

## FOR IMMEDIATE RELEASE

Toronto, Ontario – From June 13-15, 2017, the legal application of three physicians’ organizations – the Christian Medical and Dental Society of Canada (“CMDSC Canada”), the Canadian Federation of Catholic Physicians’ Societies (“CFCPS”) and the Canadian Physicians for Life – and five physicians – was heard in the Ontario Divisional Court. The respondent in the case is the College of Physicians and Surgeons of Ontario (CPSO).

An application was filed asking the Court to declare that portions of the CPSO’s *Professional Obligations and Human Rights* policy violate the *Canadian Charter of Rights and Freedoms*. An application for judicial review was simultaneously filed asking the Court to declare the same of the CPSO’s *Medical Assistance in Dying* policy.

Today, January 31, 2018, the Court declared that these CPSO policies violate freedom of religion by requiring physicians and surgeons to make referrals when their consciences will not allow them to perform a procedure or treatment. The Court stated, (at para. 87): “I am of the opinion that the Policies infringe the rights of religious freedom of the Individual Applicants as guaranteed under the *Charter* ...”

However, the Court found that the violations were justified because of the importance of providing access to these services.

“The Court held that other jurisdictions had chosen less restrictive means of ensuring access. The Court also held that there was no evidence that conscientious objection ever results in a failure of access. The Court also held that the implications for physicians were serious and more than trivial or insubstantial. We are left wondering why an effective referral is necessary,” Larry Worthen, Executive Director of the Christian Medical and Dental Society of Canada said. “Canada represents itself on the world stage as being a cultural mosaic. This is evidence that we are losing sight of that reality. To say we respect all cultures and beliefs, we need to respect their strongly held moral convictions. We heard from our members and other doctors with conscientious objections over and over again that they felt referral made them complicit and that they wouldn’t be able to live with themselves or stay in the profession if effective referral is still required. We are currently reviewing our options regarding an appeal.”

“This is a disappointing decision and puts our doctors – doctors who entered the field of medicine to provide quality, compassionate, and patient-centered care – in an impossible position,” states Dr. Ryan Wilson, President of Canadian Physicians for Life. “They don’t believe ending a patient’s life is medicine, and they don’t believe they can offer hope and healing in one room while assisting in killing a patient in another. Ultimately it is patient care that suffers, as our doctors will retire early, relocate, or change fields. For many, their religious and conscience rights are being violated and they won’t be able to practice medicine in Ontario. This is a significant loss for the entire health care system in the province and will have a direct impact on patient care.”

The CFCPS is very disappointed with this decision from this Ontario Court that denies conscience rights to many Ontario physicians. “The *Canadian Charter of Rights and Freedoms*

guarantees freedom of religion for all Canadians,” stated Dr. Jim Lane, President of the CFCPS. “This decision forces many Ontario doctors to be unable to care for their patients. This decision also raises alarm bells to all health care workers and Ontario residents that their freedom of religion and conscience could also be jeopardized.”

CMDS Canada is a national association of Christian doctors and dentists who strive to integrate their Christian faith with medical or dental practice. CMDS Canada represents approximately 1600 medical doctors, dentists and medical and dental students, over 500 of which are located in Ontario.

The CFCPS is a national association of Catholic physicians’ guilds, associations and societies from eleven cities across Canada, four of which are in Ontario.

The physicians represented by CMDS Canada and CFCPS hold sincere religious and moral beliefs that form the basis of their moral or religious objection to physician-assisted death.

The Canadian Physicians for Life (“CPL”) is a national association of pro-life physicians, retired physicians, medical residents and students. CPL’s members are dedicated to building a culture of care, compassion and life. CPL was founded in 1975 and is a non-religious charitable organization. CPL’s members believe that every human life, regardless of age or infirmity, is valuable and worth protecting.

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