

s.19(1)

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③ DHRAHC  
concern that it is preferable  
not to comment for the present.  
SJB/HR  
DLaw/HR  
23 Nov 95

1461-31- [redacted] (DHRAHC 2-2)

November 1995

Ms A.M. Rooke  
Acting Director  
Policy Complaints Unit  
Canadian Human Rights Commission  
Place de Ville, Tower A  
320 Queen Street  
Ottawa ON K1A 1E1

② BLAW/HR

1. WAS CONSIDERING SERVING THIS LTR TO  
CAME IN RESPONSE TO THEIR INVESTIGATION  
REPORT. HOWEVER, I AM HAVING SECOND  
THOUGHTS IN VIEW OF TB 16 NOV 95  
CIRCULAR ON BENEFITS FOR SAME SEX  
PARTNERS.
2. DO YOU CONSIDER THIS LTR  
NECESSARY?

Dear Ms Rooke,

*J. Joubert* 83/11  
8/11

I refer to your letter [redacted] dated 8 November 1995, under  
cover of which was received the Investigation Report on the  
complaint of [redacted].

The report has been reviewed by appropriate Canadian Forces  
(CF) authorities, and the following comments are forwarded  
for concurrent consideration by the Commissioners.

The CF position in this complaint remains as indicated in  
our letter 1461-31- [redacted] (HR Coord) 14 September 1993.  
Further, it is considered that the CF regulations providing  
for spousal and other benefits on the basis of opposite-sex  
relationships, to the exclusion of same-sex ones, do not  
constitute discrimination under Section 15 of the Canadian  
*Charter of Rights and Freedoms*. Likewise, the provision of  
benefits on the basis of the opposite sex, to the exclusion  
of same-sex relationships, should not be found to be

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discriminatory under the provisions of the *Canadian Human Rights Act*.

In addition, unless and until the Federal Government, Treasury Board authorizes amendments to current CF regulations on the provision of spousal benefits to same-sex partners, the CF cannot provide such benefits.

The opportunity to review and comment on the report is appreciated.

Yours truly,

P. Pellicano  
Lieutenant-Colonel  
Director Human Rights and  
Anti-Harassment Coordination

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