



## MANAGEMENT REPORT

Date: February 19, 2020  
Author: Christina de Castell, Chief Librarian  
VanDOCS #: DOC/2020/047795  
Meeting Date: February 26, 2020  
TO: Library Board  
FROM: Kurt Heinrich, Chair, Community Relations, Planning & Development Committee  
**SUBJECT: Law Reform Options**

---

### **SUMMARY**

This report is provided as an opportunity to consider areas for law and social reform efforts with a goal of reducing discrimination for equity-seeking groups, with the purpose of guiding staff in developing an advocacy plan and drafting template letters.

### **PURPOSE**

This report is for information.

### **RECOMMENDATION**

That the Board receive the report for information.

### **COMMITTEE DISCUSSION**

The Community Relations, Planning & Development Committee discussed the value of an approach that includes study and consultation around the issue with organizations that support LGBTQ2+ communities in Vancouver by VPL staff, so that we can collectively explore ideas, and then following on that by calling on politicians to explore ways to reduce discrimination and increase understanding with the full breadth of mechanisms available to government, including the potential for law reform. They identified opportunities to expand the initial consultation with legal experts who consider human rights and freedom of expression, and to engage others both locally and nationally, including other library organizations. They noted that VPL is in a good position to share the concerns that we have heard, but we are not the legislators who can best

identify the full scope of solutions. The Committee inquired about options staff are considering for the advocacy plan, and these have been addressed under Next Steps below.

### **STRATEGIC IMPLICATIONS**

In 2020-2023, VPL will build on the work of the former strategic plan by recommitting to and strengthening our work related to Trans, Gender Diverse and Two-Spirit inclusion, as passed by the Board at the meeting September 25, 2019. Discussions about law and social reform will fit within this work as a way to seek to reduce discrimination and increase understanding.

### **BACKGROUND**

The Board passed a motion on January 22, 2020 to write letters to politicians advocating for law reform to better protect equity-seeking groups.

### **DISCUSSION**

The Committee was asked to consider how trustees would like to approach the issue of law reform, with consideration of the following options, in order to guide staff's planning. The Committee identified a preference for a combination of A and B, beginning with local consultation by VPL:

- A. A general call for politicians to take action to address an environment that may enable discrimination and hate, which may include study and consultation
- B. A general call for legislative reform with the aim to reduce hate speech and/or discrimination
- C. A specific call for federal legislative reform of the Canadian Human Rights Code or the Criminal Code with the aim to reduce hate speech and/or discrimination

The BC Human Rights Commissioner has identified one specific area of legislative reform for the Board to consider, which is that the BC Human Rights Code discriminatory publication section does not cover online publications, which are federal. To include online publications would likely require a change to the Canadian Human Rights Code. The existing BC Human Rights Code section is provided in Appendix 1, as well as the former section of the Canadian Human Rights Code that was repealed in 2014.

The Chief Librarian has reached out to Pivot Legal Society and WestCoast LEAF for suggestions. Both these organizations participated in the VPL Meeting Rooms and Facilities Rental Policy review process and commented on the current law. As staff develop an advocacy plan, they will reach out to other organizations and the library community.

The Federal mandate letters of December 13, 2019 identify areas that correspond to the Board's interest in law reform to address discrimination and hate, including:

- [Minister of Diversity and Inclusion and Youth Mandate Letter:](#)
  - “Continue the work of the LGBTQ2 Secretariat in promoting LGBTQ2 equality, protecting LGBTQ2 rights and addressing discrimination against LGBTQ2 communities.”
  - “Work with your colleagues to develop policies that tackle systemic discrimination and unconscious bias in our country, including anti-Black racism” and
  - “Support the work of the Minister of Public Safety and Emergency Preparedness and the Minister of Justice and Attorney General of Canada to ensure that all Canadian communities feel safe by combatting online hate and harassment and combatting ideologically-motivated violent extremism and terrorist organizations.”
- [Minister of Justice and Attorney General of Canada Mandate Letter:](#)
  - Work with the Minister of Diversity and Inclusion and Youth and the Minister of Public Safety and Emergency Preparedness to combat online hate and harassment.”

### **NEXT STEPS**

Following discussion with the Board and initial consultation with other organizations, staff will develop an advocacy plan that includes community engagement and bring a report to the Board in Q2 as part of the Trans, Gender Diverse and Two Spirit Inclusion Action Plan. The approach will likely include draft template letters that can be used by the Board, allied organizations, and individuals who wish to participate, so that they can join VPL in reaching out to politicians and policy makers with relevant mandates.

### **FINANCIAL IMPLICATIONS**

Staff time will be funded within the operating budget.

### **FINAL REMARKS**

VPL recognizes that there is an opportunity to call for law and social reform to better protect equity-seeking groups. This mandate is beyond the scope of the Library Board, and the Board has identified this as an opportunity for advocacy and public education.

## Appendix 1

### BC Human Rights Code: “Discriminatory publication”

**7** (1) A person must not publish, issue or display, or cause to be published, issued or displayed, any statement, publication, notice, sign, symbol, emblem or other representation that

(a) indicates discrimination or an intention to discriminate against a person or a group or class of persons, or

(b) is likely to expose a person or a group or class of persons to hatred or contempt because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or that group or class of persons.

(2) Subsection (1) does not apply to a private communication, a communication intended to be private or a communication related to an activity otherwise permitted by this Code.

### Canadian Human Rights Act “Hate messages” In effect 2002-12-31 to 2014-06-24

- **13** (1) It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.

Interpretation (2) For greater certainty, subsection (1) applies in respect of a matter that is communicated by means of a computer or a group of interconnected or related computers, including the Internet, or any similar means of communication, but does not apply in respect of a matter that is communicated in whole or in part by means of the facilities of a broadcasting undertaking.

Interpretation (3) For the purposes of this section, no owner or operator of a telecommunication undertaking communicates or causes to be communicated any matter described in subsection (1) by reason only that the facilities of a telecommunication undertaking owned or operated by that person are used by other persons for the transmission of that matter.

R.S., 1985, c. H-6, s. 13 2001, c. 41, s. 88