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The direct benefit of having vaccine passports is clear

Vaccinating people against their will is a rights violation; turning unvaccinated people away from a gym during a pandemic is not

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The Quebec government recently announced plans for a vaccine passport system, which, in the event of a fourth wave of COVID-19, will bar people who are not fully vaccinated from entering indoor settings such as bars, restaurants, gyms and entertainment events. Quebec is an outlier here: apart from Manitoba - which issues "immunization cards" to those fully vaccinated, but has not established any rules for their use - all other provinces have either rejected vaccine passports or remain silent on the issue.

The direct benefit of vaccine passports is clear: they would allow us to safely lift restrictions on indoor gatherings, with all the attendant benefits to the economy, culture, sports and education. They also incentivize people to get fully vaccinated.

One concern is that vaccine passports effectively coerce individuals to be vaccinated as a precondition of escaping pandemic restrictions, and that this violates the fundamental legal and ethical right to autonomy over medical decisions. This argument fails for several reasons. It has long been the case that students who have not received routine MMR vaccinations can be kept out of

the classroom, and that health-care workers who refuse the flu vaccine can be denied work shifts during an outbreak. Holding people down and vaccinating them against their will is a rights violation; turning unvaccinated people away from a gym or a movie theatre during a pandemic is not.

Concerns have also been raised as to the privacy implications of vaccine passports. Our law takes health information privacy very seriously - the right to control your personal health information is an important component of patient autonomy, after all.

But as with most legal protections, the right to health information privacy must admit of balancing with competing interests - and indeed health information privacy laws generally allow for public health exemptions. Vaccination passports could be no more intrusive, from a privacy perspective, than the requirement of showing photo ID at a bar, or carrying a driver's licence when operating a motor vehicle.

A cynic might conclude that government opposition to vaccine passports is driven by near-term political calculus. Ontario, for example, has just announced that it will not develop vaccine

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passports, and will instead focus on vaccination efforts - committing to lifting all restrictions once 80 per cent of the population has received one dose and 75 per cent have received two.

We need a sophisticated way to track what vaccines people have received, and when, so that we are equipped to respond to changes in disease virulence in a measured and proportionate manner. At the very least, federal and provincial decision-makers should be developing vaccine passport systems as a fallback option - rather than eschewing altogether in deference to concerns about equity, patient autonomy and health information privacy.

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