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| COURT FILE NUMBER   | 2103 14553  |
| COURT   | COURT OF QUEEN'S BENCH OF ALBERTA                         |
| JUDICIAL DISTRICT   | EDMONTON  |
| APPLICANT   | DAVID THOMAS DICKSON                                      |
| RESPONDENT  | HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ALBERTA |
| DOCUMENT  | SUPPLEMENTAL SUPPLEMENTAL AFFIDAVIT                       |
| ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT | David Dickson<br><b>Redacted</b>                          |

I, David Thomas Dickson, of the City of Spruce Grove, Alberta, SWEAR AND SAY THAT:

- 1) This affidavit is supplementary to affidavits I swore in this action on October 18th, 2021 (the "Original Affidavit"), October 21st, 2021 (Supplemental Affidavit) and November 26th, 2021 (Affidavit in Response).
- 2) I have personal knowledge of the following information, except where I say that it is based on information from another person, in which case, I believe that information to be true.
- 3) On Monday November 29th, 2021, through a public press conference Her Majesty the Queen in right of the Province of Alberta ("HMQ") provided direction to AHS, health care workers and other related parties.

**Minister Copping at approximately 10 minutes into the feed.**

*"I have **directed** AHS as part of their staff immunization policy to introduce rapid testing at locations where there is a significant risk of service disruption due to unvaccinated employees."*

**Dr. Yiu at approximately 15 minutes into the feed.**

*"That is why today, **at the direction of the provincial government** we are informing our staff and physicians that AHS will **temporarily introduce frequent targeted COVID-19 testing** as part of the organization's mandatory immunization policy. **The policy deadline for staff to be fully immunized will also be adjusted to December 13th to accommodate the introduction of this testing option.**"*

**Dr. Yiu at about 18 minutes into the feed.**

*"The testing **directive** will be reviewed and of March 2022."*

- 4) This direction was further explained in the public statements on the HMQ/Government of Alberta (“GOA”) website:

*“**Alberta’s government is directing AHS** to introduce, temporarily, frequent and targeted COVID-19 testing as part of the organization’s Immunization of Workers for COVID-19 Policy. Only sites considered at significant risk of service disruptions resulting from staffing shortages due to unimmunized employees will be part of the testing program.*

*Under AHS’ current policy, employees who chose not to be fully immunized and have not been granted an accommodation would be put on an unpaid leave of absence.*

*“I’ve heard from many Albertans, especially in smaller communities, who are worried this policy will impact patient care. We fully support AHS’ immunization policy, and I appreciate the tens of thousands of health-care workers who have made the right choice to get vaccinated. This directive is about protecting patient care – primarily in rural areas – which will always be my top priority.”*

**Jason Copping, Minister of Health**

**The proof of negative COVID-19 testing program begins on Dec. 13. AHS’ immunization policy deadline will also be adjusted to Dec. 13 to accommodate the introduction of testing. The testing addition will be reviewed by March 2022.**

*To date, 96 per cent of AHS full-time and part-time employees and more than 99 per cent of physicians have submitted proof of immunization. Ninety-nine per cent of intensive care unit staff are fully immunized.*

*AHS will continue to evaluate its staffing needs and provide a full list of sites where testing is taking place by the Dec. 13 deadline.”*

- 5) The impact of this direction by HMQ is documented in the FAQ documents for AHS (and subsidiaries).

**September 27<sup>th</sup>, 2021 FAQ for AHS (and subsidiaries) [emphasis added]**

*“12. Why isn’t rapid testing an alternative to immunization?*

***There are significant safety and efficacy concerns with rapid testing. Current rapid testing technology is designed for those experiencing symptoms, which creates a large risk of false positives (up to 30 per cent), and this could lead to workers being unnecessarily restricted from work.***

*The occurrence of false negatives is even more significant (reported as high as up to 50 per cent) where workers may be entering care environments infected with COVID-19.”*

**October 8<sup>th</sup>, 2021 FAQ for AHS (and subsidiaries) [emphasis added] (current published copy<sup>1</sup>)**

***“Q: Why isn’t rapid testing an alternative to immunization?***

***A: There are significant safety and efficacy concerns with rapid testing. Current rapid testing technology is designed for those experiencing symptoms, which creates a large risk of false positives (up to 30 per cent), and this could lead to workers being unnecessarily restricted from work.***

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<sup>1</sup> <https://albertahealthservices.ca/assets/info/ppih/if-ppih-covid-19-cmo-update-2021-10-08.pdf>

The occurrence of false negatives is even more significant (reported as high as up to 50 per cent) where workers may be entering care environments infected with COVID-19.”

**October 22<sup>nd</sup>, 2021** FAQ for AHS (and subsidiaries) [emphasis added]

“13. Why can’t rapid testing be an alternative to immunization?

**There are significant safety and efficacy concerns with rapid testing. Current rapid testing technology is designed for those experiencing symptoms, which creates a large risk of false positives (up to 30 per cent), where workers will be restricted unnecessarily.**

The occurrence of false negatives is even more significant (reported as high as up to 50 per cent), where workers may be entering care environments infected with COVID-19. **Both instances risk the safety of our workers, patients and families** by either exposing them to COVID-19 or risking further pressure on our staffing levels.”

**November 29<sup>th</sup>, 2021** FAQ for AHS (and subsidiaries) [emphasis added]

“21. Why is temporary targeted rapid testing being considered as part of this policy? **\*\*NEW\*\***

• **At the direction of Government**, Alberta Health Services will temporarily introduce frequent, targeted COVID-19 testing as part of this policy.

• To ensure uninterrupted patient care, those eligible workers who are not fully immunized at a limited number of work locations will be able to provide **proof of negative COVID-19 tests starting Dec. 13.**

• The **immunization policy deadline will also be adjusted to Dec. 13** to accommodate the introduction of testing at facilities at significant risk of service disruption.

• Patient care has always been the focus of the mandatory immunization policy – AHS must do all it can to ensure patients, particularly those who are more vulnerable or immuno-compromised, continue to be provided and protected while in our care.

• Only work locations considered at significant risk of staffing shortages and subsequent service disruptions will be part of the testing program, **which will be reviewed at the end of March 2022.**”

**December 1<sup>st</sup>, 2021** FAQ for AHS (and subsidiaries) [emphasis added] (current published copy<sup>2</sup>)

“25. Why is temporary targeted rapid testing being considered as part of the Immunization of Workers for COVID-19 Policy? **\*\*NEW\*\***

• **At the direction of Government**, Alberta Health Services will temporarily introduce frequent, targeted COVID-19 testing as part of the organization’s Immunization for Workers for COVID-19 Policy.

• To ensure uninterrupted patient care, those eligible workers who are not fully immunized at a limited number of sites will be able to provide **proof of negative COVID-19 tests starting Dec. 13, 2021.**

• The **immunization policy deadline will also be adjusted to Dec. 13** to accommodate the introduction of testing at facilities at significant risk of service disruption.

• Patient care has always been the focus of the mandatory immunization policy – AHS must do all it can to ensure patients, particularly those who are more vulnerable or immuno-compromised, continue to be provided and protected while in our care.

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<sup>2</sup> <https://www.albertahealthservices.ca/assets/info/ppih/if-ppih-covid-19-vaccine-immunization-policy-faqs.pdf>

• Only work locations considered at significant risk of staffing shortages and subsequent service disruptions will be part of the testing program, which will be reviewed at the end of March 2022.”

6) These directives and extracts are attached as Exhibit "V"

SWORN BEFORE ME at )  
Devon\_\_, Alberta, this \_2<sup>nd</sup>\_ day )  
of \_\_\_\_December\_\_\_\_\_, 2021 )

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David Thomas Øickson

Commissioner for Oaths in and  
for the Province of Alberta  
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A Commissioner for Oaths