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DEC 2 - 1986

MEMORANDUM FOR THE PRIME MINISTER

Letter from The Honourable Ray Hnatyshyn

The Honourable Ray Hnatyshyn wrote to you on October 28, 1986 to bring to your attention two issues arising out of the CHRA Review: the addition of sexual orientation to the prohibited grounds of discrimination and the establishment of a permanent Human Rights Tribunal to replace the present Canadian Human Rights Tribunal Panel. The first issue is brought to your attention because it is contentious and the second issue because it is within your prerogative as Prime Minister.

I wrote to you on October 24 concerning the addition of sexual orientation to the grounds of discrimination in the CHRA (a copy of this Memorandum is attached). Our view is that it is necessary to take such action to meet the commitment made in Towards Equality to take whatever measures are necessary to ensure that sexual orientation becomes a prohibited ground of discrimination.

With regard to the establishment of a permanent Canadian Human Rights Tribunal, Mr. Hnatyshyn sees it as being necessary to develop a coherent body of jurisprudence and a high level of expertise. These objectives are indeed difficult to achieve under the present situation where panels may sit only once. We therefore support Mr. Hnatyshyn's recommendation. However, we understand Mr. Hnatyshyn is still considering the possibility of abolishing the tribunal system and having complaints dealt with by the Courts.

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We advise therefore that you do not give final approval until Mr. Hnatyshyn has examined all options.

You may be aware that negative comments have been made in the House by the Opposition on recent appointments to the Human Rights Tribunal Panel. In view of those criticisms, Mr. Roy had advised that it would be preferable to delay Cabinet consideration of the review. A delay of Cabinet consideration till January would mean that the legislation would not likely be ready for introduction in the House until March or April.

In the letter prepared for your signature, if you agree:

- you support Mr. Hnatyshyn's proposal to add sexual orientation to the prohibited grounds of discrimination;
- you agree in principle with the proposal for a permanent Human Rights Tribunal but you indicate that you will confirm your agreement after Cabinet consideration of all options;
- you invite Mr. Hnatyshyn to bring the review to Cabinet in January.

Original signed by
Original signé par
John L. Manion

Paul M. Tellier
Paul M. Tellier

Att.

Lafontaine/Protti/mj