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MEMORANDUM TO THE PRIME MINISTER

Response to the "Equality for all" Report

Purpose

This note reports on this afternoon's meeting of Mr. Nielsen and Mr. Epp on the outstanding issues in the response to the Boyer report. Decisions are required from you as early as possible tomorrow morning so that the response can be printed in time to meet the March 4 deadline.

Attached you will find the package of material which formed the basis for the meeting.

Sexual Orientation

The following is the wording Mr. Nielsen and Mr. Epp propose for your approval in response to recommendations 10 and 11 of the report:

- The Government recognizes that the issue of sexual orientation addresses some of the most difficult moral and religious concerns of Canadians. There is no simple manner of reconciling deeply felt views.
- Though fully cognizant of the social dilemmas that the issue raises the Government is committed to the principle that all Canadians have an equal opportunity to participate as fully as they can in our society; no one should be denied opportunities for reasons that are arbitrary or irrelevant. In particular, persons should not be excluded from employment opportunities for reasons that are irrelevant to their capacity and ability to do the job.

- The Government believes that one's sexual orientation is generally irrelevant to whether one can perform a job or use a service or facility.

The Government will take whatever measures are necessary to ensure that the human rights of [homosexuals and lesbians] ^{all} Canadians are fully protected in all areas of federal jurisdiction.

This wording is an attempt to respond to the concerns you expressed in Cabinet while reflecting, as Mr. Epp underscored, caucus concerns on specific reference to legislating on this issue in the Canadian Human Rights Act. The response invites the question of exactly what is it the government will do to ensure the rights of homosexuals. Mr. Nielsen felt that the response to that question would be that the government was looking at changes to the Canadian Human Rights Act and this was one of the changes that would be examined. I understand that Mr. Crosbie feels that it is important to mention the Canadian Human Rights Act in the response itself as it is the only feasible legislation. He would apparently accept any of the three options outlined in the attachment under the heading "Sexual Orientation".

Women and the Armed Forces

Two alternative responses are submitted for your consideration. Mr. Nielsen and Mr. Epp prefer the wording as approved at P&P on February 6, 1986 (see attachment titled Women and the Armed Forces). The following alternative wording is also submitted for your consideration:

(1)

- The Government is fully committed to expanding the role of women in the Armed Forces and will ensure that women will be able to compete for all trades and occupations.
- (Remainder of response is the same as P&P wording beginning with the word "Pursuit...").

Mr. Nielsen has strong reservation about this alternative wording while members of your staff support it. I understand Mr. Crosbie could accept either formulation.

Primacy

Attached are two proposed responses on this issue (see attachment under the title "The Process of Securing Equality"). Mr. Nielsen and Mr. Epp support the proposed P&P wording. Mr. Nielsen has written to you on this matter (copy of letter attached).

I understand that Mr. Crosbie feels that it is of great symbolic importance to the overall response that his original wording on this issue be accepted and has mentioned this to you. Mr. Crosbie feels that his wording is consistent with the recent court decision on this issue and does not commit the government to action. Mr. Nielsen feels that more cautious wording is appropriate in order to ensure that no options are foreclosed in relation to the Canadian Human Rights Act review.

Copies of this note have been sent to Mr. Nielsen and Mr. Norquay. You may wish to speak to them and Mr. Crosbie before reaching a decision. Mr. Crosbie has been briefed on today's discussion which included officials from his office and department. In order to ensure we meet printing deadlines, I hope we can resolve this matter as quickly as possible tomorrow morning.

 (for)
Paul M. Tellier

Attach.