

Safe Access to Social Infrastructure By-law Summary Table

Table 1 - Council directions

Council Direction	How it is addressed in the proposed by-law
<p>a. Prohibition of Demonstrations Near Vulnerable Social Infrastructure: The by-law shall prohibit demonstrations within a defined distance of vulnerable social infrastructure. Vulnerable Social Infrastructure may include, but is not limited to, places of worship, schools, hospitals, and long-term care and congregate care facilities.</p>	<p>Staff have included places of worship, schools, hospitals and residential care facilities, which includes long-term care facilities and congregate care facilities within the proposed by-law as directed by Council. Based on feedback provided in consultation and committee, staff is also recommending the inclusion of day care centres and integrated community health centres.</p>
<p>b. Time-Limited Protective Zones: Staff shall consider establishing time-limited protective zones that are active only during operational hours or specific high-risk periods. The scope of the by-law shall be narrowly tailored to minimize any infringement on Charter-protected rights and freedoms, while ensuring adequate Charter protection for vulnerable individuals.</p>	<p>Staff are proposing to limit safe access zones to one hour before the facility opens to the public until one hour after close. Zones would also expire after 1 year unless renewed.</p>

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<p>c. Protective Distance: Staff shall assess and recommend an appropriate protective distance of up to 80 meters around vulnerable social infrastructure and shall also consider other means of protecting safe access such as delegated authority for staff or other officials to erect barricades and close highways, as may be appropriate.</p>	<p>Staff have considered the distance necessary to allow users of facilities to access the facility without having to weave through a crowd of people demonstrating to get there, which staff heard is a barrier to access due to increased concerns for safety. A distance of 50m would help provide safe access to users of the facility while allowing demonstrations to still be seen and heard.</p>
<p>d. Targeted Application: The by-law shall include provisions to ensure that the protective zones do not apply to demonstrations that are not specifically directed at the protected vulnerable social infrastructure.</p>	<p>The safe access zone prohibits all demonstrations within a 50-meter radius of access points to the facility, while providing delegated authority to allow for demonstrations at government facilities and diplomatic properties and to allow marches to pass by a safe access zone provided they do not impede access to a facility.</p>
<p>e. Labour/Internal Exemption: The by-law shall explicitly exempt lawful labour union protests, strikes, pickets, or any other activities undertaken as part of a labour dispute or negotiation or other types of internal dispute involving the owners or occupants of the vulnerable social infrastructure.</p>	<p>Staff have included this exemption in the by-law.</p>

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<p>f. Scope of Government-Owned Infrastructure: The by-law shall apply to government-owned property only where the primary function of the building or facility is to provide medical care, education, or long-term care or congregate care services. The by-law shall explicitly exclude from its scope buildings such as embassies, Ottawa City Hall, and the Parliament of Canada, even if such buildings contain education facilities, clinics, or other care services onsite.</p>	<p>Staff have included the exemption directed by Council and provided authority to the General Manager of Public Works to modify a safe access zone in order to allow a demonstration targeting nearby government buildings to occur.</p>
<p>g. Offences and Penalties: Staff include appropriate offences and penalties in the by-law that are consistent with those found in comparable City of Ottawa by-laws.</p>	<p>Staff are recommending offences in line with the Provincial Offences Act, similar to the Highway Events By-law and other City by-laws. The maximum penalty is limited to \$5,000.</p>
<p>h. Safe Access Approach: Staff shall incorporate a "safe access approach" to ensure that the by-law facilitates unimpeded and safe access to vulnerable social infrastructure while respecting the right to lawful protest.</p>	<p>Staff have sought to achieve a balance between these two objectives by recommending a distance that allows protesters to be seen and heard but also allows users of the facility to freely come and go, and minimize the escalation of conflict between demonstrators and users of the facility, which also undermines the well-being of facility users and can act as a barrier to using the facility.</p>

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<p>i. Consultation and Engagement: As part of the by-law development process, staff shall conduct consultations and engagement with affected communities, including property owners and operators of vulnerable social infrastructure, community organizations, advocacy groups, and members of the public</p>	<p>Staff has conducted a survey on Engage Ottawa and public opinion research. Staff also had one to one meetings with owners of social infrastructure, including mosques, churches and synagogues, daycare operators, hospitals, school boards, long-term care homes and community and advocacy groups.</p>
<p>j. Interagency Collaboration: Staff in By-law and Regulatory Services, and Legal Services shall work, in coordination with the Ottawa Police Services, under the direction of Ottawa Police Services Board, on the City's enforcement plan, to develop an enforcement strategy that is consistent with the <i>Municipal Act, 2001</i>, the <i>Community Safety and Policing Act, 2019</i>, and other applicable federal and provincial laws.</p>	<p>Staff have reached out to OPS and have been told that this is an additional tool that they could use in response to demonstrations and that they will consider it as they continue to develop their Major Events Policy.</p>

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<p>k. Reporting Timeline: Staff shall report back to the Emergency Preparedness and Protective Services Committee within nine months with a draft by-law, an implementation plan, and an assessment of resource implications.</p>	<p>This report was originally scheduled for March but has been moved to April in the legislative agenda.</p>
<p>l. Staff further received direction “to formally consult with the Host Nation through the Algonquin Anishinaabe Consultative Circle regarding the proposed Vulnerable Social Infrastructure By-law, and to ensure that concerns raised by Elders and Host Nation leaders – particularly related to protest rights on unceded territory – are meaningfully considered as part of the stakeholder engagement process</p>	<p>Staff have made several attempts to consult with the Consultative Circle. However, the Consultative Circle did not respond to those invitations.</p>