

CONFIDENTIAL

MEMORANDUM

1460-45-3 (DGC Svc)

24 Oct 84

10/25

*[Handwritten signature]*  
25 Oct

VCDS (through ADM(Per))

REFERRED TO	DATE	BY
EA/ULCS	25/10/84	pm

EQUALITY RIGHTS:  
GOVERNMENT DISCUSSION PAPER

- Refs:
- A. 1460-45-3 (DJAG/L) 25 Sep 84
  - B. 1460-45-3 (VCDS) 28 Sep 84
  - C. 1460-45-2 TD 4297 (DJAG/L) 23 Oct 84

1. The Chairman of the Charter Working Group (CWG) and DJAG/L met with D. Martin Low, General Counsel, Human Rights Law Section, Department of Justice on 23 Oct 84 at which time Mr Low advised that his Minister has decided to:

- a. proceed with an omnibus Bill which will include changes to the NDA designed to bring it into greater conformity with the Charter; and
- b. produce and issue a Green Paper (although the Minister of Justice prefers to call it a Discussion Paper) on equality rights.

2. The decision to proceed with the omnibus Bill does not create any unusual difficulties for DND barring unforeseen developments. We have had full consultation on the proposed amendments to the NDA and are satisfied with these amendments. A briefing note has been sent to MND's office to advise him of the amendments which will be contained in the Bill.

3. The decision to issue a Green Paper on equality rights could be more difficult for DND - particularly because the Minister of Justice has set a very ambitious schedule for officials. Fortunately, considerable preparatory work is already under way.

4. We have been advised that it is intended to have the Green Paper ready for Cabinet review by mid-Dec 84 with publication in Jan 85. The purpose of the Green Paper is to obtain public comment on social issues related to equality rights matters so the views of the

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*ARE WE READY ON*  
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public and/or interest groups may be considered as Government policy is developed. In the opinion of the CWG it is desirable that the Green Paper reflect the present policies of the Canadian Forces with respect to particular equality rights issues, together with the rationale for those policies, especially in terms of the unique requirements of a military force.

5. In anticipation that Government might decide on a Green Paper, ref A recommended that departmental position papers be prepared on a number of equality rights issues. Ref B provided direction to the DCDS and ADM(Per) to have these papers prepared by 15 Nov 84. Moreover, in response to earlier discussions with Justice officials, ADM(Per) directed CPCSA to produce position papers by 31 Oct 84 on four areas of concern related to mandatory retirement ages. A summary of papers being produced is at Annex A.

6. In view of the schedule set by the Minister of Justice, it is essential, if the CF position on important issues is to be adequately represented in the Green Paper, that the production of position papers, particularly those with a target date of 15 Nov 84, be accelerated. Moreover, some means will have to be developed to ensure the DM and CDS, and possibly the Minister, are aware of, and support, the DND contribution to the Green Paper. Indeed, although Justice officials are anxious to have our preliminary inputs as soon as possible for drafting purposes, they recognize DND senior management approval is a prerequisite before the Green Paper can be presented to Cabinet.

7. It is recommended that:

- a. The target date of 15 Nov 84 for completion of position papers advised in ref B be advanced to 8 Nov 84. A memorandum is enclosed for your signature if you concur;
- b. The CWG be authorized to provide these position papers, after initial review by the CWG, to the Department of Justice to enable the drafting of the Green Paper to proceed. The provision of this advance information to the Department of Justice to be subject to the condition that DND reserves the right to withdraw the position papers if they fail to gain senior management approval or if it is considered that our concerns are not adequately expressed in the draft Green Paper; and

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- c. A briefing be given to the DM and CDS as soon as practical. It will not be possible to produce a comprehensive briefing until the position papers have been reviewed (ie: approximately the week of 19 Nov 84). The CDS and DM have been apprised by ref C of the new schedule pertaining to the Green Paper and the recommendations of the CWG that there be a CF input.

*H.M.D. MacNeil*

H.M.D. MacNeil  
Cmdre  
Chairman  
Charter Working Group  
2-6273

Concur/Do Not ~~Concur~~

*D.N. Mainguy*

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D.N. Mainguy  
VAdm  
VCDS  
26 Oct 84

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ANNEX A  
TO: 1460-45-3 (DGC Svc)  
DATED 24 OCT 84

DEPARTMENTAL POSITION PAPERS ON  
EQUALITY RIGHTS ISSUES

Serial	Discussion	<i>PREVIOUS</i> Due <i>DATE</i>	OPI
1.	Mandatory retirement age (four papers - see note)	31 Oct 84	ADM(Per)/CPCSA
2.	Sex (Employment of women)	15 Nov 84	DCDS
3.	Mental and physical disability	15 Nov 84	ADM(Per)/Surg Gen
4.	Marital or family status	15 Nov 84	ADM(Per)/CPS
5.	Drug or alcohol dependence	15 Nov 84	ADM(Per)/CPCSA
6.	Political activities	15 Nov 84	ADM(Per)/DPLS
7.	Sexual orientation	15 Nov 84	ADM(Per)/DPLS

NOTE: CF Age Study is already with Dept of Justice and is considered to provide adequate general justification for mandatory retirement at age 55 under OCDP and ORCDP terms of service. Based on preliminary comments from Justice officials four other areas related to mandatory retirement are being examined.

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