

February 5, 1987

MEMORANDUM FOR PAUL TELLIER

c.c. Glen Shortliffe

From: Ray Protti [REDACTED]

Mr. Beatty's Appearance at the Human Rights Committee

Background

- ° The Parliamentary Committee on Equality Rights recommended that the Canadian Human Rights Act (CHRA) be amended to add sexual orientation as a prohibited ground of discrimination and that the Canadian Armed Forces and the RCMP bring their employment practices into conformity with the CHRA as amended.
- ° The Government responded to the Report in Toward Equality tabled in March 1986. It made the commitment to take whatever measures are necessary to ensure that sexual orientation is a prohibited ground of discrimination in relation to all areas of federal jurisdiction.
- ° On February 11, Mr. Hnatyshyn will bring to CCSD proposed amendments to the CHRA that will implement the government's commitment by adding sexual orientation as a ground of discrimination.
- ° An internal task force was established by DND following the tabling of Toward Equality to study Charter of Rights issues. The task force recommended that homosexuals not be permitted to enrol in the Canadian Forces.

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- ° Mr. Beatty is scheduled to appear before the Standing Committee on Human Rights on February 11, at 3:30 p.m. and will table the Report of the DND Charter Task Force. We understand Mr. Beatty will tell the Committee that he supports this recommendation.
- ° We understand Mr. Hnatyshyn and Mr. Beatty have met to discuss this issue. Mr. Beatty has asked for an exemption in the Act to allow discrimination against homosexuals in the Forces. Mr. Hnatyshyn has refused. We do not know, however, whether Mr. Hnatyshyn would support an effort by Mr. Beatty to exclude homosexuals on the basis of bona fide occupational requirements, which is a defence available under the CHRA.

PCO Comments

- ° We do not know whether Mr. Beatty will suggest before the Parliamentary Committee that an exemption should be provided under the CHRA, or whether he will indicate that DND will defend its policy not to integrate homosexuals as a bona fide occupational requirement.
- ° In any case, Mr. Beatty's approach is against the spirit of the government policy. Also, it would be premature for Mr. Beatty to announce DND's reaction to the implementation of the policy before it has been discussed by Cabinet. The government would be giving conflicting signals on its position on sexual orientation.

Conclusion

- ° We understand Mr. Beatty has also spoken with Mr. Mazankowski and Bernard Roy. We do not know what signal he was given in these discussions.
- ° It may be useful to have Mr. Mazankowski discuss the consequences of Mr. Beatty's position at his Monday morning Committee. We are preparing a note for his consideration.
- ° In the meantime, you may want to check with Bernard Roy on PMO's position on this issue.

L. Lafontaine/mj