

## David Dickson

---

**From:** David Dickson  
**Sent:** February 18, 2022 7:11 AM  
**To:** Tribunal Office, Alberta Human Rights Commission; REDACTED  
**Subject:** RE: David Dickson v. Costco Wholesale Canada Ltd. - S2020/12/0301

**Importance:** High  
**Sensitivity:** Confidential

Apologies for the delay but I have been dealing with ongoing health issues (not helped by this continued process).

It is interesting that Costco's lawyer decided to respond this time but not before for the original appeal. It is also interesting that the focus seems to have suddenly changed, along with some clear misrepresentations that I may have to take up with the Law Society.

I will not go into much detail in response to the letter from REDACTED. However, I would like to address some specific points that I would hope would be obvious, but clearly don't appear to be having come this far without a reasonable action by the AHRC.

In this letter, REDACTED uses references and data that was not present at the time the discriminatory Costco policy was implemented. In Alberta, at the time of the policy being implemented, there had been 443 reported deaths with COVID 19. Since the introduction of the policy, that number increased significantly and continues to rise, now being at 3,822 on February 16<sup>th</sup>, 2022. I am not alleging that the policy made things worse, but I fail to see the relevance of him trying to use numbers designed to incite fear, and ones that are irrelevant to the policy and the discrimination I experienced at the time.

I want to draw attention to the new direction that Costco is trying to take in their attempt to justify what is clear and unwarranted discrimination - the allegation regarding a face shield. This was covered in the original material but not challenged in the way it has now been brought forward by Costco. To be clear, there is no requirement to prove an inability to wear a face shield and there was no request to prove that by Costco or by AHRC. If required, I can provide those details - AGAIN. In addition, I did give that information to the Costco Managers at the time, as can be seen by the video interaction. Costco alleges that they were protecting the staff and other customers by offering face shields. Note that, as presented in evidence, a face shield is not and never was a replacement for a mask. All authorities stated explicitly that a face shield, at best, protects **THE WEARER**, whereas a mask is to protect those around the wearer. "My mask protects you, your mask protects me" was the mantra. This was the known information at the time supported by all the material from Alberta Health, the City of Edmonton and other primary sources. This would suggest that REDACTED and Costco are not acting in good faith in the new response.

I was not required to provide proof of an inability to wear a face shield, yet I did provide details of why I could not. I provided a letter showing the medical reasons why I could not wear a mask (not required by the bylaw) and have provided the renewed letter that meets the Provincial requirements that came later. The comparison to other cases like Mr. Peter Szeles are not equal or relevant to my situation. Mr. Szeles trespassed, did not provide any explanation, documentation or any other indication of a disability, and he lived in a location that could receive goods through Costco's online policy. I have outlined clearly why the 'accommodations' offered were not accommodations whatsoever as they did not apply to me. It is clear that Costco could have allowed me to shop as social distancing has never changed and other factors to protect customers and staff were present at the time.

Now to another point suddenly raised by REDACTED on behalf of Costco i.e. on vaccines. This is again irrelevant to the complaint at the time, but we shall cover that point as REDACTED has brought it up and used it to again to clearly mislead

the investigation. I provided evidence of being able to enter Costco unmolested in August and September 2021. Regardless of the fact that it is clear that vaccines do not prevent a person from being infected and infectious with COVID 19, it could be argued, based on their ability to minimize severity in the vaccinated person, that they create a person more likely to be asymptomatic. The rate of vaccination at the times when REDACTED says Costco changed their policy (but provides no evidence of) still presented a large portion of the population as unvaccinated. As such, Costco would not know the status of any person coming into the store, making his point moot.

REDACTED says that Costco relaxed its policy in October of 2021. I fail to see the relevance of that when the evidence I have provided relates to the date of the incident in November of 2020. I also later refer to my ability to enter two separate Costco location unmolested on August 23rd, 2021, September 2nd, 2021 and lastly on September 17th, 2021 (and other times since). Costco's actual mask policy changed on July 1st, 2021, as REDACTED knows but he has wilfully misrepresented facts to the Commission and me. This suggests that REDACTED is trying to deliberately mislead a judicial process in a manner not in keeping with the expectations of a barrister and solicitor. AHRC and REDACTED had clear evidence of these visits through my previous submission. As Costco did extensive investigations against me to form a clear ad hominem attack, it is surprising they did not avail themselves of information they specifically have access to before responding as they have just done.

Costco changed its masking policy on July 1st to coincide with 'Open for Summer' in Alberta (in line with Provincial mandates and local bylaws), not in October as REDACTED is alleging. By October of 2021, the Province was back in a State of Emergency (actually as of September 15th, 2021 until December 14, 2021). As such, October 2021 seems to be a strange timeline for REDACTED to suggest Costco relaxed the safety conditions for staff and customers. Considering the large number of people still unvaccinated (at all relevant times) and the inability of Costco to know the vaccine status of its customers, I would challenge the misleading statements of REDACTED if this even was the true position of Costco.

Some relevant facts that clearly show the statements from REDACTED were not about a duty to keep customers safe. Note that on November 16th, 2020 there were no Provincial Mandates, nor and state of emergency called.

**Vaccination rate in Alberta (one dose only so not fully vaccinated):**

July 1st, 2021	62.1% (total population), 73.1% (of 12+)
August 23rd, 2021	65.8% (total population), 77.4% (of 12+)
September 2nd, 2021	66.6% (total population), 78.3% (of 12+)

**State of Emergency called:**

September 16th, 2021	68.1% (total population), 80.1% (of 12+)
September 19th, 2021	68.9% (total population), 81% (of 12+)

**Active Cases:**

November 16th, 2020	10,057
July 1st, 2021	1,055
August 23rd, 2021	7,931
September 2nd, 2021	13,495

**State of Emergency called September 15th, 2021:**

September 16th, 2021	19,201
September 19th, 2021	20,614

**Deaths:**

November 16th, 2020	443
July 1st, 2021	2,301
August 23rd, 2021	2,355
September 2nd, 2021	2,390

**State of Emergency called September 15<sup>th</sup>, 2021:**

September 16<sup>th</sup>, 2021 2,523

September 19<sup>th</sup>, 2021 2,545

Again, from the day I was refused access to Costco until my return in August of 2021, I presented no more risk than I had done for the months in 2020 (and since in 2021 and 2022). It was apparently safe me for to come in up to November 15<sup>th</sup>, 2020 and since July 1<sup>st</sup>, 2021. Costco offered nothing practical in the way of accommodations as they are well aware and would not have been placed in undue hardship by allowing me to shop, social distanced as I was before November 16<sup>th</sup>, 2020, and since July 1<sup>st</sup>, 2021.

Many thanks,

**David**

**David T. Dickson**

**C.E.O. DKS DATA ([www.dksdata.com](http://www.dksdata.com))**

**Consulting C.I.O.**

*Management/Legal Consultant*

*Privacy and Cybersecurity Expert.*

*Email: [david.dickson@dksdata.com](mailto:david.dickson@dksdata.com)*



LEGAL NOTICE: Unless you are a named addressee you should not disseminate or copy this email. If you have received this email in error, please delete the message and attachments and advise me by return email. Thank you.

Classification: Protected A

---

**From:** Tribunal Office, Alberta Human Rights Commission <[AHRCTribunal@gov.ab.ca](mailto:AHRCTribunal@gov.ab.ca)>

**Sent:** Tuesday, January 04, 2022 12:12 PM

**To:** REDACTED

**Cc:** 'david.dickson@dksdata.com' <[david.dickson@dksdata.com](mailto:david.dickson@dksdata.com)>

**Subject:** David Dickson v. Costco Wholesale Canada Ltd. - S2020/12/0301

Good Afternoon:

Please see the attached correspondence in relation to this matter.

Please be advised that a copy of this correspondence will not be mailed to you unless you respond requesting a copy by mail.

Thank you,

REDACTED

Case Coordinator

Alberta Human Rights Commission - Tribunal Office

Phone: REDACTED

Address: 7<sup>h</sup> Floor Commerce Place, 10155 -102 Street NW, Edmonton, AB T5J 4L4

PLEASE NOTE: This email is used for all communications with the Alberta Human Rights Tribunal Registrar. Please ensure that you copy all other parties with any emails regarding complaints before the Tribunal.

LEGAL NOTICE: Unless you are a named addressee you should not disseminate or copy this email. If you have received this email in error, please delete the message and attachments and advise me by return email. Thank you.

Classification: Protected A