

LAW AND DISORDER

CONSERVATIVE ACTIVISTS WANT COURTS TO STRIKE DOWN PUBLIC HEALTH CARE

by Guy Caron

For 40 years, conservative forces have tried – and failed – to convince Canadians that public health care is inefficient and unfair. Now they are attempting a new strategy: trying to win in the courts what they can't win in public opinion.

Private health care promoters and anti-medicare activists are now trumpeting the “courage” of businessmen like William Murray, who is suing the Alberta government for refusing to pay for his state-of-the-art “Birmingham Hip” after medical professionals decided he was not a good candidate for the procedure. They're also supporting Lindsay McCreith, who is challenging the Ontario government for refusing to reimburse US\$27,600 he racked up while going to Buffalo for an MRI and brain tumour surgery. By McCreith's own admission, he visited a public hospital only once before hooking up with a private, for-profit company. Now he's arguing that Ontario taxpayers should foot the health care bill he incurred.

The Canadian Constitution Foundation, an organization that openly seeks to use the Charter of Rights to strike down Canada's so-called “medicare monopoly,” is funding both Murray and McCreith's legal challenges.

These two court challenges are thinly disguised attempts to wedge the door open for further privatization of health care in Canada. Both Murray and McCreith were wealthy enough to pay significant sums of money to access quicker treatment. Now they are asking taxpayers to foot the bill, even though they voluntarily forked out the cash to jump ahead of the queue. And like Quebec businessman Jacques Chaoulli, they are using the court system to try to change government policy to suit their interests.

AGAINST DOCTOR'S ADVICE

In a recent (and less publicized) judgment, the Ontario Divisional Court ruled that Adolfo Flora, a 57-year-old retired teacher, will have to cover the cost of the \$450,000 he spent for a liver transplant in England. He tried to get the procedure reimbursed by the Ontario Health Insurance Plan, which

initially refused to pay because two Ontario transplant centres said that Flora was an unsuitable candidate for the procedure.

It is likely that this decision will be appealed, just as Quebec's various court rulings against Jacques Chaoulli were. But it goes to show that most provincial courts, just like the Supreme Court in the Chaoulli case, are not buying the argument that preventing a wealthy individual from jumping the queue constitutes a violation of life, liberty and security of the person as defined in Section 7 of the Charter.

Still, we need to stay vigilant as these court challenges progress, because the Canadian Constitution Foundation is intent on using its money to fund cases that threaten Canada's universal public health care system.

Visit www.profitisnotthecure.ca, for more information on what you can do to protect public health care in Canada.

Guy Caron is the Council of Canadians' Health Care Campaigner.

COUNCIL ACTIVISTS TELL THE B.C. GOVERNMENT THAT PROFIT IS NOT THE CURE

With the B.C. government's health care consultation process wrapping up in July, the Ministry of Health will be hard pressed to say that citizens don't support public health care. Launched in early February, the Conversation on Health visited 16 communities in B.C. to discuss citizens' perspectives on public health care.

From the outset, many British Columbians were suspicious that the “conversations” were a part of a public relations campaign to bolster the provincial government's privatization agenda and legitimize politicians' claims that public health care spending is “unsustainable.”

But thanks to dedicated Council of Canadians chapter members, the Campbell government heard the

message loud and clear that public health care needs to be protected and expanded in B.C. In 14 communities across the province, chapter activists joined with members of the B.C. Health Coalition to speak against for-profit health care, and spread the message that citizens deserve a say in the future of our health care system.

– Carleen Pickard, B.C./Yukon Regional Organizer