



Protection of Conscience Project

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Conscience, euthanasia and assisted suicide in Manitoba

The Medical Assistance in Dying (Protection for Health Professionals and Others) Act

Sean Murphy, Administrator
Protection of Conscience Project

Manitoba is the only Canadian province with a stand-alone statute that protects health care professionals who refuse to provide services: the *Medical Assistance in Dying (Protection for Health Professionals and Others) Act* (MAiD Act).¹

The *MAiD Act* is a procedure-specific law applying only to euthanasia and assisted suicide. It protects all regulated professionals who refuse to provide or “aid in the provision” of the procedures on the basis of personal convictions from professional disciplinary proceedings and adverse employment consequences because they have refused. They remain liable for other misconduct in relation to the refusal.

“Aid in the provision” is not defined. A narrow reading could limit protection against coercion to acts closely associated with the administration of a lethal substance, like inserting an IV line or dispensing lethal drugs. A broad reading could extend it to include facilitation by referral or other means. However, based on the *Janaway*² and *Doogan*³ cases in the United Kingdom (in which the key term, “participate,” was restricted to “hands on” activity), a narrow reading of “aid in the provision” is possible.

Professional obligations in relation to refusal are untouched by the law. Regulators remain free to specify obligations that do not prevent or conflict with refusal to provide or aid in the provision of euthanasia and assisted suicide. Based on a narrow interpretation of “aid,” this could include facilitation by referral to an EAS practitioner. This would be unacceptable to objecting professionals who consider that to entail complicity in killing patients.



Notes

1. *Medical Assistance in Dying (Protection for Health Professionals and Others) Act*, CCSM c M92, online: <http://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=m92>.
2. *R v Salford Health Authority, Ex p Janaway* [1989] AC 537, online: <<http://www.bailii.org/uk/cases/UKHL/1988/17.html>>.
3. *Greater Glasgow Health Board (Appellant) v Doogan and another (Respondents) (Scotland)* [2014] UKSC 68 at para 37—38, online: <<https://www.supremecourt.uk/cases/docs/uksc-2013-0124-judgment.pdf#page=16>>