

Canadian Healthcare Manager (October 2004) The Verdict on Medicare / Page 11

On September 29 the Hon. Mr. Justice Mosley of the federal court released his 27-page decision on the legal challenge laid at the feet of the federal minister of health.

Although the legal decision rejects the application by a coalition of public healthcare defenders, it does not dismiss their arguments about privatization, and now the ball is squarely in Parliament's court.

The applicants in the case are the Canadian Health Coalition, Canadian Federation of Nurses Unions, the Canadian Union of Public Employees, the Communication, Energy and Paperworkers Union of

Canada and the Council of Canadians. They claim that the federal minister of health has "abdicated his duty" to be accountable, says Michael McBane, national coordinator of the Canadian Health Coalition. The current minister has, among other things, failed to monitor the proliferation of private clinics by way of assessing whether they "threaten or violate" the Canada Health Act and the firm guarantee not to implement extra billing or user fees.

In 1979, Canadian Health Coalition (CHC) was established to protect and improve public healthcare in Canada, according to McBane. That same year, medical bills became a hot issue in Canada and, says McBane, CHC helped stem the tide of extra billing and user fees.

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CHC's grass-roots activism, augmented by that of other organizations and many private citizens, eventually led to the Canada Health Act in 1984, which outlawed extra billing and user fees and introduced five basic principles upon which Canadian medicare stands. They are: universality, public administration, portability, comprehensiveness, and accessibility.

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But the current minister of health is just one in a series of ministers who, according to McBane, have stood before Parliament at year's end and distributed annual reports that provide taxpayers with neither "substance" nor "meaningful" information.

If the country's past and present ministers of health have "turned a blind eye" to the proliferation of private facilities, McBane and CHC certainly have not.

McBane says that, in the federal courthouse that June day, he and fellow representatives for the five national organizations listened to federal lawyers state that the applicants had no "stake" in healthcare and therefore no "standing" in the courtroom. "Who do they think medicare belongs to?" McBane asks. Is the minister "above the law"?

McBane takes consolation from the new federal-provincial healthcare agreement, saying, "There is a lot more federal money, and there has to be a lot more federal scrutiny." He also believes that the minority government will have "less tolerance about being kept in the dark" and that the Opposition will be "hot" on the trail of accountability.

Indeed. By referring the matter back to Parliament, the judge has sent a "clear message," says Paul Moist, CUPE national president. "Now it's time for accurate reporting and active enforcement."