

*House of Commons Standing Committee on Justice and Human Rights,  
re: Bill C-14 Medical Assistance in Dying (May 3, 2016: 4:00 – 5:00 PM)*

**Remarks from His Eminence Thomas Cardinal Collins,  
Archdiocese of Toronto**

Good afternoon, and thank you for providing the opportunity to speak with you about Bill C-14, legislation that will have a profound impact on Canadian society for years to come.

I appear today on behalf of the Coalition for HealthCARE and Conscience. Joining me is my colleague Larry Worthen, Executive Director of the Christian Medical and Dental Society of Canada, which is a member of our coalition.

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, Canadian Physicians for Life, The Evangelical Fellowship of Canada and the Archdiocese of Vancouver.

As we have previously stated, because of our mission and our moral convictions, we cannot support or condone assisted suicide or euthanasia.

We understand, however, that the Supreme Court of Canada has directed the federal government to pass legislation on euthanasia/assisted suicide by June 6<sup>th</sup>, and that Bill C-14 comes as a result of that decision.

Today, we will address the need for amendments to Bill C-14 to protect conscience rights for physicians and health care facilities.

Our members are committed to caring for their patients at every stage of life. We know what it is to journey with those who are facing great suffering in mind and body. We are committed to serving those who suffer with a compassionate love that is rooted in faith and expressed through the best medical care available.

What our members cannot do is perform or participate in what is being referred to as "medically assisted death". To be clear, by participation I also mean playing a role in causing death by arranging for the procedure to be carried out by someone else through referral.

We acknowledge that the draft legislation tabled April 14<sup>th</sup> set aside, at least for the moment, some of the most disturbing recommendations from the parliamentary joint committee.

We remain concerned, however, that the bill does not protect the conscience rights of health care workers and facilities with moral objections to euthanasia/assisted suicide.

We see no reference to conscience rights in Bill C-14. The preamble to the legislation notes that the government “respects the personal convictions of health care providers.” While that respect is appreciated, it does not carry the same legal weight as legislative protection.

No foreign jurisdiction in the world that has legalized euthanasia/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. But if the federal government enacts a law that establishes euthanasia/assisted suicide across Canada, it needs to provide robust protection of conscience rights across the country.

It is essential that the government ensure that effective conscience protection is given to health care providers, both institutions and individuals.

It is simply not right or just to say to an individual: you do not have to do what is against your conscience, but you must make sure it happens. It is equally unjust to require a health care facility to repudiate its institutional conscience or mission. We would note that no health care facility in Canada makes every procedure available to its patients.

We will continue to journey lovingly with our patients each day. We ask that you protect all health care workers and the institutions that are successors to the pioneers of health care in our country to ensure that they may continue their mission of care and healing.

Thank you.

## **Remarks from Larry Worthen, Executive Director, Christian Medical and Dental Society of Canada**

Members of our coalition support the right of patients to refuse or discontinue treatment at end of life, allowing the underlying illness to take its course. We wish to make it clear that should parliament legalize medical aid in dying, we will not in any way obstruct patients who decide to seek that procedure. We will not abandon our patients.

We know that there are many ways to respect patient decisions that do not violate the conscience of health care workers or institutions. The Canadian Medical Association and other experts have said that there is no necessity of conflict between these two values.

Our own proposal recommends the use of transfer of care and direct access so that patients have the choice of staying with their physician for care, or transferring care to another physician. Facilities that cannot provide the procedure on their premises are prepared to help transfer patients to the facility of their choice, if they so desire.

To force providers to act against their moral convictions is to breach s.2 of the Charter of Rights and Freedoms. On such a crucial issue — real matters of life and death — Canadians shouldn't have to deal with a patchwork approach.

We know that hospitals and regulators all across the country are developing policies on this subject. For example, the College of Physicians and Surgeons of Ontario has already provided a provisional policy that will force doctors to provide referral for euthanasia/assisted suicide. At least 7 other colleges have not taken that approach. Legislation from parliament would send a clear signal that the charter rights of caregivers will be protected.

An overwhelming majority of Canadians share this concern. A recent Nanos Research poll found that 75% of Canadians agreed that doctors “should be able to opt out of offering assisted dying” and more than 10,000 letters have been sent through our coalition to Ministers, Senators and elected members of parliament advocating for conscience protection.

Parliament has legislated matters that overlap into provincial or territorial jurisdiction in the past.

Consider the Civil Marriage Act, passed by Parliament in 2005 to legalize and regulate same-sex marriage. While marriage falls under provincial jurisdiction, there is also federal legislation governing marriage. The 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.

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 health care institutions who oppose

euthanasia/assisted suicide are not to be compelled to engage in it and are not to be discriminated against as a result of their opposition.

Our proposed amendments to the preamble of Bill C-14 read as follows and in the interests of time I will read only the first two proposed whereas clauses.

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;

And our proposed amendments to the body of the act would read as follows:

### **Healthcare practitioners**

“1. It is recognized that healthcare practitioners are free to refuse to participate in Medical Aid 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 Aid in Dying, of the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms.”

These amendments would allow the federal government to send a signal that medical aid in dying needs to be regulated equitably across Canada and that the Charter rights of healthcare practitioners and faith-based healthcare institutions are protected.

In closing, we'd like to remind the committee of the landmark Carter case, in which the Supreme Court of Canada said that no physician could be forced to participate in assisted death. They also said that this was a matter that engaged the Charter freedoms of conscience and religion. It is not in the public interest to discriminate against a category of people based on their moral convictions. This does not create the kind of tolerant, inclusive or pluralistic society that Canadians deserve.

Thank you.