

# *Quality of Life*

*- a collaboration in support of palliative care*

April 13, 2016

To:

The Honourable Justin Trudeau  
Prime Minister of Canada

And to:

The Honourable Jody Wilson-Raybould  
Minister of Justice and the Attorney General of Canada

And to:

The Honourable Dr. Jane Philpot  
Minister of Health

Dear Prime Minister and Ministers:

We are calling on you to include a legislated right to palliative care in your legislative response to *Carter v. Canada*. In receiving the Special Joint Committee's report on physician-assisted dying you [stated that](#) “It is important that we protect people's choices and freedoms in a way that makes sure our society protects the most vulnerable.” We agree. Assured access to high quality palliative care should always be one of the choices available to all Canadians as they face avoidable suffering<sup>1</sup>.

Canada is a signatory to the [World Health Assembly resolution WHA67.19](#) calling for *Strengthening of palliative care as a component of comprehensive care throughout the life course*. The resolution acknowledges that “palliative care is an ethical responsibility of health systems, and that it is the ethical duty of health care professionals to alleviate pain and suffering, whether physical, psychosocial or spiritual, irrespective of whether the disease or condition can be cured, and that end-of-life care for individuals is among the critical components of palliative care”<sup>2</sup>.

The Parliament of Canada passed a motion [M-456](#) on May 28, 2014 to establish a Pan-Canadian Palliative and End-of-life Care Strategy. Despite all-party support for the resolution, access to palliative care has not materially improved. This is why the right to palliative care must be legislated<sup>3</sup>.

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<sup>1</sup> <http://news.gc.ca/web/article-en.do?mthd=tp&crtr.page=1&nid=1036139&crtr.tp1D=1>

<sup>2</sup> <http://apps.who.int/medicinedocs/en/d/Js21454ar/>

<sup>3</sup> <http://www.parl.gc.ca/Parliamentarians/en/members/Charlie-Angus%2825470%29/Motions?sessionId=151&documentId=6261234>

One way to ensure universal access of palliative care is to list it as a medically necessary service in the *Canada Health Act*. Alternatively, the right may be included as part of the legislative response to *Carter v. Canada* as it was in [Bill 52](#), the Quebec Act respecting end of life<sup>4</sup>. The World Health Assembly acknowledged that palliative care must be integrated into the healthcare system to ensure access, writing at page 2 of its resolution: “Realizing the urgent need to include palliation across the continuum of care, especially at the primary care level, recognizing that inadequate integration of palliative care into health and social care systems is a major contributing factor to the lack of equitable access to such care”.

Regardless of how it is accomplished, there must be recognition that access to palliative care should be a fundamental right. The Council of Canadian with Disabilities and the Canadian Association for Community Living are preparing to file a constitutional challenge based on the exclusion of palliative care from the list of medically necessary insured services in the *Canada Health Act* which results in palliative care being neither reasonably accessible nor available on uniform terms and conditions to all Canadians.

The lack of access to quality palliative care was canvassed in the recent discourse on physician assisted dying. Indeed, research shows that one of the reasons given by those seeking assisted death was lack of alternative treatment and care options. The inadequacy of palliative care services was a factor in Canada’s mediocre ranking among high-income peers in the [Quality of Death Index 2015](#) published by the Economist Intelligence Unit which also found in its review of 80 countries that “National policies are vital for extending access to palliative care”. Canada’s overall ranking was 11<sup>th</sup>, a drop from 9<sup>th</sup> five years ago and 18<sup>th</sup> in palliative care access<sup>5</sup>.

In his book *Being Mortal*, writer and surgeon Atul Gawande writes: “Our ultimate goal, after all, is not a good death but a good life to the very end”. That is the promise of quality palliative care for any Canadian who needs it regardless of circumstance or geography.

*Quality of Life* is a collaboration of community based organizations who endorse this initiative calling for a legislated right to palliative care.

Respectfully submitted:

[Please attached list]

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<sup>4</sup> <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-52-41-1.html>

<sup>5</sup> <http://www.eiuperspectives.economist.com/healthcare/2015-quality-death-index>

Canadian Association for Community Living

Council of Canadian with Disabilities

National Pensioners Federation

Congress of Union Retirees of Canada

Canadian Society of Palliative Care Physicians

Palliative Care medical professionals and ethicists:

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Clinical Lecturer, John Dossetor Health Ethics Centre, University of Alberta

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Dr. Patrick R. Mayo, Clinical Practice Leader – palliative care, pharmacology

Dr. Linda Fong, MD, FCFP Hospice physician

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Dr. Tessa Van Rooi, MD CCFP Family doctor