



Welcome to the Dying With Dignity Canada 2020 Toolkit

Dear DWDC Volunteers and Supporters,

On behalf of Dying with Dignity Canada, I want to thank you for your advocacy work over the years. Your commitment to end-of-life rights and to engaging with your elected representative to ensure our message is heard and acted upon by the federal government is greatly appreciated.

Last September, Quebec Superior Court Justice Christine Bauouin ruled it is unconstitutional to limit medically assisted death to those whose natural death is “reasonably foreseeable” in the *Truchon* decision. In late February 2020, the Government of Canada tabled Bill C-7, legislation to amend Canada’s medical assistance in dying (MAID) laws.

During public consultations held in January and February of 2020, the government heard from over 300,000 Canadians, almost 80% of whom support advance requests for MAID. Today, we are respectfully asking for your help again to continue to drive much-needed changes to Canada’s assisted dying law. Let your local Member of Parliament (MP) know that you care about end-of-life choice and the constitutionally protected right to MAID. We are asking you to tell your MP to make Bill C-7, and the five-year parliamentary review, a priority now that Parliament has resumed.

This toolkit has been designed to provide you with the messaging and other resources to effectively communicate our position to our elected representatives, regardless of their political affiliation.

Thank you again for your advocacy work and support of Dying with Dignity Canada. It is only with the tremendous efforts of people like you that we can ensure the momentum we have built over the years continues, and that any new or amended MAID legislation respects the wishes of Canadians for dignity at the end of their lives.

Sincerely,

Helen Long, CEO



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At the end of the toolkit, you'll find a backgrounder that you can share with your MP once a meeting has been scheduled. This backgrounder can also be downloaded for printing purposes as a separate document on our website.

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



Dying With Dignity Canada's Key Messages

1. Dying With Dignity Canada (DWDC) is pleased the government of Canada has reintroduced legislation, Bill C-7, to amend Canada's medical assistance in dying (MAID) laws. Additionally, DWDC urges the government to initiate the parliamentary review called for in the 2016 MAID legislation as soon as possible now that Parliament has resumed.
2. Bill C-7 goes beyond *Truchon*, allowing waiver of the requirement for final consent for those patients who are eligible but who may lose capacity in advance of their scheduled date. As a supporter of Dying with Dignity Canada (DWDC), I would add that the organization has raised concerns about some of the proposed amendments, such as the explicit exclusion of patients with mental illness from accessing MAID, and some of the additional safeguards proposed for those whose death is not foreseeable.
3. I also support prioritizing the five-year parliamentary review of MAID laws, previously scheduled to begin in June 2020, now that Parliament has resumed. This review should consider important issues such as those with mental illnesses, mature minors, and advance requests for MAID.

Bill C-7:

Dying With Dignity Canada (DWDC) is calling on all parliamentarians to:

- Support Bill C-7 and the proposed amendments to MAID legislation, namely:
 - Removing the clause that "natural death has become reasonably foreseeable" (NDRF) as an eligibility requirement. This clause now plays a role in the safeguard process.
 - Allowing waiver of the requirement for final consent for those patients who are eligible but who may lose capacity in advance of their scheduled date. DWDC is pleased that a process has been proposed to ensure continued eligibility for MAID in these cases, recognizing the unnecessary pain that has been caused to many, including [Halifax's Audrey Parker](#).
 - Proposing that only one independent witness be required to sign the formal request for MAID, and that this witness may be a paid personal care or healthcare worker. As an organization providing independent witnesses, DWDC understands the importance of respecting the privacy of patients and that requiring two witnesses can pose a barrier to access.

Supporting Information:

Our concerns with the preamble to Bill C-7:

- DWDC calls on the government to clarify its intent and meaning in the clause "taking a human-rights based approach to disability inclusion."



- Further, DWDC calls on the government to remove the following paragraph: *“Whereas Parliament recognizes the need to balance several interests and societal values, including the autonomy of persons who are eligible to receive medical assistance in dying, the protection of vulnerable persons from being induced to end their lives and the important public health issue that suicide represents...”* It is paramount that all those seeking MAID be free of “external pressure” and are protected, whether or not they are considered vulnerable. With well-crafted legislation there is no need to balance autonomy and vulnerability of the person in end-of-life decisions because the autonomy of the person will take precedence in moving forward with MAID.

Our concerns with the amendments in Bill C-7:

- DWDC is opposed to the explicit exclusion of those with mental illness and believes these measures to be stigmatizing, discriminatory, and likely unconstitutional. As noted in the *Truchon* decision, “the vulnerability of a person requesting MAID must be assessed exclusively on a case-by-case basis, according to the characteristics of the person” and that “the patient’s ability to understand and to consent is ultimately the decisive factor, in addition to the other legal criteria.”
- DWDC also believes that the waiver of final consent be permitted whether natural death is reasonably foreseeable or not, as an individual could lose capacity due to an unexpected event (e.g. coma, sudden brain seizure etc.) and then be denied MAID.
- Some aspects of this proposed framework may be more restrictive than the government intended. The government is encouraged to consult with appropriate parties such as members of the Canadian Association of MAID Assessors and Providers (CAMAP) to ensure that the dual track safeguard definitions and criteria do not inadvertently exclude individuals who are currently eligible.

Our concerns with elements of the additional safeguards for those whose natural death is not reasonably foreseeable:

- The requirement that one assessor have expertise in the condition of the patient may be a barrier to access. Based on the government’s clarification that this requirement is for expertise, not the opinion of a specialist, DWDC calls on the government to change this requirement so that documentation of appropriate consultation with a healthcare provider who does have expertise will be accepted. Practitioner members of DWDC’s Clinicians Advisory Council have indicated that this type of consultation is already common practice in complex cases.
- The 90-day assessment period for those whose death is not reasonably foreseeable will unnecessarily extend suffering. We call on the government to revise this clause to provide an assessment period of 30-days allowing for full assessment, consideration of the enduring nature of the request and review of possible interventions and supports.



Parliamentary Review:

We further ask that the federal government act quickly to initiate the parliamentary review called for in the 2016 MAID legislation. This parliamentary review should consider:

- Lifting the ban on advance requests for assisted dying, which discriminates against people with capacity-eroding conditions such as dementia, by ensuring that only those eligible people with an enduring request for MAID can receive it.
- Having a severe mental illness does not necessarily mean that a person is incapable of making free and informed decisions about their care. Suffering by severe mental illness is no less 'real' than suffering caused by a physical injury or disability. Acknowledging that additional safeguards may be required in cases where the person's sole underlying condition is a severe mental illness, individuals with mental illness should not be excluded outright from access.
- 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. Recognizing that special eligibility criteria and safeguards may be required, the allowance of MAID for mature minors who are otherwise eligible, should be considered.

Important information

This advocacy toolkit is non-partisan, meaning that we do not endorse or oppose any party or individual MP. Instead, it's designed to help you motivate officials 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 contact Puneet Luthra, DWDC's Director of Government & Stakeholder Relations at puneet.luthra@dyingwithdignity.ca or 647-956-4127.



Engaging with your Member of Parliament

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 elected to represent your community in Parliament, you are setting the groundwork to influence policy on issues that are important to you.

Researching your MP

An important first step to meeting with your elected official is determining exactly who they are. By visiting ourcommons.ca and inserting your residential postal code (you can also include your business address, if applicable), you can easily identify and locate the MP or MPs you should be approaching.

Requesting a meeting

When reaching out to the official's office to request a meeting, remember that their schedules can be very busy. It's better to propose a concise 15- or 20-minute meeting or a phone or video call than to be turned down for requesting an hour of their time. For a politician, a call from a constituent makes a real impact. Note that officials should be making themselves available to meet with their constituents, so make sure you mention that you are a constituent when you are calling to make the appointment. Make sure your request is polite and friendly, as well as non-partisan.

As we are navigating this unprecedented time of COVID-19, it is important to note that most meetings will be held via phone call or virtual meeting platform. If you have any questions about virtual meetings platforms, please feel free to contact us.

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 Mr./Ms./Dr. [last name],

I am writing to request a brief meeting with you to discuss end-of-life rights and choices, including Bill C-7 and the right to medical assistance in dying. As one of your constituents, I would appreciate 15 to 20 minutes to learn more about your views on this important issue.

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. A suggested meeting agenda can be found on page 7.



Meeting Agenda

Once your meeting has been confirmed, don't forget to share the two-page backgrounder at the end of this toolkit with the MP by email.

Before the Meeting:

Look at the official's biography and related information online:

- What party do they belong to?
- Are there any particular interests that may be relevant (positive or negative)?
- What parliamentary committee(s) do they belong to?
- Do they have any possible background knowledge of MAID?
- Prepare what you will say. Even if the meeting is scheduled for 30 minutes, prepare for 15 minutes as the MP may be late or have to leave early. It is better to have a plan and not be caught off guard by such a (common) situation.

Suggestions for structuring the meeting

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

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

Questions and final remarks

- Ask if there are any questions from the politician (you can review some commonly asked questions on our FAQs page of the toolkit)
- Let them know that you would be happy to provide any additional information to the MP or his/her staff and that more information is available at dyingwithdignity.ca

Thank the MP for their time

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

After the meeting

If the official makes the time to meet with you one-on-one, thank them for their consideration by sending a thank you letter/email. You can find a draft on page 8 of this toolkit.

Congratulations on engaging with elected officials in your riding and raising your voice for end-of-life rights! Please give us a brief update on how the meeting went by contacting Puneet Luthra, DWDC's Director of Government & Stakeholder Relations, at puneet.luthra@dyingwithdignity.ca or calling 647-956-4127. We love learning about how our supporters are defending end-of-life choice in their local communities.



Thank You Letter/Email

After meeting with a political representative, 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 Mr./Ms./Dr. [last name],

My name is [name] and I am a resident of your riding. We met [date] to discuss the importance of end-of-life choice, Bill C-7 and the upcoming Parliamentary review of MAID legislation. 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 and we are calling on you to:

1. Support Bill C-7 and the proposed amendments to MAID legislation, namely
 - a. Removing the clause that “natural death has become reasonably foreseeable” as an eligibility requirement
 - b. Allowing individuals already assessed and approved for MAID who risk losing capacity to consent to formally waive the requirement for final consent
 - c. Requiring only one independent witness who may be a paid personal care or healthcare worker
2. Act to quickly initiate the five-year review of MAID legislation as included in Bill C-14, including a review of three issues: advance requests, mature minors, and mental illness as the sole underlying medical condition
3. 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*

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 and binding request for MAID that could be honoured after the person requesting it loses capacity.
- We believe it is 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 with an elected official 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 know of someone who would like to learn more about getting involved in our advocacy work, please feel free to contact Puneet Luthra, Director of Government & Stakeholder Relations at puneet.luthra@dyingwithdignity.ca or 647-956-4127.

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.

How will those currently in the hospital with a terminal illness be impacted by COVID-19?

- Any Canadian whose death is reasonably foreseeable has the right to request a medically assisted death. During this extremely difficult time, each institution, health care provider and region will need to consider how to best meet the needs of their patients.

Do you think MAID should be available to people who have already requested it and who develop COVID-19 during the pandemic?

- We understand that most hospitals and MAID providers are continuing to do their best to support individuals who have previously requested a medically assisted death. Medical action will need to be taken appropriate to the condition of the individual.

There are people dying at long term care facilities in across Canada. Should those individuals be able to access MAID?

- We at DWDC, along with all Canadians, are shocked at the reports across the country of COVID cases and deaths in long term care and seniors' residences. It is clear that all levels of government need to increase both investment and education in end-of-life care, which includes palliative care and, where appropriate, MAID.



- At this time, when we are all at risk of serious illness that can lead to death, the best thing that Canadians can do today is to complete an [advance care planning kit](#) and have a conversation with their loved ones regarding their end of life choices.

We've heard that some hospitals are no longer offering MAID services. Should hospitals be required to provide MAID even during a pandemic?

- It's our understanding that most hospitals and MAID providers are continuing to do their best to support Canadians who are facing intolerable suffering. In fact, some health agencies and hospitals have declared MAID an essential service. [BC Health Authority, University Health Network]

Should MAID patients take priority over COVID-19 patients?

- This is a difficult and unprecedented time for Canadians. Those looking for a medically assisted death are facing continued and intolerable suffering as they try to exercise their end-of-life rights. It is the right of those whose death is reasonably foreseeable to request a medically assisted death.

Should you have any questions concerning any information in this toolkit, please do not hesitate to contact Mr. Puneet Luthra, Director of Government & Stakeholder Relations at puneet.luthra@dyingwithdignity.ca or 647-956-4127.



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

- In September 2019, Quebec Superior Court Justice Christine Baudouin ruled in the Truchon decision that it is unconstitutional to limit medically assisted death to those whose natural death is “reasonably foreseeable”. In response, the federal government in February 2020 tabled Bill C-7 to amend Canada’s MAID laws.
- In March 2020, and again in June 2020, the federal government asked for and was granted an extension to comply with the ruling. The new deadline is December 18, 2020.
- With the government deciding to prorogue Parliament, Bill C-7 was not allowed to proceed through the legislative process and died on the Order Paper.
- The House of Commons returned on September 23, 2020 and on October 5, Bill C-7 was reintroduced into the House of Commons. It is identical to the previous Bill, including all proposed amendments.
- In addition to the amendments proposed in Bill C-7, the federal government has committed to the parliamentary review of MAID legislation as soon as possible, and to address three issues excluded from the Bill, including advance requests for MAID, mature minors and their right to access MAID, and mental illness as the sole underlying medical condition. DWDC’s position on these issues are below:

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 as a Member of Parliament

Bill C-7

Dying With Dignity Canada (DWDC) is calling on all MPs to:

- Support Bill C-7 and the proposed amendments to MAID legislation, namely:
 - Removing the clause that ‘natural death has become reasonably foreseeable’ (NDRF) as an eligibility requirement. This clause now plays a role in the safeguard process.
 - Allowing waiver of the requirement for final consent for those patients who are eligible, but who may lose capacity in advance of their scheduled date. DWDC is pleased that a process has been proposed to ensure continued eligibility for MAID in these cases, recognizing the unnecessary pain that has been caused to many, including Audrey Parker.
 - Proposing that only one independent witness be required to sign the formal request for MAID, and that this witness may be a paid personal care or healthcare worker. As an organization providing independent witnesses, DWDC understands the importance of respecting the privacy of patients and that requiring two witnesses was often a barrier to access.

Supporting Information

Our concerns with the preamble to Bill C-7:

- DWDC calls on the government to clarify its intent and meaning in the clause “taking a human-rights based approach to disability inclusion.”
- Further, DWDC calls on the government to remove the following paragraph: “Whereas Parliament recognizes the need to balance several interests and societal values, including the autonomy of persons

who are eligible to receive medical assistance in dying, the protection of vulnerable persons from being induced to end their lives and the important public health issue that suicide represents..." It is paramount that all those seeking MAID be free of "external pressure" and are protected, whether or not they are considered vulnerable. With well-crafted legislation there is no need to balance autonomy and vulnerability of the person in end-of-life decisions because the autonomy of the person will take precedence in moving forward with MAID.

Our concerns with the amendments in Bill C-7:

- DWDC is opposed to the explicit exclusion of those with mental illness and believes these measures to be stigmatizing, discriminatory and likely unconstitutional. As noted in the Truchon decision, "the vulnerability of a person requesting MAID must be assessed exclusively on a case-by-case basis, according to the characteristics of the person" and that "the patient's ability to understand and to consent is ultimately the decisive factor, in addition to the other legal criteria."
- DWDC also believes that the waiver of final consent be permitted whether natural death is reasonably foreseeable or not as an individual could lose capacity due to an unexpected event (e.g. coma, sudden brain seizure etc.) and then be denied MAID.
- Some aspects of this proposed framework may be more restrictive than the government intended. The government is encouraged to consult with appropriate parties such as members of the Canadian Association of MAID Assessors and Providers (CAMAP) to ensure that the dual track safeguard definitions and criteria do not inadvertently exclude individuals who are currently eligible.

Our concern with the assessment period for those whose natural death is not reasonably foreseeable:

- The 90-day assessment period for those whose death is not reasonably foreseeable will unnecessarily extend suffering. We call on the government to revise this clause to provide an assessment period of 30-days allowing for full assessment, consideration of the enduring nature of the request and review of possible interventions and supports.

Parliamentary Review

We further ask that the federal government act quickly to initiate the parliamentary review called for in the 2016 MAID legislation now that Parliament has resumed. This review should consider:

- Lifting the ban on advance requests for assisted dying, which discriminates against people with capacity-eroding conditions such as dementia, by ensuring that only those eligible people with an enduring request for MAID can receive it.
- Having a severe mental illness does not necessarily mean that a person is incapable of making free and informed decisions about their care. Suffering by severe mental illness is no less 'real' than suffering caused by a physical injury or disability. Acknowledging that additional safeguards may be required in cases, where the person's sole underlying condition is a severe mental illness, individuals with mental illness should not be excluded outright from access.
- 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. Recognizing that special eligibility criteria and safeguards may be required, the allowance of MAID for mature minors, who are otherwise eligible, should be considered.

Should you have any questions concerning DWDC's position around Bill C-7 and/or the parliamentary review, please do not hesitate to have your staff contact Mr. Puneet Luthra, Director of Government & Stakeholder Relations at puneet.luthra@dyingwithdignity.ca or 647-956-4127.