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Chaoulli ruling not a license to privatize

Governments must act to protect public health care

OTTAWA – Today’s Supreme Court ruling on private health care, while applying only to Quebec, highlights the urgent need for all governments to move swiftly and decisively to strengthen public health care.

“This ruling, while disappointing, is far from a license to privatize,” said CUPE National President Paul Moist. “It is a reminder that if public health care is properly managed and administered, bans on private health care can withstand a Charter challenge.”

“If the government of Quebec had better funded and managed its public health care system, avoiding the long waiting lists at the root of this case, the majority of judges would not have ruled Quebec’s ban on private insurance violated the province’s Charter,” Moist added.

Moist says the court’s three dissenting judges highlight a critical point: that courts are “not well placed to perform the required surgery” to fix public health care. Instead, those remedies are best left to the arena of political debate and public policy – where significant steps have been taken since Dr. Jacques Chaoulli and his patient George Zeliotis first launched their case in 1997.

“All governments must continue that work of ensuring their public health care systems meet a high standard, one that meets the needs of all Canadians – not just a wealthy elite,” Moist said.

The Supreme Court justices were deeply split in this case. The slim majority making the ruling ignored a large body of evidence about the dangers of private care. Their ruling also flies in the face of values about health care shared by the majority of Canadians, values clearly articulated in the broad-based consultations of the Romanow Commission.

“Working people and their allies in Quebec will be pressing Premier Jean Charest in the strongest possible terms to get the province’s public system working more effectively. For-profit care is not the cure for wait lists and staffing shortages. Public health care needs a shot in the arm so it can continue providing universally accessible care that is available no matter how much you make or where you live,” concluded Moist.

CUPE, Canada’s largest union, represents front-line workers in the health care system across the country, including cleaning and nutrition staff, licensed practical nurses and technicians.

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