

**COVID-19 Vaccine Distribution
Task Force**

General (Ret'd) Rick Hillier
Chair

25 Grosvenor Street
11th Floor
Toronto ON M7A 1Y6
COVID-19VaccineTaskForce@ontario.ca

**Groupe d'étude de la distribution
des vaccins contre la COVID-19**

Général (à la retraite) Rick Hillier
Président

25, rue Grosvenor
11^e étage
Toronto ON M7A 1Y6
COVID-19VaccineTaskForce@ontario.ca



132-2020-5444
By email

February 3, 2021

Ena Chadha
Chief Commissioner
Ontario Human Rights Commission
180 Dundas Street West, 9th Floor
Toronto ON M7A 2R9
cco@ohrc.on.ca

Dear Ena Chadha:

Thank you for your letter providing valuable views on how human rights principles play an important role in Ontario's COVID-19 vaccine program.

On December 14, 2020, Ontario launched the first phase of the three-phased implementation plan of Ontario's COVID-19 vaccine program. As recommended by the COVID-19 Vaccine Distribution Task Force and in alignment with the National Advisory Committee on Immunization, the province has identified key populations to receive the vaccine first, including long-term care and retirement home residents and the staff who provide care to these groups.

The government's approach is informed by science and prioritizes population groups that are at greatest risks of COVID-19, which was the basis of the [ethical framework](#) for COVID-19 vaccine distribution. We have actively engaged with bioethicists and clinical specialists as part of a prioritization sub-group to understand risk and help to inform allocation decisions in Ontario.

The development of the ethical framework was informed, in part, by the Ontario Human Rights Commission's Policy Statement on a human rights-based approach to managing the COVID-19 pandemic and related guidance. The importance of human rights protections and non-discrimination have been explicitly reflected in the province's ethical framework.

The ethical framework explicitly emphasizes the legal obligation that all levels of government must take preventative steps to stop the spread of COVID-19 and treat people without discrimination, and to take additional steps necessary to prevent and treat COVID-19 among vulnerable groups.

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The framework states that it should be read in conjunction with the OHRC Policy Statement on a human rights-based approach to managing the COVID-19 pandemic, and when referencing the commitment to non-discrimination, references the Ontario Human Rights Code (and in particular, Part 1 on *Code*-protected groups).

In addition to encouraging the use of a health equity impact assessment for all decision-making, the ethical principles enumerated in the province's ethical framework emphasize key ethical commitments that are also reflected in human rights principles and protections:

- Respecting the equal moral status and human rights of all individuals;
- Distributing vaccines without stigma, bias, or discrimination;
- Aiming not to create, and actively working to reduce, disparities in illness and death related to COVID-19, including disparities in the social determinants of health linked to risk of illness and death related to COVID-19;
- Ensuring benefits for groups experiencing greater burdens from the COVID-19 pandemic;
- Ensuring that every individual within an equally prioritized group (and for whom vaccines have been found safe and effective) has an equal opportunity to be vaccinated;
- Ensuring jurisdictional ambiguity does not interfere with vaccine distribution (in alignment with Jordan's Principle);
- Ensuring inclusive, consistent, and culturally safe and appropriate processes of decision-making, implementation, and communications, including ensuring input from affected parties, including those historically under-represented.

I appreciate that when it comes to human rights, it is not our intentions that matter, but rather the impact (intended or unintended) that our decisions have. The Prioritization subgroup of the Task Force, co-chaired by Dr. Dirk Huyer and Dr. Maxwell Smith, would welcome participation by the OHRC to ensure that ethical and human rights obligations are reflected in decisions and in the vaccine rollout in communities. The subgroup will reach out to you to start this conversation.

I also understand that on January 15, 2021, you and your colleague Raj Dhir met with Deputy Solicitor General Deborah Richardson and the Assistant Deputy Minister of the Anti-Racism Directorate, Nosa Ero-Brown, to discuss the ministry's preliminary thinking on the vaccine rollout for at-risk communities. I'm told the conversation was a productive one and that the OHRC will be providing expert advice on data and community outreach.

The Vaccine Distribution Task Force values the OHRC's perspective and guidance and looks forward to working with you in the future as the COVID-19 vaccine rollout in Ontario continues.

Ena Chadha
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Thank you again for your letter.

With kind regards,

A handwritten signature in blue ink, appearing to read "R Hillier". The signature is written in a cursive, flowing style.

General (Ret'd) Rick Hillier
Chair of the COVID-19 Vaccine Distribution Task Force

c: The Honourable Christine Elliott, Deputy Premier and Minister of Health

The Honourable Sylvia Jones, Solicitor General

The Honourable Doug Downey, Attorney General