

Conversion Therapy Practices

Recommendation

1. That the August 21, 2019, Urban Form and Corporate Strategic Development report CR_7154, be received for information.
2. That Attachment 3 of the August 21, 2019, Urban Form and Corporate Strategic Development report CR_7154 remain private pursuant to section 27 (privileged information) of the *Freedom of Information and Protection of Privacy Act*.

Previous Council/Committee Action

At the April 16, 2019, City Council meeting the following motion was passed:

That Administration provide a report to Committee on:

1. The current state of licensing for the practice referred to as conversion therapy in Edmonton.
2. What other municipalities are doing to end conversion therapy practices?
3. What options are available to end the practice of conversion therapy in Edmonton?

Executive Summary

Across Canada, several provincial and municipal governments have taken steps toward restricting conversion therapy. This report provides background information on the practice of conversion therapy in Canada, and proposes two options that could be explored in response to the issue of conversion therapy in Edmonton.

Report

Conversion therapy refers to any treatment, counselling, or behaviour modification that aims to change someone's sexual orientation, gender identity, or gender expression. Many major health organizations, including the Canadian Psychological Association and the Pan American Health Organization (a regional office of the World Health Organization), have discredited conversion therapy due to a lack of scientific evidence of its efficacy, and the adverse psychological impact it can have on persons subjected to it. Position statements of several organizations are provided in Attachment 1.

The following examines the current state of licensing conversion therapy in Edmonton, and the measures taken by governments in Alberta and across Canada to regulate conversion therapy. Administration also outlines options that City Council can consider to address conversion therapy in Edmonton.

Current State of Licensing Conversion Therapy in Edmonton

Business Licence Bylaw 13138 establishes a system of licensing for businesses, business activities and persons engaged in a business through defining business classification types. Conversion therapy is not a specific business classification. Other Bylaw classifications and exemptions are outlined below:

- **Religious and spiritual organizations** are generally exempt from business licensing as they are places of community. Religious assembly and spiritual guidance are not considered business activities, and therefore conversion therapy delivered under the guise of spiritual or religious counsel would not be impacted by a licensing system.
- **Psychologists and other mental health practitioners** are regulated by the Health Professions Act (Alberta), which exempts them from municipal licensing.
- **Private counsellors** who are not currently provincially-regulated are required to obtain a General Business licence from the City. General Business is a classification that is applied to a variety of business types and does not require consultation or notification with other regulatory bodies. However, recent provincial legislative amendments will regulate private counsellors, and exempt them from municipal licensing.

The majority of therapists are not required to obtain a business licence, which limits the City's ability to regulate conversion therapy through the Business Licence Bylaw 13138.

Measures Taken in Alberta to Regulate Conversion Therapy

In February 2019, the previous Government assembled a conversion therapy working group to meet regularly and provide the then Minister of Health with recommendations on legislation and policy options for banning conversion therapy in Alberta. The status of the working group is unclear at this time.

On July 8, 2019, St. Albert City Council unanimously passed a motion to:

- Urge the Government of Canada to enact legislation making the practice of conversion therapy a criminal offense, and
- Prepare a bylaw by December 31, 2019 to:
 - Amend the Land Use Bylaw to provide that activities commonly known as "conversion therapy" (ie. practices or techniques aimed at changing or attempting to change a person's sexual orientation or gender identity or

- expression) are neither a permitted, nor a discretionary use in any land use classification;
- Amend the Business Licensing Bylaw to provide that Conversion Therapy is not a lawful business activity in St. Albert and no business licence shall be issued for any person or organization that has conversion therapy as part of its business activities;
- And set a fine of \$10,000 for those advertising or offering conversion therapy service for minors within St. Albert.

Despite having identified concerns with how to effectively regulate conversion therapy, several other municipalities in Alberta are taking steps towards banning the practice, including Strathcona County, Spruce Grove, and Calgary.

Measures taken in Alberta are outlined in more detail in Attachment 2.

Measures Taken Across Canada to Regulate Conversion Therapy

In March 2019, the House of Commons issued a response to a petition to enact legislation that would protect minors from conversion therapy. The response suggested the issue calls for regulation of the health professions at the provincial or territorial level. The response also cited several Criminal Code offences that could be relevant to conversion therapy, including kidnapping, forceable confinement, assault, fraud, and the wilful promotion of hatred against an identifiable group. In April, a Bill was introduced in the Senate that, if passed, would amend the Criminal Code to make it illegal to advertise conversion therapy or receive a financial or other material benefit from its practice.

To date, governments in four other provinces have, or are considering, legislation to restrict conversion therapy (Attachment 2). Vancouver's bylaw prohibits conversion therapy as a business activity. Proposed legislation in British Columbia and established legislation in Manitoba, Ontario, and Nova Scotia restrict conversion therapy within the health-care system.

Options for Responding to Conversion Therapy in Edmonton

The City's authority to regulate conversion therapy by bylaw is limited, particularly in cases where conversion therapy is provided by health professionals. Administration concludes that two options could be considered:

1. Monitor conversion therapy in Edmonton and Federal regulation changes.

Provincial health authorities do not support conversion therapy as a health practice, and the federal government may amend the Criminal Code to add additional protections against the practice of conversion therapy. Any business licence regulations that attempt to restrict or prohibit conversion therapy are unlikely to offer additional protection.

2. Business prohibition

Similar to the Cities of Vancouver and St. Albert, Council could pass bylaws prohibiting certain businesses, which could include the business of providing conversion therapy.

This approach would be largely symbolic. It would not necessarily be effective at preventing conversion therapy from happening entirely, but rather would prohibit the practice as a business activity. As this practice is largely clandestine, enforcement may be challenging.

A ban on the practice of conversion therapy would align with the guiding principle of the ConnectEdmonton strategic plan:

"We create as a community to connect people to what matters to them. We care about the impact of our actions on our social, economic, cultural, spiritual and environmental systems. We serve those here today and those who come after us."

However, Administration acknowledges that the tools for banning conversion therapy are limited. The continuing practice of conversion therapy suggests it is a rooted and complex social issue that requires a wider lens to affect meaningful change. Conversion therapy is not generally visible, and reliable data on the frequency, duration, and source of conversion therapy is not available.

Legal Implications

Legal implications are discussed in Attachment 3.

Public Engagement

Public engagement was not undertaken because this report is for information only.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Edmonton is a safe city.			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Effective and efficient service delivery	Number of licenses issued to conversion therapists	0 (2018)	0 (2019)

Attachments

1. Summary of Conversion Therapy Position Statements of Major Health Organizations
2. Summary of Action Taken to Regulate Conversion Therapy in Canada
3. Legal Implications (Private)

Others Reviewing this Report

- C. Owen, Deputy City Manager, Communications and Engagement
- R. Smyth, Deputy City Manager, Citizen Services
- B. Andriachuk, City Solicitor
- K. Armstrong, Deputy City Manager, Employee Services