

July 12, 2020

To: The City of Hamilton Council Members

Re: Mandatory Mask By-law

Dear Councillors,

I am the founder and owner of a registered Canadian Childhood Mental Health not for profit, Nick's Journey, located in Hamilton, Ontario. Everyday we advocate, support and fight for the rights of children and families who are affected by mental illness, physical and psychological barriers, learning disabilities and more. It is our responsibility to ensure that those who struggle to have their voices heard, do not go unnoticed. This is why, I feel very strongly that the proposed mandatory mask by-law that will be voted on this week, has big holes in it and a number of concerns for those who battle mental illness.

Imagine that you are a 7, 12, 15 or 17 year old child, who suffers from an anxiety disorder, PTSD, depression, OCD or other mental illness and having anything that covers your face, creates a tremendous amount of stress to your mental and physical body. That your breathing is obstructed because you are hyperventilating, your heart is under stress because it is beating so rapidly and that you are deprived of oxygen to your brain, which leads to you passing out, which causes you to hit your head on the floor or a shelf, all while you are in the middle of a store. This happens on the time that you decided to get out of your house after five months of being isolated because the media has created so much fear that as a child, you will carry this virus, give it to older people and they will die. Whether these were the exact words said, this is how you have perceived what is happening outside of your house.

Now imagine, wanting to go shopping for half an hour with your family, to walk around a store, look at a few toys or video games but before you even leave the house, you suffer from day long anxiety attacks, that lead to lack of sleep and a low appetite. You suffer from a headache and your stomach is constantly upset. Why? Because all you can think about is the fact that you cannot wear a mask in a public place but if you don't a by-law officer will stop you, ask you a lot of personal questions and give you a \$200 ticket. That you will be centred out and you are now a criminal. If you think that this is an exaggeration, then you do not have a true understanding of mental illness. This will also create a number of issues for people with real medical conditions as anyone can say they cannot wear a mask if they do not want to. It is against human rights to ask about and discriminate against a person's health and/or medical status. Creating a by-law that has this factor in part of determining the validity of a fine, is going to cause a lot of problems and legal issues.

This letter is not about the validity of a mask as another strategy in ensuring we stay ahead of Covid and ensure we do not have another wave of the illness, it is an appeal to not make wearing a mask a mandatory, legal issue, which is exactly what a by-law is. We have to take the lead of the top medical experts who have been advising our provincial government and making the state of emergency regulations. They have not made mask wearing mandatory for a reason so it is confusing why our municipality would. I have reached out via Twitter to Mayor Eisenberg and Counsellor Danko, requesting more details regarding the fines, the process of deeming the legitimacy of an illness or reason for exemption, the qualifications of the by law officers, which I know are not qualified to

4.9 (ah)

determine this etc., and after many attempts I have heard nothing back. This is concerning to us and many others as it seems that there are not answers to these important questions and therefore questioning how it can be voted on without all of the details and/or framework.

We know what a by-law officer can and cannot ask a person and as this is a municipal decision and not covered under the provincial state of emergency, there is no change to this. A by-law officer is unable to make you show ID and cannot ask you any medical questions as this is a direct violation of human rights. There is nothing stopping a store from adopting a mask policy if they so choose and people will be able to decide if they can and/or want to shop at that location. There is no need, as per Mayor Eisenberg suggested was one reason in making this mandatory, to make this a bylaw so you can provide signs to businesses so they can point at the sign and say it's not their personal decision. This is an unacceptable reason to vote yes for this by-law. I question if big businesses such as Costco, Walmart, Fortino's, etc. have chosen not to make this their policy already and therefore mandating it will force them to do so, or they will be fined \$500 for not enforcing it and posting signage. As you can see, the perceived reasons have nothing to do with our actual health. I have been to stores that refuse entry unless you wear a mask, that you comply to their policies or you do not enter the store. I have respected that they have made that decision and I shopped elsewhere. I understand that there is hope that making this a by-law people will comply but as you have already seen, this is adding to the anger, discrimination, judgement and shaming of others. It is turning citizens into social vigilantes and has already exposed the many issues. Such an encompassing policy that effects people's human rights, cannot be made effectively within a few weeks just to appease the public out cry.

We respect laws and those who uphold them, coming from a family who has officers within it, but we will not back down in ensuring that those who cannot stand up for themselves, who do not understand what this means and are subjected to the reality of regression and further medical struggles, are supported. This should not be a decision based on political acceptance or popularity. Unfortunately, as shown to this point, there is a lack of acceptance of those with mental and physical barriers. Over the past few months, we have witnessed our council members advocating and standing up for the human rights of our residences in a number of ways and this is no different. The current policy suggestions and making this a legal matter needs to be adjusted.

I hope that you take this under advisement when deciding to either vote no to making it a by-law and/or take the time needed to come up with a better, more fair and feasible strategy.

Thank you

Suzi Spelic

Founder/Owner

Nick's Journey

Email: suzi@nicksjourney.ca