

<b>TO:</b>	<b>CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON DECEMBER 3, 2019</b>
<b>FROM:</b>	<b>CATHY SAUNDERS, CITY CLERK</b>
<b>SUBJECT:</b>	<b>ISSUANCE OF PROCLAMATIONS POLICY</b>

**RECOMMENDATION**

That, on the recommendation of the City Clerk, with the concurrence of the Managing Director, Corporate Services and City Solicitor, the following report BE RECEIVED.

**PREVIOUS REPORTS RELATED TO THIS MATTER**

16th Report of the Strategic Priorities and Policy Committee (September 18, 2017) – 4th Report of the Governance Working Group (August 21, 2017)

9th Report of the Strategic Priorities and Policy Committee (July 23, 2018) – 11th Report of the Governance Working Group (June 25, 2018)

**BACKGROUND**

Municipal Council passed the following resolution, at its regular meeting held on October 15, 2019:

That the Civic Administration BE DIRECTED to review and report back to the Corporate Services Committee with respect to the City of London Issuance of Proclamation Policy, specifically in terms of acknowledging nationally recognized proclamations.

The Corporate Services Committee passed the following recommendation, at its regular meeting held on November 19, 2019:

That the following actions be taken with respect to a recognition event for Black History Month:

- a) the Civic Administration BE DIRECTED to report back to the December 3rd 2019, Corporate Services Committee with options of proclaiming black history month and other proclamations;...

**Chronology of Proclamations – City of London**

A review of past Council minutes (1960's, 70's and 80's) notes that proclamations were made by Council from time to time. There is no record of an associated policy related to the approval of proclamations until 1989<sup>1</sup>. It appears that, at the time, a request for a proclamation would be forwarded to Council, through the Board of Control, for consideration. Some proclamations during this time included the following: "International Co-operation Week" (need for assisting the developing nations 1965), "Heart Sunday" (Ontario Heart Foundation 1965/66), "Brotherhood Week" (1966), "Better Vision Week" (1967), "Youth Appreciation Week" (1967), "Nigeria/Biafra Day" (request via Canadian Catholic Organization for Development and Peace, the Canadian Council of Churches, Red Cross Society, Save the Children Fund, UNICEF and Oxfam of Canada); "Grape Boycott Day" (London and District Labour Council, 1968), "National Health Week" (request of the Medical Officer of Health 1969); "World Week" (London Committee – International Development 1969), "Indian Days of London" (N'Amerind, London's Indian Friendship

<sup>1</sup> The 1967 policy addressed the matter of costs associated with publication of the proclamation in the newspaper, whereby the cost were the requester's responsibility. This was modified in 1972, whereby costs of a local Board or Commission, or matters of wide civic interest would be paid by the City.

Centre, 1971), "Lithuanian Canadian Weekend" (1970), "Anti-Pollution Week" (London and District Labour Council, 1970), "Toastmasters Anniversary Month" (1972), "Missions Week" (Mission Services of London, 1972), "Police Appreciation Day" (1973), "Business Women's Week" (London Business and Professional Women's Club, 1973), "Youth Temperance Education Week" (London Women's Christian Temperance Union, 1974), "Police Week", "Mundialization of the City of London", "Children with Learning Disabilities Week", "Epilepsy Week", "World Environment Day" and "Hearing and Speech Month" (one motion 1974), "Salvation Army Red Shield Week" (1975), "Heritage Weekend" (Kinsmen Club of West London, 1976), "Northern Land Claims Week" (Southern Support Group for the Indian Brotherhood and Metis Association of the Northwest Territories, 1976), "Support for the Arts Day" (1978), "Block Parent Month" (1980), "Knights of Columbus Week" (1982), "Human Rights Day" (1982), "Physical Fitness Week/Day" (1983), "Easter Seal Week" (1985), "Forest Fire Prevention Week" (1986), "Community Justice Week" (Request of the Attorney General of Ontario, 1986).

In May of 1989, the London Municipal Council enacted the following policy<sup>2</sup>, on the recommendation of the Board of Control:

"Issuance of Proclamations

- a) the Mayor, in his discretion and on the advice of the City Clerk, issue Proclamations on behalf of the City of London;
- b) the individuals and/or organizations requesting the issuance of Proclamations be made aware of the fact that such Proclamations are issued at the sole discretion of the Mayor, on the advice of the City Clerk, and at the time, location, and in accordance with wording approved by them;
- c) Proclamations issued by the Mayor on behalf of the Municipality will not contain any inflammatory, politically insensitive, provocative or scatological references, which, in the opinion of the Mayor, on the advice of the City Clerk, would have an adverse affect on any or all of the citizens of this Municipality or of Canada."

Following her election to the office of Mayor, Dianne Haskett adhered to the additional "Mayor's policy":

"In addition to the City Council policy ...Requests for the flying of flags or proclamations are to be declined if they relate to:

- 1) abortion – whether it be pro-choice or pro-life;
- 2) sexuality – whether it be heterosexuality, homosexuality or celibacy;
- 3) any issue that would cause serious controversy in the community;
- 4) anything that would promote any illegal activity;
- 5) anything that would incite hatred towards any group."

The records retention for information related to proclamations during the years following has expired, and therefore there is no statistical data available as to how frequently any proclamations were made. However, in May of 1995, the Mayor (Dianne Haskett) reported to the Board of Control that to-date two proclamation requests had be denied by her office. These requests were for "Chastity Week" and "Pride Weekend".

Following the refusal of proclamation related to "Pride Weekend", the requesting organization filed a complaint with the Ontario Human Rights Commission of a contravention of the *Human Rights Code, R.S.O. 1990*. The decision related to the complaint was issued October 7, 1997 and is attached to this report (Hudler vs. London) for members' information (Appendix A).

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<sup>2</sup> A Flag Policy was introduced at this same meeting.

In June of 1998 the Municipal Council enacted a new 12 month trial policy on Issuing of Proclamations. This policy was as follows:

- “i) the City Clerk may in his sole discretion issue proclamations on behalf of the City of London;
- ii) individuals and/or organizations requesting the issuance of proclamations be made aware of the fact that such proclamations are issued at the sole discretion of the City Clerk and at a time, location and in accordance with wording approved by him; and,
- iii) proclamations issued by the City Clerk on behalf of the City of London will not contain any inflammatory, politically insensitive, provocative or scatological references;”

Under this 12 month trial policy, a request was received by the City of London for a proclamation of “European Heritage Week”, and the City Clerk issued the proclamation. This was subsequently rescinded by the Municipal Council. As a result of the rescinding of the proclamation, the matter was brought to the attention of the Human Rights Commission, on the grounds of a *Code* violation. Later that year, the Municipal Council adopted the following Council Policy, amending 16(22): “That a policy be established effective immediately whereby no proclamations shall be issued on behalf of the City of London, except those required by law to be issued.”

During the comprehensive review and modernization of the Council Policies, the Issuance of Proclamations Policy was reviewed by the Governance Working Group (August 2017). The wording of the policy was updated to streamline the wording. There was no contemplation to change the municipal approach to proclamations.

In 2018, the Governance Working Group completed additional policy review work. In July of 2018, additional amendments were made in terms of applying a gender equity lens, and formatting the document to the appropriate policy template. This was adopted by Council July 24, 2018. During the bi-annual review period in 2019, no additional changes to the policy were recommended. The most current policy is attached (Appendix B).

Council Policies that are related to this matter include, “Flags at City Hall”, “Illumination of City of London Buildings and Amenities” and “Inter-Municipal Endorsement of Council Resolutions Policy”. The Flag and Illumination policies are intended to offer opportunities to acknowledge community and awareness events, whereas the Inter-Municipal Endorsement policy is meant to focus Council positions on matters to the appropriate federal, provincial and municipal associations, etc. All Council Policies are available for review on the City website, <http://www.london.ca/city-hall/city-council/Pages/Policy-Manual.aspx> .

<b>DISCUSSION</b>
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The City Clerk’s Office receives periodic requests for proclamations for various matters. These requests are responded to administratively, advising of the Council Policy, and offering alternative actions that may be considered. These include flag raising, lighting of City Hall, and/or circulation of information to the Members of Council. Unfortunately, there is no specific data related to the number of requests received by the City, as some of these requests are sent to other areas, outside of the City Clerk’s office. Since 2017, the City Clerk has responded to six requests for proclamations. These requests included: Child Care Worker/Early Childhood Educator Appreciation Day, Co-operative Housing Day, National Public Works Week, Dig Safe Month, Wrongful Conviction Day and Eating Disorder Week. The Library of Parliament does not include any of these matters on their national list. There have not been any requests in 2019.

## **Current Practice – London**

In addition to the previously noted community opportunities through the flag policy and illumination policy, there are a number of additional means by which community and awareness causes are supported by the City of London. Each Council meeting agenda includes opportunities for “Recognitions”. The formal recognitions, included on the agenda, are facilitated through the Mayor’s office (with the exception of Administrative recognitions for employees). There are also routinely verbal recognitions from Members of the Council acknowledging community events, awareness and achievements at Council and standing committee meetings.

Administratively, including through corporate employee groups, there are countless undertakings with respect to matters of community interest, organizational support and acknowledgements. These include, but are not limited to employee events such as: “days of significance” calendar (actively promoted on intranet), Business Cares Food Drive, support for the end of violence against women, United Way, International Day of Persons with Disabilities, Pride, positive space, Black History Month, Emancipation Day, Toque Day, White Ribbon Campaign, etc.

## **Current Practice – municipalities providing proclamations**

An environmental scan of comparable Canadian municipalities related to proclamations has been undertaken. The following municipalities offer municipal proclamations and were reviewed in detail: Calgary, Edmonton, Brampton, Toronto, Vancouver, Ottawa, Aurora, Kingston and Windsor<sup>3</sup>. In all but one of these municipalities, proclamations are administered by the Mayor or the Clerk as a delegated authority. The proclamations are not actions of Council.

*Clerk’s Administration – \*signed by the Mayor*

Calgary, Edmonton, Brampton, Toronto, Ottawa, Aurora, Windsor

*Mayor’s Office Administration*

Ottawa

*Council Approval*

Kingston (initial approval, acceptable for up to 5 years then administered by the Clerk)

The practices vary between municipalities in terms of what a municipal proclamation includes. Most are a document that is prepared with wording submitted by the requesting body, which is signed and sealed and then provided to the requestor. Some include a posting on the municipal website (either the proclamation or a list), and some are noted on the Council agenda (but there is no discussion). The notation on the Council agenda would be similar to London’s current ‘recognition’ process at Council, with exception that current London process allows for an individual Councillor to present a verbal recognition at any meeting. The associated policies of these municipalities are attached for review<sup>4</sup> (Appendix C).

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<sup>3</sup> This list represents the municipalities examined in detail, and does not represent an exhaustive list of municipalities that enact proclamations.

<sup>4</sup> Appendix C includes the policies of: Calgary, Brampton, Toronto, Vancouver, Ottawa, Aurora, Kingston, Windsor. Edmonton uses an “internal document” for guidelines.

A high-level summary of some of the additional information is as follows:

	# per year	Restrictions	Fact-checking (by staff)	Notice Requirement	Post on website	Dedicated staff
Calgary	130*	Yes	Yes	4-6 wks		Yes
Edmonton	150-180	Yes		4-6 wks		
Brampton	60	Yes		6 wks		Yes
Toronto	180	Yes	Yes	4 wks	Yes	Yes
Vancouver	145	Yes	(if new request)	3 wks		
Ottawa	150	Yes	Yes	4 wks		Yes
Aurora	30-35	Yes	Yes	4 wks	Yes	
Kingston	45	Yes	Yes		Yes	
Windsor	66	Yes	Yes	3 wks	Yes	

\* 130 requests, with 100-110 proclamations issued.

In terms of “nationally recognized” matters, the Library of Parliament provides a list of national days and observances in Canada, including associated legislative authority where applicable. The most recent revision was in 2017; there is also a disclaimer noting that “there is no central authority responsible” for maintaining a list, and that it should be seen as a “useful guide but not a comprehensive list of every special day observed in Canada.” The proclamations made to-date in 2019 by municipalities with listings provided on their website, were reviewed in terms of the “nationally recognized” events and observances. The results of this review were:

	Proclamations to-date in 2019	Proclamations included on federal list	
Brampton	58	9	16%
Toronto	180	19	11%
Windsor	55	5	9%
Aurora	27	4	15%

### Nationally Recognized Observances and Considerations

Attached to this report is the table of “National Days and Observances in Canada” (Appendix D) from the Library of Parliament for review. Based on the review that has been completed at this time, the vast majority of municipal proclamations fall outside those observances that are “nationally recognized”. The test of “nationally recognized” observances may not accomplish the desired intention in terms of a policy implementation.

In the McKellar decision, it is noted that the meaning of “services” (municipal services) may include the civic recognition of special days (proclamations). There is not any legislative authority under which municipal proclamations are made. A municipality is not compelled, nor prohibited from issuing same, however any such provision of service would need to comply with the *Human Rights Code*, and be available to all.

## CONCLUSION

Over time, the City of London has made proclamations under a variety of policies and frameworks – Council approval, delegation of approval to the Mayor, delegation of approval to the City Clerk and no issuances of proclamations.

In considering the introduction of any new program, Council may wish to consider the intended outcome, and whether or not this is already achievable with existing policies, including flag raising, illumination and council recognitions.

The formation of a policy to amend the current Council Policy (Issuance of Proclamations) in order to provide for the issuance of proclamations would require Council direction in terms of the parameters (if any) for requests, confirmation and research of validity, an approval authority and a process.

The City Clerk can advise that based on the current and past requests for flag raising and illumination of City facilities, concerns have arisen from time to time with respect to the applicant. Therefore, requests for proclamations will need to be similarly reviewed and vetted. Municipal Council may wish to consider who would be responsible for undertaking this review and what criteria may be established for that review.

Even those proclamations listed on the “National Days and Observances in Canada” may be of concern to some of our residents and may not necessarily adhere to City of London policies. The Civic Administration recommends that Municipal Council consider that an organization that may be acceptable to some residents, may be of concern to others.

<b>PREPARED BY:</b>	<b>PREPARED BY:</b>
<b>BARB WESTLAKE-POWER DEPUTY CITY CLERK</b>	
<b>CONCURRED BY:</b>	<b>RECOMMENDED BY:</b>
<b>BARRY CARD MANAGING DIRECTOR, CORPORATE SERVICES &amp; CITY SOLICITOR</b>	<b>CATHY SAUNDERS CITY CLERK</b>

- Attached – Appendix A – Hudler vs. City of London  
Appendix B – City of London Issuance of Proclamations Policy  
Appendix C – Policies of other municipalities  
Appendix D – National Days and Observances in Canada

# Appendix A

31.13.2.97

Human Rights - Hudler



## BOARD OF INQUIRY (*Human Rights Code*)

IN THE MATTER OF the Ontario *Human Rights Code*, R.S.O. 1990, c. H.19, as amended;

AND IN THE MATTER OF the complaint by Richard Hudler dated October 11, 1995, alleging discrimination with respect to services, goods and facilities because of sexual orientation.

### BETWEEN:

Ontario Human Rights Commission

- and -

Richard Hudler

Complainant

- and -

The Corporation of the City of London,  
Mayor Dianne Haskett

Respondents

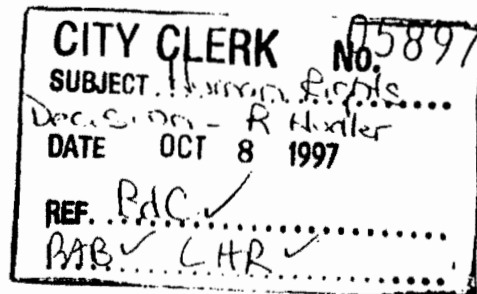
## DECISION

Adjudicator : Mary Anne McKellar

Date : October 7, 1997

Board File No: BI-0119-97

Decision No : 97-023



Board of Inquiry (*Human Rights Code*)

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## INTRODUCTION

1. I was assigned by the Chair of the Board of Inquiry (“the BOI”) pursuant to s. 35(6) of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (“the *Code*”), to hear and decide a Complaint referred by the Ontario Human Rights Commission (“the Commission”) under s. 36(1). The Complainant, Richard Hudler alleges that the Mayor of the City of London, Dianne Haskett (“the Mayor”), and/or the Corporation of the City of London (“the City”) contravened the *Code* by discriminating with respect to the provision of services on the basis of sexual orientation. In particular, the Complainant alleges that the Mayor and the City contravened the *Code* when each refused in 1995 to publicly recognize the contributions and achievements of the Homophile Association of London Ontario (“HALO”), a non-profit corporation of which the Complainant was then President.

2. Notice of Constitutional Question was served on the Attorneys-General for Ontario and Canada. Both declined to participate in these proceedings.

## DECISION

3. I find that both the Mayor and the City have contravened the *Code* by discriminating on the basis of sexual orientation with respect to the provision of services. My remedial orders are contained in Paragraphs 76 - 87.

## FACTS

### **A. The Witnesses**

4. The Commission and the Complainant called the following witnesses who testified with respect to their personal involvement in the events giving rise to the Complaint: Richard Hudler; Debbie Lee; Suzanne Couture; Ken Sadler; Councillor Joe Swan; Patrick Shanahan; and Clarence Crossman. In addition, the Commission and Complainant called Dr. Mariana Valverde as a witness.

Dr. Valverde was qualified as an expert witness in the area of sexual orientation and sexual identity. She received her Ph.D. in Social and Political Thought from York University and has held a tenured position as Associate Professor, Centre of Criminology, University of Toronto since 1992. Dr. Valverde has lectured and published widely in the areas of gender studies, sexuality and moral regulation. In addition, she has offered expert evidence in several Board of Inquiry cases involving allegations of discrimination on the basis of sexual orientation, including *Oliver v. Hamilton (City) (No.2)* (1995), 24 C.H.R.R. D/298 (Ont. Bd. Inq.).

5. The City called no evidence. Witnesses called by the Mayor were two: Mayor Haskett and George Rust D'Eye. The latter was qualified as an expert to offer opinion evidence on the range of ways in which municipalities and civic officials act, and their authority for doing so, including which of those actions are conceived of in the municipal context as "services". Rust D'Eye is the former solicitor for the Municipality of Metropolitan Toronto. His professional practice and affiliations familiarized him with the workings of city hall and municipal officials. He also gave expert testimony in *Oliver*.

6. My account of the facts is based on the testimony of the above witnesses and the exhibits filed. The recitation of them is necessarily lengthy even though there was very little dispute about what actually occurred in London in 1995. The disputed areas of evidence pertain to the inferences I was urged to draw and conclusions urged to reach with respect to why events unfolded as they did and how they affected the community.

#### **B. What is HALO?**

7. HALO is a non-profit corporation that originated as a campus group at the University of Western Ontario in 1970. It has operated at the same premises in London, Ontario since 1974. It functions as a community organization or club, offering to its members social services, such as a disco and coffee house, and support services, such as peer counselling and referrals to other affiliated

agencies. Membership in the club is available to anyone sixteen years of age or older who pays the membership fee and who subscribes to the objects of the club. Those objects are:

- (a) to provide services and facilities to meet the social, cultural, psychological and spiritual needs of the members of the homophile community;
- (b) to act as a referral source to the members of the homophile community with medical, legal, psychological, and spiritual problems;
- (c) to provide a program to assist in the integration through education of individuals of different sexual orientations.

8. HALO's membership comprises approximately 250 gay men, lesbians, bisexuals, transgendered persons and some heterosexuals. A review of the May 1995 version of the HALO pamphlet reveals that its focus is not on providing services to heterosexuals in London, who may already be adequately served by other community organizations, but on providing services and support to the gay and lesbian community. For example HALO operates a telephone counselling service called "The London Gayline". It is affiliated with the Coalition for Lesbian and Gay Rights in Ontario ("CLGRO") and the International Lesbian and Gay Association. Among the resources listed in the pamphlet are many groups that contain the word "gay" or "lesbian" in their names, such as the London Lesbian Film Festival. In addition, the description offered for other groups indicates that they are primarily comprised of or designed for gay men and lesbians. For example, the group "Dignity" is described as "Lesbian & Gay Catholics". Many of these groups had as their genesis HALO initiatives, and some still use the club's facilities for their meetings. They include religious groups, community health care agencies, groups offering cultural or recreational activities, and support groups of various kinds.

9. Heterosexuals are not precluded from joining HALO or from availing themselves of any of the services it provides or lists as resources in its pamphlet. In fact, there is one service that HALO appears to provide primarily to those who have not already identified as gay or lesbian. I am referring to the community services committee, the purpose of which is described as "providing educational services to the public", through a speakers' bureau that addresses various groups on request. HALO

speakers have addressed high school groups, police officers, health units, and groups involved in providing family and childrens' services. These speaking engagements are designed to inform the listeners about what it means to be gay or lesbian and who makes up the gay and lesbian community, with the aim of combatting prejudice based on misconceptions about that community. In addition, PFFLAG, Parents Friends & Families of Lesbians & Gays, is a group for the heterosexual friends and family members of gays and lesbians.

10. Some of HALO's activities could be described as "political action". The membership pamphlet states:

Political action efforts are primarily in the direction of seeking changes in legislation which is discriminatory against gay and lesbian people. This is generally done through letter writing campaigns and preparation of briefs. Specific instances of discrimination are also reviewed for the purpose of lending support where appropriate.

The Complainant testified that HALO's principal involvement in political action centered around its affiliation with CLGRO and was connected with the latter group's lobbying efforts around Bill 7, which included sexual orientation as a prohibited ground of discrimination under the *Code*.

### C. "Pride" Celebrations in London

11. The modern gay rights movement was born in 1969 when a group of patrons of the Stonewall, a New York gay bar, for the first time resisted police efforts to arrest them and identify them publicly in the newspaper. Since that time, gay and lesbian organizations around the world have commemorated the Stonewall uprising, and those who had the strength to publicly self-identify as gay and lesbian, through "Pride" celebrations.

12. Dr. Valverde testified with respect to the significance of "Pride" to gays and lesbians. From her evidence I conclude that gays and lesbians have historically been subject to discrimination and that their own invisibility as a minority contributed to the persistence of such discrimination. Sexual identity is distinguishable from sexual activity: one can be gay or lesbian and not engage in sexual

activity. While the sexual identity of heterosexuals is societally validated on a daily basis, the same is not true for gays and lesbians, and yet

[p]ublic recognition and validation of one's identity and community (including sexual, ethnic and religious identity) is important to everyone psychologically and sociologically. Gay people do obtain some validation for their identity within the gay community itself, but no gay person lives wholly within the gay community. . . . Every group that has any distinct identity needs and want public recognition for that identity.

13. Dr. Valverde further testified that any policy that denied proclamations on the basis of "sexual identity" would have a differential impact on gays and lesbians. Heterosexuals already have a public sexual identity and do not need celebrations such as "Pride" in order to assert it.

14. A visible gay and lesbian community must exist if people are to publicly identify themselves as gay or lesbian and so combat discrimination. "Pride" celebrations and other public acknowledgements of sexual identity further this process. Public validation is not only important for individual gays and lesbians, but also for the community as a whole. Invisibility allows hatred, contempt, prejudice and ignorance to flourish, and these are not the characteristics of a healthy community.

15. Other witnesses also addressed the meaning and importance of "Pride" on a personal level. The Complainant testified that "Pride" celebrations tell an individual gay or lesbian that others share the same sexual identity and that that sexual identity is no cause for shame -- that the individual is equal, and not inferior, to other citizens. Debbie Lee said simply that "Pride" is a "celebration of our lives". For Suzanne Couture, "Pride" provides an opportunity for gays and lesbians to show their face in the broader community, as well as to get the whole gay and lesbian community, which is itself diverse, together for a party.

16. "Pride" celebrations in London began in 1981 when the Metropolitan Community Church ("MCC") hosted the first of its annual picnics for gays and lesbians and their families in a local park.

HALO's first involvement in "Pride" in London came in 1992 when it hosted an open house at its premises. The motivation for this event was the realization that the broader London community knew very little about HALO's members or the club's activities. A similar event was also held in 1993. For 1994, which was the club's 20th anniversary, HALO decided to become more public about "Pride" by erecting a sign on the premises identifying them as belonging to HALO and by hosting some events in the club's parking lot. In each of these years, the MCC held a special "Pride" religious service on the Sunday.

#### **D. London "Pride" 1995**

17. The 1994 events celebrating "Pride" and HALO's anniversary were so successful that the club decided to combine the two celebrations each year. The Pride Anniversary Committee was formed in September 1994. It decided to seek civic acknowledgment of the contributions the club had made to the community over its 21 years of operation. Suzanne Couture was a Chair of this committee. She first conceived the idea of obtaining a civic proclamation when she saw one honouring the Windsor gay and lesbian community on display in a bar. The Complainant, Couture, Clarence Crossman and Patrick Shanahan all testified that the proclamation was sought because it would help to publicize the club and draw attention to the anniversary and "Pride" celebrations it had planned.

18. Couture attended at the Mayor's Office in February, 1995, and spoke to a woman there about how to obtain a proclamation. Based on that conversation, she formed the conclusion that proclamation requests were uniformly granted.

19. On March 6, 1995, the BOI released *Oliver*, in which the mayor of the City of Hamilton was found to have contravened the *Code* by discriminating in the provision of services on the prohibited ground of sexual orientation when he refused to proclaim Gay Pride Week in 1991. This decision was the subject of an article that appeared in the London Free Press on March 11, 1995 and attributed various comments to HALO members and to the City Clerk and to London's Deputy Mayor.

20. Couture and another member of the Pride Anniversary Committee, Brian Hirschberger, prepared a draft proclamation and covering letter over Hirschberger's signature, and she delivered it to the Mayor's Office. This letter is dated April 7, 1995. An entire course of correspondence between HALO and the Mayor ensued. Some salient features of this correspondence are noted below:

- Hirschberger's April 7, 1995 letter, written on HALO stationery requested the proclamation of "Pride Weekend". Only in the recitals was HALO's role as a social service support agency for gays, lesbians and bisexuals mentioned. The Mayor's April 19, 1995 response, refusing to make the proclamation, was captioned "Re Gay Pride". This pattern persists throughout the correspondence between HALO members and the Mayor with respect to the proclamation request.
- The Mayor's April 19, 1995 letter stated that "it is the policy of my office to decline requests for Proclamations that relate to sexuality, whether it be heterosexuality, homosexuality or celibacy".
- The Complainant wrote to the Mayor on behalf of HALO on April 21, 1995. In this letter, captioned "Re: PRIDE Weekend", he renewed the request for a proclamation, stressed the inclusiveness of the club and its role in the broader London community, and submitted a revised draft proclamation in which the recital clauses reflected these points. For example, HALO's role as a social service support agency was extended to include the heterosexual family members and friends of gays, lesbians and bisexuals.
- The Mayor's May 3, 1995, response, captioned " Re: Gay Pride Proclamation" stated simply "[I] must advise that my position has not changed since my earlier letter of April 19, 1995."
- The Complainant and HALO member Clarence Crossman wrote to the Mayor on May 12, 1995. In this letter, they suggested that if her personal religious beliefs were the source of her objection to making "a proclamation for a group that believes in equal rights and responsibilities for lesbians and gay men", then she should consider declaring a conflict of interest and delegating her discretion to make proclamations to the Deputy Mayor or to a vote of City Council.

- In her response of May 15, 1995, the Mayor wrote "My position with regard to your request for a Proclamation has been made clear. If London City Council should choose to deal with this issue differently, and make a Proclamation on its own behalf, it is within its power to do so."

21. At the same time that it was corresponding with the Mayor and attempting to have her reconsider her decision to deny the proclamation request, HALO was also making other efforts to obtain official civic recognition of Pride Weekend. These efforts involved seeking the assistance of Councillor Joe Swan, who had a demonstrable record of providing support and assistance to the gay and lesbian community. When the Complainant explained the situation to Swan, he went to speak to the Mayor in an attempt to come up with proclamation wording that would be acceptable to her and to HALO. This meeting occurred subsequent to HALO's second request, but prior to the Mayor's response. She informed Swan that she would "never grant this proclamation". Swan then approached the City Clerk, Ken Sadler, for advice on how to appeal to an authority that might be capable of over-riding the Mayor's decision. Both Swan and Sadler testified that the Board of Control could have recommended that Council: request the Mayor to make a proclamation; revoke its delegation to her, or have made its own statement of recognition and acknowledgement of HALO on behalf of the City of London.

22. As a result of Sadler's discussions with Swan, HALO wrote to the Chair and members of the City's Board of Control on May 5, 1995, asking to be placed on the agenda of the next Board of Control meeting and stating "We would like to appeal [the Mayor's] decision because we feel this is a case of discrimination". The Mayor had already written to all members of City Council (which would include the Controllers) on May 3, 1995, enclosing her previous correspondence with HALO. She also enclosed her policy respecting proclamations based on , *inter alia*, sexuality, and advised that she had previously refused a request for a "Chastity Week" proclamation. The "Chastity Week" correspondence, however, was not enclosed. I deal with the Mayor's policy and with "Chastity Week" in greater detail below under the heading "Proclamations".



23. Board of Control met on May 10, 1995 and had before it the correspondence referred to in Paragraph 20. Clarence Crossman attended the meeting on behalf of HALO. Swan also attended, as did the Mayor, who chaired the meeting. The Report of the Board of Control indicates that it recommended to Council that HALO be advised that the Board of Control and the Council have no jurisdiction to consider HALO's appeal of the Mayor's decision; and that Council take no action to establish a policy with respect to the issuance of proclamations by it. According to Crossman, during the course of the proceedings the Mayor stated: "I will not be forced to be a mouthpiece for your cause."

24. City Council met on May 15, 1995. It will be recalled that the Mayor wrote to HALO on the same date indicating they could seek a proclamation from Council, and that it would be within Council's power to grant it. In any event, Councillor Swan drafted a resolution including recitals from the preamble to the *Code* and the United Nations Declaration of Human Rights and omitting all reference to HALO's service to gays, lesbians and bisexuals. This resolution, which HALO would have accepted as an acceptable civic recognition of its community service, concluded:

"THEREFORE BE IT RESOLVED THAT July 14, 15, 16, 1995 be recognized as a celebration of Pride and Accomplishment of the Homophile Association of London in providing 21 years of community service to the residents of London."

25. Swan moved that Board of Control's recommendations respecting proclamations be amended by adding the above resolution to them. The motion was debated in Council and the videotape of that debate was introduced as an exhibit in these proceedings. Also available to Council members at the time of the debate was the previous correspondence between HALO and the Mayor. The Mayor left her Chair to speak to the debate and indicated that she would not be supporting the motion. The motion was defeated.

26. Sadler described the Mayor as being "quite anxious and determined to have Council confirm her decision". I agree with this assessment. At one point in the debate, the City Solicitor characterized proclamations as a ceremonial exercise of the prerogative attaching to an office, and

suggested they could be made by any office-holder. Councillor Davenport thereupon undertook to obtain the Mayor's agreement to advise Councillors of any proclamations she would not grant so that each individual Councillor could consider whether he or she would be prepared to grant them. The Mayor was visibly reluctant to do so. I conclude that she did not want any proclamation recognizing HALO's 21 years of community service to be made by anyone on behalf of the City. This conclusion is confirmed by her remarks to Council on the Swan resolution, "the wording may be somewhat different, but it is still the same thing".

#### **E. Proclamations in London**

27. The Mayor is a self-professed evangelical Christian. She holds strong religious views on a number of issues, including abortion and homosexuality. The manner in which she testified about these matters leaves no doubt as to the sincerity of her belief. She stated that "if I were to turn my back on God, that is the moment that I would lose my authority as Mayor".

28. Prior to winning the 1994 mayoralty race, the Mayor won election to the City's Board of Control in 1991. In that capacity, she read many proclamations on behalf of her predecessor, His Worship Tom Gosnell. Those proclamations issued in accordance with the June 5, 1989 resolution of City Council in 1989:

9. That, on the recommendation of the City Clerk, with the concurrence of the City Administrator, the following policies be adopted with respect to the flying of flags from the City Hall and the issuance of Proclamations by the Mayor, namely:

#### **FLAG POLICY**

(a) in recognition of the ethnic diversity of the citizens of the Municipality, the City of London will fly the flag of any nation, country or ethnic group on the national day or on the anniversary of a special occasion requested by that nation, or ethnic group or its representatives;

(b) by the flying of the flags referred to above, the City of London neither implies nor expresses support for the politics of these nations and/or ethnic groups, but flies the flag in recognition of those of its citizens who have made the request;

(c) flags of non-partisan, non-profit groups, such as the Heart and Stroke Foundation, the United Way and the Easter Seal Campaign, will be flown at City Hall upon the request of these groups, on the understanding that the individual flags will not be flown for a period longer than one week;

(d) conflicts between the date requested by two or more nations, ethnic groups or non-partisan, non-profit groups and official municipal events, will be settled in favour of the nation or group which first made its request;

(e) the City Clerk will be responsible for the administration of this policy, in association with the Mayor;

(f) notwithstanding any of the foregoing, the City Council may, in its sole discretion, direct that a specific flag be flown, or not flown, on a specific date, in which event such direction shall take precedence over any other direction contained within this policy;

#### ISSUANCE OF PROCLAMATIONS

(a) the Mayor may, in his discretion and on the advice of the City Clerk, issue Proclamations on behalf of the City of London;

(b) the individuals and/or organizations requesting the issuance of Proclamations be made aware of the fact that such Proclamations are issued at the sole discretion of the Mayor, on the advice of the City Clerk, and at the time, location, and in accordance with wording approved by them;

(c) Proclamations issued by the Mayor on behalf of the Municipality will not contain any inflammatory, politically insensitive, provocative or scatological references, which, in the opinion of the Mayor, on the advice of the City Clerk, would have an adverse effect on any or all of the citizens of this Municipality of Canada.

29. There was no issued proclamation of any kind filed before me. I inquired of Sadler with respect to the usual form of them. Based on his response, as well as the comments of other witnesses, I gather that it was customary for a proclamation to include one or more recital clauses, identifying the organization or individual to be honoured and the reason(s) for bestowing the honour. These recitals were followed by the actual proclamation statement. This statement, since 1989, has

taken the form, "I, [name of current mayor], Mayor of the City of London, do hereby proclaim [designated dates] to be [name] [day/week/ month]". The proclamation is printed on heavy stock paper in calligraphic lettering surrounded by a scroll. The seal of the City used to appear on it, but that practice ceased at some point. The Mayor testified that the proclamation may be delivered in a number of ways: it may be read at an event sponsored by or honouring the organization; it may be presented by the mayor in her office under the seal of the City and photographed; or it may simply be sent to the organization.

30. The Mayor testified that she knew when elected that there certain activities and organizations that she could not endorse by making proclamations because their purposes were incompatible with her own spiritual convictions. In these circumstances, she decided that the appropriate thing to do was to develop a policy that would permit her to remain silent when requested to proclaim in these areas. Her policy was not reduced to writing until after the *Oliver* decision and after she became aware that HALO would be making a request. She testified that she was concerned that, in the absence of such policy, any denial of a request for a "Pride" proclamation would be susceptible to the kind of challenge that succeeded in *Oliver*. Sadler's testimony was that he informed the Mayor that he did not think her policy would insulate her from liability under the *Code*.

31. The Mayor's policy reads:

#### **POLICY RE: FLAGS AND PROCLAMATIONS**

In addition to the City Council policy contained in Council resolution 9., June 5, 1989, regarding the flying of flags from City Hall and the issuance of proclamations, the following policy is also to be adhered to during the term in office of Mayor Dianne Haskett:

Requests for the flying of flags or proclamations are to be declined if they relate to:

- 1) abortion - whether it be pro-choice or pro-life;
- 2) sexuality - whether it be heterosexuality, homosexuality, or celibacy;
- 3) any issue that would cause serious controversy in the community;
- 4) anything that would promote any illegal activity;
- 5) anything that would incite hatred towards any group.

32. The Mayor relied on the second paragraph of this policy in denying HALO's proclamation requests. Under cross-examination she testified that she would not make any proclamation that included the words "gay" or "lesbian" because that would be a proclamation about sexuality. She also said she could not make a proclamation that would endorse the gay and lesbian "lifestyle". When asked to define "lifestyle", she replied:

. . . people in the community that are gay or lesbian or bisexual and living out their lives as such . . . people who choose to engage in gay and lesbian activity, sexual activity or engage in gay and lesbian relationships and then how they live that out in the community . . . the outworkings of their beliefs about the appropriateness of their sexuality . . .

33. Clearly, the Mayor did not conceive of there being any distinction between one's identity as gay or lesbian and the sexual activities one might engage in. Both were for her caught under the rubric of "sexuality". Similarly, any proclamation sought by HALO would necessarily be about "sexuality":

HALO has as its very raison d'être the reinforcement of an affirmation of same sex . . . or gay, lesbian and bisexual activity . . . acts, relationships, you know, the lifestyle in the sense that it relates to it as part and parcel of that.

34. The Mayor also stated that proclamations were viewed by the public as a statement of her goodwill for an organization, of her endorsement of its activities. In her view, any proclamation recognizing HALO would be viewed as an endorsement of the sexual activity and "lifestyle" of its members, even if the proclamation itself specifically contained a disclaimer to that effect.

35. Correspondence in the Pleadings brief filed before me pertained to the issue of "Chastity Week". It contains neither an express request that any particular week be proclaimed "Chastity Week" nor any draft proclamation wording. Instead, it appears to solicit the Mayor's support for a "city-wide campaign for CHASTITY", and then continues:

Even though the idea of a "Chastity Week" would be absolutely fantastic in its own right (especially for all those thousands of single young people who, through self-control, are "sexually oriented" to abstaining until marriage), it may be the creative alternative that God's people can use (to arm ourselves in the day of evil as they did in the Book of Esther) if, and when, it is your duty (?) to declare "Gay Pride Week"! (What a travesty of justice for the mayor of Hamilton to be fined \$5,000 for refusing to affirm sodomy!) You are in my family's prayers.

36. There was uncontradicted evidence that the Mayor takes great personal interest and care in reviewing all proclamation requests, and that she revises the proposed wording of them and corrects grammatical errors. Since she took office, she has issued 252 proclamations. There was no evidence that she has refused any requests for proclamations during her tenure, other than the request for Pride Weekend and the suggestion of a Chastity Week, to the extent the latter can be considered a legitimate proclamation request. There is no evidence of any community service organization ever having been refused a proclamation. Previous mayors, or Council when it was issuing proclamations, have refused to grant them for commercial enterprises or in respect of political actions: native land claims or grape boycotts for example.

37. Council's role in proclamations since 1989 is diminished, although the records of proceedings do show that Council has, by resolution, requested the mayor, including this one, to issue proclamations from time to time. For example, Council asked the mayor to proclaim an Annual Day of Mourning for workers killed on the job; a day for the elimination of racial discrimination; Media Violence Awareness Week; White Ribbon Week; Missing Children's Week; and General Motors of Canada Limited, Diesel Division, Appreciation Day ("Diesel Division Day").

38. The circumstances surrounding the proclamation of Diesel Division Day are interesting. Civic officials commented that the manufacturing sector of the economy was a dying one, and that London should be attempting to attract new high-tech businesses. These comments were perceived as offensive to General Motors, an important area employer, and to the London residents who were its employees. The proclamation of Diesel Division Day was viewed as a way to remedy this civic slight, and that was the context in which the resolution was passed, unanimously in Swan's recollection.

#### **F. Proclamations in General**

39. George Rust D'Eye asserted that proclamations are not made pursuant to any clear legal authority. Their issuance can neither be compelled nor prohibited in a court of law. Whether they are issued at all, and by whom, is a matter of local custom. Of the thirty Ontario municipalities he surveyed, the custom varies considerably. In some, the Mayor issues proclamations; in others, Council does; and in still other municipalities, proclamations are not issued at all. Eight of the municipalities he surveyed have ceased making proclamations since the *Oliver* decision. Although a proclamation is of value to the organization seeking it, usually because of the attendant publicity, it is not of legal value because it confers no rights and imposes no responsibilities.

#### **G. Effect of the Denial**

40. The Mayor's denial of HALO's proclamation request, and Council's subsequent failure to acknowledge the organization through a resolution, did not affect the club's ability to proceed with its planned celebrations in 1995. All of the requisite permits and licenses had already been secured from the municipality, including a permit for the first-ever "Pride" March, which attracted approximately 800 participants. In fact, "Pride" weekend overall enjoyed much greater attendance than it had in the past. Witnesses for the Complainant acknowledged that this success was partly attributable to the heightened awareness of "Pride" that had resulted from the Mayor's denial of the proclamation and the consequent Council debate. A number of individuals, including local municipal, provincial and federal politicians, attended and signed proclamations, some of which were reproduced in the club newsletter.

41. In addition to the positive expressions of support that the club received from the gay and lesbian community and some members of the broader London community, however, there was a great deal of negative or even hostile comment about the club, its activities, and gays and lesbians in general. These comments were made in radio phone-in shows; in letters to the editor of the

newspaper; in telephone calls and letters to HALO; and in conversations on the street and in the workplace. Crossman traced this hostile reaction to the Mayor's denial, which he said "seemed to give permission to be homophobic". Sadler's testimony suggested the same causal connection when he said the Mayor's refusal was viewed by him not so much as her remaining silent or not taking a position on the matter, as with her indicating that she had "some difficulty with the gay and lesbian community". In addition, the Complainant received hateful personal correspondence.

42. Those members of the gay and lesbian community who testified, some of whom were also HALO members, spoke of the effects that the refusal of the proclamation had on them personally, and on other members of their community. All spoke of feeling personally hurt and diminished: the denial was tantamount to telling them that, because of their sexual orientation, they were not equal to other citizens in the community. Debbie Lee is a youth worker and she testified about the effect that the refusal had on the teenagers in her discussion group who were just coming to terms with their sexual identity, and how it made them nervous and scared, and how these feelings were only heightened when two of them were attacked while leaving the HALO premises one evening. Pat Shanahan testified that the whole incident had a chilling effect on the willingness of other public bodies to deal with HALO.

43. HALO hosted "Pride" celebrations in 1996 and 1997. It sought proclamations from the Mayor in both years. These requests were denied, although the Mayor has continued to make proclamations recognizing the contributions and achievements of other community organizations.

## ANALYSIS

### **A. Submissions**

44. In advance of making their final submissions, all parties filed written outlines of their arguments, with supporting authorities. Their further oral submissions were entertained on



September 27, 1997. I want to thank all counsel for their extensive and thoughtful submissions, and for the degree of cooperation they showed throughout the hearing.

#### B. Elements of a Code Contravention

45. A contravention of the *Code* is made out where it is established that:

- the respondent has discriminated against the complainant by treating him or her differently from others;
- that distinction in treatment is, at least in part, based on a ground prohibited by the *Code*;
- the distinction in treatment occurred with respect to one of the protected spheres -- services, accommodation, contracts, employment, or vocational associations.

46. The allegation here is that, contrary to s. 9, the Complainant's rights under s. 1 of the *Code* were infringed:

1. Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.

9. No person shall infringe or do, directly or indirectly, anything that infringes a right under this Part.

#### C. Differential Treatment

47. The Mayor granted 252 proclamation requests between the date she took office and the day she testified in this matter. During that period she turned down one *bona fide* request for a proclamation -- the Complainant's. I do not construe the "Chastity Week" correspondence as constituting a request, and certainly not a *bona fide* one. As noted in Paragraph 35, it contained neither an express request that any particular week be proclaimed "Chastity Week" nor any draft

proclamation wording, and offered itself as a strategy for denying a "Pride" request without running afoul of the *Code*. I have no hesitation in concluding that the Complainant was discriminated against by the Mayor.

48. Council knew the Complainant and HALO viewed the Mayor's denial of the proclamation request as discriminatory and had approached Swan and had corresponded with Board of Control on that basis. It would be fair to conclude that the HALO members took offense at being discriminated against. Faced with the opportunity to correct this slight to at least 250 of its citizens, Council did not request the Mayor to issue a proclamation as had occurred with Diesel Division Day, nor did it approve the Swan resolution. Council did nothing. It discriminated against the HALO constituency, which included the Complainant, by treating it differently from the constituency made up of Diesel Division employees.

#### D. Prohibited Ground

49. The Mayor's evidence made it abundantly clear that she would not make a proclamation recognizing HALO's contributions as a community organization because its constituency is made up of persons who identify as gay and lesbian. Her policy was devised, at least in part, precisely for the purpose of justifying that refusal. Her counsel argued that the Complainant's differential treatment was not based on sexual orientation, since a heterosexual member of HALO would not have received the proclamation either. This submission is utterly devoid of merit. I conclude that the Mayor intended to and did discriminate against the Complainant and HALO on the basis of sexual orientation.

50. Even had I not found that the Mayor intended to discriminate against the Complainant and HALO on the basis of sexual orientation, I would have found that she constructively discriminated against them because her policy had a differential impact on the gay and lesbian community. To the extent that a prohibition of proclamations on the basis of sexuality entails a prohibition of proclamations for groups whose members share a particular sexual identity, which I am not persuaded

is the case, there was no evidence whatsoever that anyone other than the gay and lesbian community ever seeks proclamations relating directly to sexual identity, or for groups whose members share a particular sexual identity. Again, I do not regard the “Chastity Week” correspondence as constituting a *bona fide* request.

51. When Council treated HALO differently and with less consideration than it had the Diesel Division, it knew that the HALO constituency was predominantly gay and lesbian. Under the jurisprudence, its so acting with that knowledge constitutes a *prima facie* contravention of the prohibition against discrimination on the basis of sexual orientation. In the absence of cogent evidence establishing that a consideration of the sexual orientation of many HALO members played no part in Council’s decisions, I find that the City discriminated against the Complainant on the basis of sexual orientation.

#### E. Services

52. For the respondents, success or failure in this case rides entirely on their argument that the civic recognition of special days is not a “service” under the *Code*. There were several strands to their argument.

##### (i) statutory lexicon

53. The *Code* itself offers very little guidance on this issue, defining “services” in the negative to exclude levies, fees, taxes or periodic payments imposed by law (s. 10). As well, sections 20 and 22, which declare that certain factual situations do not offend against the right to equal treatment based on, *inter alia*, “services”, suggest that the situations themselves are ones in which services might be considered to be provided. None of them are analogous to the civic recognition of special days.

(ii) plain meaning

54. The plain meaning of “services” is very broad indeed, as the many dictionary definitions submitted to me illustrated. At its most general and least restrictive, “services” means something of benefit provided by one person to another. The Commission and Complainant have suggested that this is the meaning I should attribute to “services”. The usual rule of interpretation applied to terms in statutes such as the *Code* that are of general application and have a remedial purpose is to employ the least restrictive sense of the term, unless, of course, that would do violence to the statutory purpose or would create an absurdity. Reading “services” as suggested by the Commission and the Complainant would seem to be appropriate here. The respondents, however, have urged me not to do so, for a number of reasons which I address below.

(iii) history and application

55. Reference was made to the historical antecedents of s. 1 of the *Code*, which derive in Ontario from protections first enacted in 1954 in the *Fair Accommodation Practices Act*, R.S.O. 1960, c.131. Those protections pertained to services “available in any place to which the public is customarily admitted”, and that qualifying language was only eliminated from the *Code* in 1980. I presume that its removal was intended to effect a change in the protection offered by the *Code*. It may well be that under that old language, “services” could not have the broad meaning contended for by the Commission and the Complainant, but that is not particularly helpful in determining what meaning to give it in its unqualified state.

56. My decision in this matter merely requires that I determine whether the civic recognition of special days falls within the nature of “services”. Accordingly, I have considered the nature of the activities engaged in by public officials or bodies which have been found to constitute “services” under human rights legislation. These include: the provision of social assistance benefits (*Saskatchewan Human Rights Commission v Saskatchewan Department of Social Services* (1988), 9 C.H.R.R. D/5181 (Sask. C.A.)); the awarding of research grants (*Chiang v Natural Sciences and*

*Engineering Research Council of Canada* (1992), 17 C.H.R.R. D/63 (Cdn. Human Rights Tribunal)); and the processing of immigration applications (*Menghani v Canada Employment and Immigration Commission* (1992), 17 C.H.R.R. D/236 (Cdn. Human Rights Tribunal). The Commission referred me to the preceding cases. In addition, I asked the parties to consider the definition of “service” in the *French Language Services Act*, R.S.O. 1990, c. F.32.

“service” means any service or procedure that is provided to the public by a government agency or institution of the Legislature and includes all communications for the purpose

57. My consideration of the authorities referenced in the preceding paragraph inclines me to the view that the ordinary meaning of “services” may include the civic recognition of special days. The respondents submit, however, that I must also consider the nature of proclamations and the other ways special days are declared in determining whether what we are dealing with here is a service under the *Code*.

(iv) authority to proclaim special days

58. Some statutes contain provisions empowering the declaration of special days. Those statutory provisions are not applicable in the circumstances of this case. The civic recognition of special days, whether by mayoral or council proclamation, or by council resolution, does not occur pursuant to any statutory authority. Indeed, the respondents submit that it does not occur pursuant to any legal authority at all. It is described as a ceremonial prerogative attaching to an office holder that is neither capable of conferring rights nor imposing benefits. I was told that it is “extra-legal”, which I take to mean beyond the scope of the law: its exercise cannot be compelled or prohibited in a court of law, nor is it subject to judicial scrutiny.

59. “Extra-legal” acts are, by their very nature, also discretionary. Municipal corporations or their officials may engage in discretionary acts pursuant to statutory authority. For example, by-laws may be promulgated with respect to any number of permissible subjects enumerated in the *Municipal Act*,

R.S.O. 1990, c. M.45. Once engaged in, however, these discretionary acts must be performed lawfully.

60. The fact that an act is discretionary in nature and can be neither compelled nor prohibited does not take it outside the ambit of the *Code*. The discretion must be exercised in a non-discriminatory fashion in accordance with the strictures of human rights or other paramount legislation. These circumstances are analogous to those considered in *Haig v Canada* [1993], 2 S.C.R. 995. In that decision, one of the issues the Court was asked to consider was whether the federal governments' decision to hold a referendum in all provinces except Quebec contravened the *Canadian Charter of Rights and Freedoms*.

. . . . though a referendum is undoubtedly a platform for expression, s. 2(b) of the *Charter* does not impose upon a government, whether provincial or federal, any positive obligation to consult its citizens through the particular mechanism of a referendum. Nor does it confer upon all citizens the right to express their opinions in a referendum. A government is under no constitutional obligation to extend this platform of expression to anyone, let alone to everyone. A referendum as a platform of expression is, in my view, a matter of legislative policy and not of constitutional law.

The following caveat is, however, in order here. While s. 2(b) of the *Charter* does not include the right to any particular means of expression, where a government chooses to provide one, it must do so in a fashion that is consistent with the Constitution. The traditional rules of *Charter* scrutiny continue to apply. Thus, while the government may extend such a benefit to a limited number of persons, it may not do so in a discriminatory fashion, and particularly not on [a] ground prohibited under s. 15 of the *Charter*. (per L'Heureux-Dubé, J., at p. 1041, emphasis in original)

61. The respondents argued that the civic recognition of special days is both discretionary and "extra-legal" and consequently neither controllable or reviewable by a court or this tribunal. On the first argument, I find that the authorities produced do not support the conclusion that "extra-legal" acts are beyond legislative control. Jowitt's *Dictionary of English Law* (London: 1959, Sweet & Maxwell) in its entry under "prerogative" indicates that Crown prerogative can be taken away by express legislation. In *In the Matter of a Reference by the Governor General in Council Concerning the Proclamation of Section 16 of the Criminal Law Amendment Act, 1968-69* [1970], S.C.R. 777,

the Court considered the propriety of the Governor General in Council failing to proclaim three subsections of the legislation, and held that he had exercised the discretion given to him. The Court stated that if he had acted contrary to the intention of Parliament, it could control him by legislation.

62. With respect to the second branch of the respondents's argument, while the precise authority pursuant to which proclamations and other declarations of special days are made may be shrouded in the mists of time, the fact remains that they are made and I cannot conclude that they are immune from scrutiny. I share Austin, J.'s difficulty with the "extra-legal" argument as expressed in *Haig v. Durrell*, (unreported, July 15, 1990) (Ontario Court -- Weekly Court), in which he issued oral reasons granting an expedited judicial review application and quashing Ottawa City Council's resolution revoking its earlier recognition of Gay Pride Day in Ottawa:

It was agreed amongst counsel that the source of the power is not clear. There is no specific statutory authority to make such proclamations. Counsel on behalf of the city used that as a basis for arguing that there being no statutory authority, the granting or not granting of a proclamation could not be attacked. In my view, perhaps a simplistic one, that simply cannot be. The municipality, whether it be the Corporation of the City of Ottawa or any other municipality in Ontario, is creature of statute. If it does act, presumably it does so pursuant to some authority or power given to it expressly, or by implication, by a statute or regulation. But if it acts, it must do so lawfully.

63. Subsequent to issuing the reasons from which the above is extracted, but prior to any order having been taken out, Austin J. heard a motion to revoke his order, and transfer the matter to Divisional Court for hearing by a full panel. He allowed the motion. Counsel for the City suggested to me that *Haig v Durrell* stood only for the proposition that the matter should have been heard by a three-person panel of the Divisional Court. Certainly, I agree that the above extract does not constitute a ruling binding on me, or on anyone, but I nevertheless find the reasoning to be persuasive. Although Austin, J. is not considering whether proclamations are services under the *Code*, he is considering whether their extra-legal character takes them beyond the scope of the law, and concluding that it does not. Similarly, in *Oliver*, the adjudicator rejected the argument that the extra-

legal and discretionary character of the civic recognition of special days takes it beyond the reach of the *Code* as not constituting a “service”.

(v) the *Charter*

64. The respondents also submit that I must “read down” the term “services” in the *Code* so as to exclude from its ambit things that are pure speech. They place proclamations and other civic declarations of special days in the category of pure speech. The rationale for adopting this interpretive approach is that to do otherwise would involve interpreting the *Code* so as to trench or encroach on rights guaranteed in the *Charter*, namely the freedom of expression guaranteed in s. 2(b). They find support for their position in that portion of the *French Language Services Act*’s definition of “service” which provides that it “includes all communications for the purpose”. In the absence of this language, they suggest, communications would not be considered “services”.

65. The Commission submits that “reading down” is not an appropriate tool to apply to statutory interpretation. Rather, it is a remedy that is applied after it has been determined that the application of a statute in accordance with the plain meaning of the words used in it contravenes the *Charter*. I agree. I am not sure, however, that my doing so disposes of the respondents’ argument. Essentially they say, if “services” includes speech, s. 2(b) is contravened because it includes the right not to speak. I cannot accept this argument, for reasons set out in the following paragraphs.

66. Section 2(b) of the *Charter* provides:

2. Everyone has the following fundamental freedoms: ..... (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

67. I accept that the right to freedom of expression guaranteed in s. 2(b) of the *Charter* also includes the right not to speak, and the right not to be made to say things one does not wish to say. Authority for these propositions is found in *Attorney-General of Quebec v Irwin Toy Limited* (1989),



58 D.L.R. (4th) 577 (S.C.C.), where the Court found that a prohibition on television advertising aimed at children contravened s. 2(b), and *RJR MacDonald Inc. v Canada (Attorney General)* (1995), 127 D.L.R. (4th) 1 (S.C.C.), wherein the Court found that a legislative requirement that unattributed health warnings appear on tobacco packaging contravened s. 2(b).

68. In contrast to the situations confronting the Court in the *Irwin Toy* and *RJR MacDonald* cases, interpreting “services” to include speech or other expressive conduct does not itself prohibit or compel that speech. It may attach legal consequences to the speech, or to a failure to speak. The speaker remains free to speak (or not), but runs the risk that his or her expressive activity, if exercised in a discriminatory fashion on the basis of a prohibited ground, may lead to a finding of an infringement of the *Code* and the issuing of a remedial order against the speaker and in favour of the person harmed by the speech. Interpreting “services” to require that in municipalities where statements of the civic recognition of special days are available, they be made available on non-discriminatory basis does not directly prohibit or compel speech. To so interpret “services” does not trench on s. 2(b) rights at all.

69. Notwithstanding my finding in the preceding paragraph, I want to address the possibility that an interpretation of “services” that might attach legal consequences to speech could be viewed as an incidental infringement of s. 2(b).

70. The argument of the respondents, carried to its logical conclusion, would gut the *Code*, which already attaches legal consequences to expressive activities, including speech. For example, a contravention of the *Code* may occur in certain circumstances where a sexual solicitation or advance is made (s. 7(3)); where statements indicating an intention to contravene are made (s. 13); or where pornographic photos or other material degrading to women is posted in the workplace (s. 7(2)). It is important to note that freedom of expression is not the only fundamental freedom guaranteed by s. 2 of the *Charter*. It also guarantees freedom of conscience and religion; peaceful assembly; and association. If the *Code* cannot be interpreted so as to encroach on freedom of expression, presumably it also cannot be interpreted so as to encroach on these other fundamental freedoms, and

yet it declares, for example, an equal right to membership in vocational associations and prohibits the infringement of that right.

71. Furthermore, s. 2 rights are not absolute, but are subject to the limitations contained in s.1 of the *Charter*:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

72. In order to determine whether interpreting “services” to include speech providing for civic recognition of special days offends s. 2(b) of the *Charter*, I would need to consider whether any *prima facie* infringement is saved by s. 1. To do so, I would need to assess a number of things, among them, the circumstances in which the speech is made; the content of and purpose served by the speech; the purpose of the *Code* provision; the degree to which it impairs the freedom; whether less intrusive means were available; whether the asserted freedom conflicts with another *Charter* value. With respect to the last factor listed, it is worth noting that s. 15(1) also appears in the *Charter*. The Supreme Court of Canada has interpreted it as prohibiting governmental discrimination on the basis of sexual orientation in *Egan v Canada* (1995), 125 D.L.R. (4th) 609, and the British Columbia Supreme Court has done the same in *Little Sisters Book and Art Emporium et al v Canada (Minister of Justice)* (1996), 131 D.L.R. (4th) 486. Section 15(1) provides:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

73. The *Charter* is designed to restrain government action that infringes on the rights guaranteed therein. The City and the Mayor are, of course, government actors, and yet it is they who assert that the effect of the *Charter* is to minimize scrutiny of their actions under the *Code*. The Supreme Court of Canada has cautioned against interpreting the *Charter* in this way:

In interpreting and applying the Charter I believe that the courts must be cautious to ensure that it does not simply become an instrument of better situated individuals to roll back legislation which has as its object the improvement of the condition of less advantaged persons.

(per Dickson, C.J.C., in *R v Edwards Books & Art Ltd.* (1986), 35 D.L.R. (4th) 1, at p. 49)

74. To sum up with respect to the *Charter* arguments relating to “services”, here we have a case where a governmental actor is asking me to read restrictively a word in the *Code* so as to insulate from scrutiny its actions, which I have found to be discriminatory on a basis prohibited by both the *Code* and the Charter, because absolute freedom of expression, which is nowhere guaranteed in the Charter, precludes the attaching of legal consequences to expressive activity. I cannot accept this argument.

75. I find that the Respondents have discriminated against the Complainant with respect to services on the basis of sexual orientation contrary to sections 1 and 9 of the Code.

#### REMEDY

76. My remedial jurisdiction is set out in s. 41 of the Code:

(1) Where the board of inquiry, after a hearing, finds that a right of the complainant under Part I has been infringed and that the infringement is a contravention of section 9 by party to the proceeding, the board may, by order,

(a) direct the party to do anything that, in the opinion of the board, the party ought to do to achieve compliance with this Act, both in respect of the complaint and in respect of future practices; and

(b) direct the party to make restitution, including monetary compensation, for loss arising out of the infringement, and, where the infringement has been engaged in wilfully or recklessly, monetary compensation may include an award, not exceeding \$10, 000, for mental anguish.

(4) Where, upon dismissing a complaint, the board of inquiry finds that,

(a) the complaint was trivial, frivolous, vexatious or made in bad faith; or

(b) in the particular circumstances undue hardship was caused to the person complained against,

the board of inquiry may order the Commission to pay to the person complained against such costs as are fixed by the board.

77. The Complainant and the Commission seek the following remedy:

- a. a declaration that the Mayor's refusal to proclaim "Pride Weekend" constitutes unlawful discrimination on the basis of sexual orientation;
- b. that the City of London proclaim Pride Day/ Weekend and recognize the service provided to the London community by HALO, if so requested by HALO or any other "Pride" organizing committee;
- c. that the City of London and London City Council make a statement of recognition that the Lesbian and Gay and Bisexual Communities are integral and important communities within the City of London and that they make a commitment to investigate ways of fostering a positive relationship between the City of London and the Gay, Lesbian and Bisexual communities;
- d. that a meeting take place forthwith between delegated members of HALO and the City of London to begin discussions toward improving relations between the City of London and the Gay, Lesbian and Bisexual communities;
- e. damages in the amount of \$10, 000.00 against Mayor Haskett;
- f. damages in the amount of \$10, 000.00 against the Corporation of the City of London;
- g. pre-judgment and post-judgment interest;
- h. solicitor and client costs; and
- i. such further and other relief as the Complainant or Commission may advise or this Board of Inquiry deems appropriate.

78. I declare that the Mayor's refusal to proclaim "Pride Weekend" in 1995 constitutes unlawful discrimination on the basis of sexual orientation. I further declare that the City's failure to take any steps to redress the Mayor's discriminatory conduct constitutes unlawful discrimination on the basis of sexual orientation.

79. I have no jurisdiction to award costs in any circumstances other than those specified in s 41 (4) of the Code. The request for relief set out in Paragraph 77(h) is denied.

80. The Complainant was President of HALO in 1995. He made the Complaint in respect of himself only, and not in any representative capacity on behalf of the members of HALO or the broader London gay and lesbian community. Although the denial of civic recognition for HALO and the declaration of "Pride" damaged all members of the gay and lesbian community, I am confined to awarding damages in respect of the injury suffered by the Complainant. I assess those damages at \$10, 000.00, for which the Mayor and the City are jointly and severally liable. This amount is in respect of damages both for loss of the right to be free from discrimination, and for mental anguish caused by the infringement of that right. I conclude that the Mayor and the City acted wilfully or recklessly within the meaning of s. 41(1)(b) having regard to the following:

- the *Oliver* decision issued prior to the infringement here, and involved a finding that a similar refusal on the part of the mayor of a municipality constituted a contravention of the *Code*;
- the Mayor and Council were aware of the *Oliver* decision at the time of the infringement here;
- the Mayor drafted her policy in a deliberate attempt to avoid the consequences of *Oliver*;
- the discrimination against the Complainant was played out publicly in Council, in the media, and in the streets of the community, causing considerable mental anguish and distress. The Complainant was the recipient of hateful personal correspondence as a result of the request for and refusal of the proclamation.

81. The amount awarded is subject to both pre-judgment interest, measured from the date of the Complaint, and post-judgment interest. Both are to be calculated in accordance with the *Courts of Justice Act*.

82. Evidence was led with respect to the divisive effect on the community of events surrounding the denial of the proclamation in 1995. From the videotape evidence, it was also clear that there was considerable division within Council. It is fair to say that the litigation of these matters, which attracted a considerable amount of local media attention, has done nothing to heal these divisions. — In the circumstances, I find that the relief requested in Paragraph 77(d) is appropriate to redress the effects of the discrimination that occurred here.

83. To grant the relief requested in Paragraph 77(b) and (c) would require me to compel the respondents to speak. I derive my remedial authority from statute. Consequently, I am a government actor subject to acting in accordance with the *Charter*. An order compelling the respondents, or either of them, to speak constitutes a *prima facie* infringement of s. 2(b) of the *Charter*, which guarantees the freedom to remain silent. In the circumstances of this case, however, such an order withstands scrutiny under s. 1.

84. The remedy requested is rationally connected to the statutory purpose underlying s. 41(1) of the *Code*, which is to remedy infringements of the *Code*. Here the infringement was occasioned by a failure to speak. Logically, then, the remedy is to compel the speech that ought to have been made. That is particularly the case here where public acknowledgement of sexual identity is the uniquely appropriate means of overcoming the historical discrimination suffered by gays and lesbians. The Supreme Court of Canada has twice considered the constitutionality of ordering compelled speech, most recently in *Slaight Communications Inc. v. Davidson* (1989), 59 D.L.R. (4th) 416. The court in *Slaight* was asked to scrutinize the constitutionality of an arbitrator's order requiring an employer to furnish a wrongfully dismissed employee with a letter of recommendation, and prohibited the employer to say anything beyond what was contained in that letter to any prospective employer that contacted it. The employee in question had been found to have been damaged by the employer's

vicious and untruthful remarks. Dickson, C.J.C., held that, “On the facts of this case, constitutionally protecting freedom of expression would be tantamount to condoning the continuation of an abuse of an already unequal relationship” (at p. 421). This conclusion was based on Dickson, C.J.C.’s characterization of the employee as “vulnerable” vis-a-vis his employer. The Court was also influenced by the fact that the letter of recommendation contained only a recitation of objective facts, and not any statements of opinion. The compelled statement of opinions not one’s own had previously been found to offend s. 2(b) of the Charter and not be justified under s. 1 in *Re National Bank of Canada and Retail Clerks International Union* (1984), 9 D.L.R. (4th) 10.

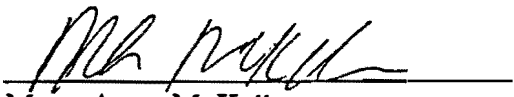
85. The upshot of *Slaight* and *National Bank* is that the ordering of compelled speech will run afoul of s.1 where it requires the uttering of opinions that are not those of the speaker. The statements that I am asked to compel do not contain opinion, with the possible exception of the word “important” in Paragraph 77(c).

86. Counsel for the Mayor tried to convince me that proclamations were a form of political speech and entitled to a great deal of deference. I have reviewed the draft proclamations in question again. In my view, they are devoid of political content, and they are not made political merely because uttered by a politician. The Mayor expressed concern that they would be viewed as her endorsement of a political agenda for gay and lesbian rights. Reference was made to a decision of the United States Supreme Court in *Hurley v Irish-American Gay, Lesbian & Bisexual Group of Boston*, 115 S. Ct. 2338 (1995). In *Hurley*, the organizers of an Irish American Parade declined to permit a group of gay and lesbian Irish Americans to march behind a banner identifying the fact that they were gay and lesbian. The Court concluded that parades were an form of expression protected by the First Amendment and that the organizers were constitutionally protected from having to include the gay groups’s message as part of their own. An important part of the Court’s rationale for this finding was that it would be difficult for the organizers to dissociate themselves from the gay groups’s message. The United States Supreme Court in *Turner Broadcasting System, Inc. v F.C.C.* 114 S.Ct. 2445 (1994), and the Supreme Court of Canada in *RJR MacDonald* were also influenced in their decisions by the ability of the speaker to dissociate itself from the message compelled. No such problem exists

here. The beauty of speech, as opposed to symbolic expressive conduct such as a parade, is that there is no need to speculate about what those words mean. The proclamation words simply do not express what the Mayor referred to as "support for homosexuality as a preferred lifestyle".

87. I grant the relief requested in Paragraph 77((b) and (c). I understand that what is sought in Paragraph 77(b) is civic recognition of HALO's contributions and of "Pride Day/Weekend", and that HALO may seek such recognition from either of the respondents.

Dated at Toronto this 7th day of October, 1997.



Mary Anne McKellar  
Member, Board of Inquiry





London  
CANADA

## **Issuance of Proclamations Policy**

**Policy Name:** Issuance of Proclamations Policy

**Legislative History:** Adopted September 19, 2017 (By-law No. CPOL.-115-367);  
Amended July 24, 2018 (By-law No. CPOL.-115(a)-418)

**Last Review Date:** April 15, 2019

**Service Area Lead:** City Clerk

### **1. Policy Statement**

1.1 This policy sets out the corporate position with respect to the issuance of proclamations.

### **2. Definitions**

2.1 Not applicable.

### **3. Applicability**

3.1 This policy shall apply to any request for the issuance of proclamations on behalf of the City of London.

### **4. The Policy**

4.1 No proclamations shall be issued on behalf of the City of London, except those required by law to be issued.



**Policy Title: Proclamation Policy**  
**Policy Number: CC015**  
**Report Number: N/A**  
**Approved by: Council**  
**Effective Date: 1990 November 19**  
**Business Unit: City Clerk's**

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### **BACKGROUND**

Council approved the Proclamation Policy at its meeting of 1990 November 19.

### **PURPOSE**

The purpose of the policy is to provide general criteria to the issuing of Proclamations.

### **POLICY**

It is a matter of custom that the Mayor issues proclamations. The authority to make proclamations on behalf of the citizens of Calgary is entrusted to The Office of the Mayor as a matter of executive privilege. The declaration of all proclamations is at the discretion of The Office of the Mayor.

1. A request for a proclamation should meet at least one of the following criteria:
  - a. The sponsoring agency be a charitable organization;
  - b. The cause be one of national significance;
  - c. The cause be one of benefit to the majority of Calgarians;
  - d. The cause be an initiative of The City of Calgary.
2. Requests with commercial or political overtones will not be considered.
3. Requests for proclamations to support a cause, which is contentious or divisive within the community, will not be considered.
4. Consideration will be given in cases where a precedent has been set by a previous proclamation, as long as it meets one of the above criteria.
5. Consideration will be given to offering "Letters of Recognition" to worthwhile causes, which do not merit a proclamation, as determined based on the above criteria.



**PROCEDURE**

1. The City of Calgary will compose the text for proclamations and letters of support or recognition with input from The Office of the Mayor.
2. The City of Calgary or The Office of the Mayor will not publish or incur any expense for the advertising of any proclamation, on behalf of any groups or organizations.
3. All proclamations will be affixed with the seal of The Office of the Mayor.

**AMENDMENTS**

None



Protocol Office

## Proclamations

### What is a Proclamation?

Proclamations are ceremonial documents issued and signed by the Mayor on behalf of Brampton City Council that officially recognize the importance of an event, a campaign, or an organization of significance, interest or benefit to the citizens of Brampton for a particular day, week or month. A proclamation does not constitute a personal or civic endorsement.

### Guidelines for Proclamation Requests

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#### ▼ **Criteria** (link: #)

- Requests are to be made at least four (4) weeks in advance of the requested issuance date
- Requests may only be made by an organization that resides/operates within the City of Brampton
- Requests must provide background information about the organization, cause or event being proclaimed
- Repeat requests are to be submitted on an annual basis, except for Heritage Months as approved by Council as part of the annual Community Recognition Program
- Requests must relate to an organization, cause or event that contributes to the economic, social, and cultural fabric of the City of Brampton

#### ▼ **Eligible Causes** (link: #)

- Public awareness campaigns;
- Charitable fundraising campaigns;
- Arts and cultural celebrations; and
- Special honours.

#### ▼ **Additional Information** (link: #)

- Proclamations are issued at the discretion of the Mayor
- An organization (i.e. requestor/recipient) may request one proclamation per year
- Proclamations are issued only to recognized Brampton organizations and not to individuals
- Organizations do not have exclusive rights to the day, week or month being proclaimed

- Proclamations of a similar topic will be issued on a first come, first served basis
- Only one proclamation is provided framed and will be issued to the requesting organization. Organizations can request multiple signed copies of the proclamation, as well as digital versions for their webpages and social media
- All proclamation text is subject to approval and modification by the City of Brampton

### ✓ A proclamation will not be issued for: (link: #)

- Matters of political controversy, ideological or religious beliefs or individual conviction
- Events or organizations with no direct relationship to the City of Brampton
- Campaigns or events contrary to City policies or by-laws
- Campaigns intended for profit-making purposes

### ✓ Receiving a Proclamation (link: #)


- Proclamations are listed on the agenda and read by the Mayor at the beginning of Council meetings (link: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx>)
- Recipients are invited to a reception hosted by the Mayor and Council in advance of the meeting to receive the framed proclamations


## Submitting a Proclamation Request

Please complete the online Proclamation Request Form. (link: [https://forms.office.com/Pages/ResponsePage.aspx?id=sulJsveh6kSUxTwJwLhUWorl2N2\\_7hEuglfsGX0phdUQ0045FRROEVONFU0RUFGMlJQSFJVVkdTSCQIQCN0PWcu](https://forms.office.com/Pages/ResponsePage.aspx?id=sulJsveh6kSUxTwJwLhUWorl2N2_7hEuglfsGX0phdUQ0045FRROEVONFU0RUFGMlJQSFJVVkdTSCQIQCN0PWcu))

## Issued Proclamations

Listing of issued proclamations. (link: </EN/City-Hall/Protocol-Office/Pages/Proclamations-Issued.aspx>)

 [Contact the Protocol Office](/EN/City-Hall/Protocol-Office/Pages/Contact-Us.aspx) (link: </EN/City-Hall/Protocol-Office/Pages/Contact-Us.aspx>)

 [Corporate Policy Library](/EN/City-Hall/policies-directives/Pages/Welcome.aspx) (link: </EN/City-Hall/policies-directives/Pages/Welcome.aspx>)



# Proclamations

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The City provides standardized proclamations that focus on the cause being proclaimed. Requesters are no longer required to submit draft wording. Please note that the name of the requesting organization is not included in the proclamation.

Please review the criteria below and submit your proclamation request using the **online request form** ([https://www.toronto.ca/?page\\_id=68952](https://www.toronto.ca/?page_id=68952)).

## Criteria

- Requests must be made at least four weeks in advance of the due date
- Requests must be submitted on an organization's letterhead
- Requests must provide background information about the cause or event being proclaimed
- Repeat requests must be submitted on an annual basis
- Cause or event must contribute to the economic, social, and cultural fabric of the City of Toronto

## Eligible Causes

- Public awareness campaigns
- Charitable fundraising campaigns
- Arts and cultural celebrations

Note: Proclamations are approved based on the mandate and strategic goals of the City of Toronto

## Additional Information

- Proclamations are issued at the discretion of the Mayor
- An organization may request one proclamation per year
- Proclamations are issued only to recognized Toronto organizations and not to individuals
- Organizations do not have exclusive rights to the day, week or month being proclaimed
- Proclamations of a similar topic will be issued on a first come, first served basis

Proclamations will not be issued for:

- matters of political controversy, ideological or religious beliefs or individual conviction
- events or organizations with no direct connection to the City of Toronto
- campaigns or events contrary to City policies or by-laws
- National, Independence or Republic Days (please see **flag-raising** ([https://www.toronto.ca/?page\\_id=2357](https://www.toronto.ca/?page_id=2357)) for appropriate recognition)

- Campaigns intended for profit-making purposes

## Contact Information

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### City Clerk's Office

Strategic Protocol and External Relations

Toronto City Hall

100 Queen Street West, 2nd Floor

Telephone: 416-392-7666 ext.

Email: [protocol@toronto.ca](mailto:protocol@toronto.ca) (<mailto:protocol@toronto.ca>)

## Related Information

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Invite the Mayor to an Event (<https://www.toronto.ca/city-government/awards-tributes/tributes/invite-the-mayor-to-an-event/>)

# Request a proclamation by the Mayor

Proclamations are official announcements that promote events, causes, and individuals celebrated by the people and community groups of Vancouver.

## What you can request proclamations for

1. Local events and initiatives
2. Charitable and community-service initiatives
3. Health and public service initiatives
4. Multicultural awareness
5. Special anniversaries for non-profit organizations that benefit communities
6. Someone who's made a major community contribution

## Complete the request form

You will need to submit your request at least 15 business days before the start of your proclamation date.

See an example proclamation [📄](#) (480 KB)

## Part 1 of 2: About your proclamation

What is your request?

- Existing proclamation, with changes
- Existing proclamation, no changes
- New proclamation

Title of proclamation:

Length:

- Day
- Week
- Month



# Proclamation Procedures

Approved by: Chief Corporate Services Officer

Category: General Administration

Approval date: July 2, 2002

Effective date: July 2, 2002

Revision approved by: Executive Committee

Revision date: December 3, 2014

## Application

These procedures apply to all proclamations issued on behalf of the City of Ottawa. These procedures support the City of Ottawa Office of Protocol policy.

## Procedure Description

The purpose of this protocol is to provide a vehicle that will encourage public awareness and provide recognition for events, achievements, and activities that are significant to Ottawa. It provides an opportunity to acknowledge individuals who have achieved national or international distinction, or whose contribution to the community demands significant recognition.

This procedure also identifies those instances where a proclamation will not be issued.

Proclamations are ceremonial documents signed by the Mayor containing a message of importance, interest or benefit to a significant number of citizens of Ottawa.

The decision to issue proclamations is based on the recognition that the Mayor represents all citizens. In doing so, acknowledgement is given to the commitment of individuals and organizations within the city whose efforts enhance our community. It does not, however, constitute a personal or civic endorsement.

This recognition also emanates from the desire to uphold the intent and spirit of the Ontario Human Rights Code "to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well being of the community".

A proclamation may be issued:

- to an individual or organization residing within the boundaries of the City of Ottawa who has achieved national or international distinction, or whose significant contribution to the community deserves recognition;
- to artistic, athletic, historical and cultural celebrations held within the boundaries of the City of Ottawa;
- to charitable and non-profit fundraising events held within the boundaries of the City of Ottawa;
- as a special recognition/honour on the recommendation of the Mayor.

A proclamation will not be issued for:

- matters that are politically or religiously motivated or represent individual conviction;
- campaigns, events or activities that are contrary to the City of Ottawa's policies or bylaws;
- individuals or organizations that espouse discrimination, hatred, violence or racism;
- individuals or organizations that are not directly related to the City of Ottawa;
- events or activities intended for profit-making purposes.

### Other essential details:

A proclamation must be requested by an individual or organization that resides within the boundaries of the City of Ottawa and may be issued for a day, a week or a month.

A proclamation can be issued annually, however, a new request must be submitted by the requestor each year.

A request for a proclamation, and the text for inclusion in the proclamation, must be received in the Office of Protocol at least four weeks in advance of the date required. The text for inclusion in the proclamation, to be provided by the requestor in English or French, should not exceed 130 words.

All proclamation text is subject to approval by the Office of Protocol, and will be reviewed to ensure its compliance with the policy. Modifications to the text may be necessary in order for the text to be approved.

Once the text has been approved, the Office of Protocol will ensure that the proclamation is produced in both official languages.

The City will not incur any expenses relating to the advertising or promotion of a proclamation unless a City department initiates the proclamation. Recipients are responsible for the promotion of the proclamation, organization of related activities and for all associated costs.

An organization does not have exclusive rights to the day, week or month of their proclamation.

A congratulatory letter or certificate may be considered as an alternative where the proclamation criteria has not been met.

## **Monitoring/Contraventions**

The Chief of Protocol is responsible for monitoring compliance with this procedure.

## **References**

None

## **Legislated and Administrative Authorities**

None

## **Definitions**

None

## **Keyword Search**

Proclamations  
Office of Protocol  
Honour  
Certificate

## **Enquiries**

Chief of Protocol  
Office of Protocol



**Corporate Policies, Programs and Procedures**  
**Proclamation Policy**

<b>Title of Policy:</b>	Proclamation Policy	<b>Affects:</b>	All Employees, Elected Officials and members of the public, and all Town Facilities
<b>Section:</b>	Legislative Services	<b>Replaces:</b>	Not applicable
<b>Original Policy Date:</b>	Not applicable	<b>Revision Date:</b>	Not applicable
<b>Effective Date:</b>	January 1, 2017	<b>Next Review Date:</b>	As required
<b>Prepared By:</b>	Legal & Legislative Services	<b>Approval Authority:</b>	Council

**1. Purpose**

- 1.1. This Policy establishes a framework for the approval of Proclamation requests received by the Town.

**2. Application**

- 2.1. This Policy applies to all requests for Proclamations sent to the Clerk's Office.
- 2.2. The Policy does not apply to Notices of Motion submitted by Members of Council pursuant to the Procedural By-law that may result in Council proclaiming a particular event, day, week or month.

**3. General Principles and Rules of the Policy**

- 3.1. Proclamations are issued to acknowledge the efforts, commitment and achievement of individuals and organizations that enhance the community of Aurora.
- 3.2. Proclamations are issued to recognize public awareness campaigns, charitable fundraising campaigns, and arts and cultural celebrations of significance to the Town.
- 3.3. A proclamation may recognize a particular event, day, week or month.

- 3.4. An organization does not have exclusive rights to the day, week or month of its proclamation.
- 3.5. All proclamation requests will be reviewed on a case-by-case basis and no individual or organization has the right to a proclamation.
- 3.6. The declaration of a proclamation is at the discretion of the Town, and the Town reserves the right to decline any request.
- 3.7. Where the Town issues a proclamation in accordance with this policy such proclamation does not constitute a personal or civic endorsement by the Town or approving official.
- 3.8. The Town of Aurora will not incur any expenses relating to the advertising and promotion of a proclamation.

#### **4. Definitions**

- 4.1. In this Policy, the following words have the following meanings:
  - (a) “**Clerk**” means the Clerk appointed by Council pursuant to requirements of section 228 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or his/her designate.
  - (b) “**Council**” means the Aurora Town Council.
  - (c) “**Procedural By-law**” means the by-law that governs the calling, place and procedures of meetings of the Town, and that is enacted by Council in accordance with the requirements of subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.
  - (d) “**Town**” means The Corporation of the Town of Aurora.

#### **5. Proclamation Criteria**

- 5.1. Proclamations may be issued by the Town to acknowledge the efforts, commitment and achievement of individuals and organizations that enhance the community of Aurora.
- 5.2. Proclamations may be issued by the Town to recognize public awareness campaigns, charitable fundraising campaigns, and arts and cultural celebrations of significance to the Town.

- 5.3. A Proclamation may be issued by the Town if it pertains to one of the following matters:
- (a) Civic promotions;
  - (b) Public awareness campaigns;
  - (c) Charitable fundraising campaigns;
  - (d) Awareness or celebration that promotes interfaith and/or intercultural dialogue;
  - (e) Arts and cultural celebrations; and
  - (f) Special honours for individuals or organizations for special achievements.
- 5.4. A Proclamation will not be issued by the Town when the request pertains to any of the following:
- (a) Individuals, events, organizations or community groups with no demonstrated interest or direct relationship to the Town;
  - (b) Matters of political controversy, political parties or political organizations;
  - (c) Religious organizations whose intent is to claim a recognition, or imposition, of religious doctrine and/or particular portions of religious doctrine;
  - (d) Individual conviction;
  - (e) Businesses or commercial enterprises, and celebrations, campaigns or events intended for profit making purposes;
  - (f) Discriminatory or inflammatory matters;
  - (g) Attempting to influence Town policy;
  - (h) National, Independence or Republic Days;
  - (i) Celebrations, campaigns or events contrary to Town Policies or by-laws;
  - (j) Illegal matters;
  - (k) Matters which defame the integrity of the Town;
  - (l) Matters designed to incite hatred or disorder; and,

- (m) Matters which are untruthful.

## **6. Application Procedures**

- 6.1 Requests for proclamations shall be submitted in writing and include:
  - (a) A brief summary and background of the individual or organization requesting a proclamation;
  - (b) A brief summary and background of the subject matter of the requested proclamation;
  - (c) The name and date(s) of the day, week, month, or event to be proclaimed;
  - (d) The proposed text for the proclamation, which the Clerk may request and make amendments to the proclamation, which in the Clerk's opinion improves the structure and/or overall intent of the requested proclamation;
  - (e) Contact person's name, address, telephone number and email; and
  - (f) A date when the proclamation is required.
- 6.2 Requests for proclamation must be submitted at least one month prior to the first day of the event day, week, or month for which a proclamation is requested.
- 6.3 Any request to raise a flag associated with the proclamation, will be required to meet the criteria set out in the Flag Protocol and Flag Raising Policy.

## **7. Approval Procedures**

- 7.1 Proclamation requests that comply with this Policy will be approved at the discretion of the Clerk.
- 7.2 The Clerk may refer any request for a proclamation to the Mayor or any other Town staff for comment on the request.
- 7.3 The Clerk will notify the requestor of the Town's decision in relation to any request received within five (5) business days.

## **8. Communication of the Proclamation**

- 8.1 The individual, organization or community group will be responsible for disseminating the proclamation to the media and making arrangements for

the attendance of the Mayor and/or Councillors at the specific function or event, if any, at which the proclamation is to be made.

8.2 Notice of proclamations approved by the Clerk will be posted on the Town's website or by other means at the discretion of the Town.

8.3 Certificates of proclamations are available from the Clerk's Office upon request.

## **9. Delegation**

9.1 The authority to approve or deny Proclamations under this Policy is delegated to the Clerk or his/her designate.

9.2 The Clerk may refer any request for Proclamation for Council's consideration when deemed appropriate by the Clerk.

## **10. Responsibility**

10.1 Council will be responsible for:

- (a) approving and amending this Policy; and
- (b) deciding on any matter referred by the Clerk to Council.

10.2 The Clerk will be responsible for:

- (a) exercising any authority delegated to the Clerk by this Policy;
- (b) administering the operation of this Policy;
- (c) interpreting this Policy; and
- (d) creating any procedure that the Clerk deems necessary for the effective and efficient implementation of this Policy.

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# Apply for Proclamation or Flag Raising

## Proclamation

- Please send your written request a minimum of three weeks prior to your special date
- You can download a printable copy of the [proclamation application](#) form from this website or visit the City Clerk's office, Monday to Friday 8:30 a.m. to 4:30 p.m. to obtain a printed copy
- Requests must be made by local organizations (defined as a group having an official presence in Windsor-Essex)
- You **must** provide the draft wording for your proclamation in order to receive an official signed proclamation from the Mayor. Feel free to refer to our proclamation [example](#)
- The Clerk shall review the request and make any appropriate amendments to the proclamation, which in the Clerk's view improves the structure and/or intent of the requested proclamation
- The City Clerk's office will prepare the proclamation and then submit it to the Mayor for signature
- Once signed, the Clerk's office will:
  - Send the original proclamation to you
  - Post a copy on the city's website and send an electronic copy to Cogeco Cable
  - List on the next City Council agenda
  - List in Windsor's Civic Corner in The Windsor Star  
(subject to space constraints the week prior to the event)

Under the City of Windsor's Procedural By-Law, City Council will not entertain delegations requesting proclamations.

## Flag Raising

- Please send your written request a minimum of four weeks prior to the preferred date of the Flag Raising
- You can download a printable copy of the Flag Raising [application](#) or visit the City Clerk's office Monday to Friday between 8:30 a.m. to 4:30 p.m. to obtain a printed copy
- Please see the [Flag Policy](#) for more information.

### Council Services Department

Suite 530 - 350 City Hall Square West  
Windsor, Ontario  
N9A 6S1  
Canada

Telephone: For general information, call 311.  
For detailed inquiries, call (519) 255-6222 ext. 6388.  
Fax: (519) 255-6868

E-mail: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)



**Proclamations (<http://www.edmonton.ca/mayorsproclamation/>)**

A proclamation is a formal document that dedicates a day, week or month to honour a special event, cause or purpose. Proclamations may be requested by Edmonton-based organizations and are intended to recognize initiatives or events that directly impact Edmontonians, including:

- Civic initiatives and campaigns
- Charitable or community initiatives
- Health and public service initiatives
- Multicultural awareness initiatives or events

The Mayor's Office may deny requests that are mainly personal, private, partisan, polarizing or commercial in nature. Some requests that do not meet the criteria for a proclamation may instead be considered for a congratulatory certificate.

**Mayor's Messages (<http://www.edmonton.ca/mayorsmessage/>)**

Mayor's messages are short greetings of about four paragraphs usually written for publication in programs or booklets by organizers of community events or conferences. They are signed by the Mayor and can include his picture if requested.

**Certificates of Congratulations (<http://www.edmonton.ca/mayorsmessage/>)**

Certificates of congratulations are custom certificates to recognize special events and achievement in the community. Certificates are often presented to people and organizations on reaching a significant milestone in their life or history — an anniversary, birthdays for persons celebrating 65<sup>th</sup> birthdays and older, certificates to athletes and to businesses on official openings.

**Please Note**

Many requests for **City services (</programs-services.aspx>)** are best handled by the City's 311 service. For the most efficient response, please call 311 or download the **City's 311 app ([/programs\\_services/apps\\_mobile/app-edmonton-311.aspx](/programs_services/apps_mobile/app-edmonton-311.aspx))**.

**Request to Meet with the Mayor****Contact the Mayor****Social Media**

## Related Links

**Blog**

City-building thoughts and ideas from Mayor Iveson.

## Appendix D

### APPENDIX – NATIONAL DAYS AND OBSERVANCES IN CANADA

The following table shows the national days and observances established under federal statutes, orders in council and resolutions of the Senate or of the House of Commons, as well as certain days recognized by federal government departments or other bodies. It does not include religious observances or provincial holidays, except those also established by a federal statute, order in council or parliamentary resolution. Because of the large number of special days observed in Canada, and the fact that there is no central authority responsible for them, the table should be seen as a useful guide, not as a comprehensive list of every special day observed in Canada.

**Table 1 – National Days and Observances in Canada**

Date	National Day or Observance	Authority	Further Information
1 January	New Year's Day	<i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 166.	
11 January	Sir John A. Macdonald Day	<i>Sir John A. Macdonald Day and the Sir Wilfrid Laurier Day Act</i> , S.C. 2002, c. 2.	Government of Canada, <i>Sir John A. Macdonald Day, January 11</i> .
17 January	Raoul Wallenberg Day		Justin Trudeau, Prime Minister of Canada, " <u>Statement by the Prime Minister of Canada on Raoul Wallenberg Day</u> ," <i>News</i> , 17 January 2017.
21 January	Lincoln Alexander Day	<i>Lincoln Alexander Day Act</i> , S.C. 2014, c. 30.	
February	Black History Month	House of Commons, <i>Debates</i> , Motion, 1 <sup>st</sup> Session, 35 <sup>th</sup> Parliament, 14 December 1995 (Ms. Jean Augustine, Parliamentary Secretary to the Prime Minister); and Senate, <i>Debates</i> , Motion, 2 <sup>nd</sup> Session, 39 <sup>th</sup> Parliament, 14 February 2008 (Hon. Donald H. Oliver).	Government of Canada, <i>Black History Month</i> .
15 February	National Flag of Canada Day	Office of the Prime Minister of Canada, <i>Declaration, National Flag of Canada Day</i> , 15 February 1996.	Government of Canada, <i>February 15 is National Flag of Canada Day</i> .
8 March	International Women's Day		Status of Women Canada, <i>International Women's Day</i> .
Second Monday in March	Commonwealth Day		Government of Canada, <i>Commonwealth Day</i> .
20 March	Journée internationale de la Francophonie		Organisation internationale de la Francophonie, <i>20 mars 2017 – Journée internationale de la Francophonie</i> .
21 March	International Day for the Elimination of Racial Discrimination		United Nations, <i>International Day for the Elimination of Racial Discrimination: 21 March</i> .

DESIGNATION OF NATIONAL DAYS AND OBSERVANCES IN CANADA

Date	National Day or Observance	Authority	Further Information
26 March	Purple Day	<i>Purple Day Act</i> , S.C. 2012, c. 13.	<i>Purpleday.org</i> .
2 April	Pope John Paul II Day	<i>Pope John Paul II Day Act</i> , S.C. 2014, c. 41.	
2 April	World Autism Awareness Day	<i>World Autism Awareness Day Act</i> , S.C. 2012, c. 21.	United Nations, <i>World Autism Awareness Day: 2 April</i> .
6 April	Tartan Day		Government of Canada, "The Maple Leaf Tartan," <i>Official symbols of Canada</i> .
Second week in April	National Volunteer Week		Volunteer Canada, <i>National Volunteer Week</i> .
9 April	Vimy Ridge Day	<i>Vimy Ridge Day Act</i> , S.C. 2003, c. 6.	Government of Canada, "Vimy Ridge Day," Statement.
Week of 10 April	National Wildlife Week	<i>National Wildlife Week Act</i> , R.S.C. 1985, c. W-10.	Canadian Wildlife Federation, <i>Get Involved in National Wildlife Week</i> .
Friday before Easter Sunday	Good Friday	<i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 166.	
23 April	World Book and Copyright Day		United Nations, <i>World Book and Copyright Day: 23 April</i> .
Last full week of April	National Organ and Tissue Donor Week	<i>National Organ Donor Week Act</i> , S.C. 1997, c. 4.	
28 April	Workers Mourning Day	<i>Workers Mourning Day Act</i> , S.C. 1991, c. 15.	Canadian Centre for Occupational Health and Safety, <i>April 28: Day of Mourning</i> .
A week following Passover	Holocaust Memorial Day – Yom HaShoah	<i>Holocaust Memorial Day Act</i> , S.C. 2003, c. 24.	Jewish Federation of Ottawa, <i>Yom HaShoah</i> .
30 April	Journey to Freedom Day	<i>Journey to Freedom Day Act</i> , S.C. 2015, c. 14.	
May	Asian Heritage Month		Government of Canada, <i>Asian Heritage Month</i> .
Week of the second Monday in May	National Mining Week	<i>National Mining Week Proclamation</i> , SI/95-64.	Natural Resources Canada, <i>National Mining Week, May 9–15, 2016</i> .
18 May	International Museum Day		International Council of Museums, <i>International Museum Day</i> .
Monday preceding 25 May	Victoria Day	<i>Holidays Act</i> , R.S.C. 1985, c. H-5; and <i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 166.	Government of Canada, <i>Victoria Day</i> .
Third Saturday in May	National Fiddling Day	<i>National Fiddling Day Act</i> , S.C. 2015, c. 6.	Parliament of Canada, "The Sound of Strings Reverberated on the Hill on National Fiddling Day," <i>SenCA Plus</i> , 19 May 2016.
June	National Aboriginal History Month	House of Commons, <i>Debates</i> , Motion, 2 <sup>nd</sup> Session, 40 <sup>th</sup> Parliament, 4 June 2009 (Ms. Jean Crowder).	Government of Canada, <i>National Aboriginal History Month</i> .
First Saturday in June	National Day to Promote Health and Fitness for all Canadians	<i>National Health and Fitness Day Act</i> , S.C. 2014, c. 34.	
First Sunday in June	Canadian Armed Forces Day	House of Commons, <i>Debates</i> , Motion No. 334, 1 <sup>st</sup> Session, 37 <sup>th</sup> Parliament, 25 April 2002 (Mr. Leon Benoit).	

DESIGNATION OF NATIONAL DAYS AND OBSERVANCES IN CANADA

Date	National Day or Observance	Authority	Further Information
Week in which 5 June occurs	Canadian Environment Week	<i>Canadian Environment Week Act</i> , R.S.C. 1985, c. E-11.	
Wednesday of Canadian Environment Week	Clean Air Day Canada	<i>Proclamation declaring the Wednesday of Canadian Environment Week in June of each year to be Clean Air Day Canada</i> , SI/99-42.	
Week in which 14 June occurs	National Blood Donor Week	<i>National Blood Donor Week Act</i> , S.C. 2008, c. 4.	Canadian Blood Services, "To give life, become a blood donor," News release, 13 June 2016.
Third week of June	National Public Service Week	<i>National Public Service Week: Serving Canadians Better Act</i> , S.C. 1992, c. 15.	Government of Canada, <i>National Public Service Week</i> .
Week leading up to Canada Day	Celebrate Canada		Government of Canada, <i>Celebrate Canada</i> .
21 June	National Aboriginal Day	<i>Proclamation Declaring June 21 of Each Year as National Aboriginal Day</i> , SI/96-55.	Government of Canada, <i>National Aboriginal Day</i> .
23 June	National Day of Remembrance for Victims of Terrorism	<i>Proclamation Requesting the People of Canada to Observe June 23 of Every Year as a National Day of Remembrance for Victims of Terrorism</i> , SI/2005-65.	Canadian Resource Centre for the Victims of Terrorism, <i>National Day of Remembrance for Victims of Terrorism</i> .
24 June	Saint-Jean-Baptiste Day/ Fête nationale du Québec		Government of Canada, "Saint-Jean-Baptiste Day on June 24: Fête nationale du Québec et de la Francophonie canadienne," <i>Celebrate Canada activities</i> .
27 June	Canadian Multiculturalism Day	<i>Proclamation Declaring June 27 of each year as "Canadian Multiculturalism Day"</i> , SI/2002-160.	Government of Canada, "Canadian Multiculturalism Day on June 27," <i>Celebrate Canada activities</i> .
1 July <sup>1</sup>	Canada Day	<i>Holidays Act</i> , R.S.C. 1985, c. H-5; and <i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 166.	Government of Canada, <i>Canada Day</i> .
1–7 July	Canada History Week		Government of Canada, <i>Canada History Week (July 1–7)</i> .
27 July	Korean War Veterans Day	<i>Korean War Veterans Day Act</i> , S.C. 2013, c. 17.	
28 July	A Day of Commemoration of the Great Upheaval	<i>Proclamation Designating July 28 of Every Year as "A Day of Commemoration of the Great Upheaval"</i> , Commencing on July 28, 2005, SI/2003-188.	
9 August	National Peacekeepers' Day	<i>National Peacekeepers' Day Act</i> , S.C. 2008, c. 27.	Veterans Affairs Canada, <i>National Peacekeepers' Day</i> .
15 August	National Acadian Day	<i>National Acadian Day Act</i> , S.C. 2003, c. 11.	
First Monday in September	Labour Day	<i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 166.	
3 September	Merchant Navy Veterans Day	<i>Merchant Navy Veterans Day Act</i> , S.C. 2003, c. 17.	

DESIGNATION OF NATIONAL DAYS AND OBSERVANCES IN CANADA

Date	National Day or Observance	Authority	Further Information
8 September	International Literacy Day		United Nations Educational, Scientific and Cultural Organization (UNESCO), <i>International Literacy Day</i> .
21 September	International Day of Peace		United Nations, <i>International Day of Peace: 21 September</i> .
Third Saturday in September	National Hunting, Trapping and Fishing Heritage Day	<i>National Hunting, Trapping and Fishing Heritage Day Act</i> , S.C. 2014, c. 26.	Ontario Federation of Hunters and Anglers, <i>National Hunting Trapping and Fishing Heritage Day – September 16, 2017</i> .
Last Sunday in September	Police and Peace Officers' National Memorial Day	<i>Proclamation Declaring the last Sunday in September of each year to be "Police and Peace Officers' National Memorial Day"</i> , SI/98-97.	The Memorial – La commémoration, <i>Canadian Police And Peace Officer's Memorial</i> .
October	Women's History Month	House of Commons, <i>Debates</i> , 3 <sup>rd</sup> Session, 34 <sup>th</sup> Parliament, 9 March 1992, pp. 7846–7847 (Hon. Mary Collins, Associate Minister of National Defence and Minister responsible for Status of Women), in Library of Parliament, <i>House of Commons Debates, 34<sup>th</sup> Parliament, 3<sup>rd</sup> Session: Vol. 6</i> , Canadian Parliamentary Historical Resources (database), p. 1122.	Status of Women Canada, <i>Celebrate Women's History Month</i> .
1 October	National Seniors Day	<i>Celebrating Canada's Seniors Act</i> , S.C. 2010, c. 13.	Government of Canada, <i>National Seniors Day</i> .
Second Monday in October	Thanksgiving Day	<i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 166.	
11 October	International Day of the Girl Child		United Nations, <i>International Day of the Girl Child: 11 October</i> .
18 October	Persons Day		Status of Women Canada, <i>Persons Day</i> .
27 October	World Day for Audiovisual Heritage		UNESCO, "World Day for Audiovisual Heritage," <i>Communication and Information</i> .
31 October	National UNICEF Day	<i>Proclamation Declaring October 31<sup>st</sup> of each year to be "National UNICEF Day"</i> , SI/2000-84.	UNICEF Canada, <i>National UNICEF Day</i> .
11 November	Remembrance Day	<i>Holidays Act</i> , R.S.C. 1985, c. H-5; and <i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 166.	Veterans Affairs Canada, <i>A Day of Remembrance</i> .
15 November	National Philanthropy Day	<i>National Philanthropy Day Act</i> , S.C. 2012, c. 23.	
20 November	Sir Wilfrid Laurier Day	<i>Sir John A. Macdonald Day and the Sir Wilfrid Laurier Day Act</i> , S.C. 2002, c. 2.	
20 November	Child Day	<i>Child Day Act</i> , S.C. 1993, c. 18.	UNICEF Canada, <i>Celebrate National Child Day</i> .
Fourth Saturday in November	Holodomor Memorial Day	<i>Ukrainian Famine and Genocide ("Holodomor") Memorial Day Act</i> , S.C. 2008, c. 19.	

DESIGNATION OF NATIONAL DAYS AND OBSERVANCES IN CANADA

Date	National Day or Observance	Authority	Further Information
3 December	International Day of Persons with Disabilities		United Nations, <i>International Day of Persons with Disabilities – 3 December</i> .
6 December	National Day of Remembrance and Action on Violence Against Women	<i>National Day of Remembrance Act</i> , S.C. 1991, c. 36.	Status of Women Canada, <i>The National Day of Remembrance and Action on Violence Against Women</i> .
10 December	Human Rights Day		United Nations, <i>Human Rights Day: 10 December</i> .
11 December	Anniversary of the <i>Statute of Westminster</i>		Government of Canada, "The <i>Statute of Westminster, 1931: Giving Canada Its Own Voice</i> ," <i>Anniversary of the Statute of Westminster</i> .
25 December	Christmas Day	<i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 166.	
26 December	Boxing Day	<i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 166.	

**NOTES**

1. Some statutes include provisions whereby the following Monday is recognized as a legal holiday if 1 July falls on a Saturday or a Sunday.