February 2, 2015

Policy Department
College of Physicians and Surgeons of Ontario
80 College Street
Toronto, Ontario M5G 2E2

Dear Members of the CPSO Policy Department:

We strongly object to any diminishment of physicians’ human rights to freedom of religion and conscience in their practice of medicine. The current draft policy, “Professional Obligations and Human Rights,” of the College of Physicians and Surgeons of Ontario (CPSO) is seriously flawed in its approach to physicians’ human rights to such freedoms when these conflict with patients’ requests for particular procedures and treatments (e.g., pharmaceuticals).

The CPSO draft policy, although giving lip service to physicians’ right to limit their provision of certain health services on moral or religious grounds under the Charter of Rights and Freedoms, undermines this right by compelling physicians to perform services against their conscience, or to refer patients to other physicians who would perform such services, in the interests of ensuring access to care and protecting patient safety.

The Charter of Rights and Freedoms guarantees physicians protection from state coercion to act against their moral or religious convictions. There are no competing rights if services are delivered in a respectful way. The only human rights present in such situations are the physicians’ human rights to freedom of religion and freedom of conscience. Also, if the physician is an employee, he/she has the additional right to be accommodated by his/her employer. Similarly, Canadian law supports physicians who refuse to refer patients on moral and religious grounds. This is because a referral can be as morally problematic as the performance of the procedure itself. For instance, physicians morally opposed to abortion or euthanasia because these take innocent human life, would actually facilitate killing, by referring patients to abortionists or euthanists.

The CPSO draft policy likewise fails to consider the relationship between (1) the “best interests of patients,” the quintessential mandate of physicians, and (2) medicine’s primary ethical principle of “doing no harm,” and physicians’ refusal to perform various morally or religiously abhorrent practices such as abortion and euthanasia. The harmful physical and emotional consequences of the former on women is well-documented, and the tragic escalation of the latter to include children and the mentally ill is a matter of public record.

Unfortunately, in its current form, the CPSO draft policy appears less concerned with physicians’ understanding of and compliance with legal obligations under the Ontario Human Rights Code, than in forcing physicians who object to specific procedures, treatments, and pharmaceuticals for reasons of conscience, either to act against their moral and religious principles, or to leave the medical profession.

Thank you for considering the above criticisms of the CPSO draft policy. The College of
Physicians and Surgeons of Ontario, in advocating for patients and in defining the obligations of its membership, must never lose sight of the priceless pearl of medical practice—the moral integrity of the physician.

Sincerely yours,