

Staff Report



Community Services Department

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REPORT TO: Committee of the Whole

DATE OF MEETING: December 19, 2022

SUBMITTED BY: Mark Hildebrand, Director, Neighbourhood Programs & Development

PREPARED BY: Elin Moorlag Silk, Manager, Service Coordination & Improvement

WARD(S) INVOLVED: All Wards

DATE OF REPORT: December 1, 2022

REPORT NO.: CSD-2022-467

SUBJECT: Access Without Fear Policy

RECOMMENDATION:

That Council approve the Access Without Fear Policy as outlined in Appendix B of CSD-2022-467

REPORT HIGHLIGHTS:

- The purpose of this report is to present, for Council consideration, a new Access Without Fear policy, which was developed through the work of the Safe & Healthy Community Advisory Committee, followed by a motion brought to Council on [April 4th, 2022](#) by Councillor Michaud, which was carried unanimously by City Council.
- The Access Without Fear policy outlines that Kitchener residents with uncertain or no immigration status may fully access municipal services and may do so without fear that the City of Kitchener will ask for and/or provide information about their immigration status to other institutions or orders of government.
- This policy was developed through ongoing consultation with members of the Safe & Healthy Community Advisory Committee, all of whom are members of the Kitchener community.

BACKGROUND:

The vast majority of immigrants, migrants or refugees enter the country through authorized channels as refugee claimants, or as individuals with a valid student visa, temporary foreign workers visa, or with a visitor visa. However, their status sometimes changes for a variety of reasons, including sponsorship breakdown, a denied refugee claim or expiry of study or work permits. A person's situation becomes extremely perilous when they lose their permits as they are subject to detention and deportation; can work in poor conditions; become socially isolated; face poverty, abuse, and exploitation; and may affect an individual's ability to safely access essential services or programming.

Immigration status is a social determinant of health and wellbeing, and such fears prevent people from seeking the support they need from government and community agencies of all types. The development of *Access Without Fear* policies are intended to help reduce fear of deportation and possible family break-up among people who are in the country without status, and so that

such people will be more willing to use health and social services, enroll their children in schools and recreation programs and access other necessary and essential services.

Using existing Access Without Fear policies passed by other Canadian municipalities and borrowing language from the recently-passed Corporate Equity, Inclusion & Anti-Racism policy (GOV-COR-2025), an *Access Without Fear* policy was drafted for the City of Kitchener under the direction of the Safe & Healthy Community Advisory Committee. The policy has been reviewed and revised by members of the Advisory Committee and key stakeholders across the corporation (Legislated Services, Human Resources, Legal Services) as well as members of the corporate senior leadership team.

REPORT:

Access Without Fear Policy

The purpose of this policy is to clarify and affirm the City's commitment to providing access to City services to Kitchener residents with uncertain or no immigration status. The policy clearly outlines that Kitchener residents with uncertain or no immigration status may fully access municipal services and may do so without fear that the City of Kitchener will ask for and/or provide information about their immigration status to other institutions or orders of government.

This policy is a practical example of the City's commitment, outlined in the Equity, Inclusion and Anti-Racism Policy (GOV-COR-2025), to develop and foster an organization where equity, inclusion and anti-racism are core principles which help shape the City's policies, programs, services and procedures.

The central statements outlined in the policy are the following:

4.2 Policy Statements

a) Access to City services is not dependent on immigration status

City services will be provided regardless of immigration status. Further, City of Kitchener staff and direct volunteers will not ask for or otherwise seek out an individual's immigration status as a condition of providing City services.

b) Privacy of Information

The City of Kitchener will carefully uphold and enforce privacy legislation as outlined in the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) to ensure that any and all personal information concerning immigration status is not requested or gathered in the course of providing City services. The City does not currently require the collection of immigration status in order to access any services provided by the City. In the event that personal information concerning immigration status is disclosed voluntarily, the City will not document or share this information with other levels of government and will protect the information in accordance with applicable privacy and disclosure laws.

Application of the Policy

This policy applies to the following City services including, but not limited to:

Community Services

- Fire, including Public Education, Prevention and Emergency Response
- Neighbourhood Programs and Services, including access to Community Centres, children's and youth services, older adult services, inclusion support, neighbourhood development, volunteer opportunities, and rental of city facilities
- Sport and Recreation, including access to pools, arenas and golf facilities
- By-law enforcement
- Corporate Customer Service, including access to the 24/7 Corporate Contact Centre phone service and City Hall Service Centre

Corporate Services

- Licensing, including birth, death, marriage and business licensing
- Human Resources - Applying for jobs at the City of Kitchener¹
- Public Council and Committee meetings, including registering as a delegate to Council or contacting the Office of the Mayor and Council

Development Services

- Building, including access to building permits and inspections
- Economic Development, including access to Kitchener Market programming, special events programming, the Waterloo Region Small Business Centre and rental of City facilities
- Planning processes, development applications, sign permits
- Engineering, including project & design approvals, project construction & development processes, and infrastructure locate processes
- Transportation Services, including access to parking, transportation design and facilities and transportation safety

Financial Services

- Revenue, including access to customer services for utilities and taxation billing and collections, and processing payments for parking tickets, licenses, and permits

Infrastructure Services

- Gas and Water Utilities, including meter installation, hot water rentals and responding to gas or water emergencies
- Parks and Cemeteries, including access to all City of Kitchener parks and amenities
- Sanitary & Stormwater Utilities, including response to emergency residential sewer backups and drainage/flooding issues
- Roads & Traffic, including ability to safely access all roads
- Facilities Management, including access to Corporate Security Services

¹ Although reporting on citizenship status is not required as part of the City of Kitchener job application process, applicants are asked if they are legally eligible to work in Canada

In terms of implementation, the Access Without Fear policy applies to all public-facing services provided by the municipality and applies to all staff and direct volunteers who oversee or directly provide services to the public. Further, in the application section of the policy, the following points are outlined:

- Enforcement of this policy is the responsibility of all municipal leaders (supervisors, managers, directors, and department heads) across the organization.
- City employee and volunteer conduct which contravenes the expectations set out in this policy will be subject to corrective action which may include discipline.
- If members of the public have concerns about the City's application of this Access Without Fear policy, a complaint can be submitted directly to the City of Kitchener or through the Ombudsman of Ontario
- The City is committed to providing ongoing information and instruction to all leaders, and where relevant, staff and direct volunteers, to ensure understanding and practical application of the Access Without Fear policy.
- This policy will be publicly posted on the City's website and service providers and community partners supported or funded by the City of Kitchener will be encouraged to adopt and support the principals outlined

Please see Appendix B for the complete Access Without Fear policy.

STRATEGIC PLAN ALIGNMENT:

This report supports A Caring Community.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – If this policy is approved, the \$12,000 operating budget for the Safe & Healthy Community Advisory Committee will be used to fund the staff training module development and public awareness campaign that will accompany the policy rollout in 2023.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

COLLABORATE – This policy was developed through ongoing consultation with members of the Safe & Healthy Community Advisory Committee, all of whom are members of the Kitchener community.

PREVIOUS REPORTS/AUTHORITIES:

There are no previous reports/authorities related to this matter.

APPROVED BY: Michael May, DCAO & General Manager, Community Services Department

ATTACHMENTS:

Appendix A – Motion to Council, April 4th, 2022

Appendix B – Draft Access Without Fear policy

APPENDIX A: Motion to Council

Special Council Meeting

April 04, 2022 at 2:00 p.m.
Electronic Meeting

Notice of Motion - Councillor C. Michaud - Access Without Fear Policy

Moved by Councillor C. Michaud

Seconded by Councillor M. Johnston

"WHEREAS the Safe and Healthy Advisory Committee is one of the City's citizen committees of council that comment and give advice on a wide range of topics that affect the health and safety of the Kitchener community; and,

WHEREAS for this past term, as part of their workplan the Committee has been pursuing research and the necessary work and engagement to bring forward recommendations for Council's consideration for the development of an Access Without Fear policy at the City of Kitchener; and,

WHEREAS there are an estimated 200,000 to 500,000 non-status migrants that are living across Canada, who enter the country through authorized channels as refugee claimants, with valid student visas, as temporary foreign workers, or with a visitor visa, but find themselves becoming a non-status person in Canada through the loss of these permits; and,

WHEREAS a person's situation becomes extremely perilous when they lose their permits as they are subject to detention and deportation; can work in poor conditions; become socially isolated; face poverty, abuse, and exploitation; and may affect an individual's ability to safely access essential social services; and,


WHEREAS an Access Without Fear Policy is a municipal policy that allows persons without status the freedom to access city services and reduces the fear of deportation among people who are in the country without status; and, and social services, and enroll their children in schools, recreation programs etc.

THEREFORE, BE IT RESOLVED that staff be given direction to work with the Safe and Healthy Advisory Committee on bringing forward an Access Without Fear Policy, for Council's consideration and approval, which does the following

1. Outlines the City of Kitchener's commitment to supporting non-status migrants in the City of Kitchener;
2. Clarifies the City services that can be accessed by persons without status as well as a grievance process related to accessing any listed City Services;
3. Outlines the training necessary for City staff to support those without status in gaining access to City services; and,
4. Encourages service providers and Community Partners, supported or funded by City of Kitchener, to adopt and support the principals of an Access Without Fear policy;

BE IT FURTHER RESOLVED that a public education campaign be developed to raise awareness about the City of Kitchener's Access Without Fear policy, and that persons who find themselves without status, can access City services without fear."

APPENDIX B: Draft Access Without Fear Policy

	<h1>POLICY</h1>	<u>Policy No:</u> Click here to enter text.
<u>Policy Title:</u> Access Without Fear <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Corporate <u>Author:</u> Safe & Healthy Community Advisory Committee <u>Dept/Div:</u> Community Services Department/Neighbourhood Programs & Services		<u>Approval Date:</u> Click here to enter a date.
		<u>Reviewed Date:</u> Click here to enter text. <u>Next Review Date:</u> Click here to enter text. <u>Reviewed Date:</u> Click here to enter text.
		<u>Last Amended:</u> Click here to enter a date.
		<u>Replaces:</u> Click here to enter text.
		<u>Repealed:</u> Click here to enter a date. <u>Replaced by:</u> Click here to enter text.
<u>Related Policies, Procedures and/or Guidelines:</u> GOV-COR-2025 Equity, Inclusion & Anti-Racism Policy HUM-WOR-060 Discipline Policy GOV-COR-015 Corporate Accountability & Transparency Policy		

1. POLICY PURPOSE:

The purpose of this policy is to clarify and affirm the City's commitment to providing access to City services to Kitchener residents with uncertain or no immigration status. The policy clearly outlines that Kitchener residents with uncertain or no immigration status may fully access municipal services and may do so without fear that the City of Kitchener will ask for and/or provide information about their immigration status to other institutions or orders of government.

This policy is a practical example of the City's commitment, outlined in the Equity, Inclusion and Anti-Racism Policy (GOV-COR-2025), to develop and foster an organization where equity, inclusion and anti-racism are core principles which help shape the City's policies, programs, services and procedures.

This policy applies only to services provided by the City of Kitchener. The Government of Canada has jurisdiction over immigration policies and regulations including law enforcement activities related to border management and immigration control. As these activities are under the jurisdiction of the federal government, this policy relates only to the area of access to municipal services under the jurisdiction of the City. This policy does not apply to the Municipal, Council and School Board elections, which do require proof of citizenship for both candidates and voters.

2. **DEFINITIONS:**

Anti-Racism: means understanding and dismantling racism. It is a change and transformation focused practice and requires action. It is not anti-racism if a conversation is not followed by concrete actions and accountability.

Equity: An equity approach creates the conditions for fair and equal access and opportunity for everyone, by addressing discriminations, exclusions and barriers experienced by distinct groups. Equity is not the same as equality, nor is it the same as inequality.

Inclusion: The achievement of an environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully to the organization's success.

Immigration Status: Kitchener residents have diverse immigration status, including those with Canadian citizenship, permanent residency, temporary residency, and uncertain or no status. For the purpose of this policy, we refer to two specific categories of status: individuals with no immigration status and those with uncertain status.

- i. **No Status:** this term is used to describe individuals who reside or work without authorization, who have no immigration status, or who are generally referred to as 'undocumented,' i.e. their documentation is not accepted or recognized by the state and therefore the individuals have no lawful status of residence. For example, newcomers arriving in Canada through regular channels may come to a point where their visa has expired, or find that their circumstances have changed such that their work permit is no longer valid.
- ii. **Uncertain Status:** For the purpose of this policy, uncertain status refers to individuals with pending and/or unknown immigration status. For example, an individual who has received a negative decision in their refugee application, and is actively appealing that decision, would be deemed to have uncertain immigration status.

Refugee: The following is adapted from the United Nations High Commissioner for Refugees (UNHCR) 1951 Refugee Convention: Individuals, who are outside of the country of their nationalities and are unable to or unwilling to return to their country

of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input checked="" type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input checked="" type="checkbox"/> Other: Direct Volunteers
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

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4. POLICY CONTENT:

4.1 Preamble and Rationale

The vast majority of immigrants, migrants or refugees enter the country through authorized channels as refugee claimants, or as individuals with a valid student visa, temporary foreign workers visa, or with a visitor visa. However, their status sometimes changes for a variety of reasons, including sponsorship breakdown, a denied refugee claim or expiry of study or work permits.

A person's situation becomes extremely perilous when they lose their permits as they are subject to detention and deportation; can work in poor conditions; become socially isolated; face poverty, abuse, and exploitation; and may affect an individual's ability to safely access essential services or programming.

Immigration status is a social determinant of health and wellbeing, and such fears prevent people from seeking the support they need from government and community agencies of all types. The development of Access Without Fear policies are intended to help reduce fear of deportation and possible family break-up among people who are in the country without status, so that such people will be more willing to use health and social services, enroll their children in schools and recreation programs and access other necessary and essential services.

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4.3 Application of the Policy

- a) This policy applies to all City of Kitchener employees who oversee or directly provide services outlined in Section 3 (Scope).
- b) This policy applies to all direct City of Kitchener volunteers, which includes those who perform a task under the direct supervision of City staff on behalf of the City of Kitchener. Direct volunteers are those who are recruited, screened, trained, supervised and recognized by City staff.
- c) Enforcement of this policy is the responsibility of all municipal leaders (supervisors, managers, directors, and department heads) across the organization.
- d) City employee and volunteer conduct which contravenes the expectations set out in this policy will be subject to corrective action which may include discipline. All disciplinary procedures will be implemented in accordance to the Collective Agreement or relevant Human Resources processes outlined for the employee or volunteer being disciplined.
- e) If members of the public have concerns about the City's application of this Access Without Fear policy, a complaint can be submitted directly to the City of Kitchener through our online "contact us" form³, calling our 24/7 corporate contact centre line at 519-741-2345, or coming to City Hall to speak to someone in person at our customer service centre. Alternatively, a complaint can be made to the Ombudsman of Ontario⁴, whose role it is to promote fairness, accountability and transparency in the public sector by investigating public complaints and systemic issues within Canadian municipalities, as per the City's Corporate Accountability & Transparency policy⁵.
- f) The City is committed to creating a workplace culture where leaders, staff and volunteers are aware of, understand, and apply the principles of the Access Without Fear policy in their roles at the City. Thus, the City is committed to providing ongoing information and instruction to all leaders, and where relevant,

³ <https://www.kitchener.ca/Modules/email/emailattachment.aspx?CV2=tnSwqWBsWafWgYUuEZiSOAeQuAleQuAl&ref=https://www.kitchener.ca/en>

⁴ <https://www.ombudsman.on.ca/>

⁵ <http://prodas/weblink/0/edoc/1541453/GOV-COR-015%20-%20Corporate%20Accountability%20%20Transparency.pdf>

staff and direct volunteers, to ensure understanding and practical application of the Access Without Fear policy.

- g) This policy will be publicly posted on the City's website and service providers and community partners supported or funded by the City of Kitchener will be encouraged to adopt and support the principals of an Access Without Fear policy.

5. **POLICY REVIEW**

The City is committed to conducting a review of this policy once every five years. If changes or amendments to the policy are made, all relevant staff and volunteers across the organization will be notified of the changes and encouraged to read the updated policy.

5. **HISTORY OF POLICY CHANGES**

Administrative Updates

The date (yyyy-mm-dd) and a short annotation on the nature of the change to reflect the current corporate structure i.e. Departmental re-organization / Titling changes / Standing Committee restructuring.

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Formal Amendments

The date of the resolution passed by Council or CLT, for example, "2020-01-20 - As per Council/CLT directive"

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