

SECRET

SAME-SEX PARTNERS AND BENEFITS  
COMMUNICATIONS PLAN

PUBLIC ENVIRONMENT ANALYSIS

1. The issue of gay and lesbian partners as a type of family has attracted increasing media coverage since 1992. Four high-profile court challenges by gay partners have prompted media interest: federal government translator Brian Mossop's Supreme Court challenge to the government's decision not to grant him bereavement leave to attend his male partner's father's funeral; Layland and Beaulne's Ontario court fight to be legally married; James Egan's challenge to obtain a spousal allowance under the Old Age Security Act for his male partner of over 40 years; and Lorenzen's fight to obtain bereavement leave for the funeral of his male partner's father and family-related leave on another occasion. The coverage has ranged from factual to highly sympathetic.

On February 26, 1993, the Supreme Court ruling in Mossop received front page coverage in several major dailies and was carried nationwide over the Southam, Canadian Press and Presse Canadienne news wires. Newspaper reports noted that while the court ruled 4-3 against the plaintiff, it "left the door open" to further challenges based on the Charter. Editorial opinion and commentary following the ruling was mainly sympathetic towards the rights of same-sex partners.

The Ontario court ruling against Layland and Beaulne was covered by Ontario dailies, and carried nationwide on the Southam News wire (March 16). The decision was criticized in editorials and commentaries in Ontario and B.C. dailies. Layland and Beaulne are continuing their fight at the Court of Appeal for Ontario.

Three of these cases may attract further media attention in the near future. Lorenzen won his case at the Public Service Staff Relations Board; the deadline for filing the factum in the appeal is January 13, 1994. Egan lost at the Federal Court of Appeal; he was granted leave to appeal to the Supreme Court of Canada. The factum must be filed by spring 1994. The factum in Layland and Beaulne must be filed in January 1994.

Additionally, a case that has not yet attracted media attention, may do so early in the new year. The appeal in Hewens, who lost his case to be granted marriage leave at the Public Service Staff Relations Board, will be argued in Federal Court in January.

2. In December 1992, the former Justice Minister Kim Campbell introduced a package of amendments to the Canadian Human Rights Act. The package included amendments that if passed, would have made sexual orientation a prohibited ground of discrimination, but would have limited the definition of marital status to opposite-sex unions. The package was criticized by equity groups, with the marital status definition especially being singled out for criticism.
3. Various provincial initiatives dealing with same-sex spousal benefits have also been covered by the media. Ontario Attorney General Marion Boyd has repeatedly promised to introduce a bill that would force employers to provide employee benefits to same-sex partners. In March 1993, the New Brunswick government extended health and dental benefits to the same-sex spouses of New Brunswick public servants. The New Brunswick bill received minimal coverage outside of the province.

008273

On the other hand, in Alberta, Diane Mirosh, the Minister responsible for human rights, was criticized by the media for surmising that the Alberta Human Rights Commission may be overstepping its bounds by investigating complaints from gays.

4. In August 1993, an Ontario Human Rights Commission inquiry ruled that same-sex partners must be included in all Ontario employee benefit plans (page one story on Leshner case, Toronto Star, August 8; also covered by other dailies). In September, the Ontario Law Reform Commission recommended that same-sex couples be given some of the rights to spousal support and division of property when their relationship ends that heterosexual couples currently enjoy (Ontario dailies, September 24).
5. During the past year, feature articles attempting to explain same-sex relationships have appeared with some regularity in major dailies such as the Toronto Star and the Ottawa Citizen. These articles have mostly focused on economic and emotional dependency between the two adults in the relationship. The issue of the recognition of the extended family responsibilities of one partner to the other's family has been touched upon in the press. Other issues, such as the rights and responsibilities of the non-biological parent in relationships that include children, have yet to be discussed in the media. These other issues continue to be raised by women's groups in consultations.

Coverage of the views of groups opposed to same sex relationships, such as REAL Women, has been sporadic.

6. Other types of relationships of economic and emotional interdependency between adults, not involving a sexual relationship, are also in need of consideration. For example, never-married siblings, two friends, or a parent and an adult child, can live together in a relationship which is similar to a spousal relationship in terms of economic and emotional interdependency.

#### TARGET AUDIENCES

1. Gay rights groups will support a comprehensive strategy as a step in the right direction.
2. Reactions from the provinces will be mixed, with Ontario likely to be the most supportive, and Alberta likely to be the most negative.
3. The judiciary and human rights bodies will be pleased with a comprehensive federal initiative in this area.
4. The media will be mainly supportive.
5. Reaction from the general public will be mixed but largely positive.
6. "Family values" advocacy groups will be wary of a comprehensive strategy.
7. Religious groups will vary in their approach, depending on denominational policies.

#### COMMUNICATIONS OBJECTIVES

1. Inform the public (including advocacy and religious groups), the provinces, the judiciary and human rights bodies that the government is examining issues of spousal and family rights and responsibilities as they relate to same-sex relationships.

008274

2. Indicate to the public (including advocacy and religious groups), the provinces, the judiciary and human rights bodies that the government is willing to discuss these issues.
3. Explain to the public (including advocacy and religious groups), the provinces, the judiciary and human rights bodies the complexity of the issues.

#### MESSAGES

1. Fair treatment of diverse relationships. The government wants to ensure that diverse relationships are treated fairly and equitably in government policy and programs. Government policy must reflect reality and remove inequities, within a framework of fiscal responsibility.
2. Openness. The government is interested in seeking views on the legal rights and responsibilities that should accrue to non-traditional relationships.
3. Leadership is needed. While these issues are complex and require careful consideration, it is important for the government to show leadership given the increasing number of court cases and recent provincial initiatives.

#### STRATEGIC CONSIDERATIONS

1. The recent court cases, human rights commission decisions and provincial initiatives have heightened public awareness of non-traditional relationships and created expectations for federal government action. A comprehensive federal strategy will be welcomed as a timely development.
2. The new government fostered expectations of a more activist approach to equity issues in its election platform. "Creating Opportunity: The Liberal Plan for Canada" recommends inclusion of sexual orientation as a ground of discrimination under the Canadian Human Rights Act. Gay advocacy groups will expect action on equity and human rights issues affecting gay Canadians. The consultations and policy work should be presented as a necessary step. The theme of "Equality in Diversity" will be stressed.
3. 1994 is the United Nations International Year of the Family. This presents an opportunity for the government to give a higher profile to the importance of family relationships to all Canadians. A comprehensive strategy will show that the government is taking steps to ensure that all types of relationships, including non-traditional ones, are being treated fairly.

#### INTERDEPARTMENTAL COORDINATION

The Minister of Justice will assume the lead role in all communications activities. The following Departments have been consulted through the Interdepartmental Committee on the Marital and Family Status Initiative: Privy Council Office, Federal-Provincial Relations Office, Finance, Treasury Board, Health, Human Resources Development, Indian Affairs and Northern Development, Status of Women, Citizenship and Immigration, Foreign Affairs, National Defense, Veterans (Secretary of State), Solicitor General and Canadian Heritage.

008275

THE ANNOUNCEMENT

1. The Minister could inform advocacy groups of his intentions in a special meeting. He could also foreshadow his intentions in media interviews and editorial boards early in the new year.
2. A full communications strategy will be prepared in the event of any official announcements.

FOLLOW-UP ACTIVITIES

Feature articles could be written for publications that reach relevant audiences (e.g. legal publications, gay publications, journals for other equality-seeking groups).

EVALUATION

Departmental correspondence and media coverage will continue to be analyzed for accuracy.

008276