

Dismantling Racism and Hate Act

CHAPTER 3 OF THE ACTS OF 2022



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An Act to Dismantle Racism and Hate

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WHEREAS a committee consisting of Assembly members from all currently sitting parties was created to support the development of equity and anti-racism legislation;

AND WHEREAS the all-party committee developed the equity and anti-racism legislation through the work and co-operation of the following Assembly members:

- Ali Duale, member for Halifax Armdale,
- (Honourable) Pat Dunn, Minister responsible for the Office of Equity and Anti-Racism Initiatives and member for Pictou Centre,
- Suzy Hansen, member for Halifax Needham,
- (Honourable) Tony Ince, member for Cole Harbour,
- Lisa Lachance, member for Halifax Citadel–Sable Island,
- Angela Simmonds, member for Preston,
- Kent Smith, member for Eastern Shore;

AND WHEREAS it is recognized that marginalized and racialized individuals and communities in Nova Scotia experience harmful and unjustifiable inequities and disparities because of systemic hate, inequity and racism;

AND WHEREAS systemic hate, inequity and racism is often caused by government and public body policies, practices and procedures that appear neutral but have the effect of disadvantaging marginalized and racialized groups and can be perpetuated by a failure to identify, monitor and correct disparities and inequities;

AND WHEREAS eliminating systemic hate, inequity and racism and advancing racial equity supports the economic success and well-being of society, and everyone benefits when individuals and communities are no longer marginalized;

AND WHEREAS this Act is intended to establish a commitment by the Government to address systemic hate, inequity and racism to enhance the economic success and well-being of all Nova Scotians;

AND WHEREAS it is important to recognize the heritage of Mi'kmaw communities and the contributions they have made and continue to make to Nova Scotia;

AND WHEREAS it is important to recognize the heritage of African Nova Scotian communities and the contributions they have made and continue to make to Nova Scotia:

Short title

1 This Act may be cited as the *Dismantling Racism and Hate Act*. 2022, c. 3, s. 1.

Interpretation

2 In this Act,

(a) “hate” means provocation, hostility or intolerance by means of threats, harassment, abuse, incitement or intimidation motivated by the actual or perceived race, religion, national origin, ethnicity, gender, gender identity, gender expression, disability or sexual orientation of any person;

(b) “Minister” means the Minister responsible for the Office of Equity and Anti-Racism Initiatives;

(c) “Office” means the Office of Equity and Anti-Racism Initiatives;

(d) “prescribed” means prescribed by the regulations;

(e) “public body” means

(i) the Government,

(ii) a prescribed municipality,

(iii) a prescribed university, or

(iv) a prescribed organization;

(f) “racism” means the discrimination or antagonism by, or the prejudice of, an individual, community or institution against a person or people based on the person’s or people’s membership or perceived membership in a racial or ethnic group, and having the power to carry out that discrimination, antagonism or prejudice through institutional policies and practices that shape cultural beliefs and values of a society. 2022, c. 3, s. 2.

Supervision and management of Act

3 The Minister is responsible for the general supervision and management of this Act and the regulations. 2022, c. 3, s. 3.

Implementation of Act

4 (1) The Office is responsible for the implementation of this Act on behalf of and under the supervision of the Minister.

- (2)** In implementing this Act, the Office's responsibilities include
- (a) facilitating education on equity and anti-racism;
 - (b) facilitating equity and anti-racism policy development;
 - (c) evaluating existing policy to address systemic hate, inequity and racism;
 - (d) implementing initiatives that address systemic hate, inequity and racism;
 - (e) co-ordinating equity and anti-racism actions, policies and programs within the Government and its agencies;
 - (f) enabling and facilitating meaningful engagement with marginalized communities; and
 - (g) enabling and facilitating public reporting and accountability for equitable and anti-racism outcomes. 2022, c. 3, s. 4.

Principles of Act

5 This Act is based on the following principles:

- (a) everyone deserves to be treated with dignity and respect;
- (b) the Government is committed to eliminating systemic hate, inequity and racism;
- (c) the achievement of equity and anti-racism is a shared responsibility among governments, the private sector and all Nova Scotians;
- (d) systemic hate, inequity and racism require urgent action;
- (e) appreciating the impact of intersectionality is crucial in addressing systemic hate, inequity and racism; and
- (f) such other principles as may be prescribed. 2022, c. 3, s. 5.

Objective of Government

6 (1) The objective of the Government is to achieve equity and anti-racism and to eliminate disparities, hate and inequities that negatively impact marginalized and racialized individuals and communities in the Province.

- (2)** To achieve its objective, the Government shall
- (a) raise awareness of the importance of equity and anti-racism and the elements that contribute to equity and anti-racism;
 - (b) create the conditions necessary for equity and anti-racism, including regulation, programs and initiatives to encourage actions and innovation by local governments, businesses, non-government organizations and Nova Scotians for the purpose of making progress in achieving equity and anti-racism; and

(c) adopt, support and enable initiatives that are aligned with the principles and focus areas established under this Act and the regulations. 2022, c. 3, s. 6.

Focus areas

7 Actions and initiatives established under this Act and the regulations must align with the following focus areas:

- (a) the demonstration of leadership and commitment to equity and anti-racism;
- (b) the transition to stronger equity and anti-racism policies within the Government;
- (c) better and sustained engagement with marginalized and racialized communities;
- (d) the creation of conditions supporting equity and anti-racism;
- (e) better public reporting on progress towards equity and anti-racism; and
- (f) such other focus areas as may be prescribed. 2022, c. 3, s. 7.

Government strategy to address systemic hate, inequity and racism

8 (1) The Government shall create a strategy to address systemic hate, inequity and racism within the Province by July 31, 2023.

- (2) The strategy must include
 - (a) specific initiatives that the Government will advance to address systemic hate, inequity and racism;
 - (b) actions and initiatives, identified through community engagement,
 - (i) that recognize the unique history and contributions of Indigenous Nova Scotians and the impact of systemic anti-Indigenous hate, inequity and racism,
 - (ii) that recognize the unique history and contributions of African Nova Scotians and the impact of systemic anti-Black hate, inequity and racism,
 - (iii) to address hate, inequity and discrimination based on gender identity, gender expression or sexual orientation,
 - (iv) to address psychological safety, including systemic hate, inequity and racism in workplaces within the Province, and
 - (v) to address the impact of intersectionality in relation to systemic hate, inequity and racism;
 - (c) definitions of specific types of systemic hate, inequity and racism that are informed by marginalized and racialized communities, including but not limited to definitions of anti-Black racism, anti-Indigenous racism, Islamophobia, anti-Semitism, anti-Asian rac-

ism, ableism, gender-based discrimination and hate based on gender identity, gender expression or sexual orientation;

(d) a health equity framework, developed and implemented through community engagement, including but not limited to engagement with African Nova Scotians, Indigenous Nova Scotians, other racialized communities and those who have experienced hate, inequity and discrimination based on gender identity, gender expression or sexual orientation;

(e) public reporting requirements, including measures and indicators to evaluate the strategy's effectiveness; and

(f) public engagement plans demonstrating

(i) that the Government meaningfully engaged with marginalized and racialized communities in the creation of the strategy, and

(ii) how the Government will sustain meaningful engagement with marginalized and racialized communities through the implementation of the strategy. 2022, c. 3, s. 8.

Public body plans to address systemic hate, inequity and racism

9 All prescribed public bodies shall create a plan to address systemic hate, inequity and racism with the form and content and by the date prescribed. 2022, c. 3, s. 9.

Community network

10 (1) The Minister shall create a community network to engage and work with marginalized and racialized communities on the actions and initiatives established under this Act and the regulations by July 31, 2023.

(2) The network referred to in subsection (1) must be created in collaboration with, and include ongoing participation from, traditional, elected and nominated leadership representing communities negatively impacted by systemic hate, inequity and racism.

(3) The network referred to in subsection (1) must focus on

(a) intersectionality in addressing systemic hate, inequity and racism; and

(b) eliminating systemic intercultural hate, inequity and racism. 2022, c. 3, s. 10.

Data standards

11 (1) The Minister shall establish data standards for the Government for the collection and use of information to identify, monitor and address systemic hate, inequity and racism.

(2) The Minister shall ensure marginalized and racialized communities are engaged in the development of the data standards referred to in subsection (1). 2022, c. 3, s. 11.

Annual report

12 (1) The Minister, in consultation with other members of the Executive Council as appropriate in relation to their respective mandates, shall report annually to the House of Assembly on the progress made toward the objective of achieving equity and anti-racism, including progress in relation to the measures and indicators referred to in clause 8(2)(e).

(2) Beginning in 2023, the Minister shall table the annual report referred to in subsection (1) in the House of Assembly on or before July 31st of each calendar year or, where the House is not then sitting, file it with the Clerk of the House. 2022, c. 3, s. 12.

Review of Act

13 The Minister shall conduct a review of this Act, the regulations and the strategy referred to in Section 8 no later than five years after this Act comes into force, and at any other time as the Minister deems necessary or advisable. 2022, c. 3, s. 13.

Regulations

- 14 (1)** The Governor in Council may make regulations
- (a) establishing further principles and focus areas for achieving equity and anti-racism;
 - (b) respecting initiatives to achieve equity and anti-racism consistent with the principles and focus areas established under this Act and the regulations;
 - (c) governing reporting and record-keeping requirements for any purpose related to this Act;
 - (d) respecting data standards for the collection and use of information to identify, monitor and address systemic hate, inequity and racism;
 - (e) prescribing municipalities, universities and organizations as public bodies;
 - (f) respecting the form, content, due date and any other aspect of public bodies' plans to address systemic hate, inequity and racism;
 - (g) defining any word or expression used but not defined in this Act;
 - (h) further defining any word or expression defined in this Act;
 - (i) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2022, c. 3, s. 14.

Effective date

15 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2022, c. 3, s. 15.

Proclaimed - September 13, 2022
In force - September 13, 2022
