July 24, 2014.

Dear Ontario College of Physicians,

I am writing to you concerning the solicitation of feedback on the Physicians and the Ontario Human Rights Code survey.

I wish to express my concern, both as a member of a faith community, as well as a person with a secular background in ethics and moral philosophy (my Master's degree is in Philosophy), about the proposed policy.

I am concerned that Ontario physicians may be forced to provide services to patients that they are opposed to for religious or moral reasons. The policy outlines clearly in the section “Providing Services without Discrimination” on what basis a physician may not discriminate against a patient. That section is clear and succinct.

The policy however does not outline or seek to adequately protect a physician’s right to refuse non-emergency treatment that goes against their religious or moral beliefs. Doctors’ rights need to be protected as much as those of patients. It is wrong to force a physician to provide a service that they are opposed to for reasons of religion.

If a physician can be coerced into providing treatment against their wishes, we have begun to erode confidence in doctor-patient relationships. The physician is no longer my partner and helper in making health care decisions, but my employee whose autonomy can be overridden. How can we develop trust and mutual positive self-regard, so important in the patient-health care provider relationship, in these circumstances?

I am further concerned that while the policy states “The right to freedom of religion is not unlimited; it is subject to such limitations as are necessary to protect public safety, order, health, morals, or the fundamental rights or freedoms of others” it avoids answering the question who decides what measures or procedures are necessary to protect public “health and morals”. Is it the College of Physicians?

As it is written, the policy suggests without meaningful elaboration that physicians may find themselves in trouble with the Ontario Human Rights Tribunal should they refuse treatment for religious reasons. As I read it now, it feels almost like a vaguely worded, implied threat to provide any service which you are capable of delivering or be prepared to face the ire of the Human Rights Tribunal – and you’re on your own if that happens.

If I were a physician reading this, I would feel more than a little bit exposed and would probably also feel that my professional association is not there to help protect my professional interests or well-being. This would not help engender eagerness to participate in the Association’s activities and might make working elsewhere more attractive.
To take but one practical example that is not unusual, to wit, artificial birth control prescriptions, there are physicians who may refuse to prescribe these medications for medically sound concerns about their long term effects (even the pharmaceutical companies themselves acknowledge that prolonged use is not recommended). They may also object on moral and religious grounds to writing a prescription for it. Will their right to refuse to provide a prescription be protected?

Do we really want to force physicians to provide services to which they are fundamentally opposed? Doing so treats both the physicians and their clients in a way that disrespects their wishes and their dignity. The proposed policy will have the unintended effect of making physicians into medical vending machines, forced to provide the selection I demand if they are professionally competent to do so. This is not a truly human, respectful way to treat one another.

Physicians should be upfront from the initial meeting with a new patient about what services they are not willing to provide so that patients may seek another physician. I suspect that most physicians would welcome this policy as it would increase confidence in the integrity of the doctor-patient relationship to know from the beginning where my physician stands on important health provision issues as well as helping the physician know that she or he won't be forced to do something against their conscience.

Thank you for your time and consideration.

Yours sincerely,

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