



## NEWS RELEASE

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### **FAMILY ALLIANCE ONTARIO AGAIN DEMANDS THE ONTARIO GOVERNMENT ACT TO PROTECT PEOPLE WITH DISABILITIES FROM DISCRIMINATION IN ALL COVID-19 POLICIES AND DIRECTIVES**

Family Alliance Ontario is outraged at the discriminatory criteria outlined in the current triage protocol, despite continued advocacy from many disability organizations, human rights groups and advocates for more than a year. We thank the Accessibility for Ontarians with Disabilities Act Alliance, ARCH Disability Law Centre and family networks across Ontario for continuing to bring this protocol to the public's attention. We also wish to thank those doctors and bio-ethicists who have spoken out publicly against this problematic triage protocol.

The Government of Ontario's written directions to Ontario hospitals-[\*\*ADULT CRITICAL CARE CLINICAL EMERGENCY STANDARD OF CARE FOR MAJOR SURGE\*\*](#) released January 13, 2021, puts people with disabilities at risk of discriminatory practices that could result in personal harm or death.

Family Alliance Ontario continues to have deep concerns about the extent to which this government triage plan appears to be in contravention of the Canadian Charter of Rights, the Ontario Human Rights Code, and the Criminal Code of Canada, and that it does so in a manner that has particularly disproportionate risks for people with disabilities.

Despite the Guiding Principle of Respect for Autonomy, referenced in Section 1.1 of the government's triage plan, Family Alliance Ontario is also gravely concerned about the impact the government restrictions on access to family or other Essential Support Person(s) during Covid-19 have had for people with disabilities.

Additionally, we wish to draw specific attention to concerns related to Section 1.2 Prohibitions in Critical Care Triage. This section describes what **MUST NOT** be considered in establishing triage decisions, but this identified set of considerations are easily negated by tools such as the Clinical Frailty Scale used to assess Short-Term Mortality Risk. Of note is the risk that this tool allows a distinct bias against disability to seep into the assessment and subsequent decision of the person completing it.

Family Alliance Ontario is calling on the Ontario Government to immediately rescind the current ***ADULT CRITICAL CARE CLINICAL EMERGENCY STANDARD OF CARE FOR MAJOR SURGE*** and to ensure that disability **will not** be used to deny people access to care during instances of over-capacity in hospitals across Ontario during Covid-19 or at any other time.

Further, Family Alliance Ontario is calling on the government to:

- Uphold the current law and ensure that doctors will not be permitted to remove or withdraw life-saving critical care from a patient already receiving it, without that patient's consent or that of their essential support person.
- Immediately make public the current version of the critical care triage protocol, all reports and recommendations regarding critical care triage by its external Bioethics Table since September 11, 2020, the Government's plan of action for rolling out critical care triage if needed, and the content and results of drills or simulations of critical care triage held at any Ontario hospitals.
- Remove unlawful discrimination, including disability discrimination, from the January 13, 2021 Critical Care Triage Protocol.
- Not give carte-blanche indemnification to doctors and hospitals; nor should the College of Physicians and Surgeons of Ontario give doctors a regulatory free pass if they rely on disability-discriminatory directions.
- Ensure that Ontario's critical care triage plan and protocol with the removal of any disability discriminatory processes/practices is properly prescribed by law, by introducing legislation on critical care triage for debate in the Legislature, rather than dealing with it by an internal memo to hospitals.

Finally, Family Alliance Ontario continues to call on the Ontario government to immediately issue a province-wide directive to ensure that people with disabilities have access to their Essential Support Person(s) **at all times** despite COVID "visitor" restrictions.