And how soon did you get to see a psychiatrist?

Janessa Blauvelt

Right away.

Christina Lazier

Would it have been within days of October 1st?

Janessa Blauvelt

Yes.

Christina Lazier

Within a week of October 1st?

Janessa Blauvelt

Yes.

Christina Lazier

Okay. And following consultation with that psychiatrist, what was the result?

Janessa Blauvelt

He put me off work for three months due to the stress and anxiety, low mood, the depression, and the stressors, financial stressors, all that stuff that were—

Christina Lazier

And I believe that the formal notice from the doctor was actually in the form of an attending physician report, an APR form, as it's known.

[00:20:00]

Janessa Blauvelt

Correct.

Christina Lazier

Nova Scotia Health Authority, and so that will be entered as Exhibit 2. And would you please turn to that document now? And what exactly did the doctor put in the form of a reason for putting you off work?

Janessa Blauvelt

Stress due to the mandatory COVID-19 vaccination mandate at work. And the symptoms: anxiety, low mood, panic attacks, lack of energy, poor concentration.

Christina Lazier

There's some dates on that form referencing the 15th of October 2021.

Janessa Blauvelt

Correct.

Christina Lazier

Do you understand what those dates reference?

Janessa Blauvelt

That may have been the day that I seen him in his office, but I did see him through the crisis response before that date.

Christina Lazier

Okay. And so, for how long did he put you off work?

Janessa Blauvelt

For three months.

Christina Lazier

While you were off work, did you receive correspondence from your employer or your union?

Janessa Blauvelt

Yes.

Christina Lazier

And what correspondence did you receive?

Janessa Blauvelt

We had to fill out the Nova Scotia Health COVID-19 Immunization Disclosure form.

Christina Lazier

So you say "we," are you referring to a group or yourself?

Janessa Blauvelt

All the employees.

Christina Lazier

I see, okay. So you received that same correspondence asking you to fill out a COVID-19 immunization disclosure form?

Janessa Blauvelt

Yes, and the advice by my union is that I should do it.

Christina Lazier

And so COVID-19 immunization: Is that how it was discussed in your workplace, that COVID-19 vaccines would immunize you against COVID-19?

Janessa Blauvelt

Yes.

Christina Lazier

So did you comply?

Janessa Blauvelt

No. Oh well, I did with the form, but I did not comply with the mandate, no.

Christina Lazier

And when you filed the form, what date was it on which you filed that form? I'm believing it was October 24th?

Janessa Blauvelt

The 24th of October.

Christina Lazier

And how long did it take them to respond to your disclosure form?

Janessa Blauvelt

October 31st, my religious exemptions were all denied.

Christina Lazier

Okay. Was any reason given in that denial you received on October 31st?

Janessa Blauvelt

No.

Christina Lazier

So you mentioned exemptions. At what point did you take any steps to obtain an exemption from this policy requiring COVID-19 vaccination?

Janessa Blauvelt

Well, right away I started, but I got one October the 23rd. It was a sworn affidavit by a lawyer, and then I had a handwritten one that I had did out and one from my pastor, as well.

Christina Lazier

And what did you do with those three documents supporting what you were hoping would be a grant of an exemption?

Janessa Blauvelt

Well, I had to attach them into this email, this COVID-19 disclosure form.

Christina Lazier

And did you?

Janessa Blauvelt

I did yes.

Christina Lazier

So that, already? Oh, my goodness, my goodness. Rapid fire, okay. Another gear. All right. Thank you, Commissioner. Exhibit 3 will be COVID-19 Immunization Disclosure forms and the exemption letters that had been submitted.

The response you received from your employer was a denial, am I correct?

Janessa Blauvelt

Correct.

Christina Lazier

Did you at any time contact the Nova Scotia Human Rights Commission?

Janessa Blauvelt

Yes, I did.

Christina Lazier

And what assistance were you looking for from them?

Janessa Blauvelt

Well, I was hoping that they would uphold my right to my God-given right to my body and my personal choice and my creed.

Christina Lazier

And when was it you contacted them?

Janessa Blauvelt

In September 2021 I started writing them when the word was going around.

Christina Lazier

And what timeframe did they give you that you should receive some response from them?

Janessa Blauvelt

Four to six weeks.

Christina Lazier

How long was it before you heard from them, the Nova Scotia Human Rights Commission?

Janessa Blauvelt

They did write back asking for my exemptions in November.

Christina Lazier

In November of what year?

Janessa Blauvelt

2021. I attached them all, and then I did not hear back until a year later, November of 2022.

Christina Lazier

And at that time, did they confirm that an investigation would be undertaken?

[00:25:00]

Janessa Blauvelt

No.

Christina Lazier

What was the nature of the response?

Janessa Blauvelt

That it was a complaint process and they said, "Thank you for your patience."

Christina Lazier

I'll note that Exhibit 4 is an email from the employer, Nova Scotia Health Authority, communicating denial of Ms. Blauvelt's requests for religious exemption to the COVID-19 vaccination.

And Exhibit 5 is the email stream between, correspondence between Ms. Blauvelt and the Commission about her request for a religious exemption. I'm going to ask—

I'm going to check with the timekeepers. I understood that the break was going to be forfeited so that we could continue with her. Thank you. Because these exhibits only became available today so we would have to take an extra 10 minutes in any event.

So did you make other efforts to pursue the answers to your concerns?

Janessa Blauvelt

Yes.

Christina Lazier

And to whom, in the way of public officials, did you write?

Janessa Blauvelt

I had wrote my local MLA, Zach Churchill. I wrote the Member of Parliament, Chris D'Entremont. I wrote Dr. Strang. I wrote Tim Houston and the health minister.

Christina Lazier

Would that be Michelle Thompson?

Janessa Blauvelt

Correct.

Christina Lazier

Exhibit 6 will be correspondence with public officials. Did you get an answer from any of them?

Janessa Blauvelt

The only one that I did get a response back was from the health minister, but it wasn't signed by her. And it did not address any of my questions. It just said that the reason why they were continuing to keep the policy in place was to protect the vulnerable population.

Christina Lazier

Was there any science supplied?

Janessa Blauvelt

No. Just that they continued to listen to the science, basically. There was no evidence really given.

Christina Lazier

And you then corresponded with your employer, I understand, in the way of a conditional acceptance.

Janessa Blauvelt

Correct.

Christina Lazier

And what was the nature of that document, conditional acceptance, to get vaccinated?

Janessa Blauvelt

Well, yes, I outlined the possible adverse effects and reactions to the vaccine, and if I was to get the vaccine and was compromised or injured in any way, if they would support me or take liability.

Christina Lazier

And did you get a response to that conditional acceptance letter that you provided?

Janessa Blauvelt

I did. They said that they received it and that they were considering it with their colleagues with people services. And I did not hear any more about it.

Christina Lazier

Exhibit 7 will be that conditional acceptance letter and the employer's response.

We do have a few more questions if I may beg the patience of the Commissioners.

I understand that you and other employees of the Yarmouth Regional Hospital initiated a process of notice of liability, which was then served on Tracy Unger, Director of Employee and Labour Relations. Is that correct?

Janessa Blauvelt

Correct.

Christina Lazier

Exhibit 8 will be notice of liability and the affidavit of service of the bailiff who served that notice of liability on the Director of Employee and Labor Relations. It was received by an assistant of hers. Again, any response from that?

Janessa Blauvelt

No.

Christina Lazier

And you're a member of the CUPE union, or is that correct?

Janessa Blauvelt

Correct.

Christina Lazier

And did you grieve your matter?

Janessa Blauvelt

I did, yes: December 14th of '21.

Christina Lazier

Okay. And so, you sent, I understand, your grievance to union local president Carl Krause and union rep Andrew Baxter to initiate your grievance because your request for exemption had been denied. You received a response to that on July 18th, 2022, I understand?

Janessa Blauvelt

Yes.

Christina Lazier

Sorry, what you received was a meeting with the senior human resources consultant of your employer.

Janessa Blauvelt

Correct.

Christina Lazier

Yes, and did that bring satisfaction?

Janessa Blauvelt

No.

Christina Lazier

You were then denied your grievance. I understand it on September 13, 2022. Is that correct?

Janessa Blauvelt

Correct.

Christina Lazier

Was that step three response?

Janessa Blauvelt

Yes.

Christina Lazier

Yes, okay, has anything further happened with respect to your grievance?

[00:30:00]

Janessa Blauvelt

No, I was just told that the union had the right to vote what case went to arbitration and what case did not. And I have not heard anything more.

Christina Lazier

Do you know whether your collective agreement includes a provision for voting on whose matter goes to grievance?

Janessa Blauvelt

I was not able to find that in the collective agreement.

Christina Lazier

Exhibit 9 will be the grievance form and correspondence with the union. Exhibit 11 will be the collective agreement.

So with respect to grievances and so on: Were you aware of the arbitration decision of Yvonne Mackey?

Janessa Blauvelt

Yes.

Christina Lazier

And who's Yvonne Mackey?

Janessa Blauvelt

She is an RN at the IWK.

Christina Lazier

Okay, so I'll ask the tribunal to take notice of the arbitration decision of Yvonne Mackey. That will be provided as Exhibit 10.

Yvonne Mackey is a nurse with the IWK, Izaak Walton Killam Children's Hospital, and she requested a religious exemption and was denied. Her matter was grieved. Her matter did go to arbitration, and she won. And it was noted that her employer violated *Human Rights Act* in not granting her the exemption that she requested based on her religious beliefs.

So what is the state of your employment now? Your career?

Janessa Blauvelt

Well, I'm not allowed still in this province to work in my profession. I've been considering moving out of province, so I can continue to work.

Christina Lazier

As it is now, the ongoing public health order, section 32 order, requires for you to return to work that you would have to be vaccinated with COVID-19 vaccines. Is that correct?

Janessa Blauvelt

Correct.

Christina Lazier

And you did, I understand, recently have a conversation with—or attempt a conversation with—Karen Oldfield of the Nova Scotia Health Authority?

Janessa Blauvelt

Yes, it was called the Community Conversation at the Rodd Grand Hotel in Yarmouth.

Christina Lazier

And also, Michelle Thompson, Minister of Health and Wellness, was there on January 18, 2023?

Janessa Blauvelt

Correct.

Christina Lazier

And what happened there?

Janessa Blauvelt

Well, I had the chance to speak. They did not answer any of my questions. I was very passionate. I told them how it affected my life. I asked them how long they planned to keep us on unpaid administration leave. And actually, the microphone was taken out of my hand, and they told me that's enough.

Because I had one more question that I wanted to ask. And the question being that most health care workers only received the two shots in 2021, early 2021. According to their very own experts and their good science, the very small amount of immunity wanes within four to six months. So technically, these employees are no longer considered vaccinated according to their science. So why are they allowed to continue to work, while I continue to be punished and not allowed to work in my profession?

Christina Lazier

And I will just note for the commissioners' sake that the definition of fully vaccinated is in Part 1 of the July 6th, 2022, order. You'll find definition of what is fully vaccinated and the fact that health care workers such as an LPN do fall within that definition of the application of that requirement for vaccination.

I'll leave it to the commissioners to have any questions. I should note that those are all the exhibits at this point.

Do you have any questions, Commissioners?

Christina Lazier

Thank you, Ms. Blauvelt.

Janessa Blauvelt

Okay, thank you.

[00:34:16]



Final Review and Approval: Jodi Bruhn, August 3, 2023.

The evidence offered in this transcript is a true and faithful record of witness testimony given during the National Citizens Inquiry (NCI) hearings. The transcript was prepared by members of a team of volunteers using an “intelligent verbatim” transcription method.

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