

November 21, 2002

**The Honourable Anne McLellan
Minister of Health
Brooke Claxton Building
Tunney's Pasture
Address Locator 0916A
OTTAWA, ON K1A 0K9**

Dear Minister,

We are writing, on behalf of the Canadian Union of Public Employees, the Council of Canadians, the Canadian Health Coalition, the Canadian Federation of Nurses Unions and the Communications, Energy and Paperworkers Union of Canada, to advise that we have retained counsel to initiate legal proceedings concerning your failure to comply with the requirements of the Canada Health Act.

We have decided on this course of action only after repeated and less formal efforts failed to persuade you and your officials of the need for concerted action to defend our public health care system.

Not-for-profit health care is under unprecedented attack. It is clear that certain provinces are taking advantage of the hiatus in federal health care policy to accelerate their efforts to undermine our public system. With plans to establish for-profit hospitals and clinics underway in several provinces, the privatization of health services has now reached epidemic proportions.

Unfortunately, not only have you failed to defend the public system against these incursions, you have yet to even speak out clearly against them. In fact, your government's failure to respond decisively to this challenge reflects a general neglect of the entire system.

In addition to the problem of chronic under-funding, the Auditor General has recently, and for the second time in recent years, documented the failure of Health Canada and its Ministers to comply with, and take adequate steps to enforce, the requirements of the Canada Health Act.

Yet, when we met with senior Health Canada officials soon after the Auditor General released her highly critical report, they were adamant that no further steps were necessary to address the deficiencies she had documented.

We appreciate that Mr. Romanow is scheduled to report next week. The thrust of his proposed reforms will surely be to build on, not detract from the current framework of public health care. The need for expanding the current framework cannot be an excuse for further delaying the action urgently needed to preserve the foundations of public health care which must support future reform.

In fact, continued neglect of the public system may result in it being so fundamentally undermined that the prospects for progressive reform will become academic.

This risk is particularly acute in light of Canada's international trade obligations, which prevent it from retracing its steps if public services are abandoned to for-profit providers and foreign investors.

To compound this problem, your government appears determined to forge ahead with its trade agenda, whatever the impact on Canadian health care.

In this context, the consequences of proceeding further along the path of privatization, may prove fatal to not-for-profit public health care.

We are committed to doing everything in our power to defend the integrity of Canada's most important social program. But our efforts, overwhelming public support for a strong public system, and repeated criticisms by the Auditor General have failed to convince you of the need to comply with both the spirit and the letter of the Canada Health Act.

Accordingly, we have decided to take the next step, which is to seek a judicial order requiring that you do so.

We have attached a memorandum setting out our concerns in more detail. You will be familiar with most of these. We have also identified ten specific actions urgently needed to restore Canada's public health care system to good health.

We urge you to quickly develop a plan for putting them into place.

Sincerely,

JUDY DARCY
National President
Canadian Union of Public Employees

MICHAEL MCBANE
National Coordinator
Canadian Health Coalition

MAUDE BARLOW
National Chairperson
Council of Canadians

KATHLEEN CONNORS
President
Canadian Federation of Nurses Unions

BRIAN PAYNE
President
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