

CPSO to Ontario Doctors: “Shut Up or Lose Your Licence”

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On April 30, the College of Physicians and Surgeons of Ontario (CPSO) announced explicitly a controversial policy that many Ontario doctors had intuitively feared it would adopt. Its Twitter feed, @cpso_ca, contained the framed statement shown below.

CPSO commands Ontario’s doctors not to make any statements that might be considered anti-vaccine, anti-masking, anti-distancing, or anti-lockdown. It forbids them to promote “unsupported, unproven” treatments for COVID-19. (Unproven by what standards? CPSO doesn’t say.) Doctors are further forbidden to make comments that might encourage people to act contrary to public health orders.

Finally, there’s a naked threat: say the wrong thing and you’ll face “disciplinary action”. This translates into, “We’ll suspend your licence, cut off your income stream and impoverish you.”

This is a horrifying statement from both a medical and a legal perspective.

A courageous group of doctors calling themselves Canadian Physicians for Science and Truth quickly pushed back with this online [Declaration](#). As I write this, 548 doctors and 14,487 concerned citizens have already signed it.

The doctors make these three major objections. First, the CPSO is commanding them to abandon the scientific method, which requires vigorous, open debate in order to test existing theories and improve upon or replace them with more accurate ones. That’s how science advances.

Second, the CPSO is commanding doctors to breach their pledge to patients to seek out and apply evidence-based medicine in their care and treatment. Instead of a full range of current and emerging evidence from multiple sources, doctors are restricted to applying stagnant information from only one source: the government.

Third, doctors are being ordered to violate their patients’ right to be fully informed before

receiving medical treatment. This implies that doctors will also have to violate their own duty to obtain fully informed consent, putting themselves at risk for eventual lawsuits. Full information about masks, social distancing and vaccinations is not something you can impart to a patient in a 5-minute office visit. Half the world has spent the past 15 months seeking out information about these subjects, and there's still plenty of room for debate.

It's therefore easy to see why doctors are outraged by the new CPSO policy. But as a lawyer, I can see two other problems.

First, the dictates of the CPSO violate the Ontario Human Rights Code. Section 6 of the code says: "Every person has a right to equal treatment with respect to membership in any trade union, trade or *occupational association or self-governing profession* without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, *creed*, sex..." [emphasis added].

The CPSO's threat is a clear statement of its intention to discriminate on the basis of creed. Although some people interpret "creed" as religion, it actually has a broader meaning. If ever anything qualified as a creed, a doctor's Hippocratic oath would. It requires doctors to use their own judgment for the benefit of their patients and to "abstain from whatever is deleterious." Doctors also pledge to "give no deadly medicine to anyone if asked."

Any doctor who has extensively researched the scientific literature on mask-wearing, social distancing, lockdowns and COVID vaccinations will know that there is an increasing body of evidence that all of these practices can do more harm than good. More than 5,100 vaccination-related deaths have this been recorded in the US database called Vaccine Adverse Events Reporting System (VAERS), where adverse events are notoriously under-reported. The number in Europe is over 10,000. Doctors can't "un-see" this information. It forms an important part of the cost/benefit analysis in determining whether or not COVID vaccines are appropriate for their patients.

The CPSO, by threatening the licences of doctors who speak up about these issues, is forbidding them to exercise their creed and discriminating against those that do, contrary to the Human Rights Code.

Doctors also have rights under the Canadian Charter of Rights and Freedoms: section 2 rights to freedom of conscience, belief, opinion and expression, as well as section 7 rights to liberty and security of the person. The CPSO statement, with its implicit threat to cut off doctors' incomes, violates these rights. As the body exclusively empowered by the state to govern doctors' conduct, there's no question that the CPSO is an agent of the state and is therefore governed by the Charter.

Other professionals in the health care industry – chiropractors and naturopathic doctors – have told me privately that they too are being bullied into silence and forced to comply with inadvisable practices such as masking.

Eventually, this issue will come before the courts – possibly when a doctor disobeys the CPSO and is facing disciplinary action, or when doctors proactively hire lawyers to sue the CPSO for violating their rights. For me, the moment can't come too soon.

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