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Bill 86

An Act to enact two new Acts and to amend various Acts to combat Islamophobia and hatred

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Private Members' Bill

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3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 ANTI-RACISM ACT, 2017

The Schedule amends the *Anti-Racism Act, 2017*. Highlights are as follows:

1. The anti-racism strategy required under the Act must include annual anti-racism training for frontline workers in public sector organizations, including training on anti-Indigenous racism, anti-Black racism, anti-Asian racism, antisemitism and Islamophobia.
2. The Minister is required to conduct surveys of Ontario residents respecting their experiences of racial inequity and systemic racism, particularly as they relate to inequitable outcomes, and their perceptions of racial inequity and systemic racism in Ontario.
3. The Ontario Anti-Racism Advisory and Advocacy Council is established. The Council's mandate includes advocating on behalf of racialized groups and providing information, advice and recommendations to the Government on ethnocultural matters. The Council's composition is provided for.

SCHEDULE 2 EDUCATION ACT

Part XIII.2 is added to the *Education Act* relating to the elimination of hatred and racism within schools. Here are some highlights:

1. The Minister and district school boards are each required to develop and maintain a provincial anti-racism strategy for schools. The strategy is to be based on qualitative and quantitative data collected by the district school boards.
2. The Minister is required to develop and maintain a provincial anti-Islamophobia strategy for schools.
3. The Minister is required to ensure that the school curriculum contains identity-affirming resources and programs and to review the curriculum as it relates to racialized groups.
4. Each district school board is required to have a complaint process for students, teachers, education workers, staff and family members to make a complaint of discrimination, racism or bigotry, including Islamophobia, antisemitism, anti-Indigenous racism, anti-Black racism or anti-Asian racism.
5. Every board member is required, at least once during each term of office, to successfully complete anti-racism training provided by the member's board.

SCHEDULE 3 ELECTION FINANCES ACT

The *Election Finances Act* currently provides that the Chief Electoral Officer may deregister a registered party under certain circumstances. The Schedule amends the Act to provide that the Chief Electoral Officer may deregister a registered party if, in the Chief Electoral Officer's opinion, the registered party engages in conduct that would constitute the offence of public incitement of hatred under subsection 319 (1) of the *Criminal Code* (Canada) or wilful promotion of hatred under subsection 319 (2) of the *Criminal Code* (Canada). The amendments provide for an appeal of such a decision.

SCHEDULE 4 HUMAN RIGHTS CODE

The *Human Rights Code* is amended to change the deadline for submitting an application to the Human Rights Tribunal from one year to five years. The Tribunal may extend that time period if the Tribunal is satisfied that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay, or there were circumstances which reasonably caused the person to be unable to apply within the time limit.

SCHEDULE 5 LEGISLATIVE ASSEMBLY ACT

The *Legislative Assembly Act* is amended to provide that no demonstration, rally or other activity shall be permitted within the legislative precinct if, in the opinion of the Speaker, the demonstration, rally or other activity is likely to promote hatred against any identifiable group.

SCHEDULE 6 NOT-FOR-PROFIT CORPORATIONS ACT, 2010

The *Not-for-Profit Corporations Act, 2010* is amended to provide that the purposes of a corporation under the Act cannot include any purposes that are unlawful, including, without limitation, any purposes relating to conduct that would constitute the offence of public incitement of hatred under subsection 319 (1) of the *Criminal Code* (Canada) or wilful promotion of hatred under subsection 319 (2) of the *Criminal Code* (Canada).

**SCHEDULE 7
PUBLIC SERVICE OF ONTARIO ACT, 2006**

A new Part is added to the *Public Service of Ontario Act, 2006* respecting the recruitment and appointment of persons to bodies to which persons may be appointed under Ontario law. The Part requires the President of the Treasury Board to ensure that the Public Appointments Secretariat's recruitment and appointment practices are transparent, bias-free and barrier-free. The Public Appointments Secretariat is also required to develop a community outreach and communication strategy that is designed to make information about opportunities for public appointments broadly available and proactively solicit applications from members of systemically disadvantaged groups, including members of racialized groups.

**SCHEDULE 8
REVIEW OF HATE CRIMES AND HATE-MOTIVATED INCIDENTS ACT, 2022**

The Schedule enacts the *Review of Hate Crimes and Hate-Motivated Incidents Act, 2022*. The Act requires the Attorney General, in consultation with the Solicitor General and others, to conduct a review of hate crimes and hate-motivated incidents in Ontario in order to determine what steps are necessary to reduce their occurrence. The Attorney General is required to prepare a report respecting the outcome of the review.

**SCHEDULE 9
SAFE ZONES AROUND RELIGIOUS INSTITUTIONS ACT, 2022**

The Schedule enacts the *Safe Zones Around Religious Institutions Act, 2022*. The Act prohibits persons from performing an act of intimidation within 50 metres of the boundary of a property where a religious institution is located.

Every person who contravenes the prohibition is guilty of an offence and is liable on conviction to a fine of not more than \$25,000.

**An Act to enact two new Acts and to amend various Acts
to combat Islamophobia and hatred**

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Our London Family Act (Working Together to Combat Islamophobia and Hatred), 2022*.

**SCHEDULE 1
ANTI-RACISM ACT, 2017**

1 Subsection 2 (4) of the *Anti-Racism Act, 2017* is repealed and the following substituted:

Same

(4) The initiatives referred to in paragraph 2 of subsection (2) shall include,

- (a) initiatives to address the adverse impact of different forms of racism, including anti-Indigenous racism, anti-Black racism, anti-Asian racism, antisemitism and Islamophobia; and
- (b) annual anti-racism training for frontline workers in public sector organizations, including training on anti-Indigenous racism, anti-Black racism, anti-Asian racism, antisemitism and Islamophobia.

2 The Act is amended by adding the following section:

Annual surveys

2.1 (1) The Minister shall conduct annual surveys of Ontario residents respecting,

- (a) their experiences of racial inequity and systemic racism, particularly as they relate to inequitable outcomes; and
- (b) their perceptions of racial inequity and systemic racism in Ontario.

Anonymity, etc.

(2) The surveys shall be anonymous and shall be conducted so as to reach the percentage of Ontario households the Minister considers necessary in order to ensure an accurate statistical representation of Ontario's population.

3 Subsection 3 (1) of the Act is amended by adding “and information on the reports provided by the Ontario Anti-Racism Advisory and Advocacy Council” at the end.

4 The Act is amended by adding the following section:

Ontario Anti-Racism Advisory and Advocacy Council

5.1 (1) The Ontario Anti-Racism Advisory and Advocacy Council is established.

Mandate

(2) The Council's mandate is,

- (a) to advocate on behalf of racialized groups in Ontario by promoting their priorities;
- (b) to provide information, advice and recommendations to the Government of Ontario on all ethnocultural matters in the province including racial equity, ways of addressing Islamophobia and antisemitism, education, human rights, immigration, settlement matters and cultural and linguistic diversity and heritage; and
- (c) to consider and provide recommendations on any matter the Minister may refer to it.

Composition

(3) The Minister shall appoint up to 30 members to the Council, including,

- (a) up to 25 members nominated by organizations representing racialized groups, in accordance with the procedure established by the Minister, if any; and
- (b) up to five members selected by the Minister.

Term

(4) Each member shall be appointed for a term of three years.

Limit on successive terms

(5) No member is eligible to be appointed for more than two successive terms.

Chair, vice-chair

(6) The members shall elect a chair and a vice-chair from among themselves.

Quorum

(7) One-half of the members constitutes a quorum.

Meetings

(8) The Council shall meet at least six times each calendar year.

Meetings with Minister

(9) The Council and the Minister shall meet at least once every six months.

Remuneration and expenses

(10) The Lieutenant Governor in Council may determine the members' remuneration and expenses.

Reports

(11) The Council shall submit reports twice annually to the Minister about its activities and about any proposed recommendations.

Publication

(12) The Minister shall publish the Council's reports on a Government website.

Commencement

5 This Schedule comes into force on the day that is six months after the day the *Our London Family Act (Working Together to Combat Islamophobia and Hatred), 2022* receives Royal Assent.

SCHEDULE 2 EDUCATION ACT

1 The *Education Act* is amended by adding the following Part:

PART XIII.2 ELIMINATING HATRED AND RACISM WITHIN SCHOOLS

Purpose

322 The purposes of this Part include the following:

1. To create schools in Ontario that are safe, inclusive and accepting of all students, and that are free from discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship or creed.
2. To encourage a positive school climate and prevent hatred and discrimination based on racism or bigotry, including Islamophobic, antisemitic, anti-Indigenous, anti-Black or anti-Asian hatred or discrimination, taking into consideration,
 - i. the intersectionality of students', teachers' and education workers' identities, and
 - ii. the way in which bigotry and racism intersect with other forms of oppression to harm people.
3. To promote early intervention and to ensure that effective complaint mechanisms exist for students, teachers, education workers, administrators and staff who feel discriminated against.
4. To provide support to students, teachers, education workers, administrators and staff who are affected by racism, discrimination and hatred.
5. To provide students with a safe learning environment in which they may thrive.

Anti-racism strategies

Data collection

323 (1) The Minister shall ensure that all district school boards gather qualitative and quantitative data on the experience of racialized students, teachers, education workers and staff in schools, including data about complaints made under the process set out in section 326.

Provincial anti-racism strategy for schools

(2) Based on the data collected under subsection (1), the Minister shall develop and maintain a provincial anti-racism strategy for schools that aims to eliminate systemic racism and advance racial equity in schools across Ontario.

Publication

(3) The Minister shall publish the provincial strategy on a Government website.

Review

(4) The Minister shall review the provincial strategy every three years and shall update it as the Minister considers appropriate after consulting with students, teachers, education workers, staff, administrators, district school boards, volunteers working in schools, parents and guardians, school councils and the public.

School board strategies

(5) Each district school board shall develop and maintain an anti-racism strategy that,

- (a) takes into account any objectives or principles set out in the provincial strategy;
- (b) is based on the data collected by the particular district school board;
- (c) contains culturally relevant and culturally responsive resources that address mental health supports and trauma supports for students; and
- (d) contains anti-hatred and anti-racism training and educational resources for students, teachers, education workers and staff.

Committee

(6) Each district school board shall establish an anti-racism advisory committee to assist with the development of its anti-racism strategy.

Same, composition

(7) Each committee shall be composed of at least one district school board member, at least one student and at least five other persons with relevant experiences and expertise and diverse racial backgrounds.

Consultation

(8) In developing the anti-racism strategy, the district school board and anti-racism advisory committee shall solicit the views of students, teachers, education workers, staff, volunteers working in schools, parents and guardians, school councils and the public.

Publication

(9) The district school board shall publish its anti-racism strategy on its website or, if it does not have a website, shall make the anti-racism strategy accessible to the public in any other manner it considers appropriate.

Anti-Islamophobia strategy

324 (1) In addition to the provincial anti-racism strategy required under subsection 323 (2), the Minister shall develop and maintain a provincial anti-Islamophobia strategy for schools.

Same

(2) The anti-Islamophobia strategy shall include the following:

1. A requirement that the Minister and the Anti-Racism Directorate continued under the *Anti-Racism Act, 2017* consult with school boards to strengthen and promote educational resources for students from junior kindergarten to grade 12 whose purpose is,
 - i. to prevent and mitigate Islamophobic behaviour,
 - ii. to create safe and affirming environments for students, including supportive spaces for students affected by racism and Islamophobia to connect with their peers and to receive culturally relevant and responsive mental health supports, and
 - iii. to provide learning opportunities about how to disrupt racism and Islamophobia.
2. A requirement that the Minister allocate resources to train all teachers, education workers, administrators, district school board members and other staff respecting anti-Islamophobia.
3. A requirement that the Minister allocate resources to assist staff in each district school board in implementing the strategy.
4. A requirement that, at least every three years, a review be conducted of the curriculum and of practices and policies in order to identify and remove Islamophobic content and to ensure that the curriculum, practices and policies are inclusive.
5. A requirement that the Minister and school boards engage with community organizations in order to understand the causes and impacts of Islamophobia and to inform further development of anti-Islamophobia initiatives.
6. A requirement that, at least every three years, school districts report to the Ministry on any outcomes and data that are required under the strategy.
7. A requirement that the reports prepared under paragraph 6 are made available to the public.

Appropriation

(3) The requirements described in paragraphs 2 and 3 of subsection (2) do not apply unless the Legislature appropriates money for the purposes.

Curriculum

325 (1) The Minister shall ensure that the curriculum developed under this Act contains identity-affirming resources and programs, including accurate and nuanced representations of racialized persons in a manner that reflects the provincial anti-racism strategy required under subsection 323 (2) and the anti-racism strategy maintained under the *Anti-Racism Act, 2017*.

Curriculum review

(2) Within three months after the *Our London Family Act (Working Together to Combat Islamophobia and Hatred)*, 2022 receives Royal Assent, the Minister shall review the curriculum as it relates to racialized groups that have historically been excluded from the curriculum or negatively portrayed in it, including Muslims.

Complaints

326 (1) Each district school board shall ensure that it has a clear and accessible mechanism for students, teachers, education workers, staff and family members to make a complaint of discrimination, racism or bigotry, including Islamophobia, antisemitism, anti-Indigenous racism, anti-Black racism or anti-Asian racism.

Same

(2) The complaint process shall include,

- (a) a description of the way complaints will be dealt with at their initial stages and if escalation is required; and

(b) a procedure to address reprisals.

Training for board members

327 Every board member shall, at least once during each term of office, successfully complete anti-racism training provided by the member's board.

Commencement

2 This Schedule comes into force on the day the *Our London Family Act (Working Together to Combat Islamophobia and Hatred), 2022* receives Royal Assent.

SCHEDULE 3
ELECTION FINANCES ACT

1 (1) Clause 12 (2) (a) of the *Election Finances Act* is amended by striking out “or” at the end of subclause (iii) and by adding the following subclause:

- (iii.1) that, in the Chief Electoral Officer’s opinion, engages in conduct that would constitute the offence of public incitement of hatred under subsection 319 (1) of the *Criminal Code* (Canada) or wilful promotion of hatred under subsection 319 (2) of the *Criminal Code* (Canada), or

(2) Section 12 of the Act is amended by adding the following subsection:

Deregistration for public incitement of hatred, etc.

(4.4) If the Chief Electoral Officer decides to carry out the proposal to deregister a political party for the reason described in subclause (2) (a) (iii.1), a person may appeal that decision by filing an application with the Superior Court of Justice within 30 days after the Chief Electoral Officer makes the decision.

Commencement

2 This Schedule comes into force on the day the *Our London Family Act (Working Together to Combat Islamophobia and Hatred)*, 2022 receives Royal Assent.

SCHEDULE 4
HUMAN RIGHTS CODE

1 (1) Subsection 34 (1) of the *Human Rights Code* is amended by striking out “one year” wherever it appears and substituting in each case “five years”.

(2) Subsection 34 (2) of the Act is repealed and the following substituted:

Late applications

(2) A person may apply under subsection (1) after the expiry of the time limit under that subsection if the Tribunal is satisfied that,

- (a) the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay; or
- (b) there were circumstances which reasonably caused the person to be unable to apply within the time limit.

Commencement

2 This Schedule comes into force on the day the *Our London Family Act (Working Together to Combat Islamophobia and Hatred), 2022* receives Royal Assent.

SCHEDULE 5
LEGISLATIVE ASSEMBLY ACT

1 The *Legislative Assembly Act* is amended by adding the following section:

Prohibited demonstrations, etc., on legislative precinct grounds

75 (1) No demonstration, rally or other activity shall be permitted within the legislative precinct if, in the opinion of the Speaker, the demonstration, rally or other activity is likely to promote hatred against any identifiable group.

Same

(2) For greater certainty, subsection (1) prevents any demonstration, rally or activity carried on by white supremacists or other groups who use violence, the threat of violence or intimidation to achieve their supremacist objectives.

Definition

(3) In this section,

“legislative precinct” has the same meaning as in section 102.1.

Commencement

2 This Schedule comes into force on the day the *Our London Family Act (Working Together to Combat Islamophobia and Hatred), 2022* receives Royal Assent.

SCHEDULE 6
NOT-FOR-PROFIT CORPORATIONS ACT, 2010

1 (1) Subsection 8 (2) of the *Not-for-Profit Corporations Act, 2010* is amended by striking out “Subject to any restrictions in the regulations” at the beginning and substituting “Subject to subsection (2.1) and any other restrictions in the regulations”.

(2) Section 8 of the Act is amended by adding the following subsection:

Limitation: unlawful corporate purposes

(2.1) The purposes of a corporation shall not include any purposes that are unlawful, including, without limitation, any purposes relating to conduct that would constitute the offence of public incitement of hatred under subsection 319 (1) of the *Criminal Code* (Canada) or wilful promotion of hatred under subsection 319 (2) of the *Criminal Code* (Canada).

Commencement

2 This Schedule comes into force on the day the *Our London Family Act (Working Together to Combat Islamophobia and Hatred), 2022* receives Royal Assent.

SCHEDULE 7
PUBLIC SERVICE OF ONTARIO ACT, 2006

1 The *Public Service of Ontario Act, 2006* is amended by adding the following Part:

PART II.1
RECRUITMENT — PUBLIC BODIES

Application

31.1 This Part applies with respect to the recruitment and appointment of persons to public bodies, Commission public bodies and any other bodies to which persons may be appointed under Ontario law.

Recruitment processes

31.2 (1) The President of the Treasury Board shall ensure that the Public Appointments Secretariat's recruitment and appointment practices are transparent, bias-free and barrier-free.

Recruitment of persons in specific groups

(2) For the purpose of reducing systemic discrimination and ensuring appointees reflect diverse perspectives, the Public Appointments Secretariat shall,

- (a) develop a community outreach and communication strategy that is designed to make information about opportunities for public appointments broadly available; and
- (b) proactively solicit applications from members of systemically disadvantaged groups, including members of racialized groups.

Key performance indicators

31.3 The Public Appointments Secretariat may develop key performance indicators for measuring improvements in racial equity in recruitment and appointments.

Commencement

2 This Schedule comes into force on the day the *Our London Family Act (Working Together to Combat Islamophobia and Hatred), 2022* receives Royal Assent.

SCHEDULE 8
REVIEW OF HATE CRIMES AND HATE-MOTIVATED INCIDENTS ACT, 2022

Review of matters relating to hate crimes, etc.

1 (1) The Attorney General shall conduct a review of hate crimes and hate-motivated incidents in Ontario in order to determine what steps are necessary to reduce their occurrence.

Collaboration with Solicitor General

(2) The review shall be conducted in collaboration with the Solicitor General.

Public consultation

(3) The review shall include consultation with members of the public, including with,

- (a) organizations representing communities targeted by hate crimes or hate-motivated incidents;
- (b) persons with expertise in human rights law;
- (c) representatives of police; and
- (d) defence counsel.

Matters to be reviewed

2 Without limiting the generality of section 1, the Attorney General shall review the following:

1. The processes that are in place across Ontario for responding to and investigating a hate crime or hate-motivated incident.
2. Best practices for reporting hate crimes and hate-motivated incidents, including consideration of whether non-governmental or community organizations could be authorized to report on behalf of individuals.
3. The way in which police are trained to respond to and investigate hate crimes and hate-motivated incidents in Ontario, including the way resources are allocated to this training.
4. The processes that are in place across Ontario for a person to make a complaint respecting the way in which a hate crime or hate-motivated incident was responded to or investigated.
5. Whether further measures would be beneficial in holding persons accountable for their responses to or investigation of hate crimes or hate-motivated incidents in Ontario, including an assessment of whether a Hate Crimes Accountability Unit should be established within the Ontario government to provide greater accountability and transparency and to establish best practices.
6. The way in which data on hate crimes and hate-motivated incidents in Ontario are collected and analyzed.

Report to Assembly

3 (1) Within one year after the day the *Our London Family Act (Working Together to Combat Islamophobia and Hatred)*, 2022 receives Royal Assent, the Attorney General shall prepare a report respecting the outcome of the review required by this Act, shall publish the report on a website of the Government of Ontario and shall lay the report before the Assembly.

Same

(2) The report shall include a description of the steps the Attorney General proposes to take, including the proposing of legislation, if necessary, in order to reduce the occurrence of hate crimes and hate-motivated incidents in Ontario.

Commencement

4 The Act set out in this Schedule comes into force on the day the *Our London Family Act (Working Together to Combat Islamophobia and Hatred)*, 2022 receives Royal Assent.

Short title

5 The short title of the Act set out in this Schedule is the *Review of Hate Crimes and Hate-Motivated Incidents Act, 2022*.

SCHEDULE 9
SAFE ZONES AROUND RELIGIOUS INSTITUTIONS ACT, 2022

Prohibitions in safe zones

1 (1) No person shall, within 50 metres of the boundary of a property where a religious institution is located, perform an act of intimidation, including,

- (a) causing a disturbance within the meaning of the *Criminal Code* (Canada);
- (b) distributing hate propaganda within the meaning of the *Criminal Code* (Canada);
- (c) uttering threats; or
- (d) engaging in a protest or demonstration for the purpose of furthering the objectives of white supremacy.

Interpretation, “religious institution”

(2) In subsection (1),

“religious institution” means a place where persons gather to perform acts of religious worship, praise, meditation, honour or devotion, including a temple, mosque, synagogue, gurdwara or church.

Offence

2 Every person who contravenes section 1 is guilty of an offence and is liable on conviction to a fine of not more than \$25,000.

No effect on peaceful protests, etc.

3 For greater certainty, nothing in this Act prevents peaceful protests or demonstrations, including those involving critiques of religion or religious officials.

Injunction

4 On application by a person, including the Attorney General, the Superior Court of Justice may grant an injunction to restrain a person from contravening section 1.

Commencement

5 The Act set out in this Schedule comes into force on the day the *Our London Family Act (Working Together to Combat Islamophobia and Hatred), 2022* receives Royal Assent.

Short title

6 The short title of the Act set out in this Schedule is the *Safe Zones Around Religious Institutions Act, 2022*.