

OPEN LETTER: Ontario's COVID-19 Triage Protocol

April 8, 2020

Hon. Doug Ford, Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Hon. Christine Elliott, Deputy Premier and Minister of Health of Ontario
College Park 5th Floor,
777 Bay Street, Toronto, ON M7A 2J3

Hon. Raymond Sung Joon Cho, Minister of Seniors and Accessibility of Ontario
Ministry for Seniors and Accessibility
College Park, 5th Floor
777 Bay Street, Toronto, ON M5G 2C8

Dear Hon. Premier Ford, Hon. Deputy Premier and Minister Elliott, and Hon. Minister Cho:

Re: Ontario's Clinical Triage Protocol

We, the undersigned, share grave concerns regarding Ontario Health's Clinical Triage Protocol for Major Surge in COVID Pandemic, dated March 28, 2020, which has yet to be released to the public. As disability organizations, we write in particular to underscore the disproportionate and adverse impact that the Triage Protocol will have on people with disabilities, and to make recommendations for reform.

The COVID-19 pandemic is disproportionately impacting persons with disabilities: our communities are more vulnerable to the virus and are being severely impacted by the necessary emergency response measures, like physical distancing, which interferes with the supports they need for daily living or is not altogether possible.

The Triage Protocol must respect the human rights of all persons, including persons with disabilities. Consultation with human rights experts and the marginalized communities of persons who are going to be disproportionately impacted by the Triage Protocol, must be conducted. Even though it is an emergency situation, the COVID-19 pandemic cannot be used as justification for discrimination.

To this end, we make the following specific recommendations:

(1) Persons with disabilities cannot be deprioritized for critical care on the basis of their disability

According to the Triage Protocol, some people will not get critical care because of their disability. For example, the Triage Protocol identifies particular disabilities, such as cognitive disabilities and advanced neurodegenerative diseases including Parkinson Disease, and Amyotrophic Lateral Sclerosis. Persons with these disabilities may in some stages of their disability be deprioritized in determinations about who receives critical care.

It is imperative that decisions about who receives critical care should be made using objective clinical criteria directly associated with mortality risks of COVID-19, and must not be based on stereotypes or assumptions about a person's disability, and longer term mortality rates that are not directly related to COVID-19. It should also be made clear that by virtue of someone's disability, they will not be deemed a lower priority and passed over for another patient who does not have a disability.

(2) The Triage Protocol must clearly state that clinical judgment must not be informed by bias, stereotypes, or ableism

The Triage Protocol explicitly states that clinical assessments cannot take into consideration a patient's socioeconomic privilege or political rank. As the health-care system has a long-entrenched history of ableism, the Triage Protocol must also explicitly state that implicit disability-based bias, stereotypes and ableist assumptions cannot factor into clinical judgment or assessment when allocating critical care resources. It must also make clear that decisions cannot be made on the basis of human-rights protected characteristics and intersecting identities. We understand that clinical judgment is an important part of the Triage Protocol, but there must be necessary safeguards to ensure that particular marginalized groups are not adversely impacted.

(3) Persons with disabilities cannot be deprioritized for critical care based on the supports they receive for daily living

According to the Triage Protocol, persons with disabilities who receive accommodations or supports from others for daily living are in some circumstances less likely to receive

critical care. This means that the Triage Protocol has the effect of deeming the lives of persons who require assistance as being less worthy, or assumes that they have a lesser quality of life. These kinds of criteria are discriminatory and devalue the lives of persons with disabilities. The Protocol invites value-based judgments on the basis of disability-related accommodations, which are a basic human right.

(4) The Triage Protocol must clearly ensure that persons with disabilities receive necessary disability-related accommodations

The Triage Protocol does not have a clear statement that persons will receive necessary disability-related accommodations in the implementation of the Triage Protocol. Accommodations, such as interpretation, support or other services to access medical services, are a basic tenet of human rights law. Disability-related accommodations ensure that persons with disabilities have equal opportunity to receive, understand, and benefit from critical care.

We understand and appreciate that health care workers are working hard to care for all Ontarians, and a practical framework is required to help them make very difficult decisions about who gets critical care with some level of efficiency. We therefore support the development of a policy that respects human rights and has a fair procedure of decision making. We ask that any such framework not violate the basic human rights of persons with disabilities. The rationing of scarce resources in the health care system during this health crisis cannot be used as justification for discrimination.

Sincerely,

This letter has been signed by 204 organizations and 4828 individuals, as follows:

Organizations

1. ARCH Disability Law Centre
2. Access Independent Living Services
3. Accessibility for All
4. ACCKWA – AIDS Committee of Cambridge, Kitchener, Waterloo & Area
5. Advocacy Centre for the Elderly
6. AIDS ACTION NOW!
7. AIDS Committee of Windsor
8. ALS Society of Canada
9. Alzheimer Society Durham Region
10. Alzheimer Society Lanark Leeds Grenville
11. Alzheimer Society of Niagara Region
12. Alzheimer Society of Perth County
13. Alzheimer Society Timmins-Porcupine
14. Alzheimer Society Waterloo Wellington
15. AODA Alliance
16. Arthritis Society
17. Autism Ontario
18. Balance for Blind Adults
19. BarrierFree Saskatchewan
20. BC Aboriginal Network on Disability Society
21. Brockville and District Association for Community Involvement (BDACI)
22. Bellwoods Centres for Community Living
23. Black Coalition for AIDS Prevention
24. Black Legal Action Centre
25. Bob Rumball Canadian Centre of Excellence for the Deaf
26. Brampton Caledon Community Living
27. Breaking Down Barriers Independent Living Resource Centre
28. Bridges to Belonging
29. Brockville & Area Community Living Association
30. Camp Bowen Society for the Independence of the Blind and Deafblind
31. Canadian Association for Community Living
32. Canadian Autism Spectrum Disorder Alliance
33. Canadian Council on Rehabilitation and Work
34. Canadian Down Syndrome Society
35. Canadian Federation of the Blind of Ontario
36. Canadian Hard of Hearing Association
37. Canadian HIV/AIDS Legal Network
38. Centre for Independent Living in Toronto (CILT)
39. Chatham-Kent Legal Clinic
40. Chinese & Southeast Asian Legal Clinic
41. Christian Horizons
42. Citizen Advocacy Ottawa

43. Citizens With Disabilities - Ontario (CWDO)
44. Community Living Ajax - Pickering and Whitby
45. CNIB Foundation
46. Cochrane Temiskaming Resource Centre
47. Communication Disabilities Access Canada
48. Community Autism Centre Inc.
49. Community Living Ajax Pickering and Whitby
50. Community Living Algoma
51. Community Living Campbellford/ Brighton
52. Community Living Central York
53. Community Living Chatham-Kent
54. Community Living Dundas County
55. Community Living Essex County
56. Community Living Guelph Wellington
57. Community Living Kincardine & District
58. Community Living Kingston & District
59. Community Living North Bay
60. Community Living North Grenville
61. Community Living Ontario
62. Community Living Prince Edward
63. Community Living Quinte West
64. Community Living Toronto
65. Community Living Upper Ottawa Valley
66. Community Living Welland-Pelham
67. Community Living West Nipissing
68. Community living Windsor
69. Community Living York South
70. Community Living-Central Huron
71. Community Resistance Intimacy Project (CRIP)
72. Council of Canadians with Disabilities (CCD)
73. Council of Canadians, Peterborough and Kawarthas chapter
74. DANI
75. Deafblind Community Services
76. DEEN Support Services
77. Disability Alliance BC
78. Disability Justice Network of Ontario (DJNO)
79. DisAbled Women's Network Canada (DAWN)
80. Dissociative Society of Canada
81. Down Syndrome Association of Peel
82. Down Syndrome Association of Toronto
83. Down Syndrome Caring Parents of Niagara
84. Down Syndrome Niagara
85. Downsview Community Legal Services

86. Durham Association for Family Resources and Support
87. Durham Family Network
88. Easter Seals Ontario
89. Elevate NWO
90. Empower Simcoe
91. Empowered Kids Ontario - Enfants Avenir Ontario
92. ensemble
93. Erich's Cupboard
94. Ethno Racialized Disability Coalition Ontario (ERDCO)
95. Extend-A-Family
96. Extend-A-Family Waterloo Region
97. Facile Perth
98. Families for a Secure Future
99. Family Alliance Ontario
100. Family Respite Services
101. Family Support Network for Employment
102. Family Support Network (Newmarket/Aurora)
103. Family Support Network (Total Communication Environment)
104. Fetal Alcohol Spectrum Disorder Group of Ottawa
105. Good Things In Life
106. Guelph Independent Living
107. Guide Dog Users of Canada
108. Hamilton & District Injured Workers Group
109. Hamilton Community Legal Clinic
110. Hamilton Family Network
111. Hand Over Hand Community Organization
112. HIV & AIDS Legal Clinic Ontario (HALCO)
113. Hydrocephalus Canada
114. Independent Living Centre of Waterloo Region
115. Inclusive Design Research Centre, OCAD University
116. Income Security Advocacy Centre (ISAC)
117. Independent Living Canada
118. Independent Living Centre London and Area
119. Injured Workers Community Legal Clinic (IWC)
120. Intensive TLC
121. Joyce Scott Non Profit Homes Inc.
122. Kawartha Sexual Assault Centre
123. KMK Law
124. KW AccessAbility
125. KW habilitation
126. Lake Country Community Legal Clinic
127. L'Arche Canada
128. L'Arche Daybreak

129. L'Arche London
130. L'Arche Sudbury
131. Live & Learn Centre
132. London Down Syndrome Association
133. March of Dimes Canada
134. Marsha Forest Centre
135. Mary Centre of the Archdiocese of Toronto
136. Member Family Support Network TCE
137. Middlesex Community Living
138. Millennial Womxn in Policy
139. Montage Support Services
140. MPN Ontario Patient Support Group
141. Muscular Dystrophy Canada
142. National Coalition of People who use Guide and Service Dogs
143. National Educational Association of Disabled Students (NEADS)
144. National Network for Mental Health (NNMH)
145. Network of Women with Disabilities NOW
146. New Vision Advocates
147. No More Silence
148. Older Women's Network / Living in Place Campaign
149. Ontario Association for Developmental Education
150. Ontario Association of Independent Living Service Providers
151. Ontario Association of the Deaf
152. Ontario Autism Coalition
153. Ontario Disability Coalition
154. Ontario Federation for Cerebral Palsy
155. Ontario Health Coalition
156. Ontario Independent Facilitation Network
157. Options Northwest Personal Support Services
158. Ontario Parents of Visually Impaired Children – VIEWS for the Visually Impaired
159. Ottawa Carleton Association for Persons with Developmental Disabilities
160. Ottawa Independent Living Resource Centre
161. P.A.D.D. Parents of Adults who have Developmental Disabilities
162. PACE Independent Living
163. Pacific Training Centre for the Blind
164. Parkdale Community Legal Services
165. Parkdale People's Economy
166. Participation Lodge Grey-Bruce
167. Peterborough Community Legal Centre
168. Peterborough Health Coalition
169. PHSS-Medical & Complex Care in Community
170. PooranLaw Professional Corporation
171. Prisoners with HIV/AIDS Support Action Network

172. Project 321 Peel Down Syndrome Association
173. Project Autism
174. PWA (Toronto People With AIDS Foundation)
175. Realize
176. RISE: Resource Centre for Independent Living
177. Scleroderma Society of Ontario
178. Shannon Law Office
179. Students for Barrier-free Access
180. Sudbury Community Legal Clinic
181. Tangled Art + Disability
182. The AIDS Committee of Durham Region
183. The AIDS Network
184. The Canadian Arthritis Patient Alliance
185. The FASD E.L.M.O. Network
186. The George Hull Centre for Children and Families
187. The Legal Clinic (Perth, Sharbot Lake, Brockville)
188. The Neighbourhood Group
189. The Organization of Canadian Tamils With Disabilities (OCTD)
190. The Participation House Project, Durham Region
191. Toronto Family Network
192. Toronto Yachad - The Canadian Jewish Council for Disabilities
193. Total Communication Environment
194. Traverse Independence
195. Universities Allied for Essential Medicines (UAEM)
196. Viability Employment Services
197. Vibrant Health Care Alliance
198. Vision Loss Rehabilitation Ontario
199. Waterloo Regional Down Syndrome Society (WRDSS)
200. Windsor-Essex Family Network
201. Workers United Canada Council
202. Working For Change
203. York Region Lifetime Independent Facilitation
204. YWCA Hamilton

Joel Harden MPP, on behalf of the Ontario NDP caucus

The original letter sent to the above noted recipients included a full list of individual signatories.