

Deputy Minister of Justice and  
Deputy Attorney General of Canada

sous-ministre de la Justice et  
sous-procureur général du Canada

Ottawa, Canada  
K1A 0H8

December 22, 1989

Mr. Robert Fowler  
Deputy Minister  
Department of National Defence  
National Defence Headquarters  
North Tower, Executive Floor  
101 Colonel By Drive  
Ottawa, Ontario  
K1A 0K2

Dear Mr. Fowler:

As you may recall, in Toward Equality, the government's response to Equality for All, the report of the House of Commons Subcommittee on Equality Rights, the government indicated that it would be conducting an overall review of the Canadian Human Rights Act. In addition, the government committed itself to a number of amendments to the Act.

Attached is a draft Memorandum to Cabinet on amendments to the Act, which is intended to give effect to specific commitments made in Toward Equality, as well as to make a number of other changes to the Act. A previous Memorandum to Cabinet on this matter was circulated in late 1986. The enclosed draft is a revised and condensed version of the previous Memorandum. A number of recommendations have been added, while others have been deleted.

You will note that the draft Memorandum recommends that sexual orientation be added to the Act as a prohibited ground of discrimination. I realize that this will have important implications for the Canadian Forces and your proposal to enact a new CFAO on inappropriate sexual conduct. In the course of the consultations on this Memorandum we will need to discuss how we can ensure that Cabinet will have the necessary material before it to have a full and informed discussion on the effect this proposal will have on the Canadian Forces, the government as a whole, and the federally regulated private sector.

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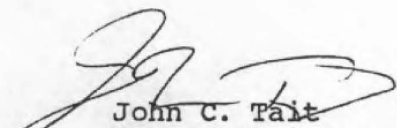
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I would point out that the draft Memorandum contains proposed amendments to a wide range of statutes to eliminate provisions providing for mandatory retirement. These proposals were developed in consultation with the responsible Departments for the previous Memorandum to Cabinet. I expect that some of these amendments may have already been made in other legislative initiatives. Thus the enclosed list of proposed amendments will be adjusted in consultation with the responsible Departments.

I would ask that a contact person be designated for your Department, as we move through the process of developing the Memorandum to Cabinet. In our Department, the person responsible for the Memorandum to Cabinet is D. Martin Low, Senior General Counsel, Human Rights Law Section. The contact person for your Department should identify himself or herself to Mr. Low's office (957-4944).

The Minister of Justice has indicated that he would like to introduce amendments to the Act next spring. Consequently, we are seeking to have the Memorandum to Cabinet ready for submission to Cabinet early in the new year. To that end, Martin Low will be convening a meeting Wednesday, January 10, 1990 at 2:00 p.m. in the 3rd floor Boardroom of the Justice Building to discuss the draft Cabinet Memorandum. We would be pleased to receive any written comments you may wish to make before that time. I appreciate your cooperation in this endeavour.

Sincerely yours,



John C. Pait  
Deputy Minister of Justice

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