

Conversion Therapy**Report Purpose**

To provide a report to Council on conversion therapy in Strathcona County and Alberta, and options to end the practice of conversion therapy.

Recommendation

None

Our Prioritized Strategic Goals

Goal 1 - Build strong communities to support the diverse needs of residents

Goal 8 - Foster an environment for safe communities

Report*Section I – Conversion Therapy Defined*

Conversion therapy is an attempt to change an individual's sexual orientation, gender identity, gender preference, or gender expression; an attempt to convert an individual from one orientation, identity, preference, or expression to another. Conversion therapy can refer to various physical treatments, chemical or hormonal treatment, drug treatments, counselling, or behaviour modification through traumatic or other stimuli.

Section II – The Practice of Conversion Therapy in Strathcona County

Reliable information on the frequency, duration, and source of conversion therapy is virtually impossible to obtain. The practice of conversion therapy is generally "underground", and is thus not reported or tracked publically.

Searches by the County's Family and Community Services department have found no direct references to conversion therapy being practiced in Strathcona County.

At the City of Edmonton Community and Public Services Committee meeting on August 21, 2019 a number of faith groups spoke in opposition to a ban on conversion therapy. None of the specific groups that spoke have a known presence within Strathcona County, but related groups may exist.

Section III – The Current State of Licensing for Conversion Therapy in Strathcona County

Currently, Strathcona County does not have any bylaws or other licensing or registration schemes that address conversion therapy.

A number of professional organizations have released statements on the practice of conversion therapy, which provide direction to their practicing members:

The Canadian Association of Social Workers & the Canadian Association for Social Work Education, Joint Statement:

Any professional's attempt to alter the gender identity or expression of a young person to align with social norms is considered unethical and an abuse of power and authority. Specifically, social workers should reject any attempt

to prevent a child from growing up to be transgender, transsexual, two-spirit, gay, lesbian, bisexual or queer.

The Canadian Psychiatric Association, Policy statement:

The CPA opposes the use of reparative or conversion therapy, given that such therapy is based on the assumption that LGBTQ identities indicate a mental disorder and (or) the assumption that the person could and should change their sexual orientation and (or) their gender identity and gender expression.

The Canadian Psychological Association, Policy statement:

The Canadian Psychological Association affirms that all adolescent and adult persons have the right to define their own gender identity regardless of chromosomal sex, genitalia, assigned birth sex, or initial gender role. Moreover, all adolescent and adult persons have the right to free expression of their self-defined gender identity.

The Canadian Psychological Association opposes stereotyping, prejudice, and discrimination on the basis of chromosomal sex, genitalia, assigned birth sex, or initial gender role, or on the basis of a self-defined gender identity or the expression thereof in exercising all basic human rights.

Section IV – What are Other Municipalities in Alberta Doing

Overview of action taken by other municipalities in Alberta:

St. Albert – passed a motion to urge the Federal Government to make conversion therapy a criminal offence, and to amend their Business Licensing and Land Use bylaws.

Spruce Grove – passed a motion asking for a report on options for banning conversion therapy, including legal processes, changes to their Land Use Bylaw, and changes to their Business Licensing Bylaw.

Edmonton – passed a motion directing city administration to draft a bylaw that prohibits the licensing, practice and promotion of conversion therapy in Edmonton.

Details of the motion passed in each of these municipalities can be found in Enclosure 1.

Section V – What are Other Jurisdictions in Canada Doing

Overview of actions taken by other jurisdictions in Canada:

Manitoba – Health professionals are prohibited from performing conversion therapy, and conversion therapy cannot be funded by the Health Care system

Ontario – Health professionals are prohibited from performing conversion therapy, and conversion therapy cannot be funded by the Health Care system.

Nova Scotia - Health professionals are prohibited from performing conversion therapy, and conversion therapy cannot be funded by the Health Care system.

Alberta (provincial) – a working group to study whether conversion therapy should be banned was created by the previous Provincial Government. It is unclear whether the working group will continue.

Canada (federal) – A Bill was introduced into the Senate in April, which proposes to make it a criminal offence to practice conversion therapy, to make it illegal to advertise conversion therapy to children, and to make it a criminal offence to receive a financial or material benefit from practicing conversion therapy.

Details of the action taken in each of these jurisdictions can be found in Enclosure 1

Section VI – Options to End the Practice of Conversion Therapy in Strathcona County

Option 1 Policy declaring opposition to the practice of conversion therapy

Council may adopt a policy that states the County's opposition to the practice of conversion therapy.

Benefits:

- Clear statement from Council opposing the practice of conversion therapy
- Ability to restrict the use of County funds and resources from organizations that practice and promote conversion therapy

Disadvantages:

- No legal effect on organizations that practice conversion therapy, except in their relations with County and in respect to County funding

A draft Policy, GOV-001-039 Opposition to Conversion Therapy, has been attached as Enclosure 2 for Council's consideration. Should Council wish to approve this Policy, a motion would be required.

Option 2 Pass a bylaw prohibiting the practice of conversion therapy

Council may pass a bylaw that prohibits the practice and promotion of conversion therapy, for the sake of the safety, health, and welfare of persons within Strathcona County, and to develop and maintain Strathcona County as a safe and viable community.

Benefits:

- Direct ban of the practice of conversion therapy
- Applies to all aspects of the practice, as defined in the bylaw

Disadvantages:

- Conversion therapy is typically practiced "underground", so enforcement may be difficult
- Punishment is by fine, which may not be a deterrent

A draft bylaw, Bylaw 28-2019, the Conversion Therapy Prohibition Bylaw, has been attached as Enclosure 3 for Council's consideration. Should Council wish to adopt this bylaw, it may give the bylaw three readings.

Option 3 Amend the County's *Land Use Bylaw*, 6-2015

Council has the option of amending the *Land Use Bylaw* to add "Conversion Therapy" as a defined land use, and subsequently not adding that use to any land use zones.

Benefits:

- Bans the use of land for supporting the practice of conversion therapy

Disadvantages:

- Only operates for land use on a go-forward basis. In situations where conversion therapy may fit into a current use, changes to the *Land Use Bylaw* will not prohibit the practice, as uses of land depend on what the then-current *Land Use Bylaw* stated at the time the use began or emerged
- Significant work required to amend the *Land Use Bylaw*, given its complexity, which may result in a longer timeline before proposed amendments are available
- Only regulates the use of land for practicing conversion therapy – difficult to use the *Land Use Bylaw's* provisions to address the "underground" practice

Council could pursue this option by passing a motion directing Administration to prepare the bylaw amendments and arrange for a public hearing.

Option 4 Resolution directing the Mayor, on behalf of Council, to write a letter to the Provincial Government

Council may direct the Mayor to write a letter to the Provincial Government requesting that the Provincial Government take steps to ban conversion therapy at the Provincial level. The letter could request that the Provincial Government follow the Manitoba, Ontario, or Nova Scotia model, or take other steps.

Benefits:

- The Provincial Government has a head of power, under the Canadian Constitution, that permits them to deal with medical matters
- Legislation from the Province would be consistent across the Alberta

Disadvantages:

- A response from the Province would be in the future, and is uncertain
- No immediate effect within Strathcona County

If Council wishes to pursue this option, a motion directing the Mayor to write such a letter, on behalf of Council, would be appropriate.

Option 5 Resolution that the Alberta Urban Municipalities Association (AUMA) and/or the Rural Municipalities of Alberta (RMA) pass a resolution or adopt a policy

Council has the option of sponsoring a resolution for the AUMA and/or the RMA to petition the Provincial Government to take steps to ban conversion therapy, or to condemn the practice of conversion therapy.

Benefits:

- AUMA and RMA represent large numbers of municipalities in Alberta, and have greater power to request change than the County alone
- If successful, legislation from the Province would be consistent across Alberta

Disadvantages:

- Deadline for 2019 resolutions at AUMA has passed – any resolution would not be voted on until 2020 (RMA Convention Resolution deadline is October 18, 2019)
- No immediate effect within Strathcona County

If Council wishes to pursue this option, a motion to refer the matter to the Governance Advisory Committee would be appropriate.

Council may pass any combination of these options.

Council and Committee History

July 23, 2019 Council approved the motion:

THAT by the end of September 2019, Administration prepare a report on the following:

- The current state of licencing for the practice referred to as conversion therapy in Strathcona County;
- What other municipalities in Alberta are doing to end conversion therapy practices;
- What options are available to end the practice of conversion therapy; and
- Information on bylaw content that could be considered by Council respecting the practice of conversion therapy in Strathcona County

Other Impacts

Policy: Draft policy attached, which would express Council's opposition to the practice of conversion therapy.

Legislative/Legal: Section 3 of the *Municipal Government Act* states that it is a municipal purpose to maintain and develop safe and viable communities. Sections 7 and 8 give municipal councils the authority to pass bylaws that regulate or prohibit activities, and that are in relation to the safety, health and welfare of people, and the protection of people and property.

Interdepartmental: Legislative and Legal Service has worked with Intergovernmental Affairs and Family and Community Services on this matter.

Master Plan/Framework:**Enclosure(s)**

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| 1 | Conversion Therapy – Responses in Other Jurisdictions |
| 2 | Draft Policy GOV-001-039 Opposition to Conversion Therapy |
| 3 | Draft Bylaw 28-2019 Conversion Therapy Prohibition Bylaw |