

Calgary



CITY OF CALGARY
RECEIVED
IN COUNCIL CHAMBER
MAY 13 2020
ITEM: 1.2 CPS2020-0532
Public display & sign ban
CITY CLERK'S DEPARTMENT

Banning Conversion Therapy: CPS2020-0532

Presentation to Standing Policy Committee on Community and Protective Services
2020 May 13



Council Direction

1. Advocate to Governments
2. Bylaw Development



Calgary



Advocate to Governments



Justice and
Solicitor General



 Department of Justice
Canada



Bylaw Development





Proposed Prohibited Businesses Bylaw

Definition of business

Summary conviction offence

Specified penalty

Definition of conversion therapy



Recommendation

That the Standing Policy Committee on Community and Protective Services recommend that Council give three readings to the proposed Prohibited Businesses Bylaw.



Background Slides



Federal Bill C-8

An Act to amend the *Criminal Code* by creating the following offences:

- (a) causing a person to undergo conversion therapy against the person's will;
- (b) causing a child to undergo conversion therapy;
- (c) doing anything for the purpose of removing a child from Canada with the intention that the child undergo conversion therapy outside Canada;
- (d) advertising an offer to provide conversion therapy; and
- (e) receiving a financial or other material benefit from the provision of conversion therapy.

It also amends the *Criminal Code* to authorize courts to order that advertisements for conversion therapy be disposed of or deleted.

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Fines Amount by Municipality

Municipality	Bylaw Name	Fine Amount
Edmonton	Prohibited Business Bylaw	\$10K
Strathcona County	Conversion Therapy Prohibition Bylaw	\$10K
Rocky Mountain House	Business Licence Bylaw	\$10K
St. Albert	Conversion Therapy Prohibition Bylaw	\$10K <i>or to imprisonment for not more than one year, or both</i>
Wood Buffalo (Fort McMurray)	Conversion Therapy Bylaw	Not exceeding \$10K
Spruce Grove	Conversion Therapy Prohibition Bylaw	Not exceeding \$10K



Bylaw Fines Comparison**

Bylaw	Offence	Specified Penalty
Transit	Ride on/stand/hold any exterior portion of a transit vehicle	\$5K
	Interfere w/ operation of transit vehicle	
	Interference causing delay/safety concern	
Fire Operations & Fees	Apply graffiti to transit property	\$5K
	Fail to comply w/ direction during a Fire Ban	
Building Maintenance	Fail to keep building envelope in good repair/free from hazardous conditions	\$5K
	Fail to remedy/mitigate hazardous condition	
	Fail to advise Chief Building Official of hazardous condition	
Community Standards	Applying graffiti	\$5K
Wastewater	Install/operate wastewater treatment facility w/o written approval	\$5K



Stakeholder Engagement

58 surveys sent

- 44 Faith-based organizations
- 8 LGBTQ2S+ Organizations
- 6 Other Organizations

56 organizations viewed the survey

- 17 responded to definition clarity of business
- 15 responded to definition clarity of conversion therapy
- 14 responded to the fines/violation section

Stakeholder Engagement – What We Heard

Clarification feedback on business definition:

- Clear to most, but some found the definition to be too broad.
- A few questions as to whether a *calling* was a business?
- If the definition would include ad-hoc groups, clubs, churches and those that do not take payment for service.

Clarification feedback on conversion therapy definition

- Some found the definition too broad and others found it needed additions.
- Clarity on how the definition applies when someone is seeking counselling or behaviour modification service. Also, greater clarity regarding the difference between trying to change someone's identity and supporting their identity exploration.
- One asked if talking to members about living a “Christian life” goes against the bylaw.



Stakeholder Engagement – What We Heard

Clarification feedback on fines and violations:

- Requests for more clarity on the criteria for guilt, and if found guilty, what the implications are for members of the clergy, guidance councillors, or individuals working for a charity.
- A clearer understanding of the maximum fine that could be imposed, as well as, whether fines would be against a person or a business.



Proposed Conversion Therapy Definition

“Conversion therapy” means a practice, treatment, or service designed to change, repress, or discourage a person’s sexual orientation, gender identity, or gender expression, or to repress or reduce non-heterosexual attraction or sexual behaviour. For greater certainty, this definition does not include a practice, treatment, or service that relates

- a) to a person’s social, medical, or legal gender transition; or
- b) to a person’s non-judgmental exploration and acceptance of their identity or development



Bylaw Definition vs. Federal Definition of Conversion Therapy

Federal Definition

Conversion therapy means a practice, treatment or service designed to change a person’s sexual orientation to heterosexual or gender identity to cisgender, or to repress or reduce nonheterosexual attraction or sexual behaviour. For greater certainty, this definition does not include a practice, treatment or service that relates

- (a) to a person’s gender transition; or
- (b) to a person’s exploration of their identity or to its development.

City Bylaw Definition

“Conversion therapy” means a practice, treatment, or service designed to change, repress, or discourage a person’s sexual orientation, gender identity, or gender expression, or to repress or reduce non-heterosexual attraction or sexual behaviour. For greater certainty, this definition does not include a practice, treatment, or service that relates

- (a) to a person’s social, medical, or legal gender transition; or
- (b) to a person’s non-judgmental exploration and acceptance of their identity or development

