

POLICY PRIORITIES FOR ONTARIO'S 2022 ELECTION

April 2022

APPROACH

Cardus believes that governments have an important but limited function that includes enabling other civil-society institutions to thrive. As a non-partisan think tank, we do not advocate for any political party or candidate. In the lead-up to Ontario's 2022 election, we are sharing our existing research with everyone equally and seek to collaborate with all people of goodwill. In this spirit and based on our existing research, we have identified several policy priorities for legislators and voters to consider in this election.

RELIGIOUS FREEDOM RECOMMENDATIONS

Policy Recommendation: Engage faith communities as partners in policy development

Policies enacted to curb the spread of COVID-19 highlighted how policy-makers may not fully understand the importance of public worship. As such, the government should actively engage with faith communities to better understand the implications of any policies that may limit religious freedom.

- Section 1 of the *Canadian Charter of Rights and Freedoms* acknowledges that rights are not absolute and that certain reasonable limits are inevitable.
- **Why it matters:** Freedom of conscience and religion are the first of our fundamental freedoms and should be afforded special status. Recognizing the inevitability of certain limits on these freedoms, institutional changes should be made to ensure that any limits imposed are reasonable.
- **Details:** Establish permanent faith community advisory boards or appoint faith leaders to government advisory positions.

For more details read Cardus's report [Reasonable Limits: How Far Does Religious Freedom Go in Canada?](#) and [Memo: Evaluating Reasonable Limits on Religious Freedom.](#)

Policy Recommendation: Ensure places of worship remain open during emergencies

Throughout the COVID-19 pandemic, the restrictions imposed on places of worship were often more stringent than those applied to retail businesses, despite the fact that freedom of conscience and religion is one of the fundamental freedoms in the *Canadian Charter of Rights and Freedoms*. This unequal and occasionally arbitrary treatment failed to recognize the distinct role of faith communities and the essential nature of public worship.

- The sacramental worship of Catholic and Orthodox Christians obliges active, in-person participation in the celebration of the Eucharist (Holy Communion) on Sundays and feast days. For Jews, no worship can take place without a *minyan* (e.g., Orthodox Judaism requires the presence of 10 Jewish men who have had their *bar mitzvah*). Likewise, Sikhism also requires public worship in the presence of the Sikh scriptures (the *Guru Granth Sahib*) which are only found in Sikh temples (*gurdwaras*).
- **Why it matters:** For many religious traditions, communal worship is an absolute necessity, not simply an option that in times of crisis can be abandoned in favour of virtual participation. The consequences of pandemic restrictions included the inability to meet these religious obligations and disconnection within the community.
- **Details:** The *Emergency Management and Civil Protection Act* should be amended to create a distinct category for the treatment of religious services, rites, and ceremonies (including weddings and funerals). This amendment should require emergency orders that restrict religious worship to be the same as, or less restrictive, than the next least-restricted category during an emergency. The amendments should also require that new or extended emergency orders be published with a rationale explaining the rational connection between the order and the policy objective.

For more details read Cardus's [Policy Brief: Keeping Ontario's Places of Worship Open During Emergencies](#).

Policy Recommendation: Protect freedom of conscience for healthcare workers

Healthcare providers are exempt from directly providing procedures that violate their conscience. However, the standards set out by professional regulators (e.g., College of Physicians and Surgeons of Ontario) may require practitioners to go against their conscientious beliefs through practices such as effective referrals.

- Freedom of conscience is the first fundamental freedom protected by section 2(a) of the *Canadian Charter of Rights and Freedoms*. Ontario lacks meaningful protections of this freedom for health care practitioners.

- **Why it matters:** Health care practitioners have come into conflict with regulatory colleges over the issue of providing effective referrals. The expansion of assisted suicide to include those suffering from mental illness highlights the ongoing need for conscience protections in the sector.
- **Details:** Legislation should be enacted to protect the conscience rights of all healthcare workers including doctors, nurses, and pharmacists. These practitioners should be afforded protection to refuse direct and indirect participation in any procedure (or provision of prescription drug) that violates their conscientious beliefs, without fear of repercussions from their regulator or employer.

For more details read Cardus's [Policy Brief: Protecting Conscience Rights for Ontario Healthcare Workers](#) and [Our Inner Guide: Protecting Freedom of Conscience](#).

ABOUT CARDUS

CARDUS is a non-partisan think tank dedicated to clarifying and strengthening, through research and dialogue, the ways in which society's institutions can work together for the common good.

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