

Welcome to Dying With Dignity Canada's 2019 Post-Election Toolkit

In the 2019 federal election, Dying With Dignity Canada supporters made end-of-life rights an election issue by speaking up and engaging with candidates across the country. Following the election, we are asking you — supporters of the right to end-of-life choice — to continue to drive much-needed changes to Canada's assisted dying law. Let the people representing you in Parliament know that you care about end-of-life choice and the constitutionally protected right to access medical assistance in dying (MAID). This is your opportunity to have your voice heard!

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Federal calls to action

DWDC is calling on all parties and representatives to make the following four commitments:

- As soon as possible, remove the unconstitutional “reasonably foreseeable” natural death requirement from the federal assisted dying law.
- At the same time, pass an amendment in memory of Halifax's Audrey Parker that would give people who have been assessed as eligible and approved for assisted dying the option to receive it after they have lost capacity.
- Lift the ban on advance requests for assisted dying, which discriminates against people with capacity-eroding conditions such as dementia.

- Uphold the end-of-life rights and choices, including the right to medical assistance in dying, of all Canadians in accordance with the Constitution, including the *Canadian Charter of Rights and Freedoms*.

Important information

This toolkit is non-partisan, meaning that we do not endorse or oppose any party or individual representative. Instead, it's designed to help our supporters motivate MPs of all stripes to take a stand in support of end-of-life rights.

Please share this toolkit with your friends, family, colleagues, and community — anyone you think might want to get involved. If you have any questions, comments, or updates on the engagement steps you've taken, please send us an email at election@dyingwithdignity.ca. We'd love to hear from you!

Dying With Dignity Canada is the national human-rights charity committed to improving quality of dying, protecting end-of-life rights, and helping suffering people avoid unwanted suffering. Our CRA Charity Registration Number is *11889 0086 RR0001*.

How to Arrange Meetings with Elected Officials

An in-person conversation shows an MP that constituents in their riding are passionate and knowledgeable about the right to medical assistance in dying (MAID). By engaging with the people who represent your community in Parliament, you are setting the groundwork to influence policy on issues that are important to you.

Researching the representative in your neighbourhood

First things first: finding out the name and contact information of your Member of Parliament. Click [here](#) to enter your postal code or constituency, and click on the name of the MP who appears. On their profile page, you will find a tab underneath the “Overview” section that contains both their Hill office and Constituency office contact information.

If you have any trouble finding their information, email us at election@dyingwithdignity.ca.

Asking for a meeting

When reaching out to the representative's office to request a meeting, remember that their schedules are likely very busy. It is better to propose a concise 15- or 20-minute meeting than to be turned down for requesting an hour of their time. To ask for a meeting via phone, call the office and clearly state that you are a constituent in their riding, and you are interested in discussing the issue of end-of-life rights. Make sure your request is polite and friendly, as well as non-partisan.

If you prefer to send an email, here is a draft message you can amend to request a meeting:

Subject: Constituent meeting request re: end-of-life rights [insert your postal code]

Dear MP [surname],

I am writing to request a brief meeting with you to discuss end-of-life rights and choices, including the right to medical assistance in dying. As resident of your riding, I would appreciate 15 to 20 minutes to share my concerns with you.

Please let me know when would be best for your schedule.

Thank you,

[Your name]

[Your postal code]

[Your phone number/email/contact information]

Be polite but persistent — you may have to reach out again within a couple of days to follow up. If your MP is not available for an in-person meeting, ask the office if you could schedule a time to meet on the phone, or if there are any upcoming public events you could attend. A suggested meeting agenda can be found on page 4.

Meeting Agenda

Before your meeting, review our leave-behind sheet on page 10, which includes our election asks and key points about end-of-life rights. If you're meeting in person, be sure to bring a few copies to guide your conversation and to leave with the representative.

Suggestions for structuring the meeting

Introduce yourself and why you're passionate about end-of-life rights.

- Introduce yourself as a concerned resident who is passionate about upholding and protecting end-of-life rights
- Feel free to mention DWDC and your involvement with the organization

Current state of affairs:

- Medical assistance in dying (MAID) is a right in accordance with the Constitution, including the *Canadian Charter of Rights and Freedoms*.
- There are flaws in Bill C-14, the 2016 federal assisted dying law, that harm and violate the rights of people who want access to MAID.

Quebec Court decision in *Truchon v. Canada*:

- In September, a judge in Quebec struck down the provision in the federal assisted dying law that restricts access to only those people whose natural deaths are "reasonably foreseeable." That restriction, she said, violates the *Charter* because it forces additional hardship upon people who are already suffering intolerably. It also discriminates against people on the basis of their medical circumstances.
- **Unless Parliament strikes that rule from the *Criminal Code*, this decision will only apply in Quebec.** That means people in other parts of the country will still be denied MAID unfairly because of the unconstitutional "reasonably foreseeable" requirement.

"Assessed and Approved" and advance requests for MAID

- After a person has gone through the rigorous process of being assessed by two clinicians in order to access MAID, they still have to confirm their wish for MAID immediately before it is provided. If they cannot give consent, the procedure cannot go ahead.
- This late-stage consent requirement means people are faced with a cruel choice between ending their lives too early and potentially losing the option to access MAID because of a loss of capacity. Some people are refusing pain medication out of fear that it will compromise their ability to fulfill the late-stage consent requirement.
- Bill C-14 also discriminates against people with capacity-eroding conditions such as dementia. Without the ability to make an advance request for assisted dying, many people facing a dementia diagnosis will be unable to access their right to MAID.

Since Bill C-14 requires Parliament to conduct a legislative review of how MAID is working at the beginning of the fifth year (likely the summer of 2020) after the law's passage, this is a critical issue that will cross MPs' desks over the next year.

We're calling on Parliament to:

1. In response to the court decision in *Truchon v. Canada*, remove the unconstitutional "reasonably foreseeably" requirement (Section 241.2, para. 2d of the *Criminal Code*) from Canada's assisted dying law
2. Pass an amendment in memory of Halifax's Audrey Parker that would give people who have been assessed as eligible and approved for assisted dying the option to receive it after they have lost capacity
3. Commit to lifting the ban on advance requests for assisted dying, which discriminates against people with capacity-eroding conditions such as dementia
4. Ensure that Canada's assisted dying laws, present and future, respect people's rights in accordance with the Constitution and the *Canadian Charter of Rights and Freedoms*

Questions and final remarks

- Ask whether your MP has any additional questions (you can review some commonly asked questions on our FAQs page of the toolkit)
- Share the decision with your MP: www.dyingwithdignity.ca/truchon_decision
- Let them know that more information about Audrey Parker is available at www.dyingwithdignity.ca/audrey_parker

Thank the MP for their time

- Remember to provide them with a copy of the leave-behind sheet at the end of this toolkit

After the meeting

If the representative makes the time to meet with you one-on-one, thank them for their consideration by sending a thank you email. You can find a draft on page 6 of this toolkit.

Congratulations on engaging with your elected officials and raising your voice for end-of-life rights! Please give us a brief update on how the meeting went by sending a short email to election@dyingwithdignity.ca. We love learning about how our supporters are defending end-of-life choice in their local communities!

Thank You Letter/Email

After meeting with your MP, express your appreciation for their time by sending an email or a letter. This is also another opportunity to emphasize the key issues you spoke about in person or over the phone. Feel free to personalize this thank you by including more details about what you discussed in your meeting.

Dear MP [representative's surname],

My name is [name] and I am a resident of [your neighbourhood/riding]. We met [date] to discuss the importance of end-of-life choice. Thank you for taking the time to meet with [me/us/our group] — [I am/we are] pleased to hear that you are concerned about the issue that [I/we] raised. We want to ensure that Canada protects end-of-life rights for those who are vulnerable and suffering. As a constituent of your riding, I respectfully urge you to:

1. Remove the unconstitutional “reasonably foreseeably” requirement (Section 241.2, para. 2d of the *Criminal Code*) from Canada’s assisted dying law
2. Pass an amendment in memory of Halifax’s Audrey Parker that would give people who have been assessed as eligible and approved for assisted dying the option to receive it after they have lost capacity
3. Commit to lifting the ban on advance requests for assisted dying, which discriminates against people with capacity-eroding conditions such as dementia
4. Ensure that Canada’s assisted dying laws, present and future, respect people’s rights in accordance with the Constitution and the *Canadian Charter of Rights and Freedoms*

Since Bill C-14 (the medical assistance in dying legislation) includes a mandatory Parliamentary review to take place starting in mid-2020, this is a critical issue that will cross your desk over the next year. [I/we] appreciate our conversation and your openness to discussing this critical issue.

[Optional:] I have attached a copy of the leave-behind sheet that we discussed; please do not hesitate to reach out if you have any questions.

Thank you again for meeting with [me/us]. [I/we] greatly appreciate your time and your interest in protecting end-of-life rights in Canada.

Thank you again,

[Your name]

[Your postal code]

[Your phone number/email/contact information]

Frequently Asked Questions (FAQs)

How would an advance request for MAID work?

- An advance request for MAID would be distinct from an advance directive or living will.
- That's in part because allowing advance requests for MAID would require an amendment to the federal law, while the rules for advance directives are set by the provinces and territories.
- An advance request would be a standalone request for MAID that could be honoured after the person requesting it loses capacity.
- We believe it's up to MPs, in consultation with experts in the field as well as people whose rights are at stake, to develop a system for advance requests that ensures fair access while also protecting people who don't want, or can't make an informed request for, MAID.
- According to a Feb. 2016 poll commissioned by DWDC and conducted by Ipsos, eight in 10 Canadians (85 per cent) support the right to advance requests for MAID.

What happens if someone with an advance request changes his/her/their mind?

- We believe that the option of completing an advance request is a right that would unburden many people suffering with a degenerative condition that will only get worse as time goes on.
- It is critical to implement safeguards, including a standardized legal document in which an individual's wishes and intentions could be stated clearly. However, with careful consideration, responsive and patient-centred policy, and appropriate mechanisms for reporting and monitoring, we can implement a framework for advance requests that ensures that only those eligible people with an enduring request for MAID are allowed to receive it.

Does MAID hurt efforts to improve or expand palliative care?

- Assisted dying doesn't hurt palliative care. The legalization of assisted dying often leads to new investments in palliative care. This is something we're starting to see here in Canada.
- In Oregon, for example, nine in 10 people who used that state's Dying with Dignity legislation were enrolled in a hospice program.
- Palliative care and assisted death are not an either/or option — both can work in conversation with each other, if that is what the patient chooses. Often, palliative care alone is not enough.
- A person should *never* have to choose between high-quality palliative care and their right to MAID. Residents of Canada want, and deserve, fair access to both.

"Won't this lead to the killing of people because others think they're a burden to society?"

- The right to assisted dying is rooted in two fundamental values: individual choice and compassion.
- The choice of an assisted death belongs to the *person* making the decision. No one else has the right to make that decision for them.

- Forcing Canadians to endure unwanted, intolerable suffering is inhumane and wrong. As a compassionate society, we must offer information, choices, and support to people who face the prospect of a horrific death or a life of unendurable suffering.

“Assisted dying is wrong/I don’t agree with this/It’s against God’s will.”

- The choice of an assisted death is precisely that: a personal *choice*. We believe that every person has the right to die in a manner that reflects their wishes, values, and beliefs.
- In Canada, the right to assisted dying is supported by a vast majority of people in every major demographic group, including among people who identify as religious. According to a Feb. 2016 poll commissioned by DWDC and conducted by Ipsos, more than eight respondents in 10 (85 per cent) supported the right to assisted dying as defined in the Supreme Court’s *Carter v Canada* decision. Support topped 70 per cent among people who reported having a religious identity.

What is DWDC’s position on MAID for people with mental illness?

- The eligibility criteria laid out in the Supreme Court’s *Carter* decision does not explicitly limit access to individuals whose primary medical condition is physical. Nor does having a severe mental illness necessarily mean that a person is incapable of making free and informed decisions about their care.
- Suffering caused by severe mental illness is no less “real” than suffering caused by a physical illness, injury, or disability. In many cases, symptoms of severe mental illness are indistinguishable from those caused by a non-psychiatric medical condition.
- For these reasons, we believe that individuals with treatment-resistant mental illness should not be excluded outright from access simply because the underlying cause of their suffering is psychiatric. It is unfair and likely unconstitutional to discriminate against people on the basis of their diagnoses.
- That being said, we recognize that additional safeguards may be required in cases where the person’s sole/primary underlying condition is a severe mental illness.

What is DWDC’s position on MAID for mature minors?

- In many jurisdictions across Canada, mature minors already have the right to make important decisions regarding their care. This includes the right to consent to or refuse life-saving medical treatment.
- We believe it’s unfair to allow a 70-year-old with terminal cancer the choice of a peaceful death but deny a 17-year-old who has been given the same prognosis and demonstrates a clear capacity to make the decision as an adult.
- It may be appropriate to develop special eligibility criteria and safeguards to address concerns surrounding the provision of assisted dying for mature minors.

How do I respond if a conversation about this issue with a representative or member of the public turns hostile?

- The DWDC team has found that confrontations or hostility are uncommon. Remaining polite, respectful, and calm is the best way to avoid or de-escalate any situation that seems confrontational.
- Show the other person that you are listening and understanding what is being said, and respond in a slow, calm voice. Try to keep your body language neutral (no pointing or sudden movements) and make eye contact.
- If you have a feeling that the interaction is getting more intense and you are worried about your or others' safety, please remove yourself from the situation.

Where can I find more information on end-of-life rights, access to MAID, and information on getting more involved with the cause?

- You can always visit us online at dyingwithdignity.ca for information on the current rules, educational resources, opportunities to get involved, and personal stories.
- If you have any other questions or areas of interest, please feel free to send us an email: election@dyingwithdignity.ca or call (416) 486-3998, toll-free 1-800-495-6156.

Where can I find information or support for myself or a loved one who would like to learn more about MAID and end-of-life options?

- Dying With Dignity Canada's free-to-use Personal Support Program provides information and emotional support to individuals and families navigating their legal end-of-life choices.
- If you or someone you know are facing a difficult diagnosis and want more information about your options, including MAID, you can contact our Personal Support Program by emailing support@dyingwithdignity.ca or by calling us toll-free at 1-844-395-3640.
- More information about the program is available at [dyingwithdignity.ca/find support](http://dyingwithdignity.ca/find-support).

If you have any other questions or concerns, please email us at election@dyingwithdignity.ca.



Background on the right to medical assistance in dying (MAID)

- In 2015, the Supreme Court recognized MAID as a *Charter*-protected right for people who are suffering intolerably from a “grievous and irremediable” medical condition and who want to end their lives with the help of a clinician.
- The right to MAID remains out of reach for many suffering people because of unfair restrictions in Bill C-14, the federal assisted dying law.

More than eight Canadians in 10 (85 per cent) support the right to MAID, according to a Feb. 2016 poll commissioned by DWDC & conducted by Ipsos Reid.

What you can do

Vote for the removal of the unconstitutional “reasonably foreseeable” requirement (Section 241.2, para. 2d of the Criminal Code) from Canada’s assisted dying law.

- In September, a judge in Quebec struck down the provision in the federal assisted dying law that restricts access to only those people whose natural deaths are “reasonably foreseeable.”
- **Unless Parliament strikes that rule from the *Criminal Code*, this decision will only apply in Quebec.** That means people in other parts of the country will still be unfairly denied MAID because of the unconstitutional “reasonably foreseeable” requirement.

Support an amendment in honour of Halifax’s Audrey Parker that would protect the rights of people who’ve been Assessed and Approved for assisted dying.

- After a person has gone through the rigorous process of being assessed by two clinicians in order to access MAID, they still have to confirm their wish for the procedure to continue immediately before it is administered.
- The late-stage consent requirement means that many people who have already been Assessed and Approved are faced with a cruel choice: end their lives early, while they are still competent, or risk losing out on their right to access MAID.
- That’s what happened to the late Audrey Parker, the face of DWDC’s Assessed and Approved campaign. More information about Audrey is available at dyingwithdignity.ca/audrey_parker.
- 82% of Canadians support allowing patients who have been Assessed and Approved for MAID to receive it after they have lost capacity to consent (Ipsos Reid, 2016).

Commit to lifting the unfair ban on advance requests for assisted dying.

- Without the option to make an advance request for assisted dying, the right to an assisted death will be out of reach for many people who develop capacity-eroding conditions such as dementia.
- The few who do qualify may have to choose between accessing assisted dying sooner than they would like and waiting until it’s too late.
- 80% of Canadians support allowing people with a diagnosis of dementia to make an advance request for assisted dying that could be honoured after they’ve lost capacity to consent (Ipsos Reid, 2016).

Why now?

- People in the Assessed and Approved category cannot wait any longer for action. **No one should have to choose between ending their lives too early and waiting until it’s potentially too late!**
- Bill C-14 requires Parliament to commence a legislative review of the law by mid-2020. This is a critical issue that will cross elected officials’ desks over the next year. MPs will have the opportunity to take a strong stand for end-of-life rights!

If you have further questions, please contact Dying With Dignity Canada at election@dyingwithdignity.ca or at 1-800-495-6156.