

Staff Report

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Report To: General Government Committee

Date of Meeting: May 10, 2021

Report Number: CSD-002-21

Submitted By: George Acorn, Director of Community Services

Reviewed By: Andrew C. Allison, CAO

Resolution#:

File Number:

By-law Number:

Report Subject: Symbols of Hate – Anti-Racism and Symbols of Hate

Recommendations:

1. That Report CSD-002-21 be received;
2. That Clarington Council, in recognition of the power that symbols can have on the psychology and well-being of community members, request that the Association of Municipalities of Ontario (AMO) petition the Provincial Government on behalf of Ontario municipalities to enact legislation that would enable municipalities to make enforceable decisions regarding symbols deemed unacceptable by the local community. Such consideration to also include a review of statutes where hate speech and symbols may be identified as illegal;
3. That the Municipality of Clarington, as a member of the Federation of Canadian Municipalities (FCM), support the Town of Collingwood's motion for FCM to advocate to the Federal Government in the development of legislation that would clarify and strengthen the definition of hate speech and symbols, including explicit recognition of the psychological harm that can be caused by hateful symbols, and work with all levels of government in addressing the root causes of hate speech;
4. That this motion be forwarded to AMO and FCM as well as our local area Members of Parliament and Members of Provincial Parliament for their information;
5. That the Diversity Advisory Committee, in partnership with staff, be directed to prepare an anti-racism policy that would apply to all staff, Members of Council, and all visitors to municipal-owned facilities and spaces. The Anti-Racism Policy would make clear the Municipality's expectation of tolerance for those working at and using Municipal-owned facilities and spaces. This Policy can be displayed at all facilities so that users are aware of the expectations under the Policy and the consequences for not adhering to it;

6. That once these action items are approved for direction, the Mayor and Members of Council of the Municipality of Clarington, in partnership with Clarington's Diversity Advisory Committee, release an Official Statement to share some context about this issue and demonstrate how we are working together to promote a community where every individual regardless of race, ethnic origin, gender identity or sexual orientation is welcome and racism, discrimination, intolerance and the promotion of hatred through symbols or statements have no place in our community; and
7. That all interested parties listed in Report CSD-002-21 and any delegations be advised of Council's decision.

Report Overview

Since July 2020, as the result of an incident of display of the Confederate flag in our community, staff, Council and Clarington's Diversity Advisory Committee have been investigating ways to address symbols of hate in our community. Symbols of hate represent an ideology of superiority of one group of people over another, which further marginalizes disadvantaged groups and has a devastating impact on families and communities.

As a result of that work, this report shares five actionable recommendations, as identified in the recommendation section, by Clarington's Diversity Advisory Committee. The Committee asks that these actions be considered in order to further address racism and discrimination, including the display of symbols of hate, in our community.

1. Background

- 1.1 In July 2020, through Resolution #GG-246-20, Council directed staff to develop a protocol to prohibit symbols of hate and racial intolerance in our community; and that the Diversity Advisory Committee be consulted in the development of this protocol.
- 1.2 A staff report, LGL-007-20, was prepared with some recommendations for Council's consideration in September 2020. Through Resolution #GG-336-20, this report was referred to Clarington's Diversity Advisory Committee.
- 1.3 As a result, Clarington's Diversity Advisory Committee recommended that an amendment be made to the Sign By-law to prohibit the public display of symbols of hate within the Municipality of Clarington and that a joint Official Statement by the Mayor and Members of Council in partnership with the Diversity Advisory Committee condemning symbols of hate in our community be released.
- 1.4 The recommendation to amend the Sign By-law was forwarded to the Region of Durham's new Diversity, Equity, and Inclusion group for comments through Resolution #GG-469-20. This group has been recently formed and we are still waiting for comments or direction on this issue.
- 1.5 Through consultation to develop the proposed joint statement, the Diversity Advisory Committee expressed the shared opinion that any statement that was released should be supported with actionable items to demonstrate a commitment to the message of the statement.

- 1.6 After reviewing their recommendations, Council directed the Diversity Advisory Committee through Resolution #GG-181-21 to provide recommended action items that could be implemented (as contained in this report) to support the message of condemning symbols of hate in our community while we await comments from the Region of Durham.

2. Recommended Action Items

- 2.1 At their February 2021 meeting, Clarington's Diversity Advisory Committee voted to form a working group to develop proposed action items to bring back to the Diversity Advisory Committee at their March 2021 meeting.
- 2.2 This working group reviewed a scan of other municipalities to see what had been done and made a list of best practices. The working group also looked for opportunities to recommend action items that fall within the Municipality's scope and area of responsibility.

Provincial and Federal Support

- 2.3 It was found that many municipalities are struggling with the definition of a symbol of hate and have questions surrounding their ability to enforce any public displays of these symbols, particularly on private property.
- 2.4 One challenge that has been identified by municipalities is the lack of ability to enforce decisions regarding the display of symbols of hate. The Province of Ontario can create legislation that would support this function at the municipal level.
- 2.5 Another challenge that has been raised is the lack of definition of symbols of hate. Hate activity is referenced in the Canadian Charter of Rights and Freedoms as well as the Canadian Criminal Code, however there is not a clear definition of what constitutes a symbol of hate.
- 2.6 To clarify and provide authority to municipalities, the Town of Collingwood, City of Brampton and others have urged the Association for Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM) to advocate to the provincial (AMO) and federal (FCM) levels of government for direction and changes in the matter surrounding symbols of hate.
- 2.7 To leverage these existing initiatives, the Diversity Advisory Committee is recommending that the Council of the Municipality of Clarington join the efforts of other municipalities and communicate our desire for defined changes with respect to legislation and definitions related to symbols of hate.

Anti-Racism Policy

- 2.8 Various municipalities across Ontario, and Canada, are currently looking for ways to address the display of symbols of hate. Many are looking to adopt anti-racism policies (including the City of Toronto, the Township of Uxbridge and Perth County) that address and respond to community racism, to ensure that individuals and groups are not disadvantaged because of their race.
- 2.9 An anti-racism policy would raise awareness about discrimination, addressing diversity issues and anti-racism practices. The development of such a policy would be proactive, with the goal of preventing discrimination and of creating a climate of understanding and mutual respect.
- 2.10 The Diversity Advisory Committee would like to develop, in partnership with staff, an anti-racism policy that would apply to municipal staff and volunteers, Members of Council, Board and Committee members and all visitors to municipally owned facilities and spaces. This policy would demonstrate that racial discrimination and harassment of community members visiting, and staff working in our buildings and spaces will not be tolerated at any time.

Continued Collaboration

- 2.11 Clarington's Diversity Advisory Committee will continue to pursue and engage in meaningful discussions and collaborate with others on anti-racism and anti-discrimination initiatives, such as:
- Engage with the Region of Durham to discuss ways to consistently address issues surrounding racism and discrimination, including symbols of hate, across all municipalities in the Region;
 - Engage with Durham Regional Police Services to better understand hate symbols and hate activity and how they are addressed in our community; and
 - Engage with local school boards to see if there are programs in place within the schools that could be adapted for community education on matters surrounding bullying and hate activity.

3. Concurrence

Not Applicable.

4. Conclusion

It is respectfully recommended that the proposed recommendations as provided by Clarington's Diversity Advisory Committee are considered and endorsed by Council.

Staff Contact: Lee-Ann Reck, Manager, Client Services, 905-623-3379 ext. 2508 or lreck@clarington.net.

Attachments:

Not Applicable

Interested Parties:

The following interested parties will be notified of Council's decision:

Clarington Diversity Advisory Committee

Association for Municipalities of Ontario

Federation of Canadian Municipalities

Local Members of Parliament and Members of Provincial Parliament