

A PROPOSAL FOR

Public engagement

on race based data and anti-racism legislation

Ministry of Attorney General
Ministry of Citizens' Services



Current context

- ▶ PS mandate letter
- ▶ OHRC and Turpel-Lafond reports, Police Act review
- ▶ DRIPA obligations
- ▶ Early phase of policy development
- ▶ “Nothing about us without us”
- ▶ Public pressure to collect race-based data *now*
- ▶ Risk of moving *too quickly*

BACKGROUND: Public engagement on **Human Rights Commission development (2017)**



BACKGROUND: Public engagement on **Racism and Hate (2019)**

8

**Group meetings with
impacted communities**

(Indigenous, Black, Chinese
Canadian, South Asian, Muslim,
Jewish, LGBTQ2S+
Anti-racism orgs;
Approximately 80 people)

13

**Geographic community
meetings with leaders
across the province**

(Approximately 240 people)

Participants were asked:

- *What issues are you grappling with in your community related to racism and hate?*
- *What measures are you taking? What is working and what more could be done?*
- *What can the BC Government do to support your community in battling racism and hate?*

----- July, August, September 2019 ----->

PROPOSED direction for engagement on **both anti-racism initiatives**:

▼ begin with pre-consultation

Direct outreach
1:1 meetings

March/April

Step 1:

- Write to rights holders (First Nations Leadership Council, Métis Nation BC and modern treaty nations (tbc).
- Hold follow up meetings

Step 2:

- Meet with other key government stakeholders, e.g.
- Cross-ministry colleagues
 - Federal Minister Chagger
 - Ontario Minister Responsible for Anti-Racism Secretariat
 - BC Human Rights Commissioner
 - BC Privacy Commissioner

Step 3:

- Meet with other key stakeholders, e.g.
- Multicultural Advisory Council
 - Ministers' Advisory Council on Indigenous Women
 - Premier's Chinese Canadian Community Advisory Committee
 - Resilience BC Anti-Racism Network
 - Indigenous "Communities Convener" (BCAAFC)
 - Black "Communities Convener"
 - Asian "Communities Convener"
 - Interfaith "Communities Convener"

----- March to [TBD] 2021 ----->

Topics for **pre-consultation**

- ▶ Scope of engagement
(key issues, questions, dilemmas)
- ▶ Level of subject knowledge
- ▶ Preferences for communication and engagement
- ▶ Others to consult

Benefits to pre-consultation

- ▶ Fast start
- ▶ Establishes commitment and common path
- ▶ Can identify full range of potential participants
- ▶ Enables mapping of interests, policy dilemmas
- ▶ Can assess participants' information needs
- ▶ Can inform policy paper and budget submission (due June)

Pre-consultation: next steps

1 Create **web page** (GovTogetherBC)

2 Set up **meetings** for direct outreach:

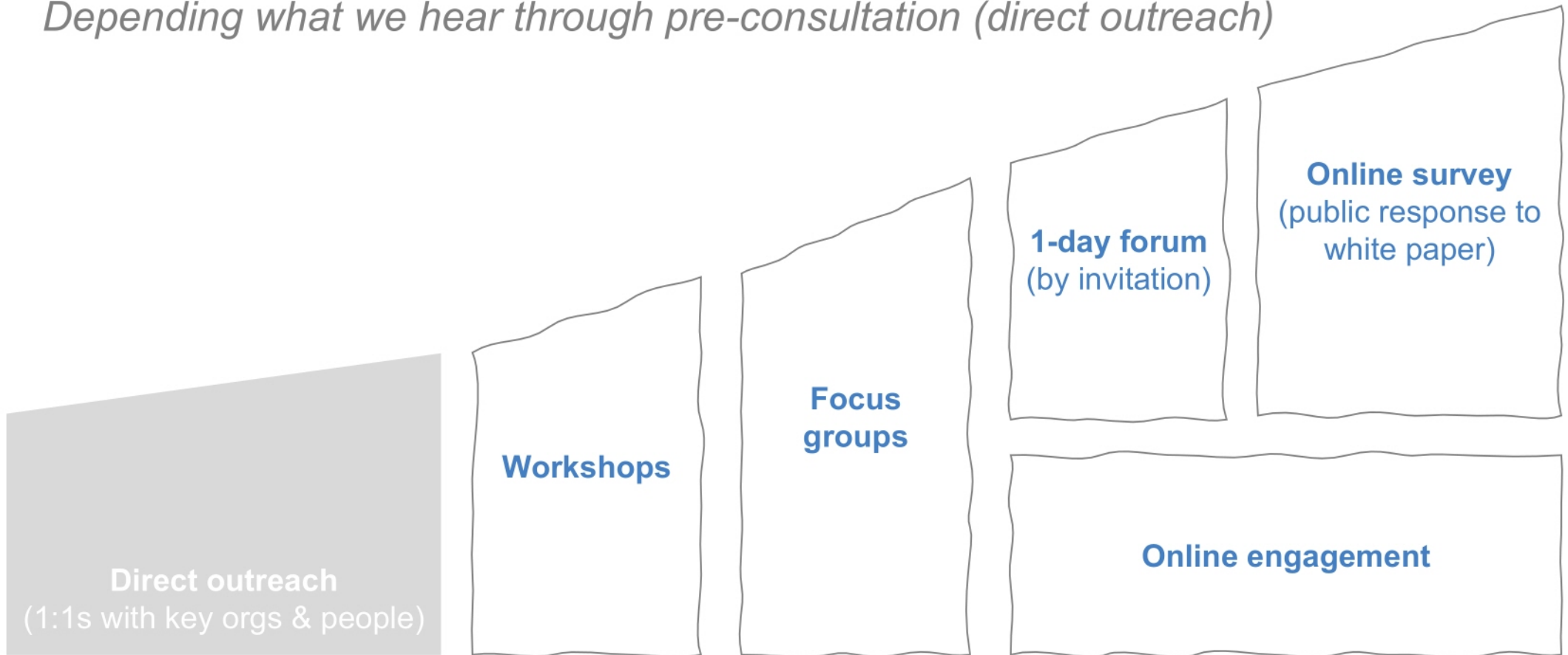
- i. Send letters, then meet with rights holders
- ii. Meet with key groups (government)
- iii. Meet with key groups (advocacy & advisory)

Support for PS Singh

- ▶ Pre-brief
- ▶ Meeting package
(backgrounder, interview guide)
- ▶ Professional team providing administrative, engagement, policy support
- ▶ Key contact for follow-up
- ▶ Tech support for virtual & online engagement

OPTIONS for **next steps**

Depending what we hear through pre-consultation (direct outreach)



----- March to [TBD] 2021 ----->

Target participants for broader consultation

- ▶ Indigenous organizations
- ▶ Racialized community organizations
- ▶ Advisory & advocacy groups
- ▶ Faith groups
- ▶ BC Public Service and broader public sector
- ▶ Other jurisdictions
- ▶ Academia

PROPOSED timelines on **both anti-racism initiatives:**

| | Spring | Summer | Fall | Winter |
|---------|---|--|--|--|
| 2021/22 | <ul style="list-style-type: none"> Announce broad approach for Data Legislation and Anti-Racism Act Pre-consultation Indigenous engagement & one-on-one meetings with other key stakeholders and contacts | <ul style="list-style-type: none"> Broad public engagement on RB data act s.12; s.13 | <ul style="list-style-type: none"> s.12; s.13 s.13 | <ul style="list-style-type: none"> s.13 |
| 2022/23 | <ul style="list-style-type: none"> s.12; s.13 | | <ul style="list-style-type: none"> Broad public engagement on Anti-Racism Act | <ul style="list-style-type: none"> s.12; s.13 |
| 2023/24 | <ul style="list-style-type: none"> s.12; s.13 | | <ul style="list-style-type: none"> s.12; s.13 s.13 | |



Discussion and Feedback

FW: race based data

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Papadopoulos, Nikki OHCS:EX
Sent: January 12, 2021 11:00:35 AM PST

Please book me 15 minutes with Hayden at 12:15 perhaps

Thanks,

Cheryl

From: Lansdell, Hayden CITZ:EX <Hayden.Lansdell@gov.bc.ca>
Sent: January 12, 2021 10:39 AM
To: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
Subject: RE: race based data

For sure Cheryl – happy to connect over the lunch hour if that works (sorry).

Hayden

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca<mailto:Cheryl.May@gov.bc.ca>>
Sent: January 12, 2021 9:56 AM
To: Lansdell, Hayden CITZ:EX <Hayden.Lansdell@gov.bc.ca<mailto:Hayden.Lansdell@gov.bc.ca>>
Subject: race based data

Hi Hayden – can we connect on this – perhaps today? I'm finding communications confusing about the briefing of the PS on this issue, plus it would be nice to just say hi! I'm mostly free between 11 and 1 or at 4 – any chance?

Thanks,
Cheryl

Cheryl May
Acting Associate Deputy Minister
Housing, Construction Standards, and Multiculturalism
Ministry of Attorney General and Minister Responsible for Housing
(250) 812-3345

RE: race based data

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Lansdell, Hayden CITZ:EX
Sent: January 12, 2021 11:01:25 AM PST

Excellent – I've asked my EA to book something

Thanks,

Cheryl

From: Lansdell, Hayden CITZ:EX <Hayden.Lansdell@gov.bc.ca>
Sent: January 12, 2021 10:39 AM
To: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
Subject: RE: race based data

For sure Cheryl – happy to connect over the lunch hour if that works (sorry).

Hayden

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca<mailto:Cheryl.May@gov.bc.ca>>
Sent: January 12, 2021 9:56 AM
To: Lansdell, Hayden CITZ:EX <Hayden.Lansdell@gov.bc.ca<mailto:Hayden.Lansdell@gov.bc.ca>>
Subject: race based data

Hi Hayden – can we connect on this – perhaps today? I'm finding communications confusing about the briefing of the PS on this issue, plus it would be nice to just say hi! I'm mostly free between 11 and 1 or at 4 – any chance?

Thanks,
Cheryl

Cheryl May
Acting Associate Deputy Minister
Housing, Construction Standards, and Multiculturalism
Ministry of Attorney General and Minister Responsible for Housing
(250) 812-3345

race based data legislation

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Lansdell, Hayden CITZ:EX
Sent: February 8, 2021 6:09:51 PM PST

Hi Hayden

Just wanted to give you a quick update on a conversation with the PO on this work:

The purpose is policy, not operations or service delivery. They want to expedite this work and do not see it as part of the anti-racism legislation, so I am proposing that MAG approach this in 2 stages – first we do race based data legislation, then Anti-Racism Act. [s.12](#); [s.13](#)

[s.12](#); [s.13](#)

Look forward to connecting with you further on this.

Thanks,
Cheryl

Cheryl May
Acting Associate Deputy Minister
Housing, Construction Standards, and Multiculturalism
Ministry of Attorney General and Minister Responsible for Housing
(250) 812-3345

RE: PS Singh Agenda - February 12 - For Review

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Dudley, Alison TACS:EX
Cc: Papadopoulos, Nikki OHCS:EX
Sent: February 10, 2021 5:15:17 PM PST

Thanks Alison

s.13

Happy to discuss.

Thanks,
Cheryl

From: Dudley, Alison TAC:EX
Sent: February 10, 2021 3:42 PM
To: May, Cheryl OHCS:EX
Cc: Papadopoulos, Nikki OHCS:EX
Subject: PS Singh Agenda - February 12 - For Review

Hi Cheryl:

Here's a draft proposed agenda for the meeting with PS Singh on Friday for your review.

I've sent it to Tim for feedback but he hasn't had a chance to look at it today so I figured I'd assume it's ok and send it up to you.

I'm proposing some brief updates and then a 30 minute discussion on the mandate commitments workplan documents.

Since we spoke yesterday, I've revised the timeline powerpoint that you looked at yesterday. If you feel this is ok to share with PS Singh, I think it might be helpful in framing the discussion.

I've also attached the year-at-a-glance calendar I made for the PS. Again, maybe premature to share it but I think it might be helpful to her and her team to get a sense of the bigger picture. I'd be comfortable going over it with her on Friday if you are.

Thanks!

Alison

RE: QUESTION FW: Meeting with Cheryl re: Race-based data mandate commitment

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Papadopoulos, Nikki OHCS:EX
Sent: February 10, 2021 5:25:26 PM PST

Please schedule – nothing else needed.

Thanks,
Cheryl

From: Papadopoulos, Nikki OHCS:EX
Sent: February 10, 2021 1:47 PM
To: May, Cheryl OHCS:EX
Subject: QUESTION FW: Meeting with Cheryl re: Race-based data mandate commitment

Hi Cheryl,

I have received a request for a meeting on race-based data mandate commitment next week with Hayden. Can I go ahead and have this scheduled, do you need staff support or materials?

Regards,
Nikki

From: Boudhane, Nouria CITZ:EX <Nouria.Boudhane@gov.bc.ca>
Sent: February 10, 2021 1:40 PM
To: Papadopoulos, Nikki OHCS:EX <Nikki.Papadopoulos@gov.bc.ca>
Subject: Meeting with Cheryl re: Race-based data mandate commitment

Hi Nikki,

Hayden wish to meet with Cheryl to discuss Race-based data mandate commitment.

He needs 30 minutes next week.

I do not have many options so hoping you can make something work on Cheryl's calendar.

Tuesday, February 16 – 8:30 to 9:30am // 4 to 4:30pm.

Thursday, February 17 – 2:30 to 4pm.

Friday, February 18 – 8:30 to 9am // 9:30 to 10am // 3:30 to 4:30pm.

Crossing my fingers very hard.

Thank you,

Nouria Boudhane

Executive Administrative Assistant for Hayden Lansdell, Assistant Deputy Minister
Digital Platforms and Data Division
Ministry of Citizens' Services

D: (778) 698-2493 | M: (250) 889-6709 | Nouria.Boudhane@gov.bc.ca

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RE: For discussion FW: PS Singh Workplan

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Cheema, Haiqa AG:EX, Milne, Gala AG:EX
Cc: Dudley, Alison TACS:EX, Papadopoulos, Nikki OHCS:EX
Sent: February 11, 2021 9:47:43 AM PST

Thanks Haiqa – Alison and I have discussed the Premier's comments regarding introduction this year and how we can accelerate the race based data legislation to a Fall session.

From: Cheema, Haiqa AG:EX
Sent: February 11, 2021 9:37 AM
To: May, Cheryl OHCS:EX ; Milne, Gala AG:EX
Cc: Dudley, Alison TAC:EX ; Papadopoulos, Nikki OHCS:EX
Subject: RE: For discussion FW: PS Singh Workplan

Hi Cheryl,

I wanted to draw your attention to this article from this morning <https://vancouverisland.ctvnews.ca/premier-very-concerned-by-allegations-of-racism-at-royal-bc-museum-1.5303983>

Premier went on record to say the “government is working on tougher anti-discrimination legislations that it plans table this year”

Here is what Naveen's thoughts from our last conversation:

1. Reminder: Race based data collection is already collected for Status Indians in a health context. Status Card data is collected. The FNHA signed an MOU between fed and provincial govt (6 years ago) to allow BC gov to share the ability for FNHA to reconcile patient records. Eg. a status card is equivalent to a BC care card number. But that arrangement was never formalized with status Indians. Ie. asking “Do you want this information shared?”. Just to say that data is already collected in some contexts so we may not have re-invent the wheel.
2. It's always important to remind people we're collecting this data for **better policies**.
3. DRIPA and Anti-racism Act:
 - a. has to conform to section 3 of DRIPA (which calls for recognition as title holders) – we're already obligated to do that
 - b. Co-developing is a better term than co-drafting. Environmental Assessment (Co develop). Co-drafting happened with Co-relationship Trust Act. A conversation for later in the process.
4. Reminder: Ontario created an Anti-Racism Act in 2017 but not much work has happened after the 2018 election. Keep in mind, anti-racism is good policy but unless it's enshrined in legislation **and** has time to acclimatize within government, there's potential for the wins to be precarious.

Looking forward to chatting at 10 am

Haiqa Cheema (She/her)

Ministerial Advisor to the Honourable David Eby
Attorney General of British Columbia
Minister of Housing
Cell: (778) 676 0480

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
Sent: February 11, 2021 9:26 AM
To: Milne, Gala AG:EX <Gala.Milne@gov.bc.ca>
Cc: Dudley, Alison TAC:EX <Alison.Dudley@gov.bc.ca>; Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>; Papadopoulos, Nikki OHCS:EX <Nikki.Papadopoulos@gov.bc.ca>

Subject: RE: For discussion FW: PS Singh Workplan

I'll ask Nikki to schedule a Teams mtg for us.

Thanks,
Cheryl

From: Milne, Gala AG:EX <Gala.Milne@gov.bc.ca>
Sent: February 11, 2021 8:58 AM
To: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
Cc: Dudley, Alison TAC:EX <Alison.Dudley@gov.bc.ca>; Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>; Papadopoulos, Nikki OHCS:EX <Nikki.Papadopoulos@gov.bc.ca>
Subject: Re: For discussion FW: PS Singh Workplan

Yes 10 is great!

-Gala

On Feb 10, 2021, at 6:32 PM, May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca> wrote:

Thanks Gala – it would be good to have a chance to discuss. Would 10:00 work?
I'm unable to open the attachment that is likely the email from Naveen – perhaps you could resend.
Thanks,
Cheryl

From: Milne, Gala AG:EX <Gala.Milne@gov.bc.ca>
Sent: February 10, 2021 5:06 PM
To: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>; Dudley, Alison TAC:EX <Alison.Dudley@gov.bc.ca>
Cc: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>
Subject: For discussion FW: PS Singh Workplan
Oh that's embarrassing. Re-sending to the correct Alison.
And noting the email from Naveen at PO, cc'd to the last email, for discussion as well. Thanks!
-Gala

From: Milne, Gala AG:EX
Sent: February 10, 2021 4:54 PM
To: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>; Copeland, Alison CITZ:EX <Alison.Copeland@gov.bc.ca>
Cc: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>
Subject: FW: PS Singh Workplan
Good afternoon Cheryl and Alison!
Thank you so much to your branch for having these draft work plans created. Haiqa and I have had a chance to review the attached plans with PS Rachna Singh and are hoping to find time to discuss them in advance of Friday's 1pm briefing with the PS.
There are a few pieces that we wanted to bring forward but I'll note that discussion around the "schedule/timeline" will be key. Based on our call with Naveen last week, s.13
s.13

If you both are free to discuss with Haiqa and I tomorrow anytime from 9-12 that would be great!
Thanks and talk soon,
-Gala

From: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>
Sent: February 9, 2021 4:45 PM
To: Milne, Gala AG:EX <Gala.Milne@gov.bc.ca>
Subject: FW: PS Singh Workplan
From: Genzale, Morgan AG:EX <Morgan.Genzale@gov.bc.ca>
Sent: February 9, 2021 3:55 PM
To: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>
Cc: Engelbrecht, Maya AG:EX <Maya.Engelbrecht@gov.bc.ca>
Subject: RE: PS Singh Workplan

Hi Haiqa,
Please see attached work plans along with the attachments.
Thank You
Morgan Genzale | Executive Coordinator
Ministry of Attorney General
Ministry of Public Safety and Solicitor General
Emergency Management BC
Direct: 250-893-7812

From: Engelbrecht, Maya AG:EX <Maya.Engelbrecht@gov.bc.ca>
Sent: Tuesday, February 9, 2021 3:48 PM
To: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>

Cc: Genzale, Morgan AG:EX <Morgan.Genzale@gov.bc.ca>

Subject: RE: PS Singh Workplan

Good afternoon, Haiqa

The work plan is almost ready to send over. Morgan (copied) will be sending it your way shortly.

Thank you for your patience and please let us know if any changes are requested.

-M

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Withheld pursuant to/removed as

s.12 ; s.13 ; s.22

Page 23 of 27 to/à Page 24 of 27

Withheld pursuant to/removed as

s.12 ; s.13

PS updates

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Dudley, Alison TACS:EX
Sent: February 16, 2021 12:26:23 PM PST

Hi Alison – a couple things:

Timing of the race based data legislation is still in active discussion- powers above my pay grade are now engaged, which is good. Stay tuned for updates, but keep moving forward.

s.12; s.13

s.12; s.13 – so we will have to enquire more about the concerns of PS Singh.

Thanks,
Cheryl

Cheryl May
Acting Associate Deputy Minister
Housing, Construction Standards, and Multiculturalism
Ministry of Attorney General and Minister Responsible for Housing
(250) 812-3345

FW: Race based data consultation proposal slides

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Dudley, Alison TACS:EX
Sent: February 21, 2021 9:35:51 AM PST

Hi Alison – out of my meeting with David Hume and an identification of some of the risks of putting up a written submissions website, he is suggesting a process where PS Singh would have individual meetings with stakeholders to talk about the key issues and the design of the engagement process. This would be similar to a process that Ravi Kahlon used earlier with success. Please see attached and let me know if you think this would work.

Thanks,
Cheryl

From: Hume, David CITZ:EX
Sent: February 19, 2021 12:52 PM
To: Assaf, Kathleen CITZ:EX ; Twynstra, Tanya L CITZ:EX ; Seiterle, Dominic CITZ:EX
Cc: Lansdell, Hayden CITZ:EX ; May, Cheryl OHCS:EX ; Thacker, Rebecca CITZ:EX
Subject: Race based data consultation proposal slides

Hi team,

Based on the conversation between Kathleen, Cheryl and I yesterday, I've put an outline of the proposal for the PS into a set of slides that have some gaps. I had a chance to run Hayden through them today, and he is good with the direction. Cheryl, do feel free to weigh in with comments or complaints 😊.

Tanya and Dominic, we can use this as a base for discussion later on today.

Based on the conversation I have with my team, a likely next step will be for Dominic and Kathleen to connect to get some of the details that are missing ironed out. If that works, I'll ask the brilliant Rebecca to get something booked for you.

Best,

D.

David Hume

Assistant Deputy Minister – Government Digital Experience Division (GDX)

Province of British Columbia | Ministry of Citizens' Services

+1 250 589 9043 | david.hume@gov.bc.ca | @dbhume | he/him/his

RE: race based data consultation

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Cheema, Haiqa AG:EX, Milne, Gala AG:EX
Sent: February 22, 2021 8:14:28 PM PST

Hi Haiqa – The team is working on the engagement plan and is intending to bring it forward for PS consideration on Friday. I'd prefer if we just let the team work on the plan and then we will bring it forward to the MO when we have material together. Would that work?

Cheryl

From: Cheema, Haiqa AG:EX
Sent: February 22, 2021 7:32 PM
To: May, Cheryl OHCS:EX ; Milne, Gala AG:EX
Subject: Re: race based data consultation

Hi Cheryl,

Let's chat about the engagement options tomorrow, if that works for you. I am available all afternoon.

Haiqa

On Feb 22, 2021, at 10:41 AM, Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca> wrote:

Thanks for the update Cheryl.

Looking forward to hearing more on the engagement options.

Haiqa

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
Sent: February 22, 2021 10:38 AM
To: Milne, Gala AG:EX <Gala.Milne@gov.bc.ca>; Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>
Subject: race based data consultation

Hi Gala and Haiqa,

Just to close the loop on this – I did meet with the GCPE ADM and got some advice related to engagement options. We are considering some other options that may work better than the idea of quickly putting up a written submissions opportunity – with a sober second thought, we identified some risks to that approach. So, in the short run, PS Singh could stick to more general messaging about the importance of consultation and a general commitment to engagement with partners rather than any specifics.

Thanks,

Cheryl

Cheryl May

Acting Associate Deputy Minister

Housing, Construction Standards, and Multiculturalism

Ministry of Attorney General and Minister Responsible for Housing

(250) 812-3345