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10 Jan 90

TALKING POINTS

1. Tone - DND and the CF support the amendment of the CHRA and, in fact, overtime DND and the CF have a recommended a number of amendments.
  - a. Note the time constraint problem from Feb 87 to now, be in view of limited time constraint no time to work out a full position.
  - b. Because of the importance of some of the issues, it is not going to be a matter of "signing-up" today.
  - c. Need full draft to work on because the MC now seems spotty, and because I understand that the present MC is a precis of a 100 plus page draft we would like to take a look at the full draft. In this way many of the concerns we may otherwise raise could be resolved, as well, of course, giving us a fuller explanation for the rationale of some of the amendments.
  - d. Three particular areas of concern to be highlighted are:
    - i. mandatory retirement - while mentioned for CF judges and RCMP on pages 26 and 27 of MC there is no mention in the recommendations. Would it not be better to simply leave the existing CHRA provision in place and make amendments to those other pieces of legislation as consequential amendments rather than amending section 15 CHRA.
    - ii. reasonable accommodation - as you know reasonable accommodation will depend on type of accommodation i.e. medical or religious. Does this mean that after a BFOR has been established for the policy of say no epileptics flying planes that we must have a second BFOR hearing if we cannot find, or do not feel it appropriate to find, alternate pilot for such person.
    - iii. sexual orientation - As Mr. Tait noted in his letter to DM, National Defence do have

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concerns and that accommodation for Canadian Forces needs with respect to a specific order had been agreed to in principle last summer between Ministers - no mention in MC - must be there.

In view of the above and since this appears to be a CF problem only, it might be preferable to enter into bilateral agreements rather than bothering everybody else at the table.

- e) We have a number of other concerns and we will be preparing a briefing on it in the shortest time possible - comments for example on para 32 and 33 of MC as well as other things that may arise during the course of this meeting.

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