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SECRET

March 17, 1993

MEMORANDUM FOR THE PRIME MINISTER

Annual Report of the Canadian Human Rights Commission

On March 18, 1993, the Annual Report of the Canadian Human Rights Commission will be tabled in the House. The Report is long and detailed. The Commission's comments are wide-ranging, often going beyond the Canadian Human Rights Act to other social, equality and human rights issues such as the treatment of aboriginal peoples, the cancellation of the Court Challenges Program and violence against women.

While the Commission praises some of the government's programs and initiatives, there is a wide range of criticisms. Noteworthy elements of the Report include:

1. Amendments to the Canadian Human Rights Act

The Commission comments on the Bill tabled by the Government in December 1992 proposing amendments to the Canadian Human Rights Act. While the Commission supports a number of amendments, it claims that there are "important omissions and a number of clawback clauses" and, on balance, it is critical of the Bill.

The Commission recognizes the following positive elements of the Bill: the addition of sexual orientation as a prohibited ground of discrimination; the duty to accommodate the needs of the disabled and other groups; the new primacy clause; repeal of the exemption for the Indian Act; and, several procedural changes.

Specific criticisms of the Bill relate to: the heterosexual definition of marital status; the "watered-down" accommodation proposal; the exemption of the Canadian Forces from the mandatory retirement policy; the removal of jurisdiction over complaints relating to the treatment of visitors or immigrants; failure to allow the Commissioner to report directly to Parliament; failure to include effective enforcement mechanisms for employment equity; and, failure to create a pro-active pay equity system.

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2. Native Peoples

Successive Annual Reports have criticized the Government in relation to its treatment of aboriginal people. This year, the Commission: recommends that the government pursue self-government outside the constitutional reform context; suggests that the government contemplate alternative justice systems for aboriginal people; criticizes the government for not formally apologizing to the Inuit relocated from Quebec in the 1950's; and, criticizes the government for not settling jurisdictional questions with respect to the Innu people of Labrador.

3. Employment Equity

The Report acknowledges that progress has been made by women and visible minorities (although not in senior management), but asserts that insufficient progress has been made in relation to aboriginal people and persons with disabilities. He singles out the representation of native people in government as being low.

The Commission also targets Treasury Board for criticism, claiming that it has "spent more time blocking rather than facilitating progress" in concluding employment equity review agreements and settlements between the Commission and departments.

4. Other Criticisms

The government is criticized for: not resolving the large **pay equity** complaint by the public service unions; not enacting the National Transportation Agency's proposed regulations on **access to transportation for persons with disabilities**; and, the recent **amendments to the Immigration Act**.

[REDACTED]

[REDACTED] PCO Communications is co-ordinating the development of Qs and As from concerned departments.

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Joy Glen Shortliffe