

Personal Injury

COVID-19 vaccine injury lawsuits — Don't count on it | Jasmine Daya

By **Jasmine Daya**



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(November 17, 2020, 9:52 AM EST) -- The entire world is eagerly awaiting completion of the final trials of a COVID-19 vaccine. The Canadian government has reportedly secured deals to obtain the vaccine and has commenced plans for effective distribution. As a personal injury lawyer, I am thinking ahead to the liability perspective and concerned that the Canadian government does not appear to have done anything on this front to protect Canadians.

Inevitably, there will be some individuals who suffer from adverse consequences of the vaccine. There is no way to know what those consequences will be and if one form of the vaccine will cause some to suffer more than others. The only way to know the full scope of the adverse effects of the vaccine will be to wait and see what happens over

time.

There is fear amongst many people about the adverse effects, as it is a new vaccine and it was made faster than any other vaccine in history. Some will avoid taking the vaccine due to fear of what those adverse effects will be. If the government attempts to make the vaccine mandatory, it will certainly face legal challenges and hurdles, which may in fact result in the opposite of the intended effect as negative commentary will spread like wildfire over social media.

Manufacturers will likely not distribute the vaccine to countries that refuse to provide them with immunity from lawsuits. This means that if an individual suffers from injuries or impairments arising from the vaccine, they will not be able to commence a lawsuit for compensation against the manufacturer.

Nineteen countries in the world have a "no fault" Vaccine Injury Compensation (VIC) program. Canada is the only G7 country that does not have a VIC fund and one of only two G20 nations.

Interestingly, the only province in Canada that has a "no fault" VIC program is Quebec; the program started in 1985.

In 1976, a swine flu vaccine was rushed out in the United States and linked to Guillain-Barré syndrome, which is a rare form of paralysis that starts in the feet and creeps up the body. Although the vaccine was halted, the damage was already done, with 450 people developing the condition. Of those, 25 people died.

In 2009, the H1N1 influenza vaccine in Europe was linked to narcolepsy.

It does not appear that there is readily accessible information on successful lawsuits in Canada regarding vaccines but what is known is that there will be adverse consequences.

If the government expects the public to have confidence in the vaccine, we need to know not only that it is safe but that there will be a way to care for ourselves and our families if something goes wrong. A VIC program will instil public confidence.

We need a vaccine for our health and safety. We need to restart the economy. We need to live our

lives again. We also need our government to protect us and consider the future instead of primarily focusing on the present. It appears during this pandemic that we have been more reactive instead of proactive. Perhaps now is the time for change.

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