

APP. "B"

Statement of Policy - Canadian Human Rights Commission, March 1979

The Canadian Human Rights Commission supports the principle that persons should not be discriminated against, in employment or other matters, by reason of their sexual orientation.

The Canadian Human Rights Act does not include sexual orientation as a proscribed ground of discrimination. In any case, this Act would not directly have affected the situation of John Damien, whose difficulties are with an employer coming under provincial, not federal jurisdiction. Nevertheless, the Canadian Human Rights Commission takes the position that a person's employment should not be hindered by discrimination based on sexual orientation, particularly in view of the fact that the Criminal Code of Canada makes it clear that homosexuality per se is not an offence.

In September, 1978 the Canadian Human Rights Commission appeared before the Special Joint Committee of the Senate and the House of Commons on the Constitutional Amendment Bill and recommended that sexual orientation, along with marital status and physical handicap, be included in the proposed Charter of Rights and Freedoms as a proscribed ground of discrimination.

The federal Commission is aware that sexual orientation is a proscribed ground of discrimination in the province of Quebec, and that human rights commissions in three other provinces, including Ontario have asked their governments to include it in their human rights codes. The Commission has undertaken a study of the federal human rights legislation from the point of view of requesting Parliament to broaden the Canadian Human Rights Act to include several grounds presently not covered, among them sexual orientation. The Commissioners are of the opinion, however, that more experience with the legislation in its present form is required before a strong case can be made to Parliament for amendments to Sections 2 and 3 of the Act.

Until such time as the federal Act is changed to include sexual orientation, the Canadian Human Rights Commission will continue to base its policies on the principle that the sexual orientation of an individual should not be allowed to constitute a barrier to equality of opportunity for that person.

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