

Conversion Therapy Report

Date	April 14, 2021
To	Community Wellness Committee
From	City Manager's Office
Service Area	City Manager's Office
Item No.	CWC21-6

RECOMMENDATION

The Community Wellness Committee recommends that City Council:

1. Direct the Mayor to write to the Federal Government on behalf of Regina City Council in support of Bill C-6.
2. Approve this recommendation at its meeting on April 28, 2021.

ISSUE

Some Provinces and Cities across Canada have taken steps to ban the practice of conversion therapy within their respective jurisdictional spheres of health (provincial) and business regulation (municipal). There is currently a Bill (C-6) before the Federal Government which would criminalize aspects of conversion therapy.

In February 2020, Saskatoon's Governance and Priorities Committee directed its Administration to report on what role the City can play to "ensure conversion therapy is prohibited in Saskatoon" and subsequently, in February 2021, Saskatoon City Council passed a bylaw (attached as Appendix A) to prohibit conversion therapy businesses in Saskatoon. Some members of Regina City Council have expressed a desire for an opportunity to similarly discuss conversion therapy at Committee and Council and to hear from interested parties on the subject.

The intent of this report is to provide Committee members with further background and options to consider regarding Regina's approach to conversion therapy.

IMPACTS

There are no financial, environmental, policy, strategic, accessibility or other implications, or considerations associated with this report. Any impacts resulting from further Council direction will be brought forward in future reports as appropriate.

OTHER OPTIONS

An alternative option would be to direct the Administration to undertake further research and bring back a report following the decision of Parliament as to whether Bill C-6 is approved.

COMMUNICATIONS

A number of community organizations expressed an interest to provide input and perspective on any potential actions the City may pursue. If Council directs the Administration to undertake further research, the Administration will ensure an engagement and communication plan will be developed to solicit community input.

DISCUSSION

Conversion Therapy can be described as a practice that seeks to change a person's sexual orientation to heterosexual, to repress non-heterosexual attraction or behaviors, or to change an individual's gender identity to match the sex they were assigned at birth. The Canadian Psychological Association, Canadian Psychiatric Association and Canadian Paediatric Society have denounced conversion therapy as harmful to LGBTQ2 persons. The Federal Government has taken the position that conversion therapy causes harm to persons, and in particular children; that it causes harm to society because it propagates myths and stereotypes about sexual orientation, gender identity and gender expression, including the myth that these should be changed; and that denouncing conversion therapy is important to protect the dignity and equality of all Canadians (preamble, Bill C-6).

Several levels of government in Canada have taken steps to prohibit conversion therapy within their respective jurisdictional spheres. Cities, such as Edmonton, Calgary, Vancouver and Saskatoon have adopted bylaws prohibiting conversion therapy businesses pursuant to their authority to prohibit businesses from operating within the city. The City has jurisdiction under *The Cities Act* to prohibit a business or class of business from operating within the city. A business is defined by *The Cities Act* as including the following, whether for profit: a commercial activity; the carrying on of a profession, trade, occupation, calling or employment; or an activity providing goods or services. It is unknown if there are currently any conversion therapy businesses operating in Regina.

Provinces, including Ontario, Quebec, P.E.I and Nova Scotia, have amended health legislation to remove conversion therapy as a covered service and to prohibit licensed professionals from offering conversion therapy. The Federal Government has re-introduced

a Bill (C-6, formerly C-8) to amend the Criminal Code to criminalize aspects of conversion therapy.¹

In October 2020, Bill C-6 was introduced, received second reading and was referred to the Standing Committee on Justice and Human Rights. The committee provided its report on December 11, 2020, and the Bill is eligible to receive third reading at any time before the end of the current parliamentary session. The Bill proposes five new *Criminal Code* offences related to conversion therapy as follows:

1. Causing a person to undergo conversion therapy without their consent
2. Causing a minor to undergo conversion therapy
3. Removing a minor from Canada to undergo conversion therapy abroad
4. Advertising an offer to provide conversion therapy
5. Receiving a financial or other material benefit from providing conversation therapy

While a ban on conversion therapy has been widely supported, some groups continue to express concern that the definition of conversion therapy may prevent practices, conversations or therapies which they see as beneficial. The Standing Committee on Justice and Human Rights received 290 briefs, heard from 32 witnesses and as a result, proposed an amended definition in its report on December 11, 2020. The Federal Bill (as amended by committee, Attached as Appendix B) now defines conversion therapy as:

Conversion therapy means a practice, treatment or service designed to change a person's sexual orientation to heterosexual, to change a person's gender or gender expression to cisgender, or to repress or reduce non-heterosexual attraction or sexual behaviour or non-cisgender gender expression. For greater certainty, this definition does not include a practice, treatment or service that relates to the exploration and development of an integrated personal identity without favouring any particular sexual orientation, gender identity or gender expression.

Many of the laws passed at the provincial and municipal level pre-date the introduction of the Federal Bill and, therefore, did not have the benefit of considering the Federal Government's proposed definition or the impact the Bill would have on local laws. If conversion therapy is criminalized, the provincial and municipal laws will continue to apply unless they conflict with the criminal law. Upon receiving a complaint of conversion therapy, law enforcement officials may decide to pursue enforcement activity through criminal laws or municipal bylaws.

¹ More information and background regarding the historical origins of conversion therapy, scientific evidence regarding conversion therapy and the current use of conversion therapy in Canada can be found in the Library of Parliament research paper at the following link: <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/LegislativeSummaries/PDF/43-2/c6-e.pdf>

DECISION HISTORY

The recommendation in this report require City Council approval.

Respectfully Submitted,



Byron Werry
City Solicitor

Respectfully Submitted,



Chris Holden
City Manager

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ATTACHMENTS

Appendix A. Bylaw 9747 Saskatoon

Appendix B. Bill C-6 as amended December 11 2020