

3 Apr 85

SITUATION

1. A subcommittee of the House Standing Committee on Justice and Legal Affairs has been struck to address the Justice Department Discussion Paper entitled Equality Issues in Federal Law. The members are:

- a. Chairman: Mr. Patrick Boyer (Etobicoke-Lakeshore)
- b. Vice Chairman: Mr. Maurice Tremblay (Lotbinière)
- c. Vice Chairman: Mrs. Pauline Browes (Scarborough Center)
- d. Mr. Clinch (Gloucester)
- e. Mrs. Collins (Capilano)
- f. Mrs. Finestone (Mount Royal)
- g. Mr. Robinson (Burnaby)

2. The Subcommittee held its first public hearing on 26 Mar 85, which consisted of an introductory address by the Minister of Justice. The Subcommittee's schedule and approach have been unpredictable. The most recent plan as of late 2 Apr 85 is for the Subcommittee to hear all affected federal departments before leaving Ottawa to receive presentations from the public at major centers across Canada. Department of Justice staff are proposing the following sequence of departments/organizations: Treasury Board, Health and Welfare, Employment and Immigration, RCMP, and National Defence. The staff is also recommending that all DND issues be addressed at the same time. The most likely period for a request for MND representation is now late in the week of 22 Apr 85, or the following week.

3. The Standing Committee on Justice and Legal Affairs is currently charged with reporting findings to the House by 9 Sep 85. It is assumed that Cabinet will then make decisions on the disposition of each issue in late 1985. Follow-on action might be to prescribe retained limitations in law, or to effect amendments to legislation or policy to remove limitations. Regardless of Cabinet approval, retained limitations will still be challengeable in court as to reasonableness and demonstrable justifiability, as called for in Section 1 of the Canadian Charter of Rights and Freedoms.

CONCERNS

4. Because of uncertainty in the schedule, it might have been possible for the Subcommittee to have been given

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recommendations from public groups without the members having the background knowledge to assess the consequent implications for DND. Therefore, the Subcommittee will be provided with information booklets for each of the DND issues, early in the week of 8 Apr 85. These booklets contain copies of relevant orders and regulations, statements of current policies and their basic rationale, and detailed explanations of the factors which underlie the rationale.

5. It will be possible for organized special interest groups to make their points repeatedly at each major center visited by the Subcommittee. Federal departments will probably have only one opportunity to do so. It is important, therefore, that all points of view be presented at each locale to ensure a valid reflection of public opinion.

6. The attached clipping from the 30 Mar 85 issue of the Ottawa Citizen announced a \$50,000 Department of Justice grant to the National Action Committee on the Status of Women. The purpose of the grant is to permit hiring of a special coordinator, and to provide research and other support, for devising and presenting a position on sexual equality questions to the Subcommittee. The main sexual equality issues are the Canadian Forces policy on the employment of women, and the distinctive and limited Unemployment Insurance benefits available for maternity. It may be possible that similar grants would be available for public groups whose special interest is national defence.

#### CURRENT PLANS

7. The proposed plan for the DND presentation is that:
- a. the Minister of National Defence introduce the Canadian Forces representation with an address that sets the scene for all five issues;
  - b. the CDS represent the Canadian Forces beginning with a short address, for each of the five issues;
  - c. knowledgeable staff officers be provided to assist with matters of detail for each issue;
  - d. the thrust of presentations be to emphasize requirements that are imperative for the continued effectiveness of the forces, and any direct suggestion that current policies are the only means of meeting those requirements be avoided. A firm stand would be taken on vital factors, and the Subcommittee would be posed the question of how these would be provided for in any alternative policy.

8. To ensure that there is broad awareness of the policy on these issues, copies of the information booklets referred to in para 4 will be sent to commanders and commanding officers throughout the Canadian Forces.

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