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JUDGE
ADVOCATE GENERAL MEMORANDUM

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REFERRED TO DIAC/4
CONTROL NO. _____

1745-42-14 (DG CREW)

5 Feb 90

ADM(Per)

PROPOSED AMENDMENTS TO THE
CANADIAN HUMAN RIGHTS ACT (CHRA)

1. A meeting was held with Mr D. Martin Low, Senior General Counsel, Human Rights Law, Department of Justice and members of his staff on 5 Feb 90. The purpose of the meeting, from our perspective, was to obtain a status report on the development of a revised version of the draft Memorandum to Cabinet (MC) dealing with proposed amendments to the CHRA.

2. The discussions touched on a number of issues of concern to the CF. Of most significance was the discussion on sexual orientation. As has been reported separately, the understanding between the Minister of Justice and our Minister on this issue has not been, in our view, adequately reflected in the supporting documentation for the proposed amendments. The difficulty is that Justice staff do not appear to have found a way to accommodate the accord between the two Ministers that would be likely to withstand a court challenge. At today's meeting, it was strongly suggested to Mr Low that direction be sought from the Minister of Justice on the approach that is to be taken on this issue. Otherwise, we are in the position of responding to the views of Justice officials which may be at variance with the wishes of their Minister. Mr Low agreed with this suggestion and undertook to obtain his Minister's direction.

3. As far as the other major issues (Privacy, Mandatory Retirement, and Reasonable Accommodation) are concerned, Justice officials assured us that our earlier comments and recommendations were being given serious consideration. However, there were no commitments to accept all or any of our recommendations.

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4. At the conclusion of the meeting, Mr Low advised that the DM Justice proposed to meet with other DMs on 15 Feb 90. He indicated that he wanted to have a revised MC available to DMs before that meeting. It was pointed out that because our concerns primarily relate to the CF, it would be appropriate for the CDS to attend as well as the DM. Mr Low acknowledged this point; presumably, both the DM and the CDS will be invited to attend this meeting.

5. Although the meeting did not resolve any outstanding issues, it was useful as part of the continuing dialogue with Justice officials. Assuming the revised MC is received before the 15 Feb 90 meeting that is being called by the DM Justice, I will have a briefing note prepared for the DM and CDS for use at that meeting.


D.E. Munro
BGen
DG CREW
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