

Pilon, Janet

Subject: Mask By-Law Concern

From: Michelle Leon

Date: July 13, 2020 at 2:44:48 PM EDT

To: mayor@hamilton.ca

Cc: ward8@hamilton.com

Subject: Mask By-Law Concern

Dear Mr. Eisenberger:

While I understand that this email may be too late or otherwise ignored, I feel compelled to reach out to you despite these likelihoods.

In my profession, advocacy is a large part of what I do, and as such, I must inform you that I am deeply concerned with the upcoming possible passing of a mandatory mask by-law. Mask by-laws have been the subject of many 'viral videos' posted on social media, whereby so-called 'mask vigilantes' feel that it is within their rights as a citizen to uphold the by-law by shaming, harassing, assaulting, berating, and otherwise being verbally and sometimes physically abusive to those who are not wearing masks, despite the fact that they do not know why the non-wearer may not be wearing one. The public has taken it upon themselves to post abusive interactions with non-mask wearers as a sign of their righteousness, and this is a very serious health and safety issue for all members of the public.

Despite the fact that there are numerous valid reasons for a person to be exempt from wearing a face mask, the general public seems to believe that this is a very rare exemption and that there are no truly valid reasons. This has been evidenced by numerous comments that I have read on your Twitter account and other councillors'. It is incredibly disturbing that one of the councillors (John-Paul Danko) would state in a Tweet "it's not complicated" when referring to mask wearing, when, in fact, it's very complicated. The number of folks with invisible illness and disability in our community is in the thousands. These folks may be exempt, but because they appear to the average person as 'healthy', they face the possibility of harassment, especially when a councillor is suggesting that the matter of masks is very straight-forward. There are serious Human Rights violations that establishments will be facing for denying service to someone with a disability that requires accommodation, which would be exemption from mask-wearing in this particular case. This is not the same as "no shoes, no service" or "no shirt, no service". This is a very real issue with legislation demanding that folks cover their mouth and nose from where they breathe, which is how we remain alive. The issues that folks face range from sensory issues (as experienced by those with autism or certain medications); mental health issues; cognitive issues; developmental challenges; post-traumatic stress disorder; anxiety; severe asthma; compromised breathing capacity; diminished lung capacity; hearing loss or impairment; and etc. The list is quite extensive. As you can see and I'm sure have read over, most of these are invisible to the average community member. When a by-law is put in place that mandates something, it is almost providing a potential 'mask vigilante' with support for their abusive and ignorant behaviour towards a non-mask wearer. I am concerned that this could lead to lawsuits, physical assaults, or worse. The community is not educated or aware enough (and apparently, neither is Mr. Danko) on the incredibly large number of residents who will be unable to abide by this by-law. The fact remains that any denial of service will result in a Human Rights lawsuit, as this is a violation by denying this accommodation.

I understand that there is a great deal of political pressure, however, you are putting our most vulnerable residents at risk by mandating masks. If a resident were to catch Covid when there is no by-law, that is never going to be able to be directly related to having not had a by-law. However, if a resident is murdered or severely assaulted for not wearing a mask by a mask vigilante, this will be directly related to the by-law and

the city will be held accountable. There are serious consequences for both mask vigilantes and folks who are unable to mask. I hope that you will reconsider this by-law and put good faith in the residents of Hamilton to mask as much as they are able to and trust that this will happen without a by-law that will certainly have very serious unintended and unwanted consequences for a large number of residents here. Further, with the lawsuit that was filed in Superior Court against other municipalities (Toronto and Wellington, as they were the only municipalities with mandatory masks at the time of the Application), in addition to the province, the federal government, and several Chief Health Officers, I would suggest that Hamilton saves its money on this by-law (signage, enforcement, etc) until this Application is heard in court. It is a strong case, and if an injunction is made, it will bind all municipalities. This will be a huge waste of our city's finances and an unnecessary waste. The city has done very well in terms of cases and managing social distancing in public spaces, and I believe that your efforts would be better suited educating the public and asking them to wear a mask than mandating them. Further, I would suggest that councillors be mindful of their language, as comments such as Mr. Danko's may be used in a negative manner against someone who is unable to mask, as the vigilante feels supported by such harmful comments (ie. "it's not complicated").

I trust that you will do the right thing for our community and show the province that Hamilton does not need a by-law for its able-residents to wear a mask in public. This will ensure the safety of all of our residents, especially those with invisible illness or invisible disability.

Best Regards,

Michelle Leon
BA,BSW, MSW