

Letter to Provincial and Territorial Ministers from Minister Qualtrough and Minister Hajdu – April 14, 2020

Dear Minister:

We are writing to draw your attention to specific challenges being experienced, as well as concerns being raised by Canadians with a disability, with respect to our public health care system in this time of COVID-19 pandemic. We know you would agree that persons with disabilities are particularly vulnerable and have unique needs as we go through this public health crisis, and we are sincerely grateful to provincial and territorial governments for your equal commitment to disability inclusion.

While provincial and territorial governments have been leading preparations for health care organizations to respond to the COVID-19 pandemic, we are taking this opportunity to share legitimate concerns that have been brought to our attention.

From the onset, we have been considering the interests and needs of persons with disabilities in our decisions and measures adopted in response to the pandemic. We do this by putting a disability lens on decision-making, namely ensuring that our actions are based on the *Canadian Charter of Rights and Freedoms* and on Canada's international human rights obligations, including those under the United Nations *Convention on the Rights of Persons with Disabilities*, and consulting national disability organizations, stakeholders and other levels of government.

Despite our collective efforts, persons with disabilities across the country are worried and expressing that their unique needs are not being taken into consideration, and that they are not being treated equitably. To this end, we have recently established a COVID-19 Disability Advisory Group comprised of experts in disability inclusion. This group will provide advice on the lived experiences of persons with disabilities during this crisis; disability-specific issues; challenges and systemic gaps; and strategies, measures and steps to be taken in response.

Along this vein, we wish to draw your attention to the following four issues that have been brought to the attention of our government regarding the equitable and accessible provision of medical treatment and care for persons with disabilities in this time of pandemic response:

1. considering disability-specific prevention strategies;
2. working with hospitals to make an exception to any blanket prohibition of visitors when a person with a disability requires assistance with vital services like communication, caregiving or supported decision-making;
3. ensuring COVID-19 testing sites are accessible; and
4. addressing concerns that triage guidelines will deny people with disabilities care.

With respect to this last issue, you will find attached a letter that the Prime Minister and selected ministers have received this week from 61 disability organizations, expressing their concerns regarding the planning that is underway in acute care settings to deal with a potential scenario in which available health care resources are inadequate to meet needs related to COVID-19.

More specifically, these organizations are calling on governments to ensure that guidelines for the provision of health care in such a scenario respect the human rights of all persons, including persons with disabilities.

We know that Canadian health care practitioners, who are on the front lines in this pandemic, are governed by a professional code of ethics that requires them to treat their patients with dignity, respect the equal and intrinsic worth of all persons, and never participate in or support practices that violate basic human rights.

This letter is an important reminder to all of us that guidance developed by health authorities should take into account the specific needs and situations of all vulnerable populations, especially persons with disabilities. We are further reminded to take a rights-based approach to all the work we do, including with guidelines and protocols, to ensure equal and safe access to health care for all Canadians.

We appreciate your support in sharing this perspective with officials within your jurisdiction. We are closely monitoring the implications of the pandemic for persons with disabilities and look forward to our ongoing discussions with you as the pandemic evolves.

Yours sincerely,

The Honourable Carla Qualtrough, P.C., M.P.
Minister of Employment, Workforce
Development and Disability Inclusion

The Honourable Patty Hajdu, P.C., M.P.
Minister of Health

April 7th, 2020

The Right Honourable Justin Trudeau, P.C., M.P. Prime Minister of Canada Office of the Prime Minister Ottawa, ON K1A 0A2

The Honourable Patti Hajdu, P.C., M.P. Minister of Health House of Commons Ottawa, ON K1A 0A6

The Honourable Carla Qualtrough, P.C., M.P. Minister of Employment, Workforce Development & Disability Inclusion House of Commons Ottawa, ON K1A 0A6 All

Provincial and Territorial Premiers, and All Provincial and Territorial Ministers of Health

Dear Prime Minister Trudeau, Hon. Ministers Hajdu and Qualtrough, Provincial and Territorial Premiers, and Provincial and Territorial Ministers of Health,

RE: COVID-19 Triage Protocols & the Rights of People with Disabilities.

As COVID-19 spreads across our communities, medical resources are being overwhelmed. Consequently, healthcare providers are preparing to **implement triage systems to prioritize the provision of care**. In fact, we are already seeing such triage systems being implemented in some jurisdictions. Decisions are being made about who will get access, who will live, and who is likely going to die.

These are impossibly difficult decisions, but they will be and must be made.

People with disabilities and Deaf people are at special risk – some are vulnerable to COVID-19, and all are vulnerable to discriminatory triaging.

Organizations representing and supporting people with disabilities, Deaf people, and their families, know that disability itself is already being used as an indicator in deciding who will gain access to needed health care, and who will not. Many people with disabilities and Deaf people fear for their lives. These practices must be stopped immediately.

We urgently need rights-based, non-discriminatory guidelines for provision of health care in this pandemic.

We are calling on the federal Minister of Health and her provincial/territorial counterparts, as well as health care regulators to take urgent action in issuing guidance about triaging health care. That guidance must be grounded in the rights recognized in the Canadian *Charter of Rights and Freedoms* and the UN *Convention on the Rights of Persons with Disabilities* that recognize the equal right to life and to equal benefit of the law, without discrimination based on disability.

Guidance to health care providers must respect the human rights of all people, including persons with disabilities and provide that:

1. Assumptions about the current or future quality of life a person with a disability, are not a valid reason to deny access to health care for COVID-19.

2. Existing disability-related conditions unrelated to the chance to benefit from treatment must not play any part in decisions about access to health care.
3. The need for and use of disability-related supports and anticipated future costs of those supports must not play any role in assessing for access to treatment.
4. A person's need for support to make health care decisions must not be used as a reason to limit or deny access to needed treatment.
5. Guidelines for assessing, providing, and evaluating health care must be developed with organizations of people with disabilities and their families.
6. The assessment, provision, and evaluation of health care must be conducted with full accessibility and equality of communication, including the provision of qualified professional Sign language interpreters for people who are Deaf and Deaf-blind.

We, the undersigned Canadian disability rights organizations, Deaf organizations and supporters, urge the Canadian federal government to urgently recommend that all provinces and territories integrate these guidelines into their policies for providing medical treatment during the COVID-19 pandemic.

Abilities Centre
Ability New Brunswick
Ability Online
Accessible Okanagan
Active Living Alliance for Canadians with a Disability
Alliance for Equality of Blind Canadians
Barrier Free Canada
Brain Injury Canada
Breaking Down Barriers
British Columbia Aboriginal Network on Disability Society
British Columbia Parents of Complex Kids
Canadian Association for Community Living / Association canadienne pour l'intégration communautaire
Canadian Association of Social Workers
Canadian Association of the Deaf – Association des Sourds du Canada
Canadian Autism Spectrum Disorders Association
Canadian Council for Rehabilitation and Work
Canadian Council of the Blind
Canadian Disability Participation Project
Canadian Disability Policy Alliance
Canadian Down Syndrome Society
Canadian Hard of Hearing Association
Canadian Labour Congress
Canadian Paraplegic Association (Nova Scotia)
Canadian Spinal Research Organization
Canadian Union of Public Employees
CNIB Foundation
Council of Canadians with Disabilities

Communication Disabilities Access Canada
David Shannon Law Office
DeafBlind Ontario Services
Deafness Advocacy Association Nova Scotia
Deaf Literacy Initiative
Deaf Wireless Canada Consultative Committee - Comité pour les Services Sans fil des
Sourds du Canada
DisAbled Women's Network of Canada / Réseau d'Action des Femmes Handicapées du
Canada (DAWN-RAFH Canada)
Easter Seals Canada
Empower, The Disability Resource Centre
Every Canadian Counts Coalition
Inclusive Design Research Centre, OCAD University
Independent Living Canada
March of Dimes Canada
Moelle épinière et motricité Quebec
Multiple Sclerosis Society of Canada
Muscular Dystrophy Canada
National Educational Association of Disabled Students
Neil Squire Society
Ontario Brain Injury Association
Ontario Disability Employment Network
People First of Canada
Public Service Alliance of Canada
Resource Centre for Independent Living
Rick Hansen Foundation
Rocky Mountain Adaptive
Share Community Program
South Saskatchewan Independent Living Centre
Spinal Cord Injury Alberta
Spinal Cord Injury British Columbia
Spinal Cord Injury Canada
Spinal Cord Injury Manitoba
Spinal Cord Injury Newfoundland and Labrador
Spinal Cord Injury Ontario
Spinal Cord Injury Prince Edward Island
Spinal Cord Injury Saskatchewan
Victoria Disability Resource Centre