

2019 Bill 207

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First Session, 30th Legislature, 68 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 207**

## **CONSCIENCE RIGHTS (HEALTH CARE PROVIDERS) PROTECTION ACT**

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MR. WILLIAMS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 207

2019

### CONSCIENCE RIGHTS (HEALTH CARE PROVIDERS) PROTECTION ACT

(Assented to \_\_\_\_\_, 2019)

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### Definitions

1 In this Act,

- (a) “complaint” means a complaint received by the complaints director for a regulatory body under section 55(1) of the *Health Professions Act*;
- (b) “Charter” means the *Canadian Charter of Rights and Freedoms*;
- (c) “conscientious beliefs”, of a health care provider or a religious health care organization, means the beliefs of the health care provider or religious health care organization that are protected as fundamental freedoms under section 2(a) of the *Charter*, including religious beliefs, moral and ethical values and cultural traditions;
- (d) “health care provider” means a regulated member who holds a practice permit in good standing that has been issued by a regulatory body;
- (e) “health care service” means a professional service as defined in the *Health Professions Act* and includes the provision of a formal or informal referral in respect of a patient;

- (f) “practice permit” has the same meaning as in the *Health Professions Act*;
- (g) “regulated member” has the same meaning as in the *Health Professions Act*;
- (h) “regulated profession” has the same meaning as the *Health Professions Act*;
- (i) “regulatory body” means the college of a regulated profession;
- (j) “religious health care organization” means a body corporate that provides health care services in accordance with its religious beliefs;
- (k) “unprofessional conduct” has the same meaning as in the *Health Professions Act*.

## **Purposes**

**2(1)** The purposes of this Act are

- (a) to create certainty regarding the exercise of rights under section 2(a) of the *Charter* by health care providers and religious health care organizations,
  - (b) to ensure regulatory bodies respect the rights of health care providers under section 2(a) of the *Charter*, specifically in respect of a complaint made against a health care provider that is based on the health care provider’s exercise of those rights,
  - (c) to protect health care providers who exercise their rights under section 2(a) of the *Charter* from employment discrimination,
  - (d) to ensure that religious health care organizations are able to support their employees who wish to exercise their rights under section 2(a) of the *Charter*, and
  - (e) to protect health care providers and religious health care organizations from being subject to a claim for damages based on the exercise of rights under section 2(a) of the *Charter*.
- (2)** For greater certainty, nothing in this Act derogates from a health care provider’s or religious health care organization’s

obligations to their patients, which may include informing individuals of options in respect of receiving a health care service.

### **Conscience-based objection to provision of health care service**

**3** If a health care provider or religious health care organization determines that their conscientious beliefs would be infringed by providing a specific health care service to an individual, the health care provider or religious health care organization is not required to provide that health care service to the individual.

### **Regulatory body may not compel performance**

**4** Despite any provision of the *Health Professions Act*, a regulatory body may not

- (a) impose a requirement on a health care provider that may result in the health care provider being compelled, directly or indirectly, to perform a health care service that they determine would infringe their conscientious beliefs, or
- (b) impose a requirement or standards on a health care provider to make statements to any person or body that would infringe the health care provider's conscientious beliefs.

### **Regulatory body must dismiss complaint**

**5(1)** On receiving a complaint in accordance with section 55(1) of the *Health Professions Act*, the subject matter of which is a health care provider's decision not to provide a health care service based on their conscientious beliefs, the complaints director for the regulatory body that received the complaint must immediately

- (a) dismiss the complaint, and
- (b) provide notice of the dismissal to the complainant.

**(2)** For the purposes of section 56 of the *Health Professions Act*, the complaints director for a regulatory body must not treat any information that they receive about a health care provider's decision not to provide a health care service based on their conscientious beliefs as a complaint or grounds for a complaint.

**(3)** For greater certainty, subsections (1) and (2) do not apply to any part of a complaint or information that deals with conduct other than the health care provider's decision not to provide a health care service based on their conscientious beliefs.

**Decision based on conscientious beliefs not unprofessional conduct**

**6** For the purpose of sections 56 and 57 of the *Health Professions Act*, a health care provider's decision to not provide a health care service based on their conscientious beliefs is not to be considered as unprofessional conduct.

**Protection from liability**

**7** No action lies, nor may be commenced nor maintained, against a health care provider or religious health care organization in respect of a decision that they, or their employees, made to not provide a health care service to an individual that is based on their conscientious beliefs.

**Amends RSA 2000 cA-25.5**

**8(1) The *Alberta Human Rights Act* is amended by this section.**

**(2) The preamble is amended in the 2nd recital by striking out "religious beliefs" and substituting "religious beliefs, conscientious beliefs".**

**(3) Section 7 is amended in subsection (1) by striking out "religious beliefs" and substituting "religious beliefs, conscientious beliefs".**

## Explanatory Notes

8(1) Amends chapter A-25.5 of the Revised Statutes of Alberta 2000.

(2) The preamble presently reads in part:

*WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation;*

(3) Section 7(1) presently reads:

*7(1) No employer shall*

*(a) refuse to employ or refuse to continue to employ any person, or*

*(b) discriminate against any person with regard to employment or any term or condition of employment,*

*because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person.*

