



Abortion Rights
Coalition of Canada

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Your Voice for Choice

Canada's only national political pro-choice advocacy group

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Stop Bill 207: “Abandoning Patients Act” Is Unconstitutional and Dangerous

ALBERTA – A bill introduced on Nov 7 in the Alberta legislature is blatantly unconstitutional because it legalizes discrimination against vulnerable groups on the basis of “conscience.”

Bill 207, misleadingly titled *Conscience Rights (Health Care Providers) Protection Act*, was introduced by MLA Dan Williams of Alberta’s ruling Uterus Control Party (UCP). The bill is more aptly named the *Abandoning Patients Act* because it is a license for medical negligence.

Under the bill, health care professionals would enjoy complete immunity for refusing to provide a health care service they disagree with for personal or religious reason (so-called “conscientious objection”). The bill removes existing patient protections, including their right to a referral, and their ability to have a complaint heard or to launch a lawsuit.

This means that patients would have zero recourse for any harms done by doctors refusing to do their jobs. In effect, the bill would allow health care professionals to mistreat and abandon patients in the name of “conscience” because there is zero accountability or oversight.

“Bill 207 is an obvious backdoor attempt to re-open the abortion debate, despite Premier Jason Kenney’s promise not to,” said Joyce Arthur, Executive Director of the Abortion Rights Coalition of Canada. “We know that the main goal of the bill is to reduce access to abortion care, because “conscience” bills like this are on the wish list of anti-choice groups in Canada, and have been introduced federally several times by anti-choice Members of Parliament.”

However, the bill disguises its attack on abortion by expanding care denials to *any type of health care*. Besides abortion, the most common services that could be denied under this bill are contraception and other reproductive health care, medical assistance in dying, and LGBTQ2S+ care. The impacts of this bill would hit women and disadvantaged minority groups the hardest.

“Dan Williams’ claim that his bill simply ‘affirms’ Charter rights is a flat-out lie,” said Arthur. In fact, the *Abandoning Patients Act* is unconstitutional because of the May 2019 decision by Ontario’s highest court, which ruled that doctors who refuse care for “conscience” reasons must provide an effective referral to someone who can provide the service. The court called it a compromise that balances the Charter rights of physicians and the interests of patients, who would suffer harm if doctors refused to give referrals. Further, Arthur said that “Provinces have

no jurisdiction over the Charter and no authority or expertise to dictate how Charter rights should be exercised. That's the responsibility of the courts. This bill is actually unenforceable because of its conflicts with Charter rights and case law."

The bill also intrudes on the jurisdiction of regulatory bodies such as the Alberta College of Physicians and Surgeons, whose role it is to provide guidelines and codes of ethics for medical professionals.

"Contrary to the false claims of Dan Williams that Bill 207 'supports' existing policies by regulatory bodies, the College's guidelines on 'conscientious objection' are entirely struck down by this bill," said Arthur. Currently under the College's guidelines, doctors must make patient referrals, communicate respectfully, not withhold information, and not promote their own moral/religious beliefs. "But the bill strikes down such requirements. Doctors would be free to say anything (or not) to their patients, even if it's inaccurate or unethical."

"Bill 207 is a dramatic expansion of so-called 'conscience' rights – but the bill is legalized discrimination, disguised as freedom of conscience and religion. If the bill passes, vulnerable people will be harmed. We call on the Alberta premier and the UCP to distance themselves from the bill and not allow it to go forward," said Arthur.

ARCC Resources:

- **Analysis and Critique of Bill 207, "Abandoning Patients Act"** – Explains what the bill really means, clause by clause.
- Petition: **Oppose Alberta Bill 207: "Abandoning Patients Act"**

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