

FREQUENTLY ASKED QUESTIONS

AMA LEGAL CHALLENGE

1. What's the scope of the legal action?

The action takes issue with Bill 21, the government's conduct in negotiations, the termination of the AMA Agreement and the overall imbalance in the bargaining relationship between the AMA and government.

2. Do we expect a rigorous defense from government?

Yes. We know that leading up to the tabling of Bill 21, government engaged several law firms to get an opinion as to whether it would hold up to a legal challenge. The fact that they implemented this means they believe they have a case to be made and, in all likelihood, they will mount a rigorous defense of the constitutionality of Bill 21.

3. How has the AMA prepared for the legal challenge?

The AMA engaged three independent legal firms to review its options upon the tabling of Bill 21 in November 2019. The AMA has engaged Patrick Nugent to be the AMA's lead counsel in its case against the government. Patrick Nugent's bio can be found by clicking on the following link: <http://www.nugentlawoffice.ca/lawyers/pat-nugent>

4. What's the likelihood of success?

The AMA has been told it has a very good case; however, there is no certainty in any court case so victory is never guaranteed.

5. What's the best case scenario?

The best case scenario would be for the AMA and government to reach a negotiated agreement while this legal case proceeds. Failing that, the best case scenario would be for a court to conclude that the AMA must have access to arbitration to address bargaining disputes, and that government cannot unilaterally change matters relating to physician compensation.

6. What's the worst case scenario?

The worst case would be if the Judge ultimately found in favour of government.

7. How long will it take to get a decision?

It is likely that the case will be heard sometime within the next 12-24 months, but circumstances will dictate the specific timing of the actual hearing.

8. If the court rules in favour of the AMA, do we expect government to appeal?

That is something the government would need to consider based on the details of a Judge's decision. It is certainly an option the government would explore should this occur.

9. How long would the appeal take?

Appeals are typically quicker than the actual court case but, like any legal case, there is no set time frame. An estimate would be within a year of the first decision. However, unless the government were to get a special order, the initial court decision would be binding even while the government appealed.

10. Why launch now and not sooner or later?

The AMA has exhausted all of its options to get government to come to a negotiated agreement. Government just does not want to negotiate. They have not changed their financial negotiating position since the first day of our negotiations in November 2019. Despite numerous attempts to come to a negotiated agreement, our only option is to take the government to court. [View April 9, 2020 President's Letter](#), *Our charter challenge for due process and fair negotiations*.

11. How will the legal action impact on the relationship between government and physicians?

Unfortunately, the relationship between the government and physicians is at a historically low point. This is of no doing of physicians. Physicians have always stepped up during challenging times and worked with government to find solutions. This time was no different. What was different was that this time the government didn't want to work with physicians.

12. Is this situation the first of its kind in Canada?

It is the only time that government has unilaterally ripped up a valid contract with physicians in Canada.