

January 31, 2018

**FOR IMMEDIATE RELEASE: Ruling in Ontario assisted dying case 'a victory for patients' rights,' Dying With Dignity Canada says**

Dying With Dignity Canada is celebrating an Ontario court decision to uphold provincial regulation that requires doctors who oppose assisted dying to connect patients who request it with a non-objecting provider or agency.

The ruling comes in response to a court challenge against the [College of Physicians and Surgeons of Ontario's \(CPSO\) policy on effective referral for assisted dying](#). The applicants, led by the Christian Medical and Dental Society of Canada, claimed that the effective referral policy infringes upon the *Charter* rights of doctors who oppose medical assistance in dying (MAID).

However, in Wednesday's decision, a panel of three Ontario Superior Court judges ruled in favour of the defence, arguing that the CPSO's policy is constitutional and functions to protect patients who request MAID from being abandoned by clinicians who oppose it. "The evidence in the record establishes a real risk of a deprivation of equitable access to health care, particularly on the part of the more vulnerable members of our society, in absence of the effective referral requirements of the policy," wrote Justice Herman J. Wilton-Siegel in the unanimous decision.

The leading organization working to protect Canadians' end-of-life rights, Dying With Dignity Canada (DWDC) applauded the judges for their focus on the rights and interests of vulnerable Ontarians. "Today's ruling is a victory for patients' rights in Ontario," said DWDC CEO Shanaaz Gokool. "We believe the effective referral policy strikes a fair, sensible balance between a physician's right to conscience or moral objection and a patient's right to care. We are grateful that the judges' decision puts patients first, and we thank the CPSO for its vigorous defence of Ontarians' right to timely and equitable access to healthcare."

DWDC was an intervener in the case and presented oral arguments in court last June. Represented by lawyer Kelly Doctor, of Goldblatt Partners LLP, the organization stressed that individuals who request MAID are often not able to navigate the healthcare system on their own.

"The individuals requesting MAID are among the country's most physically compromised and vulnerable patients," Gokool said on Wednesday. "Patients not only have a legal right to a peaceful death in Canada, but they have the right to trust that their physician will help them navigate an already confusing system."

The plaintiffs in the case had argued that people who are immobilized can rely on family and friends to help them find a willing clinician or to find accurate, impartial information about MAID. However, as Doctor reminded the court in June, Canadians have a right to keep information about their medical decision-making private. Thus, forcing them to rely on family members, friends or other caregivers to access MAID would put their right to privacy at risk.

Moving forward, DWDC will continue to look for opportunities to support the CPSO should this case go to an appeal. "The CPSO has already expressed their commitment to vigorously defending patients' right to access healthcare," Gokool said. "Dying With Dignity Canada remains steadfast in our commitment to doing the same."

***Dying With Dignity Canada is the national not-for-profit organization committed to improving quality of dying, protecting end-of-life rights, and helping Canadians avoid unwanted suffering.***

**Media enquiries:** [media@dyingwithdignity.ca](mailto:media@dyingwithdignity.ca), 647-977-4128