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To: [Assunta Ferrante](mailto:Assunta.Ferrante)
Subject: FW: [External] Postponement and Consultation on Proposed By-Law to Protect Vaughan's Vulnerable Social Infrastructure
Date: Monday, June 17, 2024 11:16:56 AM

From: CMPAC Info <info@canadianmuslimpac.ca>
Sent: Monday, June 17, 2024 11:16 AM
To: mayor@vaughan.ca; Gus Michaels <Gus.Michaels@vaughan.ca>; Susan Kelly <Susan.Kelly@vaughan.ca>; Rudi Czekalla-Martinez <Rudi.Czekalla-Martinez@vaughan.ca>; Rebecca Hall-McGuire <Rebecca.Hall-McGuire@vaughan.ca>; Steven Del Duca <Steven.DelDuca@vaughan.ca>
Cc: Najva Amin <Najva.Amin@vaughan.ca>; Clerks@vaughan.ca
Subject: [External] Postponement and Consultation on Proposed By-Law to Protect Vaughan's Vulnerable Social Infrastructure

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Dear Mayor Del Duca and Members of Vaughan City Council;

I write to you on behalf of concerned members of the Vaughan community, including various religious, cultural, and social groups, to address significant issues surrounding the proposed By-law to Protect Vaughan's Vulnerable Social Infrastructure. While we acknowledge the importance of safeguarding our community members from intimidation, incitement of hatred, violence, intolerance, and discrimination, we believe that the current draft of the By-law requires further scrutiny and inclusive dialogue before being enacted.

In our review of the proposed By-law, we have identified several key areas that warrant careful reconsideration and broader community engagement. These concerns include but are not limited to the following:

1. Lack of Community Consultation:

The proposed By-law has significant implications for the Muslim and Arab communities, among others. It is essential to engage directly with these communities to understand their perspectives and concerns. An inclusive consultation process would help ensure

that the By-law does not inadvertently infringe upon the rights and freedoms of any group, and that it effectively addresses the concerns it aims to mitigate.

2. Balancing the Right to Protest:

The right to peaceful protest is a fundamental aspect of democratic society, protected under the *Canadian Charter of Rights and Freedoms*. While the By-law aims to prevent intimidating and harmful protests, it must also clearly define and protect peaceful assemblies. The current language around what constitutes a "*nuisance demonstration*" could be interpreted broadly, potentially leading to the suppression of legitimate, non-violent expressions of dissent. Specifically, the term "*reasonable person*" in defining intimidation may be too subjective and could lead to inconsistent enforcement.

3. Enforcement and Penalties

The By-law provides substantial authority to Enforcement Officers, including the ability to issue orders and impose fines or administrative monetary penalties. While this is necessary for maintaining order, there must be clear guidelines to ensure these powers are exercised fairly and justly. The fines, ranging from \$500 to \$100,000, are particularly steep and could disproportionately affect smaller organizations and individuals. Furthermore, the By-law does not provide adequate clarity on the appeal process for penalties, which could leave those accused of violations with limited recourse.

4. Potential Conflict with Labour Rights

The By-law must consider the rights of labour unions to protest and picket, which are protected under labour laws. Picketing and labour protests are vital tools for workers to advocate for their rights and better working conditions. The broad definitions and enforcement powers in the current draft could unintentionally suppress these legitimate labour activities, causing significant conflicts with established labour rights. Clear exemptions or guidelines should be included to ensure that labour protests are not unduly restricted.

5. Specificity of Protected Areas

The By-law defines Vulnerable Social Infrastructure as including Childcare Centres, Congregate Care Facilities, Hospitals, Schools, and Places of Worship. While these are crucial areas to protect, the 100-meter buffer zone might require further discussion. This distance could encompass significant portions of urban areas, potentially impacting a

wide range of activities and gatherings not intended to be targeted by this By-law.

6. Protection of Vulnerable Social Infrastructure:

We support measures to protect schools, childcare centers, hospitals, places of worship, and congregate care facilities from disruptive and harmful activities. However, the By-law must delineate specific criteria for what constitutes intimidation and ensure that enforcement measures are proportional and non-discriminatory. We need to avoid creating a legal environment that could be misused to target specific communities or stifle legitimate expressions of concern and advocacy.

In light of the foregoing concerns, we respectfully propose the following steps to ensure that the By-law is both effective and equitable:

1. Postponement of the Decision: We urge the City Council to postpone the final decision on this By-law. This postponement would allow for a comprehensive consultation process involving all affected communities, particularly the Muslim community, which has voiced significant concerns about the potential impacts of the By-law.
2. Establish a Consultation Framework: Form a diverse committee including representatives from religious institutions, cultural groups, legal experts, civil rights organizations, and law enforcement. This committee should be tasked with reviewing the By-law, gathering community feedback, and proposing amendments that balance the need for security with the protection of civil liberties.
3. Define Clear Enforcement Guidelines: Ensure that the By-law includes clear, precise definitions and guidelines for enforcement to prevent misuse. The criteria for what constitutes a "*nuisance demonstration*" should be explicit, focusing on actions that genuinely pose a threat to safety and well-being, without broadly targeting peaceful protests. Additionally, provide clear and accessible information on the appeal process for fines and penalties to ensure transparency and fairness.

The City of Vaughan is a proud, diverse, and inclusive community. It is imperative that any legislation, particularly one as impactful as this By-law, reflects these values and is developed through a transparent, inclusive process. We believe that through constructive dialogue and collaboration, we can create a By-law that effectively protects our vulnerable social infrastructure while upholding the fundamental rights of all

Vaughan residents.

We look forward to your positive response and are ready to engage in any discussions necessary to achieve a balanced and fair outcome for our community.

Sincerely,

Khaled Al-Qazzaz
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