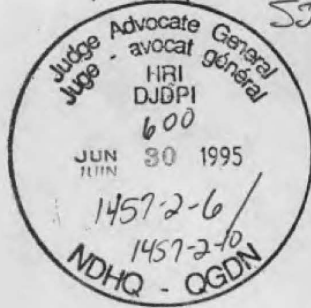


@DJAG B
 HR12
 HR13
 13/7/95
 For info + PA.
 SJB
 30 Jun



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Memorandum

1461-31- [redacted] (DHRAHC)

28 Jun 95

Dist List

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CANADIAN HUMAN RIGHTS ACT
COMPLAINT BY [redacted]

1. In Mar 94, [redacted] filed two Human Rights complaints of discrimination against DND on the ground of sex (orientation and family status). The complainant maintained that he had been treated in an adverse and differential manner because of his sexual orientation (homosexual).
2. After investigation, the Department advised the Commission that all human rights complaints related to the interpretation of substantive provisions of Treasury Board policy, including collective agreements, are responded to by Treasury Board Secretariat and that DND has no power to amend legislation or collective agreements and recommended that Treasury Board be designated the Respondent.
3. In Jan 95, the CHRC Investigator submitted her Investigation Report and recommended that the Commission appoint a Conciliator. In response to the Investigation Report, DND advised the CHRC that a grievance filed by [redacted] on the same issues had recently been settled through Treasury Board prior to proceeding to adjudication and that the complainant had been granted periods of leave with respect to absences, without prejudice, for humanitarian reasons. The Department then recommended that because appropriate departmental action had been taken, that the complaints filed against DND be dismissed, discontinued or withdrawn and that the remaining policy-related issue concerning the wording and definitions in the collective agreement was an issue that should be more appropriately pursued by the Commission with the Treasury Board and the Public Service Alliance of Canada.
4. In May 95, the Commission decided no further proceedings were warranted in respect of the Section 7 complaint [redacted] as a result of the settlement of the complainant's grievance. However, the Commissioners appointed a Conciliator to attempt to bring about a

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settlement of the Section 10 complaint ().

5. In view of the foregoing, no further action is required on complaint () and the file has been closed. Complaint () remains open. Your assistance in the resolution of this complaint is appreciated.


P. Pellicano
LCol
DHRAHC
992-7095

Dist List

DHRAHC 3
D Law/HRI

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