

Coalition for HealthCARE and Conscience

**Submission by the Coalition for HealthCARE and
Conscience to the House of Commons Standing
Committee on Justice and Human Rights**

May 2016

Who We Are

The Coalition for HealthCARE and Conscience is a group of like-minded organizations committed to providing the best possible health care for all patients and protecting conscience rights for health practitioners and facilities that morally object to performing or participating in what is being referred to as medically assisted death.

We represent more than 5,000 physicians across Canada and more than 110 healthcare facilities with almost 18,000 care beds and 60,000 staff. In addition to the Catholic Archdiocese of Toronto, the Christian Medical and Dental Society of Canada and the Catholic Health Alliance of Canada, our members also include the Catholic Organization for Life and Family, the Canadian Federation of Catholic Physician's Societies, the Canadian Catholic Bioethics Institute and Canadian Physicians for Life, the Evangelical Fellowship of Canada, and the Archdiocese of Vancouver.

Canadians Shouldn't Have to Compromise Their Conscience for Patient Decisions to be Respected

While we stand morally opposed to assisted suicide, we recognize that the Supreme Court of Canada has directed the federal government to pass legislation to regulate assisted death by June 6, 2016.

We will continue to provide the highest standards of care for all patients regardless of their views on this issue. We will not obstruct patient access or abandon our patients. We simply ask that our moral convictions be respected, and that approaches like transfer of care, and direct access to assessments be implemented so that patient decisions can be respected without sacrificing conscience rights.

We are concerned that Bill C-14, as proposed, doesn't protect the conscience rights of health care workers and facilities with moral objections to helping take the lives of Canadians.

Members of our Coalition should not be forced to perform actions that go against their conscience, or to refer the action to others, since that is the moral equivalent of participating in the act itself. It is simply not right or just to say: you do not have to do what is against your conscience, but you must make sure it happens. We do not believe that there is a necessary conflict between conscience rights and patient decision making. It is possible for both to coexist and organizations like the Canadian Medical Association have proposed ways to make that happen.

This may be the reason why no other foreign jurisdiction in the world that has legalized assisted suicide forces health care workers, hospitals, nursing homes or hospices to act against their conscience or mission and values.

It appears that the federal government is leaving this issue to the provinces and territories for consideration. The provinces may opt not to legislate which will create a legal vacuum leaving each health authority or each facility to create their own policy. Health care workers will be required to vindicate their own constitutional rights at their own expense all over the country.

This will undoubtedly result in a patchwork of different approaches. This could cause serious injustice to some very conscientious, committed and capable health care practitioners.

All of this while Canadian popular opinion support conscience protection for health care workers and institutions.

Provide Conscience Protection in Bill C-14

Parliament has the power, authority and precedent to legislate on this matter.

The 2005 *Civil Marriage Act* contains language in its preamble and a specific clause recognizing that officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs, even though marriage is within provincial jurisdiction.

Our coalition recommends that Parliament use the same legislative approach in Bill C-14, including language both in the preamble to the bill and in a specific clause that confirms that individuals or faith-based healthcare institutions who oppose assisted suicide are not to be compelled to engage in it and are not to be discriminated against as a result of their opposition.

This would allow the federal government to make certain that medically assisted dying is regulated equitably across Canada and that the Charter rights of healthcare practitioners and faith-based healthcare institutions are respected.

Proposed Amendments

Preamble:

WHEREAS Parliament respects and affirms freedom of conscience and religion for healthcare practitioners and faith-based institutions;

WHEREAS nothing in this Act affects the guarantee of freedom of conscience and religion and, in particular, the freedom of healthcare practitioners and faith-based institutions to refuse to provide or participate in the provision of medical assistance in dying;

WHEREAS the refusal of a healthcare practitioner or faith-based institution to provide or participate in the provision of medical assistance in dying is not against the public interest;

WHEREAS the refusal of a healthcare practitioner or faith-based institution to perform or participate in the provision of medical assistance in dying ought not result in them being deprived of any benefit and ought not subject them to any obligation;

WHEREAS this Act seeks to exempt people from prosecution for providing medical assistance in dying and not to create a positive obligation on individuals to provide or participate in the provision of medical assistance in dying;

Body of Act:

Healthcare practitioners

1. It is recognized that healthcare practitioners are free to refuse to participate in medical assistance in dying either directly or indirectly if doing so is not in accordance with their conscience and/or religious beliefs.

Freedom of conscience and religion

1.1 For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise or refusal to exercise, in respect of medical assistance in dying, of the freedom of conscience and religion guaranteed under the *Canadian Charter of Rights and Freedoms*.