

Re: 2018 Call for Conscience Campaign Update

Results of CMDS Canada et. al. vs. CPSO et. al.

Date: 2 February 2018

As you probably are aware, the decision of the Ontario district court that we received yesterday was very disappointing. In a unanimous verdict the court held that our right to religious freedom has been violated, but that violation was justified in order to provide access to patients to abortion and euthanasia in Ontario. The court made a number of findings that are difficult to reconcile with each other.

1. The right of freedom of religion was violated in the CPSO policy.
2. The court held that there were other protocols in place in other jurisdictions that were less restrictive on freedom of religion, but the CPSO policy framework was reasonable
3. While there was no proof that the exercise of conscientious objection has ever affected access to procedures, the apprehension that it might affect access was sufficient to justify the policy
4. The effect on the applicants of the policy was not trivial but was held to be substantial. The court indicated that since there was no right to join the profession of medicine, the physicians in question could alter their practice or leave medicine entirely. What the court failed to understand is that almost all specialties in the practice of medicine have the risk of a request for assisted suicide.
5. The court held that the policy had no discriminatory effect, as the class of persons in question was not a disadvantaged group.

(Yet) CMDS Canada, along with our fellow applicants, are considering making an appeal of this disappointing ruling. We will keep you informed as things progress.

This is a stark reminder of the need for the government of Ontario to create legislation to protect physicians, nurses, pharmacists from being needlessly required to participate in euthanasia. It is important to note that nothing in this ruling would preclude a legislated solution.

The Call for Conscience Campaign is more important than ever. Perhaps “people power” will be an effective way to let candidates in the election know that there is a silent majority who want conscience protection in healthcare. Thank you for the work you have done to come together in unison to amplify the support for conscience protection for facilities and caregivers and for an increase in palliative care. Please ask all your parishioners to join us in prayer for this cause. We have the opportunity to spur change in policy and also to sincerely re-evangelize our broken culture.