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PCO - FPRO BCP - BRFP
Original: 6505-2
Copies: _____
Ident: 75006

December 3, 1992

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MEMORANDUM TO THE PRIME MINISTER

Meeting with Minister Campbell

The Minister of Justice is expected to raise the issue of sexual orientation with you in Vancouver tomorrow.

[REDACTED]

Other issues currently engaging Ms. Campbell are included in Annex A.

We understand that Ms. Campbell is proposing that amendments to the Canadian Human Rights Act be considered at Operations Committee on December 7. One of the proposed amendments relates to including sexual orientation as a prohibited ground of discrimination.

She will be advocating an adjustment to the proposals which were supported by the Human Resources, Social and Legal Affairs Cabinet Committee on April 2, and June 8, 1992. At that time, after discussions with the Family Caucus, she was proposing adding sexual orientation as a prohibited ground of discrimination but specifically excluding same-sex couples from the statutory definitions of family status and spouse. The effect would have been to provide greater certainty that family benefits did not necessarily apply to same-sex couples.

We understand that Ms. Campbell will be proposing at the Operations Committee that the exclusions of same-sex couples from the definitions of family status and spouse be dropped.

[REDACTED]

PCO Comment

Removing the explicit exclusions of same-sex couples from the family and marital status definitions will make the proposals more acceptable to the gay community and civil libertarians. Nevertheless, some members of Caucus will disagree with the new approach.

Finance, Treasury Board and others will be concerned about the possible implications of extending benefits to same-sex couples and may want more time to assess them.

Effectively, with respect to sexual orientation, Ms. Campbell would be legislating the ruling of the Ontario Court of Appeal in the Haig decision and what Senator Kinsella is proposing in his Bill. Given that the amendments are likely to be controversial within Caucus, you may wish to question the need to expedite the sexual orientation proposals and the broader, contentious package of amendments to the Canadian Human Rights Act. See Annex B for details on the overall package.



Glen Shortliffe

Latimer/Serafini/mh