



Justice Centre
for Constitutional Freedoms

OMICRON

A VARIANT OF FEARMONGERING

March 4, 2022

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Contents

Contents..... 1
Executive Summary..... 2
Introduction 3
Omicron 5
Canada’s response to Omicron 6
A matter of proportion..... 7
 Governments..... 7
 The Media..... 9
Following the science or following the politics?..... 11
Conclusion..... 11
Appendix A 15

Executive Summary

The “variant of concern,” dubbed “Omicron”¹ by the World Health Organization in late November 2021, entered the world stage with much government dread and media panic. Omicron was first identified in South Africa on November 24, 2021, by Dr. Coetzee, a private physician and chairwoman of the South African Medical Association. In the following days, cases of this variant were detected in Great Britain, Canada, and the United States.

In Canada, our federal and provincial officials immediately sounded the alarm, escalating their rhetoric and restrictions on law-abiding citizens, even with a vaccination rate of 87% nationwide. Prime Minister Trudeau called for Canadians to “hunker down” for a “difficult winter”² amid the expected surge in cases and deaths from Omicron. The Federal Health Minister Jean-Yves Duclos issued stern warnings to avoid travel³ just before the holiday season with the terrifying new threat running rampant.

Ontario Premier Doug Ford reimposed harsh capacity limits, limiting indoor private gatherings to just 10 people. In Quebec, Premier Francois Legault went even further, declaring a state of emergency. The strict 10 p.m. to 7 a.m. curfew was re-imposed. Vaccine passes were imposed for the first time on big-box retail stores, and Premier Legault announced plans to introduce a special new tax on Quebecers who had not taken the Covid shots.

At the same time, the media also did their part to increase the fear of Omicron. On December 10, 2021, the *Toronto Star* announced that “Covid’s worst is coming.”⁴ Even though as of November 29, 2021, there had been no attributed deaths to Omicron, mainstream news outlets were unquestioningly echoing the warning of the World Health Organization that Omicron poses a “very high” global risk.⁵

The reality of Omicron, however, attested to by the government's own data as well as the observation of the first medical professionals to treat it in South Africa, showed that it was nowhere near the unprecedented danger it was made out to be. The fear did not match the reality.

Following the hysteria brought on by her discovery of the variant, Dr. Coetzee stated, “Nothing has prepared me for the extraordinary global reaction that met my announcement this week that I had seen a young man in my surgery who had a case of

¹ [https://www.who.int/news/item/26-11-2021-classification-of-omicron-\(b.1.1.529\)-sars-cov-2-variant-of-concern](https://www.who.int/news/item/26-11-2021-classification-of-omicron-(b.1.1.529)-sars-cov-2-variant-of-concern)

² <https://www.politico.com/news/2021/12/22/trudeau-canadians-hunker-down-omicron-525998>

³ <https://www.cbc.ca/news/politics/trudeau-travel-restrictions-omicron-1.6286656>

⁴ <https://www.thestar.com/opinion/star-columnists/2021/12/10/its-hard-to-look-this-in-the-eye-but-covids-worst-is-coming.html>

⁵ <https://globalnews.ca/news/8409443/omicron-covid-19-variant-very-high-global-risk-who/>

Covid that turned out to be the Omicron variant.”⁶ Dr. Coetzee attested to the fact that the patients she examined mostly complained of fatigue and body aches and didn’t even require hospitalization.

South Africa was not the only jurisdiction where Omicron's symptoms proved to be extremely mild. The Chief Public Health Officer of Canada, Dr. Theresa Tam, stated in mid-December that all the Omicron cases were either mild or asymptomatic,⁷ and by early January, she admitted that “severe illness” was not spiking in proportion to the Omicron case count.⁸

The message of fear proclaimed by government officials and the media was far overblown in light of the actual evidence concerning the “variant of concern.” Harsher lockdowns, restrictions, and mandates were imposed throughout Canada without justification, and *Charter*-protected rights and freedoms were infringed with no demonstrable evidence. Omicron, as this report shows, was just another variant of fearmongering.

Introduction

In the weeks before Christmas, U.S. President Joe Biden was telling Americans to “be concerned about Omicron but not panicked.” “Enjoy” Christmas, was the White House message.⁹

Meanwhile, notwithstanding the encouraging tone set by Washington, north of the border Prime Minister Justin Trudeau was telling Canadians ten days before Christmas to “hunker down” for “a difficult winter,”¹⁰ to “starve Omicron”,¹¹ and was announcing new subsidy programs. He called the spike in infections “scary.”¹² And it became a mission of national importance to see that 100 percent of truckers – one of the most solitary occupations – were fully vaccinated.

This is not to represent the U.S. administration as the measured arbiters of a national emergency. President Biden’s heavy-handed attempts to mandate vaccination for federal employees and businesses with more than a hundred employees were rightly challenged in the courts, and there rebuked and quickly overturned.

⁶ <https://www.dailymail.co.uk/debate/article-10256373/Dr-ANGELIQUE-COETZEE-discovered-Omicron-says-reacting-threat.html>

⁷ <https://www.politico.com/news/2021/12/22/trudeau-canadians-hunker-down-omicron-525998>

⁸ <https://globalnews.ca/news/8493569/canada-omicron-variant-covid-update/>

⁹ <https://www.politico.com/news/magazine/2021/12/21/bidens-impossible-task-omicron-edition-525859>

¹⁰ <https://www.politico.com/news/2021/12/22/trudeau-canadians-hunker-down-omicron-525998>

¹¹ <https://www.cbc.ca/news/politics/trudeau-omicron-public-health-measures-advice-1.6290126>

¹² <https://www.reuters.com/business/healthcare-pharmaceuticals/canada-oblige-some-returning-travelers-take-covid-19-tests-tva-network-2021-12-17/>

Nevertheless, the U.S. President's hopeful pre-Christmas message stands in stark contrast to the *faux*-Churchillian rhetoric of Prime Minister Trudeau and his imitators. It also better reflected what had been learned of the newly arrived Omicron variant, during the month or so since it had first been identified in the Republic of South Africa.

There, the evidence suggested that it was comparatively mild in its effects. And whatever the merits of vaccination as protection against earlier Covid variants, it was soon revealed that even vaccinated Canadians were catching the Omicron Covid virus. Indeed, the highly infectious variant was spreading through the country at such a rate that governments soon gave up testing¹³ for it and simply advised people who felt unwell to stay home – not because they had Covid, but in case they had Covid.

Or flu. Or a cold. Or something else.

But, while a virus that has such capacity to spread sounds like a calamity, one that does so little harm that testing is no longer thought to be urgent, does not meet that test.

And that is what makes the hyperbolic insistence of Canadian governments and their public health agencies that Omicron was “scary” hard to justify – especially when compared to President Biden's attitude.

On one side of the border, Ontarians were working from home, Quebeckers were ordered off their own streets by 10:00pm and Federal Health Minister Jean-Yves Duclos was gravely warning Canadians that “this was not the time to travel.”¹⁴

On the south side of the world's longest international land border, life was going back to normal: In Florida, Texas and a dozen other U.S. states, social distancing was gone and once more. Only criminals needed to hide their faces with masks.

After briefly summarizing Omicron's short history, we draw attention to the excessive Canadian response to it and take note (with satisfaction) of various provincial government's willingness to abandon some or all of the most offensive infringements upon Canadians' *Charter* freedoms.

¹³ For example, Alberta. <https://globalnews.ca/news/8500884/alberta-covid-19-coronavirus-update-january-10/>

¹⁴ <https://www.cbc.ca/news/politics/trudeau-travel-restrictions-omicron-1.6286656>

Omicron

The COVID-19 Variant of Concern B.1.1.529, named by the World Health Organization¹⁵ on November 26, 2021, as Omicron, was first identified in South Africa on November 24, 2021¹⁶ by Dr. Angelique Coetzee, a private physician and chairwoman of the South African Medical Association. Some reports¹⁷ claimed it had been spotted in samples taken in the Netherlands, a week earlier.

Two cases were detected in Great Britain on November 27, 2021.¹⁸ In Canada two people allegedly tested positive on November 28.¹⁹ The U.S. reported its first case December 1, 2021.²⁰

By December 10, eighty-seven cases²¹ had been identified in Canada. A week later when Prime Minister Trudeau called the spike “scary,” 350 Omicron cases had been reported nation-wide.²² Non-Omicron cases were rising. The call to action, however, was related to Omicron.²³

The first Omicron death was reported in Great Britain on December 13, 2021,²⁴ in the U.S.²⁵ on December 22, and in Canada several deaths attributed to Omicron were reported “around Christmas.”²⁶

¹⁵ [https://www.who.int/news/item/26-11-2021-classification-of-omicron-\(b.1.1.529\)-sars-cov-2-variant-of-concern](https://www.who.int/news/item/26-11-2021-classification-of-omicron-(b.1.1.529)-sars-cov-2-variant-of-concern)

¹⁶ [https://www.who.int/news/item/26-11-2021-classification-of-omicron-\(b.1.1.529\)-sars-cov-2-variant-of-concern](https://www.who.int/news/item/26-11-2021-classification-of-omicron-(b.1.1.529)-sars-cov-2-variant-of-concern)

¹⁷ <https://www.ctvnews.ca/health/coronavirus/omicron-was-in-netherlands-before-south-africa-discovery-announcement-1.5686891>

¹⁸ https://en.wikipedia.org/wiki/Timeline_of_the_SARS-CoV-2_Omicron_variant

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ <https://www.ctvnews.ca/health/coronavirus/tam-urges-christmas-caution-as-modelling-shows-potential-for-covid-19-surge-1.5702131>

²² <https://globalnews.ca/news/8458838/covid-omicron-canada-cases-december-17/>

²³ <https://globalnews.ca/news/8458838/covid-omicron-canada-cases-december-17/>

²⁴ <https://globalnews.ca/news/8446040/u-k-first-omicron-variant-death/>

²⁵ <https://www.webmd.com/lung/news/20211224/first-omicron-death-in-u-s-was-reinfection>

²⁶ <https://ottawa.ctvnews.ca/omicron-related-death-reported-in-kingston-ont-1.5723546>
https://www.publichealthontario.ca/-/media/documents/ncov/epi/covid-19-epi-enhanced-estimates-omicron-severity-study.pdf?sc_lang=en

Canada's response to Omicron

In October, the Federal Government announced new regulations preventing vaccine-free Canadians from working for the government or in enterprises it regulated, notably airlines and transportation, but also Crown Corporations.

When Omicron was confirmed in Canada both federal and provincial governments reacted with renewed lockdown restrictions affecting work, places of worship, recreation and travel. (These are summarized in Appendix A.) They were detailed, far-reaching and sometimes confusing. Governments and reporting from an un-curious media were united in portraying a high degree of imminent threat and alarm. Yet, there were reasons to question this narrative.

- First, Mr. Trudeau having declared with great certainty that “vaccines work,”²⁷ should have been aware that by the end of November, 87 percent of Canadians aged 12 and older were already fully vaccinated. Mr. Trudeau continues to recommend vaccination, presumably in the same confidence that vaccines are effective.
- Second, Chief Public Health Officer Dr. Theresa Tam offered mid-December that all of the Omicron cases reported thus far were either mild or asymptomatic. “There’s a range of mild and some people are short of breath or they’re not hospitalized,” she said.²⁸
- Third, Omicron wasn’t the killer that Delta seemed to be. Initial reports mid-November from South Africa suggested that Omicron – while certainly extremely contagious – was not particularly vicious. Dr. Angelique Coetzee, the doctor who first spotted the variant, told the BBC that while more time was needed to know how serious the virus might be for vulnerable people, the patients she had examined showed “extremely mild symptoms” only.²⁹ In a separate interview with the news agency Reuters, Dr. Coetzee stated that most complained of fatigue and body aches; none had required hospital admittance.³⁰

These were the facts. Yet, the Government of Canada chose to place the least optimistic connotation upon them.

To be fair, the government's justification for restrictions on Charter freedoms recognized that the Omicron variant was comparatively mild for most people infected, but that Omicron was so infectious that there could be a large number of mildly affected people. Then, if even a small percentage of this large number required hospital care, it would

²⁷ <https://twitter.com/justintrudeau/status/1426291839137636359>

²⁸ <https://www.politico.com/news/2021/12/22/trudeau-canadians-hunker-down-omicron-525998>

²⁹ <https://www.bbc.com/news/av/uk-59450988>

³⁰ <https://thehill.com/changing-america/well-being/prevention-cures/583368-south-african-scientists-give-first-reports-on>

overwhelm the health-care system as surely as would the feared larger percentages of the smaller numbers made seriously ill by earlier variants.

It did not take Covid to demonstrate the incapacity of the Canadian health system, of course. With one of the lowest ratios of beds to population among its peer nations, the flu epidemic of 2017-18 had already done that. But, in the face of the unknown, it is reasonable to be cautious.

As usual for risk-management however, it is a matter of degree, consistency and transparent motives. Canadians whose jobs, travel plans, *Charter* rights and indeed their whole lives were impacted by government action may reasonably ask: “Were the various government responses proportionate to what was known of the Omicron threat?”

A matter of proportion

As discussed earlier, initial reports from South Africa were reassuring. People were getting sick, but not badly. We knew this in Canada, but governments ramped up lockdown restrictions anyway.

Governments

Thus, even as governments in Canada were increasing the mandates affecting citizens’ *Charter* rights, the *Financial Times* of London reported a much rosier picture from Johannesburg on January 6, 2022:

“Even though three-quarters of all South Africans are still not double jabbed against Covid-19, vaccinations, immunity after previous infections and signs that Omicron is a milder disease appear to have kept the pressure off hospitals. ‘The most important issue is that there was a clear decoupling between community spread, which has been very rapid, and the level of hospital admissions,’ said Richard Friedland, chief executive of Netcare, South Africa’s biggest provider of private healthcare. ‘We have not suspended elective surgeries, and there is no pressure on beds... We have had no capacity constraints at all in the fourth wave.’”³¹

One might suppose that with more than three-quarters of Canadians fully vaccinated, as opposed to three-quarters of South Africans unvaccinated, governments in Canada, and their advisory councils, should have had more optimistic expectations. Indeed, while Ottawa was going to war with Canada’s truckers, CBS reported further from Johannesburg:

“Only eight weeks after the world first heard about the Omicron variant of the coronavirus, when researchers in South Africa who discovered the strain notified global authorities, that

³¹ <https://www.ft.com/content/b0cd9239-f2df-4afc-912f-b3f87fc676ff>

country's wave of infections has fallen as sharply as it climbed. Not only that, but South Africa has weathered its fourth wave of COVID-19 with very little interruption to people's lives.”³²

Indeed, Omicron-discoverer Dr. Coetzee felt strongly that people outside South Africa were over-reacting. In comments quoted by the London *Daily Mail*, she stated:

*“Nothing I have seen about this new variant warrants the extreme action the UK government has taken in response to it. No one here in South Africa is known to have been hospitalised with the Omicron variant, nor is anyone here believed to have fallen seriously ill with it. Nothing has prepared me for the extraordinary global reaction that met my announcement this week that I had seen a young man in my surgery who had a case of Covid that turned out to be the Omicron variant. Yet Britain and other European nations have reacted with heavy travel restrictions on flights from across southern Africa, as well as imposing tighter rules at home on mask-wearing, fines and extended quarantines. **The simple truth is: we don’t know yet anywhere near enough about Omicron to make such judgments or to impose such policies.**”³³*

Nor was it that in Canada, we didn’t know about “decoupling.” The day after the *Financial Times* reported “decoupling between community spread and hospital admission” in South Africa, Canada’s chief public health officer Dr. Theresa Tam went on record that while the Omicron variant was driving Covid cases, severe illness was not rising at the same rate... i.e. severe illness was decoupled from infection.³⁴

Due to the widespread cessation of testing, it was admittedly more difficult to know how widespread the variant was. But in Dr. Tam’s analysis, hospitalization rates became a marker for how serious the spread was. What hospitalization rates tell us, according to Dr. Tam, is that although the sudden acceleration of the new variant had driven a rise in hospital admissions and the daily case counts were 400 percent higher than the peak of the third wave during 2021, nevertheless severe illness was not spiking at the same “explosive” rate.

Dr. Coetzee had been speaking of the U.K. However, self-evidently, Canada’s elected officials and public-health officers took no comfort from her reassurances based upon the South African experience, nor Dr. Tam’s comment that severe illness was not spiking, which is after all what matters if the objective is protecting the health-care system.

It was not only the federal government that offered a disproportionate response.

The Province of Quebec declared a state of emergency and reinstated a night-to-morning curfew (10:00 p.m. to 07:00 a.m.) that it had used for the first five months of 2021.³⁵ And, in a move that stunningly marginalized vaccine-free Quebecers, Premier Francois Legault

³² <https://www.cbsnews.com/news/covid-omicron-variant-south-africa-turning-point/>

³³ <https://www.dailymail.co.uk/debate/article-10256373/Dr-ANGELIQUE-COETZEE-discovered-Omicron-says-reacting-threat.html>

³⁴ <https://globalnews.ca/news/8493569/canada-omicron-variant-covid-update/>

³⁵ <https://abcnews.go.com/Health/wireStory/quebec-lift-covid-19-curfew-monday-82250355>

also extended the province's vaccine passport to hitherto-exempt big-box retail stores and even announced the idea of financial penalties (a new tax) for residents of the province who refused vaccination.

The curfew was removed two weeks later and likewise the planned financial penalty was scrapped, supposedly for the sake of "social cohesion."³⁶

Cohesion had already worn thin however: Any presumption that vaccine-free Canadians living in Quebec may have entertained regarding personal agency over their own bodies was effectively swept away, along with their right to attend church, to assemble at night or even to go buy a television to help pass the time while enduring forced isolation.

As for Ontario Premier Doug Ford, he invoked the language of war.

He declared on December 10, 2021, that "we've never faced an enemy like Omicron"³⁷ – even though on that date,³⁸ Canada-wide Omicron cases were still only 87 in number, and it would be a further two weeks before anybody in Canada reportedly died with it. (Six deaths attributed to Omicron were reported over the Christmas holidays.) Premier Ford reimposed capacity limits, although unlike Quebec Premier Legault, he didn't suppose religious services would be a problem and exempted them.

As Christmas approached, and federal health minister Mr. Duclos was advising against travel, home social gatherings in Ontario were limited to 10, among many other restrictions.³⁹ And in provinces representing nearly two-thirds⁴⁰ of Canada's population, Canadians found their *Charter* freedoms once more suppressed, with nothing they could do about it immediately in the moment.

The Media

All across the country, government messaging in Canada was of dismay, direness and dangerous possibilities.

All of it was echoed by an enthusiastic media chorus, as though only the worst news could possibly be true. *Toronto Star* columnist Bruce Arthur is an important example. In an article⁴¹ headlined, "It's hard to look this in the eye. But Covid's worst is coming," Arthur quoted Dr. Andrew Morris, a member of the Science Table COVID-19 Advisory for Ontario,

³⁶ <https://www.cbc.ca/news/canada/montreal/vax-tax-nixed-1.6334828>

³⁷ <https://news.ontario.ca/en/release/1001366/ontario-further-strengthening-response-to-omicron>

³⁸ https://www.business-standard.com/article/current-affairs/omicron-can-drive-daily-canada-s-covid-cases-to-record-high-health-agency-121121100133_1.html

³⁹ <https://news.ontario.ca/en/backgrounder/1001329/responding-to-omicron-and-protecting-our-progress>

⁴⁰ <https://www.statista.com/statistics/481509/canada-population-projection-by-province/>

⁴¹ <https://www.thestar.com/opinion/star-columnists/2021/12/10/its-hard-to-look-this-in-the-eye-but-covids-worst-is-coming.html>

who assured readers that, “At the moment, the public doesn’t recognize the enormity of what’s ahead of us. But they will.”

But in the end, nothing like “the worst” ever happened. So how do these panics start?

Modelling is one reason. On pandemic-related matters, the Ontario provincial government relies upon the Science Table. Dr. Morris’s comments were published on December 10, 2021, and no doubt reflected the considered consensus of the group at that time. But it was based on modelling.⁴² Modelling, the projection of likely outcomes based upon present trends and information, can be a worthwhile exercise. But those who rely upon it exclusively risk embarrassment because it can also validate spectacularly wrong decisions. For example, in March 2020 Imperial College’s Dr. Neil Ferguson predicted⁴³ that without severe lockdown measures, Canada would lose 326,000 people to Covid within three months. The federal government found that credible, but the reality of actual events proved the prediction was a wild exaggeration, completely detached from facts. In Canada, for example, the model predicted 326,000 deaths in three months; the reality was 36,000 in 23 months. Now it will take decades for Canada to deal with the financial consequences of its response.

And there are non-financial costs. A study by the Canadian Medical Association showed that, “delayed treatments or missed health-care services due to pandemic restrictions may have been a factor in more than 4,000 excess deaths unrelated to COVID-19 infections between August and December 2020 and have also resulted in a significant backlog of medical procedures.”⁴⁴

As for a full accounting of all the harms caused by lockdowns in the past two years, this information has yet to be made public by a federal or provincial government or government body. However, we refer the reader to the Justice Centre’s own report of how widely lockdown harms have affected life for all Canadians.⁴⁵

⁴² https://covid19-sciencetable.ca/wp-content/uploads/2021/12/Update-on-COVID-19-Projections_English_2021.12.16.pdf

⁴³ <https://www.imperial.ac.uk/mrc-global-infectious-disease-analysis/covid-19/report-12-global-impact-covid-19/>

⁴⁴ <https://www.ctvnews.ca/health/coronavirus/delayed-health-care-during-pandemic-may-have-led-to-thousands-of-excess-deaths-study-1.5686765>

<https://www.cma.ca/news-releases-and-statements/excess-deaths-increased-mental-health-disorders-and-substance-use-new>

⁴⁵ See JCCF, ‘Lockdown harms.’ <https://www.jccf.ca/wp-content/uploads/2021/12/2021-12-14-Lockdown-harms-JC6.pdf>

Following the science or following the politics?

Whatever reservations reasonable people might have about modelling, Premier Ford's militant demeanour suggests he had confidence in his advisory group's predictions. But with such different responses, the proverbial visitor from another planet could be excused wondering whether governments on either side of the border were dealing with the same virus... Were American and Canadian authorities – or for that matter Ontario and Quebec – guided by the same science, or by different politics?

Quebec Premier Legault set capacity limits on Quebec's churches and barred unvaccinated Quebecers from them altogether. When Mr. Ford reimposed capacity limits, he exempted religious services. Did science guide either decision? It is hard to believe that it did. Presumably science would have dictated a consistent approach. What was prescribed for Detroit would have been recommended for Windsor. What worked in Ontario would have been alright in Florida. Yet in many U.S. states life with the presence of Omicron went on as usual, without masks, lockdowns and vaccine mandates.⁴⁶

Conclusion

Regarding Omicron, South Africa got over it, most American states were indifferent, and Canada chose to lock down. Whatever the inconveniences imposed on Canadians by capricious and arbitrary government action, was there any advantage to the Canadian way? How much worse could it have been without the government's actions?

Supporters of the lockdown approach could truthfully point to a sharp spike in deaths as 2021 rolled over into 2022. Between January 1, 2022, and February 18, nearly 6,000 Canadians died with Covid; 3,000 in the first three weeks of February. However, failing to recognize the seasonal character of these types of viruses, which are more lethal in winter and less so during the summer, and ignoring that fact that even before Covid and lockdowns, from 2016 to 2020, an average of 7,029 Canadians died each year from influenza and pneumonia,⁴⁷ would be intellectually dishonest.

What is relevant here is who is dying. If these numbers were concentrated in younger demographics, it would indicate something about the virus had changed.

But this was not the case. Closer investigation reveals January 2022 deaths related to Covid were almost entirely in the same vulnerable demographic that has suffered most from Covid since March of 2020: the elderly and those with serious chronic health conditions. As of February 11, 2022, this had not changed. Notwithstanding the high rate

⁴⁶ <https://www.aarp.org/health/healthy-living/info-2020/states-mask-mandates-coronavirus.html#Texas>

⁴⁷ <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1310039401>

of vaccination in Canada, 82 percent of Canadians dying with Covid were still over the age of 70,⁴⁸ with a further 10.6 percent between the ages of 60 and 69. Statistics Canada reports that of all Covid-related deaths, approximately 90 percent occurred among individuals 65 years of age and older with pre-existing chronic conditions (with dementia as the most prevalent comorbidity).⁴⁹ In other words, the very same demographic that suffers most every year from seasonal attacks of influenza, the symptoms and consequences of which are very similar to those of Covid, was most affected by the seasonal escalation of Covid. And two or three shots of the mRNA Covid injection have been shown not to have changed that.

This is not to be cavalier about people who are elderly and infirm. However, every winter, this is the demographic that suffers the most. Only when Statistics Canada releases cause-of-death by age numbers in 2023, will it be possible to determine who might have survived into the summer of 2022 or longer, had Omicron not gone through the population.

We should all be relieved of course, that the Omicron Covid variant has not lived up to the overheated predictions that accompanied its arrival in Canada at the end of November 2021.⁵⁰ Had the worst fears of senior politicians and the media been realized, it would have been a serious matter.

But none of it came to pass. And as events have shown, there was little reason to suppose it ever might have... Which makes it all the more puzzling – not to mention reprehensible – that within government and the media there was such eagerness bordering upon enthusiasm to immediately believe the worst of any development that relates to Covid, and rush to impose restrictions on business and society.

The good news – and for once, there is some – is that all across the country, the narrative of despair is collapsing: Things are opening up.

In Alberta and Saskatchewan, the provincial governments⁵¹ ended vaccine passports, removed limits on gathering sizes and allowed churches to open fully. Both provincial governments have ended mandatory indoor masking.

In Quebec, home of the infamous overnight curfew, restrictions on where vaccine-free Quebecois could buy groceries and an egregious plan (later abandoned) to tax those without Covid shots, Premier François Legault announced in early February that most

⁴⁸ <https://nationalpost.com/health/why-canada-is-still-seeing-so-many-people-die-from-covid-and-is-lucky-omicron-didnt-hit-earlier>

⁴⁹ Statistic Canada, summary: <https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19/epidemiological-economic-research-data/excess-mortality-impacts-age-comorbidity.html>

⁵⁰ 28th November 2021. <https://www.cbc.ca/news/politics/omicron-variant-canada-travellers-1.6265927>

⁵¹ <https://www.alberta.ca/covid-19-public-health-actions.aspx>

restrictions would be removed before the middle of March.⁵² All size restrictions on home gatherings were removed mid-February.

Even the Atlantic provinces – which in a notable infringement of the Canadian *Charter* right to freely travel effectively excluded other Canadians from visiting eastern Canada for nearly two years with their “travel bubbles” – have introduced step programs to remove restrictions.⁵³ Nova Scotia lifted its border restrictions, effective February 14, 2022.⁵⁴

The direction of provinces representing more than three-quarters of the population of Canada, is clear: Covid is something we must now learn to live with... like influenza or the common cold. It is time for infringements on Canadian *Charter* rights to stop.

This direction towards a return to normal is also consistent with that of many U.S states.⁵⁵ Even Dr. Fauci, the notoriously pessimistic (and capricious) Chief Medical Adviser to President Biden, believes the U.S. is exiting the “full-blown” pandemic phase, and anticipates an early end to all pandemic-related restrictions, including mask mandates.⁵⁶

Meanwhile overseas, all restrictions were lifted in the U.K.⁵⁷ in early February, likewise in Sweden, Norway, and Denmark. France, Germany Italy, Spain and the Czech Republic have all announced significant lightening of their regulations, leading to total elimination soon.

And so we return to “following the science.” Ottawa’s insistence upon continued mask mandates and the Liberals’ unanimous voting against ending covid restrictions, shows the Government of Canada chose to be informed by some other science than the rest of the world, its own population, and even the South African expert who first identified Omicron. It’s not surprising therefore, that this balloon needed so much hot air to keep it aloft for as long as it lasted.

How many more times must Canadians be expected to credit their elected officials with wisdom and goodwill in the face of blatant fearmongering? The past three months have been much ado about not so much. The stronger case is that public health has been politicized for ends that have nothing much to do with public health, and with constant lockdowns and restrictions over the last two years, Canadians are paying a high price for it.

⁵² <https://www.cbc.ca/news/canada/montreal/legault-restrictions-feb8-1.6343661>

⁵³ <https://www.cbc.ca/news/canada/prince-edward-island/pei-covid-briefing-february-8th-1.6343463>
<https://atlantic.ctvnews.ca/n-b-to-move-to-level-1-of-covid-19-winter-plan-on-feb-18-1.5774667>

⁵⁴ <https://novascotia.ca/coronavirus/restrictions-and-guidance/>

⁵⁵ *Inter alia*, <https://www.usatoday.com/storytelling/coronavirus-reopening-america-map/>

⁵⁶ Interview, The Financial Times (London) 8th February 2022.
<https://www.ft.com/content/3800e619-3404-4e57-a9eb-dab311405c2a>

⁵⁷ <https://fortune.com/2022/02/11/europe-declaring-pandemic-over-warnings-who-uk-demmark-sweden-norway-omicron-covid/>

Appendix A.

November 19, 2021 – Mandated vaccinations for truckers

Ostensibly in support of its campaign to increase vaccination,⁵⁸ Ottawa ordered that effective January 15, 2022, certain groups of travellers, then exempt from entry requirements, would be allowed to enter the country only if they were fully vaccinated.

Among the groups were essential workers, specifically including truck drivers.

In the same statement, the federal government – which had already made vaccination mandatory for federal employees and those of federally regulated enterprises – also mandated that vaccination would be required for travel within and out of Canada. For all but a few limited exemptions, a valid COVID-19 molecular test would no longer be accepted.

November 26, 2021 – Some African countries banned, tests even for “fully vaccinated”, quarantine

Foreign nationals who during the previous 14 days had been in any of seven southern African countries were outright barred from entering Canada for two months.⁵⁹ Canadian citizens, even if fully vaccinated, would be subject to enhanced testing, screening and quarantine measures, in particular a molecular test within 72 hours of departure for Canada. They would then also be tested on arrival: All travellers would also be required to complete a test on Day 8 after arrival and quarantine for 14 days. The federal notice continued: “All travellers will be referred to Public Health Agency of Canada (PHAC) officials to ensure they have a suitable quarantine plan. Those arriving by air will be required to stay in a designated quarantine facility while they await their arrival test result. They will not be permitted onward travel until their quarantine plan has been approved and they have received a negative arrival test result.”

Nobody had a good thing to say about a “designated quarantine facility,”⁶⁰ or ever got a deal.

⁵⁸ “COVID-19 testing and vaccine requirements, as well as other border measures, are an important part of Canada's response to the COVID-19 pandemic and serve to protect the health and safety of all Canadians. With vaccination rates increasing around the world, and an evolving epidemiological situation, it is important that Canada's border measures reflect the current global context.”

<https://www.canada.ca/en/public-health/news/2021/11/government-of-canada-announces-adjustments-to-canadas-border-measures.html>

⁵⁹ <https://www.canada.ca/en/public-health/news/2021/11/government-of-canada-introduces-new-measures-to-address-covid-19-omicron-variant-of-concern.html>

⁶⁰ <https://globalnews.ca/news/7753422/covid-quarantine-hotels-bills-canada/>

November 20, 2021 – More bans, tests for fully vaccinated travellers, vaccination now mandatory for air and all public transport.

A few days later, Ottawa announced⁶¹ additional border measures, extending to ten the list of banned African countries. Just to further complicate matters for travellers from any on the list, all returning Canadians and others with right of entry would have to be tested before entering Canada and effective that night, the test could not be administered in any one of the 10 countries on it. That meant those looking to get back to Canada would first need to go to a third country to receive a negative test result before travelling home.⁶²

The November 30 announcement also reinstated an arrival-testing requirement even for fully vaccinated travellers arriving by air from anywhere but the U.S., and on top of the existing pre-departure test requirement.⁶³ Travellers would be required to quarantine until they received their test results: Unvaccinated travellers (with right of entry to Canada) would now be sent straight to one of those spartan “designated quarantine facilities” to await their test results.

Also on November 30,⁶⁴ vaccination became mandatory for travel within and out of Canada by any form of public transport. A negative molecular test would no longer be accepted, a step towards the creation of a sub-class of Canadian with limited rights, defined by vaccination status.

The African travel ban was lifted a few weeks later⁶⁵ but not the requirement for vaccination and an air of confusion descended upon travel. For example, a requirement for a pre-arrival negative PCR test result for travellers leaving the country for less than 72 hours: But as of December 21, the requirement for pre-arrival testing would be in place again for trips of all duration.

⁶¹ <https://www.ctvnews.ca/health/coronavirus/feds-reinstating-foreign-air-travel-testing-reviewing-booster-strategy-in-light-of-omicron-1.5687538>

⁶² <https://www.ctvnews.ca/health/coronavirus/feds-reinstating-foreign-air-travel-testing-reviewing-booster-strategy-in-light-of-omicron-1.5687538>

⁶³ <https://www.ctvnews.ca/health/coronavirus/feds-reinstating-foreign-air-travel-testing-reviewing-booster-strategy-in-light-of-omicron-1.5687538>

⁶⁴ <https://www.canada.ca/en/public-health/news/2021/11/government-of-canada-introduces-additional-measures-to-address-covid-19-omicron-variant-of-concern.html>

⁶⁵ <https://www.canada.ca/en/public-health/news/2021/12/government-of-canada-announces-additional-measures-to-contain-the-spread-of-the-omicron-variant.html>

December 15, 2021 – “No time to travel”

In an advisory,⁶⁶ Health Canada recommended against international travel, even for the vaccinated. In public remarks Health Minister Duclos went further, asking Canadians to cancel their trips and hinting darkly that those who did not might face difficulty re-entering the country.

“To those who were planning to travel, I say very clearly — now is not the time to travel. The rapid spread of the Omicron variant on a global scale makes us fear the worst,” Duclos said.⁶⁷

Duclos conceded that such a change so close to Christmas was “drastic,” but added, “The situation abroad is already dire in many places and it's going to get worse very quickly, so we're afraid for what could happen to them if they leave Canada.”

Confused yet? The Government of Canada called its decisions “unprecedented and decisive action.” But Minister Duclos’s warning that this was “no time to travel,”⁶⁸ was beginning to look redundant. Who would want to?

This was a huge frustration for the airline industry, as much as it was for travellers. Unusually for a federally regulated enterprise for which there is no commercial advantage in prodding the regulator, Westjet condemned Ottawa’s regulations as not being “based on science and data.”⁶⁹ President and CEO Harry Taylor also challenged the Government of Canada to provide the data upon which they were basing their decisions.⁷⁰

January 13, 2021 – Truckers to be sent back

The Public Health Agency of Canada, unmoved by lobbying, declared that as of January 15, unvaccinated or partially vaccinated foreign national truck drivers, coming to Canada from the U.S. by land, would be directed back to the United States. Canadian drivers would need to meet testing and quarantine requirements. The Freedom Convoy protest was the consequence.

-30-

⁶⁶ <https://travel.gc.ca/travelling/health-safety/travel-health-notices/226>

⁶⁷ <https://www.cbc.ca/news/politics/trudeau-travel-restrictions-omicron-1.6286656>

⁶⁸ <https://www.cbc.ca/news/politics/trudeau-travel-restrictions-omicron-1.6286656>

⁶⁹ <https://www.westjet.com/en-ca/news/2021/the-westjet-group-opposes-re-introduction-of-blanket-air-travel->

⁷⁰ <https://www.westjet.com/en-ca/news/2021/the-westjet-group-opposes-re-introduction-of-blanket-air-travel->