

## **Under the Shadow of Damocles' Sword: Forcing Employers to Put Their Fingerprints on Tyranny (an update on Constable Adrienne Gilvesy's fight against mandatory vaccination)**

This post is an update on Constable Adrienne Gilvesy's fight against the Toronto Police Services' mandatory vaccination requirement. As a follow-up to the letter she sent on August 28th, which I recently published on my website ([An Example of Courageous Pushback For Those Facing Vaccine Mandates in the Workplace](#)), she has now filed an official misconduct complaint with the Toronto Police Service Professional Standards Unit against her Chief of Police, Chief James Ramer, for various provincial and criminal code offences.

If found guilty, Chief Ramer could face time in prison. And, theoretically, so could any other superior with whom she lodges her complaints if they knowingly allow a criminal injustice to continue. "Just doing my job" is not a legal defense. "Just turning a blind eye" also doesn't stand up in court when it's their job to investigate a problem. Once the complaint is filed, those with the responsibility to investigate that complaint are drawn into this fight. She is forcing everyone off the sidelines by making them decide which side of the legal line they want to stand on. This is as real as it gets.

I have reproduced her complaint (with permission) for you below. But first I'd like to take a moment to explain the enormous implications of what she is doing. If enough people follow in her footsteps, NOW, to build momentum behind what she is doing, she is creating a spark that has the potential to trigger a massive institutional crisis that pits the lower levels of our institutions against the upper crust.

Simply by using all the legal tools available to her to defend her rights, and by refusing to back down, she is challenging the very core of the supportive pillars holding up this tyranny. A tyranny cannot survive without the support of its institutions. Tyranny collapses without minions.

As more people launch lawsuits and file official complaints, as Constable Gilvesy has done, employers who impose these mandates on their employees are placing themselves in legal peril. Her battle is happening at the heart of the Toronto Police Services, but the lessons of her actions apply equally to any institution, corporation, or business that is imposing these vaccine mandates on its employees.

Here's the problem for all employers: whether it takes days, months, or years, the hysteria will eventually end, but these official complaints will not just go away — those committing offenses in the name of imposing vaccine mandates are going to have to answer to these charges someday in a court of law. Constable Gilvesy is building a legal avalanche, ready and waiting for the hysteria to end. It will hang over the heads of employers like the ever-present peril of [Damocles' Sword](#). As that avalanche grows, they will have to decide if they really trust the government to keep that sword off their own necks.

If you quit your job, you relieve your employer of the legal consequences of their decision to enforce these mandates. Do not quit. Make them fire you. By making them fire you, they have to (1) confront the difficult moral choice of firing you and (2) you put them into a position where they may face serious legal repercussions (possibly even criminal accountability) for discriminating against you based on your medical status.

Your employer cannot be sure that the government will protect them from the legal consequences of an illegal vaccine mandate. When the tyranny collapses, there won't be a Justin Trudeau or Doug Ford to shield them from the consequences of having played a role in the tyranny. And that creates a huge dilemma for employers. The larger the legal avalanche that employers face, the greater the likelihood that employers will push back against the government rather than risk crippling lawsuits and possible jail time at some point down the road. Constable Gilvesy is forcing the rats to decide if they want to go down with the government's ship. Damocles' Sword grows large and heavy indeed if tens of thousands of employees across the country start to follow in her footsteps.

It's easy for someone to get swept along by the tide of hysteria... until the day that they find themselves having to confront hard moral decisions and until the moment they find themselves at risk of facing legal consequences for having participated in the tyranny. It's one thing to be part of a baying mob. It's quite another to be the one who has to put on the jackboot to grind it into someone else's face. By refusing to quit, you shift the tyranny into their shoes. By refusing to quit, you force them to take an active role in destroying someone's career and in taking away someone's ability to feed their family. It makes them get their hands dirty.

Prime Minister Justin Trudeau [has told Canadians that he will protect businesses from legal challenges](#) like those filed by Constable Gilvesy. But a Prime Minister does not have the authority to suspend the rule of law. And that forces employers to confront the question of how long the government will pervert the rule of law in order to protect their sorry butts. The hysteria will end someday. Damocles' Sword will be waiting. If the government has shown itself to be willing to throw you under the bus to cater to fearful voters today, then it also

won't hesitate to throw your employer under the bus tomorrow, after the tide turns, in order to win back votes. At the end of the day, employee votes outnumber employer votes. Call the government's bluff. Refuse to quit. Call your employment lawyer. Make it uncomfortable. Make it real.

Constable Gilvesy is using every legal avenue available to her. Every official complaint and every legal challenge she files is going to haunt these people. For them, the end of the pandemic won't bring relief - it will bring lawsuits. They don't know if they will win. And the sheer cost of defending themselves against thousands of angry employees whose inalienable rights and freedoms have been trampled may force many of these businesses into bankruptcy long before the cases even reach a judge.

Most employers are old enough to remember that until 18 months ago we still had something called a Charter of Rights and Freedoms. It has not been invalidated; it is just being ignored. Being confronted by a lawsuit forces them to gauge their chances of winning if society rediscovers an appetite for a Charter with real teeth. The more people that follow in Constable Gilvesy's footsteps, the heavier Damocles' Sword becomes.

*"Nonviolent direct action seeks to create such a crisis & foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored."* — Martin Luther King Jr.

There are many peaceful ways to create a crisis and force a community to confront an issue. Constable Gilvesy's approach is one of those ways. She, along with others who follow in her footsteps, are forcing the leaders of businesses and institutions to confront the immorality of nodding along with the government's tyranny. By

refusing to back down, Constable Gilvesy is backing her employers into a corner and asking them if they want to share the fate of the upper crust of our political and medical institutions. When this hysteria breaks, the top tier of our government will face human rights tribunals and may do hard time in prison. What they have done is not small potatoes.

For the upper crust, there is no backing down. Their goose is cooked. They cannot fall back on "we were just following orders." They gave the orders. But the Nuremberg trials after World War II established that those carrying out those orders are themselves criminally liable for human rights violations if those orders infringe upon anyone's inalienable human rights. Institutions have many layers below that upper crust. Rats don't want to go down with the ship. At some point, all the lower echelons of these institutions will begin to get nervous. Their collars will begin to feel tight as they see Damocles' Sword growing heavier above their own necks.

Constable Gilvesy is forcing them to ask themselves on which side of the legal line they want to be standing when the mood of the crowd changes. Will they find themselves in the witness stand or in the docks? Constable Gilvesy is denying them the option of neutrality by forcing them to put their fingerprints on the enforcement of these vaccine mandates.

Constable Gilvesy is following in Martin Luther King Jr.'s tradition by creating a crisis that can no longer be ignored. Every person above her in the hierarchy who is legally tasked with registering and investigating her official complaints no longer has the option of simply allowing themselves to get swept along by the tide of hysteria. They have to decide if they want to add their fingerprints to this government's tyranny and share its fate.

Sometimes crossing your arms, saying "No", and forcing others to wrestle with the consequences of not respecting your "No" is the most powerful peaceful leverage in the world. Give Constable Gilvesy a long enough lever and a fulcrum upon which to place it, and she will move the world.


So, without further ado, here is the official complaint that Constable Gilvesy's has filed against Chief Ramer. Consider sharing this article with your employer. It might save you both from having to call your lawyers.

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(This is not intended as legal advice. Contact your employment lawyer. Provided for informational purposes only. )

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TO: Supt. Christopher KIRKPATRICK  
GILVESY  
Professional Standards Unit

FROM: DC Adrienne  
 Division

DATE: 2021.09.07

**RE: MISCONDUCT**

Supt. Kirkpatrick,

I am writing you as you are the head of the Toronto Police Services Professional Standards Unit. Please see the attached notice sent to Chief James Ramer on August 28th 2021 by me. I would like to bring the attention of the Toronto Police Service's Professional Standards

Unit to the contents of that notice, including all the referenced pieces of legislation.

I would also like to specifically draw attention to the fact that Chief Ramer has in fact committed several provincial and criminal offences, not to mention the TPS internal procedures.

The following Criminal Code of Canada offences have been committed by Chief Ramer as a result of the eUpdate regarding mandatory COVID-19 vaccination:

## **1. Uttering Threats**

Uttering threats

- **264.1 (1)** Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat
  - (a) to cause death or bodily harm to any person;

### **Punishment**

**(2)** Every one who commits an offence under paragraph (1)(a) is guilty of

- **(a)** an indictable offence and liable to imprisonment for a term not exceeding five years; or
- **(b)** an offence punishable on summary conviction.

## **2. Assault**

**Assault**

- **265 (1)** A person commits an assault when

- **(a)** without the consent of another person, he applies force intentionally to that other person directly or indirectly;
- **(b)** he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or

## **Consent**

**(3)** For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of

- **(a)** the application of force to the complainant or to a person other than the complainant;
- **(b)** threats or fear of the application of force to the complainant or to a person other than the complainant;
- **(c)** fraud; or
- **(d)** the exercise of authority.

## **3. Torture**

### **Torture**

- **269.1 (1)** Every official, or every person acting at the instigation of or with the consent or acquiescence of an official, who inflicts torture on any other person is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.
- **Marginal note:**

### **Definitions**



(2) For the purposes of this section,

**official** means

- (a) a peace officer,
- (b) a public officer,
- (c) a member of the Canadian Forces, or
- (d) any person who may exercise powers, pursuant to a law in force in a foreign state, that would, in Canada, be exercised by a person referred to in paragraph (a), (b), or (c),
- whether the person exercises powers in Canada or outside Canada; (fonctionnaire)

**torture** means any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person

- (a) for a purpose including
  - (i) obtaining from the person or from a third person information or a statement,
  - (ii) punishing the person for an act that the person or a third person has committed or is suspected of having committed, and
  - (iii) intimidating or coercing the person or a third person, or
- (b) for any reason based on discrimination of any kind,
- but does not include any act or omission arising only from, inherent in or incidental to lawful sanctions. (torture)

#### **4. Extortion:**

## **Extortion**

**346 (1)** Every one commits extortion who, without reasonable justification or excuse and with intent to obtain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the person threatened, accused or menaced or to whom violence is shown, to do anything or cause anything to be done.

## **5. Public incitement of hatred:**

### **Public incitement of hatred**

- **319 (1)** Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of
  - **(a)** an indictable offence and is liable to imprisonment for a term not exceeding two years; or
  - **(b)** an offence punishable on summary conviction.

In light of this information, I trust that the Toronto Police Service Professional Standards Unit will adhere to their oath of office, the core values of the Service, and their position within the Service and investigate Chief Ramer for various provincial and criminal code offences, despite his rank.

I would also like to remind the Toronto Police Professional Standards of the following core value:

**Do the right thing:** by acting professionally, with integrity, and without prejudice, even in the most challenging circumstances, when no one is watching, and on and off duty; holding others accountable

to the same standards; challenging any inappropriate behavior; and asking ourselves,

***“Have I lived up to my word and values?”***

Sincerely,

DC Adrienne GILVESY

 Division

Toronto Police Service