



CFNU Canadian Federation of Nurses Unions

FCSII Fédération Canadienne Des Syndicats D'Infirmières/Infirmiers

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Rt. Hon. Paul Martin, MP
Prime Minister of Canada
House of Commons
Ottawa, Ontario K1A 0A6

Re: Your help requested against the intervention of prominent Liberals in support of an anti-Medicare case before the Supreme Court

Dear Mr. Prime Minister:

People become nurses to make a difference for patients. Nurses feel like they have had a good day when their patients do well; when they heal and can go home.

It's because of these values that we find the court case challenging Medicare so worrisome and the behavior of some prominent Liberal senators who support the challenge to be so shocking.

I'm writing to ask you to use your powers to prevent their stand against Canada's most prized institution.

A case to be heard by the Supreme Court on June 8th of this year challenges Medicare's constitutionality. The plaintiffs, a Quebec doctor and his patient, (Chaoulli and Zeliotis respectively) allege that the lack of timely access to provincially-insured health care services in combination with legislative restrictions to private care, violates Section 7 of the Charter. The argument was rejected by the courts at two levels in Quebec.

Waiting Times

Everyone is concerned about waiting times in our health care system. However, the responsible thing has been to engage governments to both reform the public, not-for-profit system and to better-fund it.

This court case would open the door to two-tiered medicine, pulling some of the best general practitioners and specialists out of the public system and into a more lucrative private-pay system. This would leave the public system with a host of problems which, in turn, create even more problems. For example, the public, not-for-profit system would have fewer doctors and longer line-ups, and more frustration for both public patients and the staff who remain.

Doctors are not the only resource the public system would be short of. When the upper and upper-middle class see (through TV advertisements) an alternative to the public system, they will no longer support it politically. This, of course, means that politicians will feel less and less pressure to support not-for-profit medicine. Meanwhile, working class and poor patients will face a declining quality of care as resources set aside for public health care dwindle.

It would also leave the middle-class with the choice of expensive private health insurance or long line ups.

Liberal Senators Michael Kirby, Catherine Callbeck, Joan Cook, Jane Cordy, Joyce Fairbairn, and Lucie Pepin who have intervened on behalf of the plaintiffs, believe that the remedy to the complaint is to permit private health care funding. They contend such a system will benefit not only those who can pay for private care, but also those who remain in the public system now subject to reduced demand. They also believe that "health care guarantees" would be sufficient to preserve the main features of the current system.

For the reasons noted above, these arguments appear to be willfully naive. Both the Romanow Commission and the National Forum on Health recommended rejecting arguments such as these. Furthermore, in 2002 the retired editor-in-chief of the *New England Journal of Medicine* Arnold Relman, MD, stated on the record to the Kirby committee, that "not one" article in a peer-reviewed journal has shown that for-profit medicine is cheaper, more efficient, or provides a better quality of care. Please note that no one on the committee, including doctors Wilbert Keon and Yves Morin, challenged Dr. Relman on this point either at the time nor in the committee report. So we wonder, where's the evidence?

Inappropriate action

But specious reasoning isn't the cause of this note. It is the inappropriateness of prominent Liberal senators like Michael Kirby acting on behalf of two-tiered medicine by intervening in this case before the Supreme Court of Canada.

The Liberal Party is officially against two-tiered medicine. Facing an election, Mr. Prime Minister, how will you explain the senators' behaviour? Senator Kirby sits on the board of Extencicare, a provider of for-profit long-term care. The public may wonder if a conflict of interest is what motivates the Liberal Senator's position. This could lead to other questions of conflict and remind people of the Gagliano affair.

Senator Kirby and chums are not only wrong on the substance of their position but the optics are inappropriate to any party who purports to support not-for-profit health care.

Please ask the senators to withdraw from the Chaoulli case.

Sincerely,



Linda Silas, RN BScN
President

Cc.: Liberal MP & Liberal Senators