



## **Canadian Coalition for Genetic Fairness Pleased with Supreme Court of Canada Decision on Genetic Non-Discrimination Act**

### **FOR IMMEDIATE RELEASE**

July 10, 2020 (Waterloo, ON) – The Canadian Coalition for Genetic Fairness (CCGF) commends the Supreme Court of Canada (SCC) for supporting the Genetic Non-Discrimination Act (GNDA), as it currently stands.

In May 2017, the GNDA received Royal Assent and passed into law. Prior to that date, Canadian law did not protect the genetic test information of Canadians. In December, 2018, the Cour d' appel du Québec (Québec Court of Appeal) gave its opinion that the GNDA does not constitute a valid exercise of Parliament's criminal law power. The Québec opinion did not overturn the GNDA, but did put the GNDA at risk. In response to the opinion of the Québec Court of Appeal, CCGF filed a notice of appeal referring the decision to the SCC. That hearing took place on Oct. 10, 2019.

"This long-awaited decision is extremely reassuring and illustrates that the SCC recognizes the necessity for the pan-Canada protection of genetic test information by supporting the GNDA in this country," says Bev Heim-Myers, Chair of the CCGF. "For many people living in Canada, the protection of genetic test information is paramount to their health and well-being. Fear of discrimination leads to individuals not having genetic tests and not making informed decisions which may be in their best interest."

Approximately 91 per cent of Canadians feel that insurance companies should not be allowed access to their genetic information for an insurance assessment. Further, 90 per cent of Canadians opposed the notion that employers should have access to the genetic information of workers or job applicants (*Government of Canada. Public Opinion on Genetic Information and Privacy. Pollara Research, Earncliffe Research and Communications. 2003. Ottawa*).

"Today's decision of the SCC will be welcomed by all of us who care about controlling access to our genetic information," says The Honourable James S. (Jim) Cowan, CM, QC, a former Liberal Senator (ret.) who sponsored the original private member's bill. "All Canadians can take advantage of the critical advances in modern medicine made possible by genetic testing without fear that their private genetic data might be used in ways not authorized by them and in a way which discriminates against them. I am grateful to all of those who have been part of this successful journey"

"The decision has profound implications beyond its holding that the *Genetic Non Discrimination Act* is constitutionally valid," adds Joseph J. (Joe) Arvay, OC, QC, the lawyer who presented the case on behalf of CCGF. "It may be fairly described as affirming an expansive view of Parliament's jurisdiction to enact criminal law and ensures that with whatever novel yet harmful conduct that might arise in the next millennium, Parliament will have the powers to prohibit and punish that conduct where it poses a risk of harm, not only to public health but also to autonomy, privacy and equality."

The CCGF has advocated for many years to ensure the genetic test information of all Canadians is protected. With over 76,000 genetic tests now available to help inform prevention, cures and treatment for genetic diseases, Canadians can now rest easier knowing that their personal and private DNA information continues to be protected.

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The **Canadian Coalition for Genetic Fairness (CCGF)** comprises a group of organizations dedicated to preventing genetic discrimination against individuals, based on their genetic test information. CCGF advocates (at the federal, provincial and territorial levels) to create positive changes for all Canadians.

#### **For More Information:**

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