

# Bylaw 19758

## Amendments to Bylaw 14614 Public Places Bylaw - Acts of Harassment

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### Recommendation

That Community and Public Services Committee recommend to City Council:

That Bylaw 19758 be given the appropriate readings.

### Purpose

The purpose of this bylaw is to amend Bylaw 14614 - Public Places Bylaw by updating sections related to anti-bullying to include in its offences any acts of harassment based on race, religion, sexual orientation or gender identity.

### Readings

Bylaw 19758 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 19758 be considered for third reading.”

### Position of Administration

Administration supports this Bylaw.

### Previous Council/Committee Action

At the April 6, 2021, City Council meeting, the following motion passed:

That Administration work with the Anti-Racism Advisory Committee to review and recommend changes to the anti-bullying provisions (8.1 and 8.2) in Bylaw 14614, Public Places Bylaw:A

1. To include in its offences any acts of harassment based on race, religion, sexual orientation or gender identity;
2. To use restorative justice practices in response to any of these offences.

## Report Summary

The City's current bylaws do not address complaints arising from harassment or other behaviours that create or cause people to be or feel unsafe. Proposed amendments to Bylaw 14614 - Public Places Bylaw include the addition of harassing behaviours based on race, religion, sexual orientation or gender identity. Further, the bylaw amendment recommends removing the limitation of age of the harassed person. The fine amount remains at \$250 for a first offence and double the fine for subsequent offences.

The stakeholder engagement process identified challenges in using restorative justice for hate-motivated incidents, including the restoration of the relationship as it is. Transformative justice, as an alternative, may be better suited to respond to the need for change in social systems. There are legal complexities including legislative amendments that the province would have to implement. Given the complexities of the issue, Administration has requested an extension to the second quarter of 2022 to address part two of the motion to thoroughly explore all implications and options related to a restorative justice response.

## Report

Administration conducted an investigation of possible ways to expand the current bullying section of Bylaw 14614 - Public Places Bylaw to include additional types of harassment in public places.

Administration met with members of the Anti-Racism Advisory Committee, the City of Edmonton Youth Council, the Women's Advocacy Voice of Edmonton Committee, and the City of Edmonton Accessibility Advisory Committee for preliminary input into the needs and language of any amendments to the bylaw. The feedback provided was separated into two categories:

- expanding the definition of harassment
- expand the target demographics to apply more equitably in public harassment situations

The groups identified the harassment section of the *Alberta Occupational Health and Safety Act* as a model of an inclusive definition and range of demographics to consider. Administration used the language from that *Act* as a guide to prepare a bylaw amendment which broadens the Public Places Bylaw to address many types of harassment in public places, while retaining the original capacity of the youth bullying bylaw offence.

Investigations under this bylaw will face challenges to complete given the transitory nature of offences. As well, capturing evidence (gathering witness statements, audio

and video recordings) could be quite resource intensive. However, the wording of this amendment will narrow the identified gap in enforcement options related to hate-motivated actions and respond to Recommendation 12.1 from the recent Community Safety and Well-Being Task Force report (using an inclusive and anti-racism lens when establishing bylaws, policies and procedures).

**Corporate Outcomes and Performance Management**

<b>Corporate Outcome:</b> Edmonton is a safe city.			
<b>Outcome</b>	<b>Measure</b>	<b>Result</b>	<b>Target</b>
Edmontonians are safe and secure in our community	Percent of Edmontonians that have witnessed or experienced differential or unjust treatment based on differences, whether real or perceived (according to the Edmonton Community Perceptions Survey)	<u>2019</u> Overall: 60% Experienced: 27% Witnessed: 55%	Decrease over prior period

**Public Engagement**

Public engagement was not conducted for this report. However, the proposed amendment is in keeping with public calls for increased tools to intervene in hate-motivated incidents, including the recent recommendations by the Canadian Council of Muslim Women and the National Council of Canadian Muslims following the National Action Summit on Islamophobia which recommends that municipalities pass municipal bylaws to address street harassment and other hate-motivated incidents, including citizen bystander training to intervene safely.

**Budget/Financial Implications**

There are no anticipated budget or financial implications. Enforcement of the amended section will be managed within existing resources.

**Attachment**

1. Bylaw 19758

**Others Reviewing this Report**

- C. Owen, Deputy City Manager, Communications and Engagement
- D. Croft, Acting Deputy City Manager, Financial and Corporate Services
- K. Fallis-Howell, Acting City Solicitor