

Conversion Therapy

ISSUE

What role can the City of Saskatoon play to ensure that conversion therapy is prohibited in Saskatoon?

BACKGROUND

At its meeting held on [February 18, 2020](#), the Governance and Priorities Committee (“GPC”) resolved:

“That the Administration report back, as expeditiously as possible, on what role the City of Saskatoon can play to ensure that conversion therapy is prohibited in Saskatoon. When gathering information for the report, the Administration should ensure that they dialogue with all appropriate stakeholder groups, service providers and other orders of Government.”

CURRENT STATUS

Currently, the City does not specifically regulate conversion therapy. The City does require entities meeting the definition of “business” in *The Business License Bylaw, 2002* to obtain a business license from the City. Business is generally defined as carrying on a commercial undertaking, the carrying on of a profession, or an activity providing goods.

DISCUSSION/ANALYSIS

Federal Government

On March 9, 2020, the Federal Government tabled legislation to criminalize aspects of conversion therapy-related activities in Canada.

The legislation proposes five new *Criminal Code* offences related to conversion therapy. These include:

1. Causing a minor to undergo conversion therapy;
2. Removing a minor from Canada to undergo conversion therapy abroad;
3. Causing a person to undergo conversion therapy against their will;
4. Profiting from providing conversion therapy; and
5. Advertising an offer to provide conversion therapy.

Bill C-8, *An Act to amend the Criminal Code (conversion therapy)* (“Bill C-8”) is attached to this report as Appendix 1.

Conversion therapy is defined in Bill C-8 as:

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

Options for the City

Several municipalities in Alberta and the City of Vancouver have prohibited businesses providing conversion therapy. Like those jurisdictions, *The Cities Act* does allow Saskatoon to prohibit a business or class of business from operating within the City.

However, as noted in a report considered by the City of Edmonton, this approach would be largely symbolic. It would not prohibit conversion therapy entirely but, rather, would prohibit the practice as a business activity. Enforcement would be challenging as it may not always be operated as a business activity and provision of these services does not appear to be publicly advertised in Saskatoon. The amendments proposed by the Federal Government to the *Criminal Code* also target similar business activities.

The tools for banning conversion therapy are limited at the municipal level. As outlined above, the current method used is to prohibit the business of providing conversion therapy. It is important to note that the decision of other municipalities to prohibit businesses offering conversion therapy pre-dated the introduction of Bill C-8 by the Federal Government.

Conversion therapy is defined in the City of Edmonton’s *Prohibited Businesses Bylaw* as:

“The offering or provision of counselling or behaviour modification techniques, administration or prescription of medication, or any other purported treatment, service, or tactic used for the objective of changing a person’s sexual orientation, gender identity, gender expression, or gender preference, or eliminating or reducing sexual attraction or sexual behaviour between persons of the same sex, not including

- (a) services that provide acceptance, support, or understanding of a person or that facilitate a person’s coping, social support, or identity exploration or development, or
- (b) gender-affirming surgery or any service related to gender-affirming surgery.”

Going forward, it would be the intention of the Administration to align our business license practices with the direction of the Federal Government on this issue once Bill C-8 is in effect.

In drafting this report research was undertaken with respect to what other municipal governments and other levels of government are doing on this issue. However, given the current circumstances, dialogue with other stakeholder groups was not undertaken. Given the actions of the Federal Government, additional engagement may not be warranted. However, if other stakeholder engagement is desired, direction as to who to engage would be appreciated.

OTHER IMPLICATIONS

There are no financial, privacy, social, or environmental implications identified. If GPC wishes to recommend to City Council that conversion therapy be prohibited as a business, then a bylaw would need to be drafted and brought back to City Council for approval.

NEXT STEPS

The Administration is not planning any next steps at this time.

ATTACHMENTS

1. Bill C-8, *An Act to amend the Criminal Code (conversion therapy)*

Report Approval

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