



OMA Initiates Charter Challenge

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The OMA Board of Directors has unanimously endorsed initiating a constitutional challenge under the Canadian Charter of Rights and Freedoms against the Government of Ontario.

On Tuesday, your OMA leadership met with Minister Hoskins and his senior staff. We requested this meeting on an urgent basis following months of attempts by the OMA to prevent further unilateral action and obtain the Government's agreement to a binding dispute resolution process. The purpose of the meeting was to give the Government a final opportunity to recognize that its current course of action is improper and places Ontario's quality, patient-focused care at risk.

Unfortunately, the meeting with Minister Hoskins resolved nothing. Importantly, the Government refused yet again to agree to a binding dispute resolution process.

As it stands, the Government of Ontario has unilaterally imposed a series of destabilizing cuts to medical services and repeatedly denied our request for binding arbitration. This state of affairs is a result of the significant power imbalance that exists between the Government and OMA. Unless this imbalance is corrected, the Government will continue to adopt unreasonable bargaining positions and take unilateral action in its dealings with the OMA.

Ontario physicians have a constitutional right to a binding dispute resolution mechanism over physician services funding and related accountabilities. This mechanism will help correct the immediate impasse, provide stability for the relationship between physicians and the Government going forward, and ultimately allow doctors to continue to deliver high-quality patient focused care. That is why the OMA is launching a Charter challenge.

In the Charter challenge, which will be filed next week, the OMA will ask the Ontario Superior Court of Justice to strike down the Ministry's unilateral action and find that a binding dispute resolution process must be established to resolve future bargaining disputes between the OMA and the Ministry. We'll provide regular updates to members about the legal process and our case as documents are submitted.

Yesterday, the Minister of Health announced a task force to make recommendations for improving and funding physician services. The OMA will participate, and believes it should be a future-oriented task force designed to study the long-term sustainability of Ontario's health care system, including systemic changes necessary to ensure the system's ability to deliver the quality care Ontarians deserve well into the future. We are participating in this task force because we believe it is our responsibility to find both immediate and long-term solutions to protect quality, patient-focused care.

It should be noted that following Tuesday's meeting, Minister Hoskins released a statement that the OMA does not want to come back to the table to negotiate and that we have not responded to several proposals from the government. This portrayal is inaccurate and reflects a continuing pattern of Government misrepresenting the facts. We will continue to correct misrepresentations by Government, both in the media and in the courts.

The OMA commends all members who are constructively advancing physicians' concerns for our patients and the future of the provincial health care system. More than 1,600 members have accessed the OMA Petition (<https://www.cma.org/Resources/Pages/Petition.aspx>) in the last two days. Additional tools and resources will be announced shortly.

Ontario's doctors are committed to providing high-quality, patient-focused care. That is why we will continue to press forward with our multi-pronged, evidence-based campaign to raise awareness about the impacts of government's unilateral actions and our work toward a resolution.

Key Messages

"Ontario's doctors remain committed to protecting the quality, patient-focused care Ontario's families deserve, and with that in mind we have decided to move forward with a Charter Challenge. We need to get back to the table for a fair agreement that serves this province appropriately."

"The OMA had no other choice but to proceed with a Charter Challenge at this time but remains willing to meet with the Ministry to discuss a binding dispute resolution mechanism."

"The nearly 7% in unilateral cuts since February to physician services expenditures, which cover all the care doctors provide to patients, is simply not sustainable. By further cutting necessary funding for physician services, the government is threatening access to the quality, patient-focused care Ontarians need and expect."

"We know that decisions Ontario makes today will impact patients' access to quality care in the years to come. We need to examine the long-term sustainability of the system in a much larger way so that we can ensure that patients will have access to the care they need and deserve not just now, but well into the future."

Dr. Mike Toth
OMA President

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