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Communications Plan

Plan de communication

AMENDMENTS TO THE CANADIAN
HUMAN RIGHTS ACT

MODIFICATIONS A LA LOI
CANADIENNE SUR LES DROITS
DE LA PERSONNE

March 31, 1992

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Minister of Justice

Ministre de la Justice

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COMMUNICATIONS PLAN

PUBLIC ENVIRONMENT ANALYSIS

1. Sexual orientation is the only issue directly addressed by the forthcoming amendments that has received sustained coverage in the news media during the past four years. Pay equity, reasonable accommodation and mandatory retirement have received sporadic coverage. The media also occasionally aired criticisms of the human rights process.

2. **Sexual Orientation** Media coverage of gay rights issues has become progressively more sympathetic over the last decade.

The passage of sexual orientation amendments to human rights legislation by Ontario and Manitoba in December, 1986 and July, 1987, respectively, resulted in lively public debates.

More recent media coverage presents sexual orientation as a basic human rights issue.

The issue of gay spousal benefits has received sporadic media coverage. Ontario media reported on an Ontario Supreme Court ruling against a lesbian couple who wanted family OHIP coverage in March, 1989 and again over a year later, when the Ontario government extended family benefits coverage to same-sex partners of Ontario public servants. The mass media outside of Ontario has paid little attention recently to the issue of gay spousal benefits, although the issue has been covered by law journals and gay and feminist publications.

On November 28, 1991, Justice Minister Kim Campbell announced that she would not introduce CHRA amendments in 1991, as had been planned. A CP article stressing that human rights advocates fear the government is "chickening out" on its promise to protect gays against discrimination was reprinted nationwide (December 9 to 12, 1991). The article suggested the government will have to go ahead with the changes whether it wants to or not. Editorials in the Ottawa Citizen (December 9) and the Edmonton Journal (December 12) were harshly critical of the delay.

Statements made in late 1991 and early 1992 by Associate Defense Minister Mary Collins and Defense Minister Marcel Masse concerning the delay in changing army policy with regard to gays received broad media coverage and were strongly criticized by editorialists and commentators.

Opinion polls suggest that while many Canadians continue to have reservations about homosexuality itself, there is a fair degree of support for protections against discrimination against homosexuals. A 1987 Focus Canada survey indicates that 48% of Canadians agree that the Charter should prohibit discrimination against homosexuals, while 30% did not agree and 16% think it depends on the specific circumstances.

3. **Mandatory Retirement** The debate on mandatory retirement sporadically gains prominence in the media.

Mandatory retirement became a front page issue across Canada with the release of the report of the Commons Study on Human Rights and Aging in August 1988. An August 18 Globe and Mail headline read, "Age Discrimination Rampant in Canada, Commons Study Says." The article said MPs of all parties urged the abolition of mandatory retirement. That point of view was criticized by social policy columnist Len Shifrin, who commented in the August 23, 1988 Toronto Star that the abolition of mandatory retirement could "undermine the current pension system to force seniors to keep working past 65."

In December, 1990, the issue again gained the spotlight when the Supreme Court of Canada ruled provincial mandatory retirement laws don't violate the Charter. Union and employers' representatives hailed the ruling, but some editorialists and commentators condemned it.

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4. **Reasonable accommodation** Ontario's proclamation of a provincial human rights code amendment compelling employers, service industries and landlords to make their premises accessible to the disabled received brief media coverage in Ontario dailies in April, 1988. Articles quoted service providers complaining about the cost.

In September, 1991, Prime Minister Brian Mulroney announced a \$158 million strategy to help disabled people live independently. The strategy was reported in short news stories in dailies across the country. The strategy was lauded by some spokespersons of people with disabilities but greeted with caution by others.

Provincial court rulings requiring specific public buildings to increase accessibility to the disabled are covered by local media in various parts of the country.

5. **Pay equity** The issue of pay equity has received prominent coverage in the past year due to the federal government's dispute with its own employees' unions.

On April 30 and May 1, 1991, Ontario and Quebec dailies reported that the federal government asked the Federal Court of Canada to block a Canada Human Rights Commission tribunal from investigating complaints that the government is underpaying clerks and secretaries. The Ottawa Citizen and the Montreal Gazette ran the story on the front page. The same day, the media also reported (in some cases, on the front page) that a Canada Human Rights Tribunal ruled the workers in the federal hospital services group were underpaid and ordered the government to pay \$1.5 million compensation. Commentary was limited but mostly critical of the government.

The February 25, 1992 federal budget provision which indicated that the government would not abide by any Human Rights Tribunal order for retroactive payments to civil servants prior to October, 1990 was briefly covered by CP and Ontario and Quebec dailies. Stories highlighted PSAC spokespersons' criticisms of the provision. The government's statement was publicly condemned by the Commission's Deputy Chief Commissioner (Ontario and Quebec dailies, February 29).

6. **Employment Equity** Employment equity received sporadic media coverage during the period surveyed. In November 1988, the Canadian Human Rights Commissioner stated that nine of Canada's largest corporations discriminated against the disabled. He noted that the CHRA required all private companies with than 100 employees to submit annual reports on their work force to the government. The story appeared in both the Globe and Mail and the Toronto Star.

In 1991, the Royal Bank became the first bank to sign an employment equity agreement with the Canadian Human Rights Commission (CP, Montreal Gazette, Toronto Star, Globe and Mail, June 14 to 17).

In February, 1992, the Chief Commissioner of the Canadian Human Rights Commission suggested that the Employment Equity Act needs to be strengthened, and called for amendments to give clear enforcement authority to an independent agency, perhaps the Commission (Globe and Mail, February 6).

7. **Criticism of the Canadian Human Rights Commission process** Judicial criticism of the Canadian Human Rights Commission received moderate coverage in the media in late November to early December, 1989. A Federal Court ruling criticized the Commission for pursuing with a costly tribunal when the conclusion was foregone (Southam News, Globe and Mail, November 29; Edmonton Journal, December 7). An October 28, 1991 article in the Globe and Mail criticised human rights commissions in general for their slowness in resolving complaints. An Ottawa Citizen article criticised the "meagre" awards handed out by human rights bodies in cases of sexual harassment (November 1, 1991). It quoted Max Yalden saying that the \$5,000 federal award limit is "derisory" and that the government has failed to heed repeated calls for change.

Articles critical of the Commission are far outnumbered in the media by articles stressing the need for human rights protection for ethnic minorities, women,

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disabled people and gays. The Commission has a high public profile and its Chief Commissioner is often quoted in stories on apparent human rights abuses.

TARGET AUDIENCES

1. The Canadian public and the news media will support the strengthening of human rights in Canada; however, there may be lively debate on the issues raised, especially sexual orientation.
2. Gay rights and women's groups will support the inclusion of sexual orientation. Some will criticize the definition of a family as excluding homosexual relationships.
3. Disability groups will support the provisions on reasonable accommodation, though some will criticize the amendments as mere "tinkering."
4. Human rights groups may provide some degree of support, but will criticize the absence of measures dealing with systemic discrimination and other broader issues.
5. Unions, employers and youth groups are likely to criticize the abolition of mandatory retirement at a time of high unemployment.
6. Some anti-poverty groups may be sceptical of the move to abolish mandatory retirement, claiming that the government may want to change the age of eligibility for Old Age Security payments.
7. The National Advisory on Aging is on record supporting the Commons Committee recommendation for the abolition of mandatory retirement.
8. Unions will criticize the absence of measures to support equal pay and employment equity programs.

COMMUNICATIONS OBJECTIVES

1. Inform Canadians that the amendments will strengthen the Canadian human rights legislation by removing roadblocks preventing the full participation of all citizens in Canada's social and economic life.
2. Inform human rights and social advocacy groups of the provisions of the substantive and procedural amendments.
3. Inform employers, unions and labour organizations that, with respect to mandatory retirement, there will be a transitional period to allow for changes to pension plans and the renegotiation of collective agreements and that the government remains committed to allowing people to retire at 65 with full pension rights.

MESSAGES

1. Social Justice: The amendments conform to the Charter: Persons will be treated on the basis of their own qualities, not stereotypes and will not be excluded from employment for reasons that are irrelevant to their ability to do the job.
2. No Discrimination on the Basis of Sexual Orientation: Gays and lesbians deserve the same basic human rights protection with regard to employment and services as other Canadians.
3. Reasonable Accommodation: The government is committed to its National Strategy for the Integration of People with Disabilities and is furthering the strategy's goals by amending the CHRA.
4. Mandatory Retirement to be Abolished in Three Years: A transition period after the legislation comes into effect will allow time for the adjustment of pension plans and collective agreements.
5. Canadian Human Rights Strengthened: A permanent Human Rights Tribunal will

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create a consistent body of jurisprudence, increased fairness and efficiency dealing with complaints. The Human Rights Commissioner will report to Parliament.

6. Employment Equity: The government is committed to the review of the Employment Equity Act.

STRATEGIC CONSIDERATIONS

1. The media and interest groups will scrutinize the package closely, due to the widespread perception that social policy is not a priority for the government. The fact that the government is keeping promises made in Toward Equality should be stressed in background documents, as should the link between the amendments concerning disabled people, the National Strategy and Independence '92.
2. The sexual orientation amendments will be opposed by conservative religious and social action groups; however, the opposition will be mitigated by the exclusion of gay couples from the definition of a family. The amendments will be clearly linked to basic human rights rather than to promotion of any particular lifestyle in the news release and accompanying backgrounder.
3. The mandatory retirement issue may cause some concern. Opponents will point out the current high rate of youth unemployment; others may argue that the next step will be raising the eligibility age for social security benefits to harmonize with American programs. Questions and answers will be prepared.
4. The absence of provisions regarding employment equity and equal pay will raise concerns, especially given recent media coverage of the government's dispute with its own unions. Questions and answers will be prepared for the Minister.

INTERDEPARTMENTAL COORDINATION

1. The Minister of Justice will assume the lead role in all communications activities. The Ministers of Secretary of State, Multiculturalism, National Defense and Employment and Immigration; the Coordinator of Status of Women; and the President of the Treasury Board will be provided with media lines to assist with responding to media and public inquiries.

THE ANNOUNCEMENT

1. Following tabling of the amendments, the Minister will be available for a formal press conference at the National Press Theatre.
2. Information packages (news release, backgrounder and a copy of the bill) will be distributed to media and target groups.

FOLLOW-UP ACTIVITIES

1. The Minister will refer to the amendments in speeches to appropriate audiences.
2. Copies of the information package will be sent to target audiences across Canada.
3. A national news release will be issued at the time of proclamation of the amendments and when the abolition of mandatory retirement comes into force.
4. News releases will be issued for the appointment of members of the permanent Human Rights Tribunal.

BUDGET

1. Preparation and distribution of information package following tabling - \$6,000.
2. National news releases for proclamation and the appointment of tribunal members \$1,200 and \$2,000 respectively.

EVALUATION

Departmental correspondence and media articles will be analyzed for accuracy.

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