



NATIONAL CITIZENS INQUIRY

Winnipeg, MB

Day 1

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EVIDENCE

Witness 4: James Erskine

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[00:00:00]

Kyle Morgan

The next witness is James Erskine. Can I just get you to spell your name, sir?

James Erskine

It's J-A-M-E-S. Last name is E-R-S-K-I-N-E.

Kyle Morgan

And your full name is?

James Erskine

James Matthew Erskine.

Kyle Morgan

And you promise to tell the truth, the whole truth, and nothing but the truth?

James Erskine

So help me God.

Kyle Morgan

Where are you from, sir?

James Erskine

Winnipeg.

Kyle Morgan

You've lived here your whole life?

James Erskine

Yes, sir.

Kyle Morgan

And you have children?

James Erskine

Three.

Kyle Morgan

Can you just tell us a little bit about what you were doing for work during the COVID period? I guess starting in 2020.

James Erskine

Yeah, I was employed as a police officer in Winnipeg, City of Winnipeg. I was employed since 2011, February. So I was working at that as a constable during the first part of COVID.

Kyle Morgan

Okay, and what do you recall about what happened to your employment when COVID started unrolling?

James Erskine

Well, I was, for the most part, going along to get along. But what happened with the police, in general, is that we were given not necessarily a vaccine mandate, but we were told that we would need to provide proof of vaccination or that we would be, essentially, subjected to totally different treatment than the rest of our peers. That treatment being three times a week going for testing on our own time and wearing masks when no one else was wearing masks.

Kyle Morgan

And when did this policy come about, do you recall? Exactly when that might have been?

James Erskine

November 15th, 2021.

Kyle Morgan

Okay, and I understand that you had some difficulty following those requirements. Is that right?

James Erskine

Well, I wouldn't have had difficulty had I decided to do it. But I was not going to be doing it because I believed a) it was a gross miscarriage of our rights and freedoms to have to tell the rest of our peers what exactly was going on with our own personal medical statuses.

And secondly, I believe that what was going on in Canada, especially as a whole, was extremely problematic, coming from a background where I was there in my belief to serve the public, not to contribute to radical measures.

Kyle Morgan

If I can ask you, are you somebody that was vaccinated in general with other vaccines?

James Erskine

Generally, speaking, yes.

Kyle Morgan

So you didn't have a bias against being vaccinated?

James Erskine

Not at all.

Kyle Morgan

Was there something that caused you some concern about the vaccines that were available in Canada at the time?

James Erskine

There was a number of things that caused me concern. The good doctors that we've just been listening to and professionals that we've been listening to have outlined a lot of the things that, whether I was aware of the entirety of them at the very beginning, I certainly became aware of much of those bits of information over the time that COVID was presented to us. But I would say that the biggest thing that stood out to me is the— It had every ring of, for lack of a better term, organized crime. It looked to me like it had all the markers that I would be suspicious of if I was looking at an organization that was obfuscating the truth and trying to come across with an agenda.

Kyle Morgan

Can you just tell us a bit about your salary and the types of benefits you were getting as a police officer?

James Erskine

Certainly. Well, I was a full senior constable. Just prior to all of these things going down in 2021, I had been asked to be a field trainer. I was getting to a point in my career where I was looking towards my promotion if I could get that. I think I had pretty good standing as a cop. I had a very good work ethic, very good reviews, 650 career arrests, somewhere

around there. I was the second in my class in terms of marks. And so, what happened with me is that because I refused to give those things,

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I was ultimately locked out of my police station that I was working in. I was sent home without pay with—what did they term it?—“non-disciplinary” unpaid leave. I wasn’t allowed access to my holiday time. I wasn’t allowed access to my bank time. I wasn’t allowed access to any of the time that I had rightfully earned. I was just sent home. The paycheque stopped. And a short time later, I quit because I knew that if I quit, they would at least have to, ostensibly, pay out those things.

So what has happened since, is that I’ve lost, well, 11 years of my life, basically. Though I think, I hope, that I did some good in that time. I’ve lost the pension that I would have had after 25 years. Certainly, I got a payout for portions of it but not in the same amount. And what I’ve done with my family is I’ve gone from a career of making roughly \$120,000 a year—I’m just telling you because police salaries are online, you can look them up—and we’re roughly a third of that now.

Kyle Morgan

Did you ever try to work out a compromise or any type of accommodation?

James Erskine

Absolutely.

Kyle Morgan

Tell us a bit about that.

James Erskine

Well, a number of letters were sent, a number of email communications. We had attempted to go through our union to fight the measures that they were taking. Interestingly, our union president was not just figuratively but literally in bed with one of the executives. It was a common law. I don’t mean in a despicable way, so to speak, other than they were common law. So an out-in-the-open relationship. But, in any case, I’m sure that that has potential to play into the desire of a union to fight for its people.

When the union didn’t help us, we also sought measures to go through the Labour Board. The Labour Board shrugged us off. There was a number of— Well, without getting into it, there’s a number of lies in the Labour Board’s response to me. One of the things that I said to them in my complaint was that these measures had been the single cause of why I had quit. And they came back and their response was that there was no evidence to say that that’s why I had quit. And so, if they’re not going to take me at my word about why I’m quitting, we kind of have a problem with a due process when it comes to seeking out reparations for problems.

Kyle Morgan

Were there any other of your co-workers that had a similar experience?

James Erskine

Quite a number. I was actually fortunate in terms of being on a shift where I had a lot of co-workers who were very supportive and who were also going through the same kind of steps that I was going through. So overall, in the police service, I understand that I think about 96 per cent of them were vaccinated. So I was, in a lot of ways, an outsider. But at the same time, my peers weren't the ones who were necessarily looking down on me. It was the organization from the top down.

Kyle Morgan

You had mentioned that the policy had been differential treatment for those that didn't get the vaccine and testing. Is that right?

James Erskine

Yes, testing. And we would have to wear masks everywhere. The way I understood it, reading all of the various health orders, the police had been exempted from some of them in order to carry on police business. That being said, the Chief of Police still has, you know, the authority to give us orders and that kind of thing. And so there was a point in time where, basically, when we were at least in the office, in our cruiser cars, we weren't required to be masked 100 per cent of the time. It was more when we were in public or at the court or at the hospital. And that faded away

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in the summer to late summer months of 2021. And folks were just going about business as normal in the stations. Except for those who wouldn't declare their status, come November 15th we were required to wear masks, and in a certain sense, identify themselves by doing that.

Kyle Morgan

And you mentioned the testing. Can you tell us a little bit about what was going on with the testing?

James Erskine

Well, the testing was a very interesting thing because it wasn't done by say a nurse or even one of the health administrators for the city or anything like that. It was done at an off-site place. It was done in front of some other city worker, whether it was somebody who was working for transit or somebody who was working for works and ops who had no training in any sort of health. And they would be administering these tests. They would be correcting us, telling us how far up your nose you had to stick this thing. Now, I never went for this because I didn't want to be doing that. But this is all information I would get from co-workers and that kind of thing.

Kyle Morgan

I'd ask you, looking back on everything that's happened, what do you think should have been done differently with the way this COVID was handled in your organization or in society at large? What do you think?

James Erskine

I've thought about that question. You and I had a brief conversation on the phone prior to me coming here. And I knew that might have been one of the questions that I was going to be asked. I think there's a little bit of a hard answer to that question. I look at it like— Again, I look at this like crimes.

This is very akin in my mind to a whole litany of crimes, whether it's an assault or a coercion or an intimidation or anything like that. And I would say, in the truest sense, that the best thing that I can compare what was done to people crime-wise is a sexual assault and an egregious one. And it's because the integrity of a person's body is, I think, paramount to respecting that person. And I'm not saying this to belittle any person who's been a victim of a sexual assault of any sort. But I would see those as being akin. You're introducing something into the body that that person doesn't necessarily want in the body, and you're using coercive means or threats in order to do it. And I think that that's a very, very serious, serious offence.

So asking what should have been done differently the next time is a little bit like asking how the rapist should have acted differently. I would say that the ultimate truth about it is that none of this should have happened the way that it happened.

Kyle Morgan

I think those are all the questions I have. I don't know if the commissioners have anything. I thank you for giving your time.

James Erskine

Thank you for the opportunity.

Kyle Morgan

Sorry. Janice? Go ahead.

Commissioner Kaikkonen

I just want to ask— I know you kind of alluded that you have three children. How did the three children, how were they impacted? Because they would have seen you and your employer at odds over this. I don't know how the mandates came down here in the education system, but possibly they were under the same scrutiny and mandates within the school system. So how did that affect the family as a whole?

James Erskine

Well, there's a whole bunch of different levels to that answer. My children were in a private school. My wife was working at the time and was able to pay for the private school out of her wage. She lost her job soon into the pandemic. So we weren't able to continue paying. So what we decided to do, because more and more measures were coming into the school system, was to homeschool our children.

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We're very thankful that we made that choice. But it brings a whole lot of different things to a family, especially when you have— I've got a child who's nearly 18 now. He's turning 18.

I've got a child who's 15. And then I've got a younger boy. And part of what it did was change my wife's day-to-day because now she's taking care of three kids. It took my kids away from their friends. It just changed our lives in innumerable, immeasurable ways.

Janice Kaikkonen

Now that you see that the mandates have been lifted to some extent, are you able to converse within the family about these things in a way that makes sense?

James Erskine

We didn't ever pull any punches with our kids about being honest with them about what was going on and why we were making the decisions that we were making. Again, it's hard to tell a 16-year-old or 17-year-old that they've got to come out of school and hang around with their goofy parents for a year or an undetermined amount of time. I mean, that was part of the problem at the time. Looking back, you can say, well, it was a year, it was a year and a half, kind of thing. But we didn't know that going into it. And I didn't know that going into it when I decided to quit, either. All of the mandates were lifted shortly after I quit, but I didn't know that. It had been getting worse and worse and worse.

And so, speaking with our children, I think the saving grace is that we've kind of given them a little bit of a sheltered space where they're not necessarily having to go out in public and be told every seven seconds, you've got to pull your mask up or you've got to wash your hands or you've got to do these kinds of things that are traumatizing to kids. But it's a give and take. You know, it's had negative effects. But we've managed to pull some positives out of it too, I think.

Janice Kaikkonen

Thank you.

James Erskine

Thank you.

Kyle Morgan

Any other questions?

James Erskine

Thank you for the opportunity.

Kyle Morgan

Thank you very much, sir.

[00:17:33]

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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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