

October 22, 2021

Honourable Andrew Furey
Office of the Premier
St. John's, NL
premier@gov.nl.ca

Re: Canadian Medical Association, urging Government of Newfoundland and Labrador to not Amend Membership Requirements of Medical Act, 2011

Dear Premier Furey:

I am writing on behalf of the Canadian Medical Association (CMA) to express concerns related to the current state of negotiations between the Government of Newfoundland and Labrador and the Newfoundland and Labrador Medical Association (NLMA).

The CMA represents the voice of physicians in Canada. I recently co-hosted an emergency summit where we engaged many health care provider groups on the serious and debilitating health care worker crisis that we are facing today. While this is a long-term problem, it has been significantly exacerbated by the pandemic, low morale, burnout, workload, the increasing care deficit and moral distress associated with same.

The CMA is encouraging the Government to not proceed with a legislative proposal to remove the mandatory criteria of NLMA membership. Mandatory membership and/or dues are commonplace in labour relations frameworks. This is based on long established precedent, the 1946 Rand decision.

When publicly-funded health care was established, most provinces gave recognition to their medical associations as collective bargaining agents for insured medical services on behalf of all physicians. This was accomplished through several means: compulsory membership, a requirement to pay fees if a physician does not join or establishing a union. Provincial medical associations are bargaining entities. The integrity of medical services within a system of universal medical insurance works best when this structure is maintained.

The *Canada Health Act* (CHA) supports this concept under section 12(2):

“...if the province has chosen to enter into, and has entered into, an agreement with the medical practitioners and dentists of the province that provides (a) for negotiations relating to compensation for insured health services between the province and provincial organizations that represent practising medical practitioners or dentists in the province;”

While the latter item does not specify compulsory membership in a provincial or territorial medical association, the practical value of the arrangements that have been created in most provinces is consistent with the spirit and letter of the CHA. Amending the Medical Act, 2011 to jeopardize these relationships

destabilizes these arrangements. In addition, this comes at a time when the health care workforce is deeply destabilized and in crisis due to the pandemic.

The CMA recognizes the immense pressures facing provincial/territorial governments to meet the health care needs of the population. Canada is facing a health workforce crisis. Now is the time to work collaboratively on solutions that support the health care needs of people in Canada

In summary, CMA is requesting that you do not consider this amendment to the Medical Act. Canada's doctors stand with our Newfoundland and Labrador colleagues in support for stabilizing the relationships that are essential to stabilizing the system that our patients so desperately need.

Sincerely,



Katharine Smart, MD, FRCPC
President, Canadian Medical Association

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Newfoundland and Labrador Health Minister John Haggie
Newfoundland and Labrador President Susan MacDonald, MD, CCFP, FCFP
Federal Health Minister Patty Hajdu, PC, MP