

Report Back to City Council Regarding Anti-Vaccination Demonstrations: MM36.5 - Protecting Healthcare Workers

Date: November 2, 2021

To: City Council

From: City Manager, City Solicitor

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

The attachment to this report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

At its October 1, 2021 meeting, in consideration of [MM36.5 - Protecting Healthcare Workers](#), City Council requested:

- The Province of Ontario to create temporary safe access zones around hospitals, healthcare facilities, COVID-19 testing centres, and vaccine clinics to ensure harassment free access to the regular and critical functioning of these facilities.
- The City Manager and the Toronto Police Services Board to work with Chief of Police James Ramer and the Toronto Police Service to develop a rapid response protocol for addressing harassment and intimidation of frontline healthcare workers, small business owners, and frontline retail employees by anti-vaxxer protestors.
- The City Manager, in consultation with the City Solicitor, to explore the feasibility of temporary "safe zones" of 100 metres around hospitals, healthcare facilities, COVID-19 testing centres, and vaccine clinics to prevent anti-vaxxer protestors from delaying the regular and critical functioning of these facilities.

This report responds to Council's requests noted above, and provides available information on current provincial and federal actions in response to anti-vaccination demonstrations and the protection of frontline workers.

RECOMMENDATIONS

The City Manager and City Solicitor recommend that:

1. City Council direct that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There are no financial implications from the adoption of the recommendations in this report.

The Chief Financial Officer and Treasurer has reviewed and agrees with this financial impact statement.

DECISION HISTORY

On October 1, 2021, City Council adopted Member Motion [MM36.5 - Protecting Healthcare Workers](#), requesting that the City Manager and the City Solicitor, in consultation with the Toronto Police Services Board, report back to City Council on the progress of actions pertaining to anti-vaccination protestors and the protection of frontline workers to the November 9 and 10, 2021 Council meeting.

COMMENTS

Intergovernmental Context

Government of Ontario

On October 15, 2021, City staff communicated Council's request to the Government of Ontario regarding the creation of temporary safe access zones around hospitals, healthcare facilities, COVID-19 testing centres, and vaccine clinics to ensure harassment free access to the regular and critical functioning of these facilities. City staff will continue to actively engage with the Province and monitor for updates on this matter.

The following two private Members' bills regarding the creation of safe zones were introduced in the Ontario Legislature on October 5, 2021:

- [Bill 2, Creating Safe Zones around Hospitals, Other Health Facilities, Schools and Child Care Centres Act, 2021](#)
- [Bill 3, Stopping Anti-Public Health Harassment Act, 2021](#)

On October 22, 2021, the Province [announced](#) its gradual approach to lifting remaining public health and workplace safety measures by March 2022. In the absence of concerning trends, public health and workplace safety measures will be lifted based on a series of proposed milestones, including the gradual lifting of proof of vaccination requirements beginning January 17, 2022.

Government of Canada

During the federal election campaign, the Liberal Party of Canada [committed](#) to introducing legislation to:

- Make it a criminal offence to obstruct access to any building providing health services, including hospitals, vaccine clinics, testing centres, pharmacies, and abortion clinics.
- Protect health care workers, by making it a criminal offence to intimidate or threaten any healthcare professional carrying out their professional duties providing medical care or Canadians receiving that care.
- Ensure that every business and organization that decides to require a proof of vaccination from employees or customers can do so without fear of a legal challenge.

On October 20, 2021, the Prime Minister outlined that "making it a criminal offence to harass or threaten health care workers" would be among the government's early legislative priorities. Parliament is scheduled to return on November 22, 2021. City staff will continue to monitor for updates on this federal initiative.

Feasibility of City Establishment of Safe Zones

In response to Council's request to explore the feasibility of temporary "safe zones" around hospitals, healthcare facilities, COVID-19 testing centres, and vaccine clinics, the City Solicitor has prepared Confidential Attachment 1 to this report. Attachment 1 contains advice or communications that are subject to solicitor-client privilege.

Response to Anti-Vaccination Protestors

At the request of the City Manager and in consultation with the Executive Director and Chief of Staff of the Toronto Police Services Board, Chief Ramer of the Toronto Police Service has responded to Council's request regarding a rapid response protocol for addressing harassment and intimidation of frontline healthcare workers, small business owners, and frontline retail employees by anti-vaccination protestors. The Chief's response to this request indicated that the Chief and the Toronto Police Service share the concern of the public with the need to protect hospitals, their employees, and patients. The Service will continue to ensure all aspects of hospital operations are not impacted; this includes access and egress by members of the public who are using hospital services, and hospital staff and emergency vehicles.

The Toronto Police Service has proactively formed a dedicated COVID Response team to collaborate with the City's Office of Emergency Management to ensure consistent delivery of services during the pandemic. The COVID Response team provides

leadership, planning, and communications support. The Chief has indicated that existing resources do not permit the formation of a dedicated operational response unit without impacting general priority response service delivery. For this reason, it is necessary to rely on the general priority response service delivery approach for those calls, like other calls for service received.

The Toronto Police Service's capacity to address ongoing threats and public safety concerns in the City includes the engagement of Communications, local Divisional Priority Response Units, Community Response Units' officers, specialized police units and the Toronto Police Operations Centre which is responsible for monitoring police resources, demands for service, and allocating resources to address operational demands. The Toronto Police Service plans and responds on a case-by-case basis, deploying the appropriate available resources to ensure the safety of everyone involved while also triaging calls for police service across the City. With regard to potential protests at hospitals and other locations, the Service assesses events, including real-time assessments, to ascertain the impact on city services, potential conflicts and determine required deployment of police resources.

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SIGNATURE

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ATTACHMENTS

Confidential Attachment 1: Confidential Advice from the City Solicitor