

## Human Resources Legislative Update

# Ontario Proposes Legislation to Protect Access to Abortion Services

**Date:** October 18, 2017

[As announced earlier this year](#), the Ontario government has introduced legislation to protect access to abortion services at women's health clinics or facilities, as well as certain protected service provider offices. Protected service providers are people who work in clinics or certain health professionals who provide, or assist in the provision of, abortion services.

If passed, Bill 163, the [Protecting a Woman's Right to Access Abortion Services Act, 2017](#), would enact the *Safe Access to Abortion Services Act, 2017* (Act). Among other things, this legislation would prohibit:

- advising a person to refrain from accessing abortion services
- informing a person concerning issues related to abortion services or performing certain acts of disapproval by any means, including oral, written or graphic means
- certain persistent requests and certain actions to dissuade a person from accessing abortion services or to dissuade a protected service provider from providing abortion services
- other prohibited activities, as prescribed.

Prohibited behaviours identified in the legislation include:

- continuously or repeatedly observing the clinic or facility or persons entering or leaving it
- physically interfering / attempting to interfere with the person or intimidating / attempting to intimidate the person
- photographing, filming, videotaping, sketching or in any other way graphically recording the person.

The Bill would also prohibit certain activities in access zones for residences of protected service providers. In addition, it would establish access zones for clinics, prescribed facilities and residences of protected service providers.

Contravention of the above provisions may lead to:

- for a first offence, a fine of up to \$5,000 or to imprisonment for up to six months, or both
- for second or subsequent offences, a fine of not less than \$1,000 and not more than \$10,000 or to imprisonment of up to one year, or both.

The Bill provides that a person who suffers loss as a result of a contravention by another person has a right of action for damages against that person, and any person, including the Attorney General, may seek an injunction to restrain a person from contravening the Act. The legislation also provides police with the power to arrest, without a warrant, a person who has committed or is committing an offence under the Act.

*Freedom of Information and Protection of Privacy Act* restrictions on the application of the Act to records relating to the provision of abortion services are narrowed, and amendments clarify that it continues to apply to statistical or certain other information relating to the provision of abortion services.

Bill 163 was introduced on October 4, 2017. On October 17, 2017, it passed Second Reading and was referred to the Standing Committee on General Government.