

27 September 2021

Via email: [Olivier.chouc@cn.ca](mailto:Olivier.chouc@cn.ca)

**WITH PREJUDICE**

**CN Headquarters**

Montreal (Headquarters)  
935 de La Gauchetière Street West  
Montreal, Quebec, Canada  
H3B 2M9

Dear Sir/Madam:

RE: Mandatory Employee Vaccination Policy

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We represent a class of employees whose employment is threatened by suspension without pay with the possibility of termination by CN's announcement that it intends to make double Covid-19 vaccination a *bona fide* occupational requirement, effective 1 November 2021. A list of the members of this class is attached. We are instructed to take the position that they all face wrongful dismissal. This position is based upon many salient facts, including:

- (1) All of the scientific data show that the Covid-19 virus poses no serious health risk to 99.97% of Canadians, and that nearly all deaths directly attributable to the virus occur in persons over 80 years of age suffering from multiple co-morbidities and compromised immune systems. The risk of serious illness or death to persons under the age of 50 remains vanishingly low;
- (2) The best scientific data available shows that there is but a 0.7% risk of asymptomatic spread of the Covid-19 virus—even among persons living in the same household;
- (3) There are no scientific data to support the conclusion that the Covid-19 vaccines have had any impact upon reducing the spread of the virus. In fact, Israel is the most universally vaccinated nation in the world, and yet is experiencing a huge spike in new cases;
- (4) There are many reasonable and practical alternatives to mandatory vaccination that would be more effective at controlling spread of the virus amongst CN employees, all of which are far less prejudicial than summary termination of loyal employees exercising their human right and civil liberty to refuse the vaccine; and

- (5) Mandating employees to take the Covid-19 vaccine violates the fundamental tenet of medicine known as informed consent, and the Hippocratic medical maxim—"do no harm".

For the reasons stated, there is no rational or legal basis for making Covid-19 vaccination a condition of employment with CN. This violates Provincial, Federal, and International Human Rights statutes, agreements, and conventions. This is therefore notice to CN that if it proceeds to act upon its threat to suspend without pay, or terminate any of the named employees whom we represent for the above noted reasons, the following action shall be taken without any further notice:

1. A Class Action Proceeding shall be commenced in the Federal Court of Canada;
2. Multiple Human Rights Claims shall be filed under applicable Human Rights Codes; and
3. An application shall be brought in the Federal Court of Canada, seeking injunctive relief and punitive damages against CN arising from irreparable damage caused through violation of the fundamental human rights of the named employees.

We expect that CN shall govern itself accordingly. In the meanwhile, we look forward to hearing from corporate legal counsel for CN.

Yours truly,

**GREY WOWK SPENCER LLP**

Per:

Leighton B. U. Grey, Q.C.  
LBUG/mg

Enclosure(s)