

Conversion Therapy – Draft Prohibited Businesses Bylaw

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.”

The City Solicitor reported to GPC on April 20, 2020. That report was considered by City Council at its Regular Business Meeting on [April 27, 2020](#) and Council resolved:

- “1. That the report of the City Solicitor dated April 20, 2020, be referred back to the Administration to complete the original recommendation with respect to stakeholder engagement;
2. That a bylaw be drafted to prohibit conversion therapy as a business in Saskatoon; and
3. That City Council write to other orders of government expressing Saskatoon’s support for tabled Bill C-8, An Act to amend the Criminal Code (conversion therapy), indicating that we intend to align our business license practices with the direction of the Federal Government on this issue once Bill C-8 is in effect.”

CURRENT STATUS

Currently, the City does not specifically regulate conversion therapy. Other jurisdictions in Canada have taken steps to prohibit conversion therapy. The Federal Government has proposed changes to the *Criminal Code* to criminalize aspects of conversion therapy related activities in Canada. Certain provinces have enacted legislation to restrict the provision of conversion therapy. Some municipalities have enacted bylaws prohibiting the business of providing conversion therapy.

DISCUSSION/ANALYSIS

The Prohibited Businesses Bylaw

As instructed by City Council, the City Solicitor’s Office has drafted *The Prohibited Businesses Bylaw, 2021* (the “Bylaw”) which is attached as Appendix 2.

The Bylaw prohibits the business of providing conversion therapy. Conversion therapy has been defined as:

““Conversion Therapy” means the following when used for the purpose of changing a person’s sexual orientation, gender identity or gender expression, or for the purpose of repressing or reducing non-heterosexual attraction or sexual behaviour:

- (a) the offering or provision of counselling or behaviour modification techniques;
- (b) any other purported treatment, service, practice or the offering or sale of any goods;

but does not include those that relate to:

- (c) a person’s exploration and development of an integrated personal identity without favouring any particular sexual orientation, gender identity or gender expression; or
- (d) repressing or reducing sexual attraction or behaviour for any purpose unrelated to a desire to be heterosexual, including for the purpose of managing sexual addiction or maintaining celibacy.”

This Bylaw is similar to the bylaws of other municipalities that prohibit the business of providing conversion therapy. Our definition is similar to that of other jurisdictions but we have made some adjustments to the definition based on comments received.

Engagement

Following completion of a draft of the Bylaw, the City Solicitor’s Office corresponded with all individuals or entities that had previously written to City Council on this topic. They were informed that a draft bylaw prohibiting the business of providing conversion therapy would be presented to GPC and the definition of conversion therapy was provided.

A variety of responses were received in reply. The responses mirrored the correspondence received by City Council with those in favour of a bylaw speaking in favour of proceeding and those against a bylaw speaking against the implementation of a bylaw.

Some comments were received with respect to the definition of conversion therapy and based on those comments some changes were made to the proposed definition. The draft Bylaw before you contains the amended version of the definition.

The City Solicitor's Office has also corresponded with the Provincial and Federal Governments, but no responses were received. However, we are aware that the Federal Government continues to take action in this area and a summary is provided below of their continued actions.

In accordance with the recommendation of City Council at its April 27, 2020 Regular Business meeting, the Mayor has written to the Provincial Government.

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

When Parliament was prorogued in August of 2020, Bill C-8 had not yet passed which means it came to an end.

In October of 2020, the Federal Government re-introduced the *Criminal Code* amendments which is now Bill C-6: *An Act to amend the Criminal Code (conversion therapy)*. Bill C-6 received second reading and was referred to Committee. On December 11, 2020, the Standing Committee on Justice and Human Rights reported back on the Bill with amendments. Third reading of the Bill could occur when Parliament resumes sitting at the end of January 2021, but that is outside our control.

If GPC is interested in pursuing the adoption of the Bylaw, a motion would be required recommending that City Council instruct the City Solicitor to bring forward the Bylaw to City Council for its consideration.

OTHER IMPLICATIONS

There are no financial, privacy, social or environmental implications identified.

NEXT STEPS

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

APPENDICES

1. Confidential – Solicitor/Client Privilege
2. Draft - *The Prohibited Businesses Bylaw, 2021*

Report Approval

Written & Approved by: Cindy Yelland, City Solicitor

Reviewed by: Jeff Jorgenson, City Manager