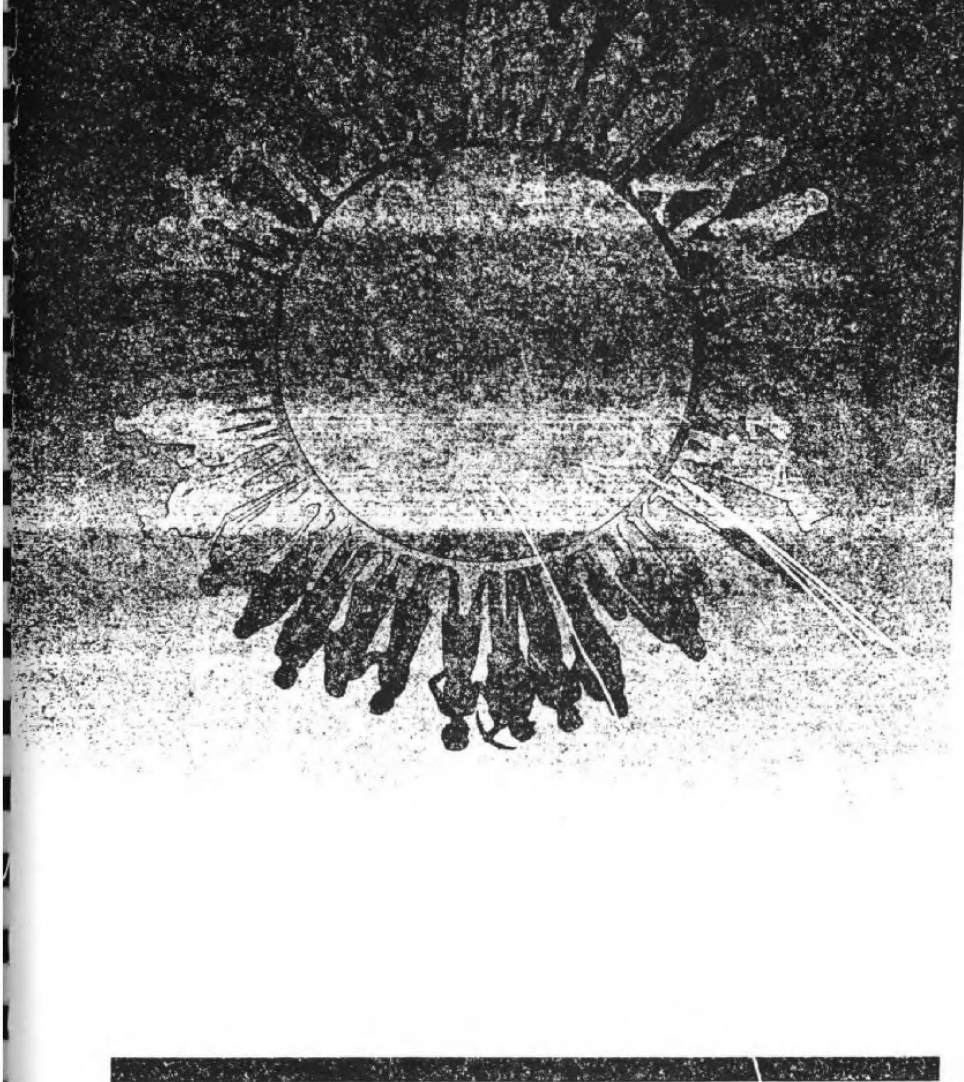


Toward Equality



002766

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Sexual Orientation

Recommendations

10. We recommend that the *Canadian Human Rights Act* be amended to add sexual orientation as a prohibited ground of discrimination to the other grounds, which are race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, and conviction for an offence for which a pardon has been granted.
11. We recommend that the Canadian Armed Forces and the RCMP bring their employment practices into conformity with the *Canadian Human Rights Act* as amended to prohibit discrimination on the basis of sexual orientation.

Response

The Government recognizes that the issue of sexual orientation addresses some of the most difficult moral and religious concerns of Canadians. There is no simple manner of reconciling deeply felt views.

Though fully cognizant of the social dilemmas that the issue raises, the Government is committed to the principle that all Canadians have an equal opportunity to participate as fully as they can in our society; no one should be denied opportunities for reasons that are arbitrary or irrelevant. In particular, persons should not be excluded from employment opportunities for reasons that are irrelevant to their capacity and ability to do the job.

The Government believes that one's sexual orientation is irrelevant to whether one can perform a job or use a service or facility. The Department of Justice is of the view that the courts will find that sexual orientation is encompassed by the guarantees in section 15 of the *Charter*. 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.

Recommendation

12. We recommend that the federal Government security clearance guidelines covering employees and contractors not discriminate on the basis of sexual orientation.

Response

Sexual orientation is not a ground for denial of a security clearance. Rather, the criteria applied are loyalty to Canada and reliability.

Recommendation

13. We recommend that the *Criminal Code* be amended to ensure that the minimum age or ages at which private consensual sexual activity is lawful be made uniform without distinction based on sexual orientation. (This recommendation does not pertain to existing sexual assault offences in the *Criminal Code*.)

Response

The Minister of Justice will give careful consideration to the possibility of amending the *Criminal Code* to ensure that the minimum age or ages at which private consensual sexual activity is lawful be made uniform without distinction based on sexual orientation. Both the *Report of the Committee on Sexual Offences Against Children and Youths* (Badgley Committee) and the *Report of the Special Committee on Pornography and Prostitution* (Fraser Committee) suggested that since the age of majority in most provinces is 18, this would be an appropriate uniform age of consent. Department of Justice officials are studying these recommendations and, following consultation with provincial governments and private sector groups, the Minister will announce the Government's response to them.

Recommendation

14. We recommend support in principle for Bill C-225 and urge the Government to enact legislation reflecting the principle of the Bill as outlined in this Committee's recommendations.

Response

See the response to recommendations 10 and 11.