

SEXUAL ORIENTATION

The Parliamentary Committee on Equality Rights, in Recommendation No. 10 of their report of October, 1985, recommended that the Canadian Human Rights Act be amended to add sexual orientation as a prohibited ground of discrimination. Recommendation No. 11 called for the RCMP to bring its employment practices into conformity with the Act, as amended.

The response of the Minister of Justice, on behalf of the Government of Canada, is in the publication "Toward Equality", at pg. 13. It states, in part, that "The Government will take whatever measures are necessary to ensure that sexual orientation is a prohibited ground of discrimination in relation to all areas of federal jurisdiction".

Both the Commissioner and DSRR representatives appeared before the Parliamentary Committee on Equality Rights. Their testimony was based on the contention that homosexuals should not be employed on police duties for reasons related to safety and non-acceptance by public and police communities.

One option available in resolving this issue would be to pursue the change to the Canadian Human Rights Act which would result in having sexual orientation included as a prohibited ground of discrimination and then establish a bona fide occupational requirement (B.F.O.R.) related to RCMP duties, which would exclude homosexuals from employment opportunities. This B.F.O.R. could then be subjected to the test of judicial examination through the tribunal and court system to determine its validity.

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