

Safe and Inclusive Access

RECOMMENDATIONS:

That Council:

1. Give three readings to the proposed Safe and Inclusive Access Bylaw to be effective immediately; and,
2. Give three readings to the proposed amendments to the Public Behaviour Bylaw 54M2006 to be effective immediately.

HIGHLIGHTS

- The following text contains information about lived experiences of hate, transphobia and homophobia. This report contains themes or content that may be harmful or traumatic for some readers.
- Recent protests have targeted members of the 2SLGBTQIA+ (Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, and additional sexual orientations and gender identities) community and are impeding The City of Calgary's ability to provide safe and inclusive access to City services. The public is entitled to access these services without being exposed to messaging or behaviour that is hateful, intimidates, harasses, or discriminates.
- While The City's Public Behaviour Bylaw (54M2006) addresses harassment, it currently has no mechanism in place to limit the time, manner and location of protests which impede safe and inclusive access to public services.
- The proposed Safe and Inclusive Access Bylaw seeks to allow safe and inclusive access to public services by establishing 'access zones' (Attachment 1), striking a balance between right to protest and safe and inclusive access to public services.
- The proposed amendment to Public Behaviour Bylaw (54M2006) will explicitly include "intimidation" in the definition of "harassment" to enhance clarity (Attachment 2).
- **What does this mean to Calgarians?** These recommendations provide additional tools to address acts of hate, discrimination, harassment, bullying, intimidation, and violence that impede people's ability to access public services.
- **Why does it matter?** Safe and inclusive access to public services is important to ensure all Calgarians can equally enjoy the benefits and resources offered at or through public facilities, regardless of gender, socio-economic status, age, ability, religion, race, sexual orientation, gender identity, gender expression or heritage. Inclusive public spaces that support diversity, attract business, contribute to a thriving economy and to a prosperous city.
- This report aligns with Council's Strategic Direction on Social Resilience, specifically, "A city where people of all backgrounds belong. A community of people who support one another. A vibrant, safe, and secure place to live, work and play. A city that does not tolerate hate, promotes community engagement and participation, and actively works to address systemic discrimination in all forms. We live our commitment to Reconciliation."
- Background and Previous Council Direction is included as Attachment 3.

DISCUSSION

Recent Protests

A series of protests over the past several weeks has caused concerns regarding the ability of community members to safely access recreation facilities and libraries, and has disrupted, or

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resulted in the cancellation of, events taking place at these facilities. These protests have targeted members of the 2SLGBTQIA+ community. In many instances, children and youth have been present and exposed to messaging or behaviour that is hateful, intimidates, harasses, or discriminates. Protesters have displayed escalating behaviour leading to disruption, fear, and verbal and physical conflict. The following bullets describe some of the recent protests.

- On 2023 February 10 Chinook Blast organizers announced the postponement of two performances (i.e., Drag on Ice and DJ Gaysnakes) due to ongoing safety concerns related to anticipated protests targeting the 2SLGBTQIA+ community.
- Since 2023 February 12 there have been ongoing protests at Canyon Meadows Aquatic and Fitness Centre connected to Calgary Recreation's Trans and Gender Diverse Facility Standard Operating Procedure, which provides individuals the right to access the washroom or change room that best corresponds with their gender identity or gender expression. At the protest on 2023 February 26, signs were present that read, "Weirdos in drag, gender benders reading to children." A protestor with a portable speaker was also heard saying, "These transgender sickos that want to change with little girls. What a bunch of sickos". Protests at the Canyon Meadows facility appear to be scheduled into the future.
- On 2023 February 25, demonstrators targeted a children's story time program called 'Reading with Royalty' at the Seton Public Library that is delivered in partnership with Calgary Pride to celebrate inclusion and diversity. One of the protestors entered the program room causing verbal, and eventual physical, conflict in front of the children and parents. There were reports of homophobic and transphobic slurs being shouted at the participants, including children and parents. An employee described how the encounter caused fear in participants and concerns for employee safety. On social media, a video shows two parents with their children leaving the event, "because their kids were not safe."
- On 2023 March 3, the Calgary Public Library postponed another 'Reading with Royalty' event scheduled for 2023 March 4 due to safety concerns related to the protests.

The organizers of these referenced protests have indicated an intention to continue protesting all-age drag events until they are shut down or, in the case of Canyon Meadows Aquatic and Fitness Centre, City policies are changed. These protests have been threatening, invoking fear, and inciting hatred, while putting the safety of the public and staff at risk. The City has received emails from Calgarians regarding the impact this is having, including one member of the 2SLGBTQIA+ community who shared that, "The demonstrations are dehumanizing. We can't walk out in our community because we're terrified by those who seek to eradicate us simply because of who we are". The City respects the right to protest but must balance this with protecting the physical and psychological safety of all people, and ensuring that all people can access public spaces without being exposed to hate, intimidation, harassment or discrimination.

Experiences of Exclusion and Oppression

Communities that have historically and/or currently experience exclusion, discrimination and oppression are more likely to experience harassment and police-reported hate crimes^{1,2} and report access barriers to public programs and services³. Since the enactment of The City's Street Harassment amendment (in the Public Behaviour Bylaw) in 2022 June, approximately 40 per cent of the incidents reported were experienced by Calgarians impacted by racism, homophobia and/or transphobia. Further, in a recent survey on street harassment commissioned by The City, participants identifying as 2SLGBTQIA+ were more likely to have experienced street harassment (84 per cent versus 49 per cent others). In The City's Fall 2022 Survey of Calgarians, Indigenous and 2SLGBTQIA+ Calgarians were less likely to agree with

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the following statement, 'The City delivers programs and services that remove barriers to participation for Calgarians who need it most' than other Calgarians.

Jurisdiction and Enforcement

Under the *Municipal Government Act* (Section 3(b) and (c)), the purposes of a municipality are to provide services, facilities or other things that in the opinion of council, are necessary or desirable for all or part of the municipality; and to develop and maintain safe and viable communities. The *Municipal Government Act* (Section 7) gives Council authority to enact bylaws regarding the safety, health and welfare of people and the protection of people and property; and people, activities and things in, on or near a public place or place that is open to the public.

The *Alberta Human Rights Act* (Section 4) mandates that The City must not discriminate with respect to any services or facilities that are customarily available to the public. Equality rights are also enshrined in the *Canadian Charter of Rights and Freedoms*.

Bylaws in other Canadian municipalities were scanned to understand how other jurisdictions have addressed similar issues (Attachment 4). While there are currently no existing bylaws in other municipalities regarding safe and inclusive access, some municipalities have bylaws addressing similar issues related to intimidation and harassment.

The proposed Safe and Inclusive Access Bylaw (Attachment 1) will establish 'access zones' prohibiting protests taking place inside, or within 100 metres of, an entrance to a City-operated recreation facility (or other designated facility) or library during operational hours (and one hour before and after). A review of aerial maps showing distances for representative facilities (e.g. different sizes, embedded library versus stand-alone) (Attachment 5) led to this recommendation of 100 metres. The Bylaw also prohibits persons from impeding or attempting to impede the passage of another person to or from an entrance of a recreation facility or library. The intent is to ensure that all people who wish to access these services may do so without being exposed to messaging or behaviour that is hateful, intimidates, harasses, or discriminates, which may trigger trauma and psychological harm. This strikes a balance between respecting the right to protest and The City providing safe and inclusive access to public services.

While The City currently has a Public Behaviour Bylaw (54M2006), which addresses harassment, the definition of 'harassment' does not explicitly include intimidation and the proposed amendment will provide clarity that this behaviour is captured within it.

If enacted, these proposed bylaws will protect all people, including members of communities that have historically and/ or currently experience exclusion, discrimination and oppression, and vulnerable groups such as children and youth, from further experiencing intimidation, harassment, and discrimination. They also ensure The City can deliver equitable access to the valuable benefits of public services and programs offered at recreation centres and libraries.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken | <input checked="" type="checkbox"/> Dialogue with interested parties was undertaken |
| <input type="checkbox"/> Public/interested parties were informed | <input type="checkbox"/> Public communication or engagement was not required |

Engagement with recreation and library facility partners highlighted fears regarding safety for customers (especially members of the 2SLGBTQIA+ community) and facility staff, and identified concerns related to potential service disruptions due to the recent protests. The Gender Equity, Diversity and Inclusion Subcommittee provided input into this report.

IMPLICATIONS

Social

The recommendations advance Council's Social Wellbeing Policy and The City's Gender, Equity, Diversity and Inclusion Strategy. They also support The City's ability to protect members of communities that have historically and/ or currently experience exclusion, discrimination and oppression, and vulnerable groups by taking a proactive and preventative approach, seeking to stop intimidation, harassment, and discrimination from being a barrier to access.

Environmental

No Applicable

Economic

The recommendations support the creation of safe, inclusive and diverse public spaces, which is critical for attracting and maintaining business investment, supporting a high quality of life, and ensuring that all Calgarians have the ability to thrive^{4,5}.

Service and Financial Implications

Other:

Not applicable

RISK

The recent protests targeting members of the 2SLGBTQIA+ community have seen an escalation in behavior leading to disruption, fear and verbal and physical conflict. Organizers have indicated their intention for ongoing protests. These protests have, and continue to, put the safety and welfare of the public at risk. The risk to safety and welfare of the public creates an urgent need to address the matter at Council.

The City is managing the risk by introducing a new bylaw to restrict the time, manner, and location of protests and amending an existing bylaw to explicitly include acts of intimidation, to ensure that all people can access public services without being exposed to hate, intimidation, harassment, or discrimination.

The *Municipal Government Act* does not require bylaws of general application to be advertised, go through a Standing Policy Committee, or be subject to a public hearing. No public consultation or engagement is legally required.

ATTACHMENTS

1. Proposed Safe and Inclusive Access Bylaw
2. Proposed Amendment to the Public Behaviour Bylaw
3. Background and Previous Council Direction
4. Jurisdictional Scan
5. Aerial Images
6. Safe and Inclusive Access Presentation

¹ Statistics Canada. (2022). <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00013-eng.pdf>

² Taylor et al. (2020). www.saravyc.ubc.ca/resources

³ Langlois, I., & Villotti, P. (2022). <https://doi.org/10.53379/cjcd.2022.227>

⁴ Calgary Economic Development. (2022). <https://www.calgaryeconomicdevelopment.com/invest/why-calgary/>

⁵ World Economic Forum. (2018). <https://www.weforum.org/agenda/2018/06/open-inclusive-diverse-cities-lgbtq-business-economic-growth/>

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Regular Meeting of Council
2023 March 14**

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