

# Debate over conscience rights hasn't cooled off in Alberta

A private member's bill to protect the conscience rights of health professionals in Alberta is still fighting for survival.

United Conservative Party MLA Dan Williams plans to advocate for Bill 207, the *Conscience Rights (Health Care Providers) Protection Act*, well into the new year. Williams' bill would ensure health practitioners – and organizations – can conscientiously decline a procedure without worry that they would be penalized or, at worst, lose their job.

“Like the rest of Albertans, medical professionals should know they can enter the workplace and not be forced to act against their conscience on deeply held matters of conviction and morality,” Williams said in a Dec. 2 speech in the Alberta Legislative Assembly. “That’s why this protection is important.”

Bill 207 has faced a barrage of controversy since it was introduced in early November. MLAs on an all-party committee, including Williams' UCP counterparts, voted against the bill's second reading. The full legislative assembly may vote on the legislation early next year.

Private member's bills are rarely passed in the legislature, although some may be refashioned into government bills that eventually do become law. Without the support of Premier Jason Kenney for Bill 207, and given the dissent within the UCP government caucus, that seems unlikely.

The president of the Alberta Medical Association has spoken out against Bill 207 and now the bill has suffered another blow. This week, 50 health care practitioners at two of Edmonton's Catholic hospitals wrote an Open Letter To MLAs debating Bill 207, calling it at best unnecessary and at worst a hindrance to a patient's access to care.



**Dr. Shelley Duggan**

“The most frightening thing is this bill takes away any resources for a patient who feels their access to care is threatened and the college must dismiss any complaint a patient has in regards to these issues,” said Dr. Shelley Duggan, a physician at the Grey Nuns Hospital and clinical professor with the University of Alberta.

“It’s not good care to take a frail and dying patient who wants to explore medical assistance in dying and just, for example, refer them to a website. I don’t think in a time of need that would be an acceptable form of care. It leaves patients at a complete disadvantage.”

“It’s totally unnecessary,” said Duggan. “We are already protected by the (Alberta College of Physicians and Surgeons) to allow conscience rights, but we must refer and counsel our patients on the options available to them.”

In a statement, the Alberta College of Physicians and Surgeons indicates that it considers its current standard of practice as the right approach.

Covenant Health has indicated it supports the bill, which has disappointed physicians like Duggan.

Also among its defenders is Dr. Mary Ellen Haggerty, an Edmonton family physician and president of the St. Luke’s Physicians’ Guild of Alberta, which represents Catholic doctors.

Haggerty says the conscience rights of Alberta physicians need the protection of Bill 207 in light of a recent Ontario Court of Appeals decision that forces doctors who morally object to medical assistance in dying, abortion and other controversial procedures to make direct referrals for their patients. In essence, that would make a physician complicit in the procedure.

“What Alberta physicians should realize is this may not seem like a major issue right now, but it could turn into an issue. That is what we’re concerned about,” said Haggerty.

“In Ontario, we’re seeing a situation where doctors are required to go directly against their conscience. The position they’re being put into is to either keep their job or follow their conscience.”



**Dr. Mary Ellen Haggerty**

Haggerty said the claim that patient care is affected is a deliberate distortion.

“There was a revision of this bill which was accepted by the Alberta College of Physicians and Surgeons, and one of their chief objectives is to protect patient rights,” Haggerty said. “They wouldn’t accept that revision if they felt patient rights were not being protected or if it somehow took away from patient care.”

Williams, a Roman Catholic, acknowledges the widespread criticism of his bill, but argues that legislation is needed to protect a physician’s freedom of conscience under the Charter of Rights and Freedoms.

“The majority of physicians, surgeons and nurses – most of them have no problem with these procedures that are of deep moral concern for the minority,” he said. “For those select few who do not have the same moral views as the rest of society... they want to know whether or not they have protection for their mostly deeply held convictions on the one hand and their job on the other.”

If Bill 207 is voted down in the near future, the Christian Medical and Dental Association worries it will create challenges for any future legislation across

Canada.

“The fear for us is this will discourage good people in other provinces from pressing for legislation there,” said executive director Deacon Larry Worthen. “We’re pushing for legislation in every other province – particularly legislation that will focus specifically on euthanasia. In Canada, we need protection at the provincial level to protect doctors who do not wish to participate in euthanasia.”



**Deacon Larry Worthen**

Worthen thinks this legislation is necessary because of the moral dilemmas physicians now face with medical assistance in dying.

“The agenda here is to coerce medical professionals to partake in procedures that result in the killing of their patients,” he said. “This is inappropriate in a free and democratic society. For something as serious as killing patients, there should be broad laws in place to ensure medical professionals do not have to take part in this.

“Legislation like Bill 207 simply protects the status quo and that this status quo will not be pressured to change by special interest groups, like it was in Ontario.”

Williams said he will continue to advocate for conscience rights in the province. And Duggan is also prepared to speak out against similar legislation.

“I’m concerned this is not the last time we will see bills like this,” she said. “So it’s important we speak out against them.”