Association keeps a careful watch on possible problems inherent in the Canadian Human Rights Act

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The Canadian Human Rights Act, which allows an individual to see personal information on himself held by federal agencies, has caused the secretion of considerable SI units of adrenalin and stirred up discussion both temperate and intemperate. There has been a flood of journalistic comment, public inquiry and debate on privacy, rights, secrecy, mail, "Cossiting", fear, reprisal and so on. Doctors, particularly psychiatrists and others who may be required to give opinions to federal agencies regarding felons, civil servants, veterans, servicemen and other Canadian citizens, have been especially concerned. Opinions that at times are prejudicial, uncomplimentary, appear to threaten an individual or are simply candid objective assessments of persons in matters of work assignment, promotion or release are now available from federal data banks.

Since this act was proclaimed about a year ago, there have been a number of direct contacts with government officials responsible for the administration of the act and with those departments directly concerned with the release of information. Concern has been directed at the release of health and medical information from the penitentiary service, the Department of National Health and Welfare, the Department of Veterans Affairs and the Canadian Forces. To date there have been some 12 000 requests, and of those concerned with the release of medical information none has, to our knowledge, resulted in a problem for a physician. There have been problems but these are considered to be those of mechanics and the sheer number of requests, the volume of which has been difficult to manage. Other problems related to refusal of a request for access and the difficulty in launching an appeal with the privacy commission have been documented in the popular press. Where access to medical information has been refused, there is no example of a physician being required at the expense of time and money to justify such exemption.

While the law must be upheld and access to information is a fact, physicians who supply medical opinion to federal agencies (and to provincial agencies for it is likely similar legislation will be enacted provincially as in Nova Scotia) should be cautioned not to include information that is not factual or based on scientific accuracy. It might be said one should not write anything down that one would not want the patient to read. While that may seem at first to present difficulties, it merely suggests that intemperate remarks, conjecture and unsupported conclusions have no place in a report and seldom add anything of value to a consulting opinion.

Furthermore, there is no protection in the act against any action that may result from the release of information from a medical record held in a federal government file. Federal officials have told us that, "in the release of information, the interest of the individual is paramount, not saving the hide of the doctor." Before you fly off the handle remember that the act refers to any type of information and there is no protection for others who deal with personal information, such as prison guards, social workers and civil servants. If it should work to the disadvantage of doctors, it could work to the disadvantage of many other dedicated hardworking persons.

The act is not static or engraved in stone. The regulations are law but they can be amended. In fact, some unworkable areas and those where interpretation is confusing are being amended at present. Departments of government and other organizations, along with the CMA, have drawn such problems to the attention of the Treasury Board and have received a sympathetic hearing.

Resolutions passed by General Council and specific recommendations from divisions have been passed on to government. It is anticipated that a full scale review of the act will be undertaken after the 1st year of its operation and at that time the

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ried and turned her attention to motherhood, and 27-year-old Judy followed her mother into nursing before she too succumbed to domestic preoccupations. One son, Sandy, is doing an architecture course in London; the fourth child, Peter, is having what his father refers to as a “whale of a time looking for oil” in Alberta and 19-year-old Beth is studying geology. The Wilson home is more likely to be dominated during the evening by the quiet rhythm of Mary Wilson’s loom and the rustle of turning pages from Dr. Wilson than either the chatter of a TV screen or the babble of company. Professor Wilson expresses muted hostility to television, which he regards as a poor substitute for books for most children. He himself, as one would suspect from his rather solitary style and retiring nature, is an avid reader. When I asked him to name his favourite books he grinned and said disarmingly, “Oh gee, I’m afraid I’ll come through as very stuffy and reactionary on this. I’ve read and reread “War and Peace”, and always loved Samuel Sterne to Isaac Bashevis Singer. Wilson also enjoys public speaking, for which the coming year should give him plenty of opportunity. I asked him whether the prospect of so many public appearances and speeches daunted him, especially since he has said he would like to write his own speeches. “No,” he replied with his customary cautious deliberation . . . and then added a moment later, with a muted smile, “I guess if the minister can preach every week, so can I.”

The Wilson family is a case study of the pressures of medical practice and the clinical information on which decisions about patient care are based. The Wilsons are a medical family. Dr. Wilson’s father was a general practitioner in Alberta, and his grandfather was a physician. The Wilsons have been a source of inspiration to many children, and today they are educating a generation of young doctors. The Wilsons believe in the importance of medical education and are active in medical education at Queen’s University. Dr. Wilson and his wife, who is a nurse, have three children: Sandy, who is studying geography at Queen’s. Judy, who is studying law, is planning to become a lawyer. Beth, who is studying sociology, is planning to become a sociologist. The Wilsons’ children are all doing well in their studies.

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