

2022 Bill 204

Third Session, 30th Legislature, 71 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 204

ANTI-RACISM ACT

MR. SHEPHERD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 204

2022

ANTI-RACISM ACT

(Assented to _____, 2022)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “administrative instrument”, in respect of a public body, means a policy, practice, procedure or similar type of instrument that guides the public body in
 - (i) exercising a power conferred on the public body under an enactment, or
 - (ii) performing a duty imposed on the public body under an enactment;
- (b) “Anti-Racism Office” means the Anti-Racism Office established under section 3(1);
- (c) “Chief of the Human Rights Commission” means the Chief of the Commission and Tribunals appointed under the *Alberta Human Rights Act*;
- (d) “Commissioner” means the Anti-Racism Commissioner appointed under section 3(2);
- (e) “Department’s website” means the publicly accessible website of the department administered by the Minister;

- (f) “head”, in respect of a public body, means
 - (i) in the case of a public body referred to in clause (k)(i), the head of that public body as designated under the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) in the case of a public body referred to in clause (k)(ii), the position that is prescribed as the head of that public body;
- (g) “impact assessment” means an assessment conducted under section 6(1);
- (h) “Minister” means the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (i) “prescribe” means to prescribe by regulation;
- (j) “prescribed data standards” means the data standards prescribed under section 8(1)(h);
- (k) “public body” means
 - (i) a public body as defined in the *Freedom of Information and Protection of Privacy Act*, or
 - (ii) an entity or person that is prescribed as a public body.

Purposes

2 The purposes of this Act are

- (a) to support the Government in implementing the recommendations of the Anti-Racism Advisory Council,
- (b) to create an office that communicates with public bodies and communities to provide a coordinated and consistent provincial approach to addressing inequity and systemic racism in the provision of public services and programs,
- (c) to collaborate with racialized communities to identify and monitor racial disparities and inequities in the provision of public services and programs, including those relating to health care, justice, education and labour market participation, and
- (d) to facilitate the identifying of, and advising and reporting on, key outcomes and performance indicators of racial equity in Alberta

through the establishment of data standards and the conduct of impact assessments.

Anti-Racism Office

3(1) The Anti-Racism Office is established as part of the department administered by the Minister.

(2) The Minister must appoint an individual as the Anti-Racism Commissioner for a term not exceeding 5 years.

(3) The Commissioner is the head of the Anti-Racism Office.

Duties of Commissioner

4(1) The Commissioner is responsible for the following:

- (a)** on request, advising the Minister in respect of strategies to fulfill the purposes of this Act;
- (b)** building and maintaining relationships with racialized communities as a means to support the Government in fulfilling the purposes of this Act;
- (c)** supporting, and making recommendations to, public bodies on initiatives that could combat systemic racism and racial inequity;
- (d)** consulting, in accordance with section 5, with stakeholders before participating in consultations under sections 8(2) and 8(3)(a);
- (e)** consulting with members of the public on how to meaningfully fulfill the purposes of this Act;
- (f)** reviewing, in accordance with the regulations, if any, a report on an impact assessment received under section 6(3);
- (g)** based on a review referred to in clause (f), making recommendations to the head of public body whose administrative instrument was subject to the review on the effectiveness, design and implementation of that administrative instrument in a manner that supports the objectives of this Act;
- (h)** on request, providing the head of a public body with advice in respect of the development of an administrative instrument in a manner that supports the purposes of this Act.

(2) The Commissioner may do any of the following in carrying out their responsibilities referred to in subsection (1):

- (a) delegate to an employee of the Anti-Racism Office a power conferred or a duty imposed on the Commissioner under this Act;
 - (b) provide consultation services or make recommendations to a head of a public body to support the public body in fulfilling the purposes of this Act;
 - (c) consult with members of the public;
 - (d) exercise a power that is prescribed for the purpose of this section.
- (3)** For greater certainty, the Commissioner may do any of the following in carrying out their responsibilities referred to in subsection (1):
- (a) publish any non-identifying information that has been generated based on the collection of personal information under this Act;
 - (b) publish any of its recommendations made under this Act.

Consultation

5 For the purpose of section 4(1)(d), the Commissioner must consult the following:

- (a) community organizations representing racialized groups within Alberta;
- (b) those municipalities that the Commissioner considers appropriate in the circumstances;
- (c) those departments of the Government of Canada that the Commissioner considers to hold relevant information or expertise;
- (d) prescribed stakeholders or members of prescribed classes of stakeholders.

Impact assessment

6(1) The head of the public body must, in accordance with the regulations, if any, conduct an assessment of

- (a) each particular administrative instrument of the public body that is prescribed, and
- (b) each administrative instrument of the public body that is of a prescribed class of administrative instruments.

(2) In carrying out an impact assessment, the head of the public body may collect and use personal information in accordance with prescribed data standards and the regulations, if any.

(3) In respect of each impact assessment conducted under this section, the head of the public body must, in accordance with the regulations, report to the Commissioner on

- (a) the results of the impact assessment
 - (i) within 6 months of completing it, or if a time period is prescribed, that period, and
 - (ii) by setting out the following as it relates to the impact assessment:
 - (A) the data that informed the impact assessment and how it was used;
 - (B) any other information of a prescribed class of information, and
- (b) the public body's progress in implementing the Commissioner's recommendations made to the head of the public body under section 4(1)(g), if any.

Head's powers to delegate

7 In carrying out their responsibilities under this Act, the head of a public body may delegate to a person a power conferred or duty imposed on the head of the public body under this Act, except the power to delegate under this section.

Regulations

8(1) The Lieutenant Governor in Council may make regulations

- (a) prescribing the head of a public body for the purpose of section 1(f)(ii);
- (b) prescribing an entity or person for the purpose of section 1(k)(ii);
- (c) respecting a review of a report on an impact assessment under section 4(1)(f);
- (d) prescribing a power for the purposes of section 4(2)(d);
- (e) prescribing particular stakeholders or classes of stakeholders for the purpose of section 5(d);

- (f) subject to subsection (2), respecting the conduct of an impact assessment under section 6, including
 - (i) establishing requirements for stakeholder consultations,
 - (ii) prescribing the period within which an impact assessment must be conducted,
 - (iii) prescribing
 - (A) the period within which an impact assessment must, after the coming into force of this Act, be conducted in respect of an existing administrative instrument, or
 - (B) the frequency with which an impact assessment must be conducted in respect of an administrative instrument, or
 - (iv) respecting the methods and criteria for the evaluation of an administrative instrument;
- (g) prescribing particular administrative instruments or classes of administrative instruments for the purpose of section 6(1);
- (h) subject to subsection (3), prescribing data standards for the purpose of section 6(2);
- (i) respecting the collection and use of personal information under section 6(2);
- (j) respecting requirements for reporting under section 6(3);
- (k) prescribing a period for the purpose of section 6(3)(a)(i);
- (l) prescribing classes of information for the purpose of section 6(3)(a)(ii)(B);
- (m) prescribing particular stakeholders or classes of stakeholders for the purpose of subsection (2)(c).

(2) Before the Lieutenant Governor in Council makes regulations under subsection (1)(f) and subject to section 4(1)(d), the Minister must consult with the following on the proposed content of those regulations:

- (a) the Commissioner;
- (b) the Chief of the Human Rights Commission;

- (c) prescribed stakeholders or members of prescribed classes of stakeholders.
- (3)** Before the Lieutenant Governor in Council makes regulations under subsection (1)(h) and subject to section 4(1)(d), the Minister must
- (a) consult each of the following:
 - (i) the Commissioner;
 - (ii) the Information and Privacy Commissioner;
 - (iii) the Chief of the Human Rights Commission, and
 - (b) publish the results of the consultation on the Department's website.
- (4)** A regulation made under subsection (1) may
- (a) establish, and distinguish among, classes of public bodies or administrative instruments,
 - (b) limit the application of the provisions of this Act to different classes of public bodies or administrative instruments, or
 - (c) provide for modifications that are necessary to ensure that the differential application of provisions of this Act is consistent with the purposes of this Act.

Review of Act

9 The Standing Committee on Families and Communities of the Legislative Assembly must

- (a) within 4 years following the day on which this Act comes into force, commence a comprehensive review of this Act, and
- (b) within 1 year following the day on which the Standing Committee commences the comprehensive review, submit a report to the Legislative Assembly that includes the Standing Committee's recommendations for amendments to this Act, if any.

Coming into force

10 This Act, or any section of this Act, comes into force on Proclamation.

