

# Legislation

Date: October 27, 2022

Communiqué #05



*Catholic and Living It!*

**TO:** Provincial Chairpersons of Legislation  
**THROUGH:** Provincial Presidents and Secretaries  
**CC:** National Executive (for information)  
National Life Member Liaison (for information)  
**FROM:** Glenda Carson, National Chairperson of Legislation

## **Update on Bill C-230 *An Act to amend the Criminal Code (intimidation of health care professionals)***

On October 5<sup>th</sup>, this bill was defeated at its second reading. The bill aimed to make it a federal offence to intimidate or coerce a medical professional to participate in any action related to medical assistance in dying (MAiD). As a point of information, while this bill dealt specifically with euthanasia, the concern over protecting healthcare workers' conscience rights also extends to abortion services.

The main argument against the bill in parliamentary debates was that there was no need for further legislative protection within the *Criminal Code*. The *Canadian Charter of Rights and Freedoms*, Section 2(a), identifies conscience rights as a fundamental freedom for Canadians. Other similar arguments included that the *Criminal Code* does not compel participation in MAiD and that this is also included in the preamble and subsection 9 of Bill C-14 *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*. Despite these assurances of federal protection for conscience rights for Canadians, the lingering concern is that some provinces have limited or no protection for health professionals. Without federal legislation, there is a vulnerability for forced compliance to participate in MAiD to varying degrees, especially through professional associations and employers. As the criteria for MAiD continue to expand, this concern will envelope more healthcare specialties. What will happen to the already stressed healthcare system if doctors, nurses, pharmacists and other healthcare professionals are forced out of practicing their specialties or leave their professions entirely because of conscientious objection?

As Bill C-230 has been defeated, the focus is now on provincial legislation as it is within the provinces' jurisdiction to protect the conscience rights of healthcare workers. Please encourage your diocesan counterparts to reach out to members and encourage them to become informed about the protection afforded in their province and to take action. All provincial governments and professional associations should be encouraged to create or maintain legislation and policies that protect healthcare workers' conscience rights. Actions can support positive results. For example, the Manitoba *provincial* government passed Bill 34 *The Medical Assistance in Dying (Protection for Health Professionals and Others) Act*, with support from all parties after legislators received 14,000 letters through the Coalition for HealthCARE and Conscience's Call for Conscience campaign.

The following links may be helpful to those wishing to advocate for the conscience rights of healthcare professionals.

- Resolution 2017.04 Protection from Coercion of Conscience for Healthcare Professionals: While this resolution calls for federal legislation for conscience rights, it does provide some very good background information on the topic. Read the resolution at [cwl.ca/wp-content/uploads/2013/10/Convention-2017.04-BC-and-Yukon-Coercion.pdf](http://cwl.ca/wp-content/uploads/2013/10/Convention-2017.04-BC-and-Yukon-Coercion.pdf).
- Coalition for HealthCARE and Conscience: This organization's website provides information on the status of conscience rights protection by provinces. Learn more at [canadiansforconscience.ca/](http://canadiansforconscience.ca/).

Thank you for supporting healthcare professionals who strive to protect all lives within the healthcare system.

God bless,

A handwritten signature in black ink, appearing to read 'Glenda', with a stylized flourish at the end.

Glenda Carson  
National Chairperson of Legislation