

PERERA, BLOCH, BOAHENE V. THE QUEEN IN RIGHT OF CANADA

A CASE OF EQUALITY RIGHTS

IN

CANADA



APPEAL FOR SUPPORT AND ASSISTANCE

April 1992

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HUMAN RIGHTS COMMISSION REPORT

Human rights record rapped

Government fails to promote equality for aboriginals, homosexuals, says Yalden

By Dianne Rinehart
The Canadian Press

The federal government's record on human rights for 1991 was mediocre, says the chief of the Canadian Human Rights Commission.

The commission's annual report, tabled in Parliament Thursday, cited continuing human rights abuses among aboriginals, women, homosexuals, the disabled and the elderly.

Many of the recommendations it made were repeats of those made in previous years.

Looking at the record, "It's not an A plus . . . it's mediocre," Chief Commissioner Max Yalden said in an interview.

Yalden said the Mulroney government's track record on human rights is no worse than that of past governments.

But Shelagh Day, former director of the Saskatchewan Human Rights Commission, said the report is proof this government isn't committed to human rights.

"The Canadian commission is saying certain kinds of things over and over and getting no response," said Day, who is working on a study of the human rights system in Canada. "This is not a government that's particularly sympathetic on basic human rights issues."

The commission complained again this year — as it has in past reports — that the government has failed to ensure legal equality for homosexuals. It wants amendments to the Human Rights Act to explicitly forbid discrimination on the basis of sexual orientation.

Justice Minister Kim Campbell said outside the Commons the issue would be dealt with as soon as her department has time.

"It's not for a lack of people working flat out (that changes have not been made). It's a very controversial issue."

Yalden was particularly critical of Canadian Armed Forces policies that discriminate against homosexuals.

Those policies deny homosexuals admittance to the military. If members are discovered to be homosexual, they will not be expelled but will not be promoted.

Last fall the government seemed ready to change the armed forces policy. But at



Max Yalden
Took aim at Canadian Armed Forces

the last minute, it struck a committee to conduct further study of social issues — including homosexuality — within the forces.

"It's been studied to death. It's time to make a decision, and there is only one civilized decision to be taken," Yalden told a news conference.

Top of the commission's agenda for the third year in a row — "the most important human rights issue confronting Canada" — were aboriginal issues.

The report commended the government for establishing a royal commission on aboriginal peoples, speeding up land claims and seeking alternatives to the Indian Act.

But it urged the government to include all aboriginals in its programs — not just those on reserves.

The report singles out the justice system as particularly disturbing.

"The justice that has been offered to native Canadians by our courts and police forces has been with few exceptions, punitive and alienating in the extreme."

Ex-CIDA employees file lawsuit alleging racial discrimination

By David Pugliese
Citizen public service writer

A \$1.3-million lawsuit alleging racial discrimination has been filed by two former workers and an employee of the Canadian International Development Agency.

The lawsuit was filed March 16 in the Federal Court trial division.

Frank Boahene-Agbo and Fred Bloch were fired by the agency. CIDA has started proceedings to dismiss Ranjit Perera, the third person named in the lawsuit.

The men allege they were discriminated against in work appraisals and received reprimands because of their race. They also claim the firings are racially motivated.

Court documents describe Boahene-Agbo as being of Ghanaian origin and black while Bloch is described as being of Latin American origin. Boahene-Agbo, who had been with CIDA a year, was fired in March 1991. Bloch was fired Feb. 26 after 19 years with the development agency.

Perera is of Sri Lankan origin and is described in court documents as brown in color.

CIDA spokesman Jean-Marc Emery said the agency could not discuss the lawsuit because it will be before the courts.

CIDA administers Canada's aid policy to mainly Third World countries.

The government agency claims the men were not doing their jobs properly, said Emilio Binavince, lawyer for the three.

They decided to have their complaint heard in Federal Court because of excessive delays at the human rights commission.

Binavince said the commission process has become so backlogged it is ineffective.

"A person who complains needs a remedy now, not six years later."

As an example he points to the case of Chander Grover, a National Research Council scientist who filed a racial discrimination complaint in 1987 with the commission. A tribunal was appointed to hear the complaint but it has yet to reach a decision on whether Grover was discriminated against by NRC managers.

But human rights commissioner Max Yalden said the three men will likely face a longer period before the courts than if they had gone to the commission. Current cases before the human rights commission are being handled within nine months.

The commission is also trying to do its best to clear its backlog of about 1,000 cases and will hire contract workers to help do that, Yalden said.

An organization representing visible minorities says it's worried a pattern has developed in the federal public service where workers who complain about racial discrimination are eventually fired.

"It's sending the message to visible minorities that if you rock the boat, you're out," said Paul Winn, former president of the 800-member Canadian Alliance for Visible Minorities.

Perera filed complaints with the human rights commission several years ago, but both were dismissed.

Bloch went to the Public Service Commission to appeal CIDA's decision to fire him but lost that appeal in January, said PSC spokesman Andy Rapoch.

Grover was laid off by the NRC last year as a human rights commission tribunal was hearing his complaint. Grover, who was born in India, was reinstated after a public outcry.

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