

## Petition – Human Rights and Quebec’s Triage Protocol

As traumas surround us, so does the virus that continues to rage. Let's stay focused on the disease, the virus, and not the deficit or political grandstanding about a Covid Parliament. While some policies must be addressed (for sure) there are concerns about losing the focus of the pandemic itself. I shudder to think of the second wave.

The Legault government had an "ethics committee" examine for the second wave, what would happen if we lost the capacity of our hospitals for all who need to be treated in ICUs? They came out with a "Triage Protocol" and recommendations to determine who would receive urgent health care in ICUs and who would be left to perish. The vulnerable sick, those with Parkinson's, the old, the disabled would need to be forsaken in their recommendations. A hierarchy is established of who can and who cannot be provided health care in the ICUs. The Quebec govt's "triage protocol" in a health emergency reminds us of what happened in hospitals in Germany in the 1930s under Nazi rule. The elderly, the disabled in hospitals and those acutely ill were abandoned and were left to die. A Nazi policy that grew into the Final Solution against Jews and others by the 1940s. The Quebec govt has sent their Triage Protocol to all health professionals/doctors in hospitals across Quebec.

The Quebec "**Public Intellectual Disability Society**" opposes the recommendations of the Quebec govts report. Please sign this important petition below. The question of who lives and who dies is not a discussion that should be held in closed meetings with no public consultation. The proposed Triage Protocol seeks to establish a protocol of who is more important to save. The list places disabled people and others at the bottom of their hierarchy. I have cribbed as much as possible from the Public Intellectual Disability Society's special "Triage" website and notes.

"You should be concerned about the Triage Protocol for Access to Intensive Care (adults and pediatrics) and the Allocation of Resources, such as Respirators, in an Extreme Pandemic Situation, currently distributed to health professionals across the province of Quebec.

According to this document, the presence of certain medical and social conditions (including disability) in a patient makes him de facto ineligible for intensive care, without any need for a more thorough evaluation by a triage committee. Among the specific conditions targeted are "severe cognitive impairment (total inability to carry out activities of daily living and domestic life independently) due to progressive illness", as well as neuromuscular diseases, such as Parkinson's and amyotrophic lateral sclerosis.

These exclusion criteria fail to respect the fundamental rights guaranteed by the Charter of Human Rights and Freedoms, the Canadian Charter of Rights and Freedoms and the Convention on the Rights of Persons with Disabilities. They are based on discriminatory biases that a specific disability necessarily indicates a poor prognosis for short-term survival. In addition, they leave the door wide open to misinterpretation by medical personnel not to mention clinically unjustified and abusive decisions.

Any exclusion criterion based on the assessment of an individual's functional autonomy, their ability to dress and eat alone, to move around without help, and then to conclude whether or not

they may be entitled to care necessary for its survival, poses important ethical and legal dilemmas. Whether they are made in the context of a health emergency or not, clinical decisions should never be based on judgments on the social utility value of an individual with a disability or prejudices about their poor quality of life. As the United Nations points out, "[t]he scarcity of resources [...] should never justify discrimination against certain groups of patients".

In addition, certain clinical evaluation tools, like the "Clinical Frailty Score" which appears in the protocol as an exclusion criterion, are not suitable for people with disabilities and are likely to disqualify them without grounds during the triage process. For example, a patient who is incapable of articulating words intelligibly or who has a motor impairment due to a pre-existing disability will obtain an excessively high frailty score. This does not reflect a low probability of survival.

Finally, the fact that a person living with a specific condition may require certain adaptation measures during or after treatment in the intensive care unit, such as a longer period of time to be weaned from the ventilator, does not constitute an admissible basis for being excluded. On the contrary, the duty to accommodate described in the Charter of Human Rights and Freedoms and the Canadian Charter of Rights and Freedoms requires that a person be provided with a certain level of additional care so that they may have a fair chance at survival. A person with a disability should not be penalized for disabilities that require the allocation of more resources to achieve a result similar to that of a person with no disability.

In recent weeks, several countries have removed disability-related exclusion criteria from their protocols after being found to be discriminatory. Therefore, I ask you to act and revise without delay the ***Triage Protocol for Access to Intensive Care (adults and pediatrics) and the Allocation of Resources, such as Respirators, in an Extreme Pandemic Situation*** so that it conforms to the pertinent laws and principles of human rights."

The petition is good for those of us in Quebec, but can also be used/signed for those living outside the province. If you are concerned about the rights of the disabled and those with frail health conditions (the elderly, the poor) then consider signing this petition.

Maria Peluso, VP Government Affairs,

<https://triage.quebec/en/sign-the-petition/>