

**From:** "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>

**To:** "Direct to Mayor and Council - DL"

**CC:** "City Manager's Correspondence Group - DL"

**Date:** 3/14/2019 2:43:27 PM

**Subject:** Memo to Mayor and Council re Vancouver Rape Relief Grant Application

**Attachments:** Memo to Mayor and Council Vancouver Rape Relief Grant Application March 14 2019.pdf

Greetings Mayor and Council

Please find attached a memo regarding the Vancouver rape Relief Shelter Grant application.

The memo outlines:

- Staff's understanding of VRRS services and position on key policy issues;
- A brief high level policy analysis of the VRRS grant application
- Staff analysis of the grantee and grant application
- Considerations for a Council decision

Please note that confidential Legal Advice will follow separately so as to enable this memorandum to serve as a public document.

**Sadhu Aufochs Johnston** | City Manager  
Office of the City Manager | City of Vancouver  
[sadhu.johnston@vancouver.ca](mailto:sadhu.johnston@vancouver.ca)  
604.873.7627



*The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.*

## MEMORANDUM

March 14, 2019

**TO:** Mayor and Council

**CC:** Sadhu Johnston, City Manager  
Paul Mochrie, Deputy City Manager  
Lynda Graves, Administration Services Manager, City Manager's Office  
Rena Kendall-Craden, Civic Engagement and Communications Director  
Katrina Leckovic, City Clerk  
Neil Monckton, Chief of Staff, Mayor's Office  
Alvin Singh, Communications Director, Mayor's Office  
Anita Zaenker, Chief of Staff, Mayor's Office  
Francie Connell, Director of Legal Services and City Solicitor

**FROM:** Sandra Singh  
General Manager, Arts, Culture and Community Services

**SUBJECT:** Vancouver Rape Relief Society Grant Application 2019

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### PURPOSE

This memo is intended to provide additional information and analysis to Council in order to aid in their deliberations regarding a recommended Direct Social Services Grant to Vancouver Rape Relief Society for \$34,312 to support public education and community outreach aimed at ending violence against women in Vancouver.

### BACKGROUND

City social grants provide funding to non-profit organizations that address social issues and ensure equal access to social services.

Vancouver Rape Relief Society, whose mandate is to end male violence against women, has applied for and received City funding of approximately \$40,000, specifically for the organization's public education and community outreach for over thirty-five years.

#### *Vancouver VRRS Shelter Services*

Memo to Mayor and Council Vancouver Rape Relief Grant Application 2019

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Services are for women who were born as women who have experienced any form of male violence:

- Shelter
- Peer counseling
- Support and education groups
- Legal advice
- Advocacy with police
- Accompaniment to sexual assault exam
- Advocacy and campaigns

For Trans women

- Trans women are able to contact the organization for immediate assistance but are then referred to other organizations for full supports, including shelter and peer counseling.

The services funded through the City grant are public education and community outreach services aimed at ending violence against women.

### *VRRS and Volunteers*

VRRS do not engage Trans women as volunteers or staff. This decision has been upheld by the BC Court of Appeal.

### [Vancouver Rape Relief Society v. Nixon, 2005 BCCA 601](#)

Decision rendered by the British Columbia Court of Appeal

- The complainant N was born a male but received sex reassignment surgery during adulthood. Recognized legally as a female, N sought the opportunity to train and serve as volunteer peer counselor with the Vancouver Rape Relief Society (VRRS) but was denied the opportunity once it was learned that N was not born a female.
- The VRRS believes that "a woman had to be oppressed since birth to be a volunteer at Rape Relief and that because she had lived as a man she could not participate".
- N filed a human rights complaint alleging that she was discriminated against on the basis of sex, with respect to denial of services and employment
- The Human Rights Tribunal decided in N's favor but the B.C. Supreme Court in reviewing the decision reversed the decision. The decision [of the B.C. Supreme Court] was appealed to the British Columbia Court of Appeal [and the appeal was dismissed].

This synopsis from :

[https://www.mcgill.ca/equity\\_diversity/links/toolbox/caselaw/disserv#NIXO](https://www.mcgill.ca/equity_diversity/links/toolbox/caselaw/disserv#NIXO)

## **DISCUSSION**

### *Policy Analysis*

There are two areas of policy that apply to the contemplation of this grant request: Trans Equity and Inclusion and the City's Sex Work Guidelines.

#### *Trans Equity and Inclusion*

Vancouver City Council's approval in July 2015 of the motion "Supporting Trans\* Equality and an Inclusive Vancouver" and 2016 report, confirms its ongoing

commitment to equity, diversity and inclusion by tackling forms of exclusion and discrimination for trans\*, gender variant and two-spirit people.

Members of this community are all too often at the fringes of our society and outside the circle of inclusion. They face damaging forms of discrimination and persistent challenges to accessing some of the most basic forms of human needs - housing, education, food, medical services, employment and safety from physical harm. Without support and acceptance, trans\*, gender variant and two-spirit individuals commonly experience poor health outcomes, including higher levels of mental illness, substance abuse and suicide attempts. Equal access to resources improves their individual health and well-being, as well as overall community health. Both the Vancouver Park Board (VPB) and Vancouver Board of Education (VBE) have taken significant steps in recent years to make their facilities, operations and programs safe and inclusive spaces for trans\* and gender variant members of our community.

Updating grants priorities to reflect TGV2S inclusion was identified as a quick start action in the 2016 report and the inclusion criteria came into effect in 2017. Because of its bold vision of inclusion, staff are giving groups time to adapt and make changes. Inclusion, including that of trans, gender variant and two spirited people is a process. However, staff expect that groups will take steps towards this vision and practice. Staff will develop tools, as part of our effort in creating a city wide equity framework, to put more rigor in place while also finding ways to build capacity of organizations to step up to best practice.

Grant criteria reads that organizations demonstrate accommodation, welcomeness and openness to people of all ages, cultural backgrounds and gender identities, in its policies, practices and programs, except in instances where the exclusion of some group is required for another group to be effectively targeted. As we understand it, VRRS's perspective is that women and girls who are born female and have the experience of being female need to be served separately from trans women. However, the criteria requires that VRRS services should include all women, including trans women, or, at the very least, demonstrate steps to achieve this unless VRRS is able to establish, to the satisfaction of the City that the exclusion of Trans women is required for them to "effectively" target women born female. Further, other women serving organizations receiving City grants have taken steps to support trans, gender diverse and two spirit people.

VRRS's position creates a situation where the organization can 'choose' who is a woman and 'female enough' for their services which is contrary to the intent of the City's policies and grants criteria. This is not welcoming and potentially dangerous for trans and gender diverse people and anyone whose gender appearance does not match the dominant culture's definition of what women ought to look like, and potentially unfair to masculine looking women seeking services.

### *Sex Work*

The Sex Work Response Guidelines were created in 2016 in an effort to ensure the health and safety of sex workers and communities across Vancouver. The guidelines are still referenced and applied throughout City of Vancouver practices and both highlight and demonstrate the importance of working alongside sex workers,

recognizing the importance of ensuring an equitable and non-discriminatory approach with all individuals engaged in the sex industry as one of the key purposes. VRRS is an abolitionist organization that believes that all forms of sex work are forms of violence, only refers to sex work as “prostitution”, and does not recognize “sex work as work” for people who choose to do this work. The City of Vancouver takes a comprehensive and inclusive approach of meeting individuals where they are at, and when possible, providing supports and access based on articulated needs of the individual in partnership with a range of not-for-profits such as WISH, PACE, and other stakeholders.

### *Staff Analysis*

Staff have had concerns about the VRRS approach to Trans women inclusion for a number of years. Previous discussions with the organization had reinforced for staff that VRRS are committed to their approach. City staff recognize VRRS has the right to determine their service mandate and focus. Staff also recognize that other women serving organizations such as Women Against Violence Against Women (WAVAW), Battered Women’s Support Services, WISH and PACE have adapted their philosophies to be inclusive of trans women and two spirited people. In fact WAVAW has formally apologized to these communities for its exclusive practices.

Staff also have significant concerns about the organization’s stance on sex work, which is an abolitionist approach versus the harm reduction and destigmatization approach the City has endorsed. Again, the City recognizes that the organization has the right to take policy positions on matters such as the sex trade that differ from the City’s.

In late 2018, staff had come to the conclusion that they could no longer recommend VRRS for a City grant given their position on Trans women and on sex work, as per the policy analysis above. While VRRS’ services have been and are very important and they are right to be proud of their work supporting women who were born as women, their approach is causing harm to another, arguably more marginalized group of women and is also standing in the way of important destigmatization and other harm reduction work related to sex work and sex workers.

Were the 2019 grant to be approved, staff were planning to address this with the organization in 2019, and follow our procedure of discontinuing recommendation of funding when applications do not align with City criteria and changes are either not possible or have not been put into place, by providing notice in 2019, and 50% of funding in 2020, with no funding recommendation the following year. This would allow VRRS time to find other funding sources for their services. It was also discussed that this timeline could be accelerated.

### *Social Policy Grants: Inclusion*

In the report, Appendix K is the process for reviewing most grants and Appendix L sets out the eligibility criteria for grants. The website link explains to the organizations the criteria, approach, etc.: <https://vancouver.ca/files/cov/direct-social-services-application-information-sheet.pdf>

There is provision in Social Policy granting to enable a grant to be focused on a specific community: “except in instances where the exclusion of some group is required for another

group to be effectively targeted”. It could be suggested that their services fall under this category because VRRS asserts that only women born as women can support women who have experienced male violence because of the implicit and explicit impacts on self and status of being born a woman. It is also important to note that not all persons born with female external genitalia have internal female reproductive organs and/or functioning reproductive organs.

From staff’s perspective, using this clause as a rationale for one marginalized group to further marginalize another marginalized group is not in keeping the City’s overall intent of the criteria and exception, nor City values.

### **STAFF RECOMMENDATION**

Staff recommend that if Council believes it has enough information to be able to determine whether VRRS meets the grant criteria, and can articulate the reasons for their decision, then they have the following options:

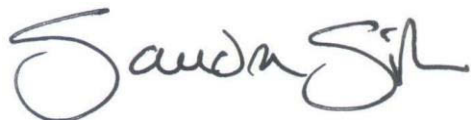
- a. Approve funding; or
- b. Reject funding.

However, given the lengthy funding history, staff recommends that in the event a decision is made to reject this grant recommendation, that consideration be given to carrying out the decision in such a way as to limit immediate disruption in VRRS’s operations. For example, Council direct the 2019 grant to be termination funding (i.e., no grant to be allocated in future years) unless the organization makes changes to become aligned with the grant criteria. This would be consistent with the spirit of the Termination Policy for organizations with many years of funding and recognizes that the abrupt elimination of longstanding funding can be a challenge for not-for-profit organizations.

### **FURTHER INFORMATION**

If Council has any questions about this memo, please feel free to contact Sandra Singh, General Manager, Arts, Culture, and Community Services at [sandra.singh@vancouver.ca](mailto:sandra.singh@vancouver.ca).

Sincerely,



Sandra Singh  
General Manager  
tel: 604.871.6858  
[sandra.singh@vancouver.ca](mailto:sandra.singh@vancouver.ca)

SS/th