

s.19(1)

PA Sex orien [unclear]

JUDGE
ADVOCATE GENERAL

MAY 28 11 16 AM '93

REFERRED TO HRI
CONTROL NO. 931777

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MEMORANDUM

1464-31- [redacted] (HR Coord)

26 May 93

Distribution List

CANADIAN HUMAN RIGHTS ACT
COMPLAINT BY [redacted]

Ref: CHRC Secretary to the Commission letter
P05990 6 May 93



1. In Nov 92 the CF received the subject complaint alleging discrimination contrary to the CHRA on the ground of sexual orientation. The complainant alleged she had been put on C&P because of "a brief sexual involvement with another woman" and that C&P was a "disguised punishment". Despite the fact sexual orientation is not a prohibited ground under the CHRA, the Commission accepted the complaint because they interpret a recent court decision as "reading in" sexual orientation to the CHRA as prohibited ground of discrimination.

2. The CF did not protest to the CHRC despite the ultra vires nature of the subject complaint. The CF response was to point out that the complaint was already under adjudication as a request for redress of grievance and was at that time being staffed at the CDS level.

3. In Jan 93 [redacted] accepted an Administrative Resolution of Grievance proposed to her by DPLS. Subsequent to this, [redacted] requested that the CHRC discontinue her complaint. In Mar 93 the Human Rights Officer assigned to the investigation of the subject complaint submitted her Report of Investigation with the recommendation that no further proceedings were warranted. In May 93 the CHRC accepted that recommendation.

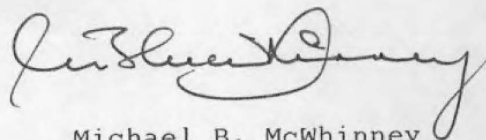
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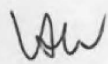
4. In view of the foregoing no further action is required and the file on this matter is being closed. It is worthy of note however, that by their treatment of this complaint, the CHRC has served notice that there are now eleven prohibited grounds of discrimination. Your assistance in the resolution of this complaint is appreciated.



Michael B. McWhinney
HR Coord
992-7173

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