



MEDICAL ASSISTANCE IN DYING  
(MAID)  
INFORMATION SUMMARY

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# Manitoba College of Social Workers

## Information Summary – Medical Assistance in Dying

### General Information

In February 2015, the Supreme Court of Canada struck down the Criminal Code provisions against assisted dying, in very specific circumstances. The Court provided the federal government time to create legislation regarding Medical Assistance in Dying (MAiD) and this federal legislation, **Bill C-14**, received Royal Assent and came into effect on June 17, 2016.

The Criminal Code has now been amended to exempt from criminal liability medical practitioners and nurse practitioners who provide MAiD. This exemption also extends to any other person who does “anything for the purpose of aiding a medical practitioner or nurse practitioner to provide a person with MAiD” in accordance with Bill C-14 [S. 241 (2)].

“For greater certainty, no social worker, psychologist, psychiatrist, therapist, medical practitioner, nurse practitioner or other health care professional commits an offence if they provide information to a person on the lawful provision of medical assistance in dying” [Bill C-14, S. 241 (5.1)]

The Manitoba College of Social Workers (the College) has been involved in planning related to MAiD legislation in Manitoba through participation on the provincial Implementation Team and regular meetings with the Social Workers on the MAiD Clinical Services Team. The College has assisted in defining and supporting the important role of Social Workers in providing services in the context of MAiD, including identifying challenges and considerations related to this area of social work practice.

On October 5, 2020, Canada introduced Bill C-7: *An Act to amend the Criminal Code (medical assistance in dying)* in Parliament, which proposed changes to Canada’s law on medical assistance in dying.

On March 17, 2021, the changes to Canada’s medical assistance in dying (MAiD) officially came into force. The new law includes changes to eligibility, procedural safeguards, and the framework for the federal government’s data collection and reporting regime. ([Medical assistance in dying - Canada.ca](https://www.canada.ca/en/health-services/minister-of-health/2021/03/medical-assistance-in-dying-canada-ca.html))

### Who can access Medical Assistance in Dying?

A person wishing to access medical assistance in dying must meet **all** the following criteria as set out in legislation:

- 1) Be a mentally competent adult (18 years or older)
- 2) Have a grievous (serious) and irremediable (incurable) illness, disease, or disability that (excluding a mental illness until March 17, 2023 see [About mental illness and MAiD](#)):
  - Is in an advanced state of irreversible decline
  - that causes enduring suffering that is intolerable and cannot be relieved under conditions that they consider acceptable to the person
- 3) Make a voluntary written request to receive medical assistance in dying that is not the result of external pressure

- 4) Give informed consent. Meaning, the person requesting medical assistance in dying:
  - Has been informed of the options available to relieve their suffering
  - is aware that death is the intended result
  - is aware of the potential risks and complications
  - is aware that the request can be withdrawn any time
  - has met with each of the required two (2) physicians alone at least once
  - provides written consent (through a proxy if physically unable)
  - be able to give informed consent both at the time of the request and immediately before MAiD is provided unless the person making the request has waived the requirement to give final consent (see Waiver of Final Consent below)
- 5) Be eligible for government-funded health services

### **Procedural Safeguards – Requests where death is not reasonably foreseeable**

Persons who request MAiD services and whose death is not reasonably foreseeable as determined by their practitioner **must meet added safeguards** to be eligible to receive MAiD:

1. One of the two practitioners who provides an assessment must have expertise in the medical condition that is causing the person unbearable suffering; otherwise, a specialist in the condition must be consulted.
2. The person must be informed of available means to relieve suffering and offered consultations with professionals who provide such services.
3. The person must have discussed with their practitioner reasonable and available means to relieve suffering, and **all** parties have agreed that the person requesting MAiD services has considered all available means.
4. The eligibility assessment must take a minimum of 90 days, starting the day the assessing physician becomes involved. Should the assessments be completed sooner, and the person is at immediate risk of losing capacity to consent, this period may be shortened.
5. Immediately before MAiD is provided, the person receiving services must provide consent and be given the opportunity to withdraw the request for services.

### **Waiver of Final Consent**

Recent changes to the legislation include provisions for persons requesting MAiD to waive the requirement for giving final consent immediately before MAiD is provided, **only if the person requesting MAiD services meets the following criteria:**

- the person's [natural death is reasonably foreseeable](#)
- while the person had decision-making capacity:
  - the person was assessed and approved to receive MAiD
  - the person was advised by their practitioner that they were at risk of losing capacity to provide final consent
  - the person made a written arrangement with their practitioner and provided consent in advance to receive MAiD on a chosen date if the person no longer has capacity to consent on that date

Should the person, at the time MAiD is to be provided, no longer have capacity, and demonstrate refusal or resistance to receiving services by words, sounds, or gestures, the waiver of final consent will be deemed **invalid**. Involuntary movement such as reflexes **do not constitute refusal or resistance**.

## **Who can provide assistance?**

Those who can provide MAiD services are:

- physicians
- nurse practitioners (in provinces where this is permitted)

Those who can help provide MAiD include:

- pharmacists and pharmacy technicians/assistants
- family members or other people that you ask to help
- health care providers who help physicians or nurse practitioners, *including Social Workers*

Those who can assist in providing medical assistance in dying include:

- pharmacists and pharmacy technicians/assistants
- family members or others who are asked to help
- health care providers who help physicians or nurse practitioners, *including Social Workers*

## **Guidance for Social Workers**

The Manitoba College of Social Workers views Medical Assistance in Dying (MAiD) services as within the scope of social work practice, which includes engagement, assessment, planning, intervention, evaluation, and education in the provision of social work services with patients, families and other health care providers involved with MAiD services. In providing social work services in the context of MAiD, Social Workers are encouraged to carefully review the MCSW Code of Ethics and Standards of Practice to guide their professional conduct.

Specifically, social work is founded on a long-standing commitment to respect the inherent dignity and individual worth of all persons. The Code of Ethics highlights the importance of self-determination, capacity to consent and informed consent as follows:

- Social Workers uphold each person's right to self-determination, consistent with the person's capacity and with the rights of others.
- Social Workers respect the diversity among individuals in Canadian society and the right of individuals to their unique beliefs consistent with the rights of others.
- Social Workers respect the client's right to make choices based on voluntary, informed consent.

There are many factors to consider in the provision of MAiD services, which are highlighted in the April 2016 CASW Discussion Paper. <https://www.casw-acts.ca/en/discussion-paper-medical-assistance-dying>

It is important to remember that all Social Workers must adhere to the Code of Ethics and Standard of Practice in all areas of practice and be mindful of their area of knowledge and skill to ensure that their professional practice is limited to areas of demonstrated competence.

Social Workers who are, or may be, involved with MAiD services are advised to:

- 1) Be familiar with and adhere to the new provisions of the Criminal Code.
- 2) Understand and adhere to the policies, guidelines, procedures, or processes in place to guide medical assistance in dying.
- 3) Review the Manitoba College of Social Workers Code of Ethics and Standards of Practice.
- 4) Contact the Chief Medical Officer, Chief Nursing Officer or Administrator in their facility, if applicable.
- 5) Consult with the Manitoba MAiD Services Team at 204-926-1380 or [maid@wrha.mb.ca](mailto:maid@wrha.mb.ca)
- 6) Seek legal advice (if deemed necessary) to ensure understanding of Bill C-14, the relevant sections of the Criminal Code and any other applicable laws, rules, or standards.

### **Rights of service providers**

Some Social Workers may not be comfortable with providing services in the context of MAiD for moral, religious, or personal reasons. The Manitoba College of Social Workers acknowledges that there are diverse views with respect to medical assistance in dying. Guidance provided to Social Workers as it relates to MAiD is in no way intended to promote or devalue the opinion of any individual Social Worker.

The legislation **does not force any person** to provide or assist in providing services related to medical assistance in dying. If a Social Worker does not wish to participate in providing social work services in the context of MAiD (i.e.: conscience-based objection), the Social Worker should respectfully inform the patient that they are unable to provide MAiD services and **refer the patients** to another professional (Social Worker, physician, nurse practitioner), institution or agency that is willing to provide MAiD. This referral should be made in a timely manner to ensure that patients are not exposed to unnecessary delays or adverse clinical outcomes (i.e., decline in capacity).

Social Workers who choose not to provide MAiD services should continue to provide care (excluding the provision of MAiD) in the best interests the patient to **ensure that the patient does not experience abandonment** of care. Social Workers must adhere to the MCSW Code of Ethics (Guideline 1.8) and Standards of Practice when considering termination or interruption of social work services.

### **Resources for Social Workers**

For specific information regarding MAiD services in Manitoba, please visit the Manitoba MAiD Services website at <https://sharedhealthmb.ca/services/maid/>

#### **Additional Resources and Links:**

British Columbia College of Social Workers: [http://www.bccollegeofsocialworkers.ca/wp-content/uploads/2016/09/College-Conversation-SpringSummer-2016\\_f.pdf](http://www.bccollegeofsocialworkers.ca/wp-content/uploads/2016/09/College-Conversation-SpringSummer-2016_f.pdf)

Canadian Association of MAiD Assessors and Providers:  
[CAMAP - https://camapcanada.ca/](https://camapcanada.ca/)

Canadian Association of Social Workers Discussion Paper: <http://www.casw-acts.ca/en/physician-assisted-death-casw-discussion-paper>

College of Physicians and Surgeons of Manitoba:  
[Standard of Practice Medical Assistance in Dying \(MAID\).pdf \(cpsm.mb.ca\)](#)

Government of Canada, Bill C-7:  
[Government Bill \(House of Commons\) C-7 \(43-2\) - Royal Assent - An Act to amend the Criminal Code \(medical assistance in dying\) - Parliament of Canada](#)

Government of Canada, Bill C-14:  
<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=8384014>

Government of Canada, Department of Justice Overview: <http://www.justice.gc.ca/eng/cj-jp/ad-am/index.html>

Government of Canada, Medical Assistance in Dying  
[Medical assistance in dying - Canada.ca](#)

Government of Canada Report of the Special Joint Committee on Physician-Assisted Dying:  
<http://www.parl.gc.ca/content/hoc/Committee/421/PDAM/Reports/RP8120006/pdamrp01/pdamrp01-e.pdf>

Ontario College of Social Workers and Social Services Workers: <http://www.ocswssw.org/wp-content/uploads/2016/09/Medical-Assistance-in-Dying-What-Are-My-Professional-Obligations.pdf>

*Social Workers seeking information to better inform their practice or wishing to share information, make inquiries or express concerns are invited to contact the College at 204-888-9477 or [info@mcsww.ca](mailto:info@mcsww.ca).*