

Physicians Rise Up Against Refugee Health Care Cuts

Philip Berger, MD, Medical Director, Inner City Health Program, St. Michael's Hospital
 Co-founder, Canadian Doctors for Refugee Care
 Associate Professor, Faculty of Medicine, University of Toronto



Dr. Philip Berger

In April 2012 the then federal Conservative Government issued an Order in Council which when executed on June 30, 2012, drastically reduced health care coverage under the Interim Federal Health Program (IFHP) for refugees and refugee claimants. The purported reason for the cuts was to achieve equity between health care available to refugees (labeled as “gold plated” health care by the Government) and ordinary Canadians.

Since 1957, when the IFHP was established, refugees had received no greater coverage than Canadians on social assistance. After June 30, 2012, some refugees, lawfully within our borders and awaiting their refugee determination hearings, were provided no coverage for heart attacks, other medical emergencies and pregnancy - “None” was the word used in the document posted (and quickly taken down) on the Government website entitled “Interim Federal Health Program Reform: Examples of Coverage for Selected Conditions”.

On May 11, 2012, ninety physicians occupied Minister Joe Oliver’s constituency office in the first of many protests to focus attention on the cuts*. In June 2012 Canadian Doctors for Refugee Care (CDRC) was constituted and its sole objective was to pressure the Government to reverse the cuts. On June 18, 2012, CDRC held its first of four annual National Days of Action and over the summer of 2012, physicians across Canada disrupted 20 Cabinet Minister announcements to protest the cuts. In 2013 the University of Toronto Faculty of Medicine, in a historic decision, released all trainees from their usual academic and clinical responsibilities so that trainees could have the choice of attending the National Day of Action.

From the start, CDRC had unknowingly been acting on a contemporaneous May 24, 2012, Harvard medical school convocation address entitled “To Isaiah” in which the speaker, with regard to justice in health care and way beyond, admonished the graduates to “use (their) voice”, “and your voice – every one – can be loud, and forceful and confident, and your voice will be trusted”.¹ The CDRC’s activities and voice were not limited to street protests. CDRC spokespersons conducted hundreds of interviews, published op-eds and letters

to the editors in major newspapers, gave dozens of lectures and seminars at universities and hospitals across the country, and engaged with the two major federal opposition parties. CDRC also secured the endorsement of 50 leading Canadian artists and writers who issued a public statement calling for the rescinding of the cuts.

The CDRC received editorial support from leading newspapers^{2,3,4} and over 20 national health organizations including the Canadian Medical Association. The Canadian Medical Association Journal published a strong editorial calling for the restoration of health care for refugees.⁵ CDRC succeeded at least in inserting the issue of refugee health cuts into the national political discourse.

CDRC used its professional and academic expertise to establish a national system for monitoring the effects of the cuts, called Refugee Health Outcome Monitoring and Evaluation System (RefugeeHOMES). Health care professionals reported anonymized cases of denial of care to refugees and its consequences. Medical students and residents tackled the issue of refugee health cuts in academic projects, and CDRC members published peer reviewed articles on the effect of the cuts, the most prominent being a study on refugee patients attending the Hospital for Sick Children.⁶

The federal Conservative Government’s response to both the CDRC and the national health associations was less than courteous. The former Minister of Citizenship and Immigration, Jason Kenney, failed to acknowledge three letters of concern written in 2012 by eight organizations including the Canadian Medical Association, the Canadian Nurses Association and the Canadian College of Family Physicians. The Government was silent on a confidential CDRC proposal submitted twice to the Government in the fall of 2012 and in which the Government’s alleged concern about equity was met head on. Government officials publicly accused the CDRC of “fabricating” the facts of cases of denial of care to refugees. Former Minister Kenney referred to the CDRC as “militant leftists” and “hard – core pressure group(s)”, and charged the CDRC with conducting “an ongoing ideological campaign”. Finally, on March 29, 2015, the Toronto Star reported that the central Government Operations Centre which co-ordinates the federal government’s response to national emergencies and natural disasters received information on the government’s monitoring of CDRC’s third National Day of Action. The Conservative government viewed the CDRC as a threat to national safety and security just for speaking out on the consequences of the cuts.

The CDRC joined as a co-litigant in the February 2013 Charter of Rights and Freedoms challenge to the IFHP cuts in the Federal Court of Canada. CDRC members provided

Corresponding Author:
 Philip Berger
 30 Bond Street, Toronto, ON, M5B 1W8
 BergerP@smh.ca

ongoing guidance in the development of the case and were expert witnesses at the hearing. A decision on the Charter challenge was released on July 4, 2014, by the Honorable Madam Justice Mactavish of the Federal Court. The decision represented a total vindication of the CDRC as every argument put forward by the Government was refuted and done so in language stronger than the CDRC had ever used. Justice Mactavish, in a scathing judgment, found that the “Canadian government has intentionally set out to make the lives of these disadvantaged individuals even more difficult than they already are in an effort to force those who have sought the protection of this country to leave Canada more quickly, and to deter others from coming here”. She also ruled, “the 2012 modifications to the Interim Federal Health Program potentially jeopardize the health, the safety and indeed the very lives, of these innocent and vulnerable children in a manner that shocks the conscience and outrages our standards of decency”. Justice Mactavish found that the OIC and cuts violated both Sections 12 and 15 of the Charter, and ruled the OIC unconstitutional. The federal Government within hours announced that it would appeal the decision, and in October 2014 unsuccessfully sought to have the decision stayed at the Federal Court of Appeal. The Government partially restored coverage for refugee claimants but did not fully comply with Justice Mactavish’s ruling.

On November 7, 2015, John McCallum, the new Liberal Minister of Immigration, Refugees and Citizenship an-

nounced, “...within a matter of months, we will fully restore health care for refugees”. It appears that the three and a half year fight is over. Perhaps the biblical Isaiah said it best: “Learn to do right; seek justice. Defend the oppressed. Take up the cause of the fatherless; plead the case of the widow.” (Isaiah 1:17).

Footnotes

*90 Canadian Physicians protest dangerous cuts to Refugee Health Care at MP Joe Oliver’s office.

<http://www.youtube.com/watch?v=RiNDtUaNudk>

References

1. Berwick, DM. A piece of my mind. To Isaiah. JAMA. 2012 Jun;307(24):2557-9.
2. Dissenting doctors do Canada proud. Calgary Herald. 2012 Jul 9.
3. A Toronto doctor saves a refugee’s eyesight, but what about the others? Toronto Star [Internet]. 2012 Aug 22 [cited 2015 Nov 14];Editorial:[about 1 p.]. Available from: http://www.thestar.com/opinion/editorials/2012/08/22/a_toronto_doctor_saves_a_refugees_eyesight_but_what_about_others.html.
4. Amid Kenney’s worthy reforms, a misstep on refugees’ health. Globe and Mail [Internet]. 2012 Aug 23. [cited 2015 Nov 14];Editorial:[about 1 p.]. Available from: <http://www.theglobeandmail.com/globe-debate/editorials/amid-kenneys-worthy-reforms-a-misstep-on-refugees-health/article4496184/>.
5. Stanbrook, MB. Canada owes refugees adequate health coverage CMAJ. 2014 Feb;186(2):91.
6. Evans, A, Caudarella, A, Ratnapalan, S, Chan, K (2014) The Cost and Impact of the Interim Federal Health Program Cuts on Child Refugees in Canada. PLoS ONE. 2014 May;9(5):e96902.

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