



MANITOBA ECO-NETWORK

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Comments submitted via the City of Winnipeg website:

<https://www.winnipeg.ca/city-governance/mayor-council/council-committee-meetings/participate-meeting/register-delegation-or-submit-comments-committee-council>

Re: Manitoba Eco-Network Response to the Proposed *Safe Access to Vulnerable Infrastructure By-Law*

As the Policy Advocacy Director of the Manitoba Eco-Network, I submit these comments on behalf of our organization in opposition of the draft *Safe Access to Vulnerable Infrastructure By-Law*. The need for a by-law to protect “vulnerable infrastructure” has not been adequately established by the City of Winnipeg, nor does the proposed by-law provide any insight into this perceived need. Instead, the proposed by-law seems to be entirely focused on creating unnecessary barriers and legal consequences for citizens seeking to exercise their Charter protected democratic rights.

The Manitoba Eco-Network is a non-profit registered charity which seeks to strengthen Manitoba’s environmental community with the goal of protecting our environment for the benefit of current and future generations. The Eco-Network facilitates connections, engages in advocacy opportunities, and undertakes community-based research that promotes meaningful public participation in environmental governance processes.

We serve as an umbrella for environmental non-governmental organizations across the province. We build capacity and support grassroots organization’s participation in the environmental community, we celebrate positive environmental actions that happen within Manitoba, and work to elevate the voices of all those within our community.

Peaceful public protests, such as rallies, round dances, and bike jams, among other activities, are an important and valuable way for concerned citizens and public interest organizations to raise public awareness and inspire change. For example, the global climate movement was inspired by Swedish activist Greta Thunberg who started Friday’s for Future as a student strike for climate in 2018. This small action from a high-school student has subsequently grown into an international movement seeking stronger environmental protections and better climate policy, and inspired many past and ongoing peaceful climate demonstrations in Manitoba.

Instead of protecting the public and inspiring lawful protests, we believe the proposed Safe Access to Vulnerable Infrastructure By-law will actually cause public harm by creating large protest-free zones throughout the city that will diminish the ability of Manitobans to protest anywhere in Winnipeg, not just in close proximity to “vulnerable infrastructure”.

The definition of “nuisance demonstrations” proposed in the by-law is too broad, as it captures any in-person protest or demonstration that does any one of the following:

1. Expresses an objection or disapproval towards an idea, action, person or group based on or related to any specified characteristics,

2. Obstructing the passage of pedestrians or motor vehicles without an applicable permit issued by the City,
3. Using amplified speakers without a City permit.

For example, one of the “specified characteristics” under the first part of the definition is “source of income”. This would have a chilling effect on any environmental protest aimed at divestment in fossil fuels, which is an important issue in the environmental community.

The proposed prohibition of “nuisance demonstrations” within 100 meters of designated facilities is also problematic as this captures a large number of locations across Winnipeg, including cemeteries, community centres, schools, cultural centres, healthcare facilities, hospitals, libraries, place of worship, and post-secondary institutions. When mapped out, the overlapping 100 meter buffers create entire protest exclusion zones, particularly in the downtown area. There are also a number of locations unintentionally included in these proposed exclusion zones, such as the offices of elected political officials, that happen to be located near community centres, schools, and other facilities that would be considered a “designated facility”. Thus, there is significant potential to limit peaceful protests that do not intentionally target a designated facility, just happen to be located nearby.

The Manitoba Eco-Network does not tolerate or condone intimidation, inciting hatred, violence, intolerance, harassment, or discrimination. The peaceful assembly we support does not include hate speech, violence, riots, or attempts to physically impede or blockade lawful activities. When these problematic actions occur, there are already adequate laws to protect citizens and punish those who behave in an unlawful manner. There is no need for this proposed by-law as a means of legal protection, thus, we can only infer that the City’s intention is to limit the rights of their citizens to peacefully protest. The overly broad definitions of “nuisance demonstrations” and “specified characteristics” discussed above, among other problems with the language of this by-law, will serve to prohibit a much broader range of public discourse than just hate speech.

This includes the advocacy actions of elementary, high-school and post-secondary students, our leaders of tomorrow, who will be limited in their ability to undertake protest activities at their own educational institutions, which would be captured under the “designated facility” definition. In the spirit of intergenerational equity and environmental justice, we should be creating space for youth advocates and encouraging them to speak up about the issues that concern them. As Greta Thunberg has shown the world, a small student-led local action can have positive global consequences.

There are also important issues, such as ongoing racism in our healthcare system, that do not seem to be addressed by government until the public loudly speaks up. For example, public action in response to tragic and unfortunate situations, such as the deaths of Brian Sinclair in the Health Sciences Centre emergency waiting room in 2013, and Joyce Echaquan at Joliette hospital in Montreal in 2020, drew attention to problems with systemic racism in the healthcare system towards Indigenous peoples. If passed, the proposed by-law would prohibit protests or demonstrations regarding systemic racism in our healthcare system as this objection or disapproval would be based on specified characteristics. This means people could not hold peaceful protests or demonstrations about systemic racism in the healthcare system within 100 meters of healthcare facilities, hospitals, or universities, as they would be considered a “nuisance demonstration”.

Another example of a valid public action that could be prevented by this proposed by-laws is a bike jam, where numerous cyclists gather to ride together with amplified music. This serves not only as a means of having fun, it also serves to raise awareness and make an expression about the benefits of cycling for health, environmental protection, and smart city planning. In accordance with the proposed By-Law, if the bike jam came within 100 meters of hundreds, if not thousands, of designated facilities across Winnipeg this would be a breach of the proposed by-law simply because they are playing amplified music.

These are just a couple of examples of how the proposed *Safe Access to Vulnerable Infrastructure By-law* is too broad and will create unnecessary barriers for citizens seeking to undertake lawful protests in the City of Winnipeg. You will undoubtedly hear more examples during the meeting.

Overall, the Manitoba Eco-Network recommends that the EPC should reject the proposed by-law, for the many reasons discussed above. There are also ongoing legal challenges to other similar by-laws in Canada, such as the challenge initiated by the Canadian Civil Liberties Association of a by-law passed in Vaughn, Ontario, that could inspire similar action in Manitoba if the proposed by-law is passed. We feel it prudent for Winnipeg to at least wait until Courts provide guidance on the constitutionality of these types of by-laws before enacting its own.