CANADA

156

Serial # 3-87CMSD
Nº de série

This document consists of 27 pages
Ce document comprend

This document is the Property of the Government of Canada. It is for Ministers' eyes only.

Le présent document est la propriété du gouvernement du Canada et est réservé aux ministres.

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET

DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT

The Cabinet Committee on Social Development

Le Comité du Cabinet chargé du développement social

Minutes

A meeting of the Cabinet Committee on Social Development was held in Room 323-S, House of Commons, on Wednesday, February 11, 1987 at 3:15 p.m.

Procès-verbal

Une réunion du Comité du Cabinet chargé du développement social a eu lieu dans la pièce 323-S, Chambre des communes, le mercredi 11 février 1987 à 15h15.

PCO Evidentiary Id / No. de preuve, BCP
A0000011652

NOT TO BE PHOTOCOPIED OR REPRODUCED NE PAS PHOTOCOPIER OU REPRODUIRE

A0454720_1-003084

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET

Present	étaient présents
The Minister of National Health and Welfare (Mr. Epp) in the Chair,	Le ministre de la Santé nationale et du Bien-être social (M. Epp) Président,
The Minister of Justice and Attorney General of Canada (Mr. Hnatyshyn),	Le ministre de la Justice et procureur général du Canada (M. Hnatyshyn),
The Secretary of State and Minister Responsible for Multiculturalism (Mr. Crombie),	Le secrétaire d'État du Canada et ministre responsable du Multiculturalisme (M. Crombie),
The Minister of Communications (Miss MacDonald),	Le ministre des Communications (Mlle MacDonald),
The Minister of Indian Affairs and Northern Development (Mr. McKnight),	Le ministre des Affaires indiennes et du Nord canadien (M. McKnight),
The Minister of Environment (Mr. McMillan),	Le ministre de l'Environnement (M. McMillan),
The Minister of State (Immigration) (Mr. Weiner),	Le ministre d'État (Immigration) (M. Weiner),
Leader of the Government in the Senate and Minister of State (Federal-Provincial Relation) (Senator Murray),	Leader du gouvernement au Sénat et ministre d'État (Relations fédérales-provinciales) (Sénateur Murray),
The Minister of State (Privatization) and Minister Responsible for the Status of Women (Mrs. McDougall),	Le ministre d'État (Privatisation) et ministre responsable de la Condition féminine (Mme McDougall),
The Minister of External Relations (Mrs. Landry),	Le ministre des Relations extérieures (Mme Landry),
The Minister of Veterans Affairs (Mr. Hees),	Le ministre des Affaires des anciens combattants (M. Hees),
The Solicitor General of Canada (Mr. Kelleher),	Le solliciteur général du Canada (M. Kelleher),
The Minister of Public Works (Mr. McInnes),	Le ministre des Travaux publics (M. McInnes)
The Minister of State (Finance) (Mr. Hockin).	Le ministre d'État (Finances) (M. Hockin).

DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT

A0454720_2-003085

s.19(1)

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET

Also Present	étaient aussi présents
Mr. Robinson (Department of Finance),	M. Robinson (Ministère des Finances),
Mr. F. Iacobbucci	M. F. Iacobbucci
Mrs. C. Beckton (Department of Justice),	M. C. Beckton (Ministère de la Justice),
Mr. J. Fournier (Secretary of State),	M. J. Fournier (Secrétariat d'État),
Mrs. M. Law	Mme M. Law
Mr. D. Beavis (Department of National Health and Welfare),	M. D. Beabis (Ministère de la Santé nationale et du Bien-être social),
Mr. M. Abrams (Federal-Provincial Relations Office),	M. M. Abrams (Bureau des relations fédérales-provinciales),
Mr. S. Gershberg (Treasury Board),	M. S. Gershberg (Conseil du trésor),
[redacted] (Deputy Prime Minister's Office).	[redacted] (Cabinet du vice-premier ministre).
Secretary	**Secrétaire**
Mr. Ray Protti (Privy Council Office).	M. Ray Protti (Bureau du Conseil privé).
Assistant Secretaries	**Secrétaires adjointes**
Mrs. K. O'Hara	Mme K. O'Hara
Mrs. K. Miles	Mme K. Miles
Mrs. L. Lafontaine	Mme L. Lafontaine
Mrs. E. Sarkar (Privy Council Office).	Mme E. Sarkar (Bureau du Conseil privé).

Contents
Objets

Items Articles	Page
General Discussion/Discussion d'ordre général	4
Grant to the Governor General's Study Conference 1987/Subvention à la Conférence d'étude du gouverneur général 1987	5
Health Initiatives Related to Tobacco/Initiatives sanitaires liées au tabac	6
Amendments to the Canadian Human Rights Act/ Modifications à la Loi canadienne sur les droits de la personne	12

A0454720_3-003086

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET

DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET

General Discussion

Discussion d'ordre général

The Chairman reminded Ministers that there would be a special evening meeting of the Cabinet Committee on Social Development on February 16 to discuss unemployment insurance reform.

He then turned to the status of the policy reserve, noting that $6.6 million would be reprofiled from 1986-87 to 1987-88. The Committee had approved in principle proposals totaling $18.6 million in 1987-88, including automatic draws for two items which totalled $6.8 million. There were a number of Speech from the Throne commitments which would be costly to implement, and the source of funding for the new refugee determination system had not yet been identified.

The Chairman noted that at this point there was no indication of whether the policy reserve would be replenished. Therefore, Ministers should be aware that even if items were banked, they might not receive funding. In that case, these items would have to be financed from departmental A-bases. Under these circumstances, Ministers with items on the agenda seeking funding from the policy reserve might wish to withdraw their proposals until the funding situation was clarified. Mr. Epp indicated that he hoped to be able to report on the status of the reserve at the March 4 meeting of the Committee following the Budget.

In response to questions from Ministers, the Chairman indicated that if the reserve was not replenished, the Committee would continue to meet to give policy approval to new policy initiatives being funded from departmental A-bases. Ministers would increasingly have to look to their A-bases to finance new initiatives. For example, the Chairman noted that he would be looking to his A-base to fund his tobacco initiative.

Ministers raised concerns about spending freezes imposed by Treasury Board and Finance after policy initiatives had been approved by the Committee and been allocated funding from the policy reserve. The Chairman noted that these items were in fact still subject to spending freezes imposed by Cabinet or the Cabinet Committee on Priorities and Planning. The fiscal framework was subject to external conditions such as declines in revenues, unforeseen draws, and other decisions made by Cabinet. These decisions, such as the $1 billion for grain payments, had to be paid for within the framework.

A0454720_4-003087

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT

Grant to the Governor General's Study Conference 1987

Subvention à la Conférence d'étude du gouverneur général 1987

The Committee had for consideration a memorandum from the Secretary of State (Cab. Doc. 5-0044-87MC(01), dated February 4, 1987) seeking approval for an allocation of $500,000 from the Social Policy Reserve to provide a grant to the Governor General's Study Conference.

The Secretary of State introduced the proposal by outlining three possible options: no funding; a grant for $250,000; and a grant for $500,000. He recommended that $500,000 be given and that the funds be drawn from the 1986/1987 Social Development Policy Reserve. Mr. Crombie cited three reasons for the government to support the Conference: the contribution that such a Conference can make to national reconciliation in bringing together Canadians from diverse backgrounds and regions of the country; promotion of citizenship values through a discussion of major issues of concern to Canadians; and, the potential embarrassment to the government if the Conference failed through lack of funds.

In the ensuing discussion of the item the following points were made:

1. Ministers expressed concern about establishing a precedent for federal government funding of successive Governor General's Conferences at a fixed percentage of costs, since they knew that a $250,000 grant had been given by the federal government to the Conference in 1983. Ministers wanted to be assured that, if the proposal were approved, the Conference organizers would be advised that the government was not committing itself to fund future Conferences at the same level;

2. concern was also expressed with respect to the selection process of the participants in the Conference. The Secretary of State assured Ministers that he would look into the process and criteria used in selecting participants; and

3. finally, there was concern that the Conference be carried out in a style and manner suitable to the participation and patronage of the Governor General.

Mr. Crombie agreed to report back to the Committee on the organization of the Conference and the selection process used for choosing Conference participants.

A0454720_5-003088

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT

DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET

The Committee agreed that:

1. that the Government provide a grant of $500,000 to the Governor General's Study Conference 1987 to support its operating costs, on the condition that this amount did not constitute a commitment to fund a fixed percentage of the costs of future Conferences;

2. that these funds be drawn from the Social Development Policy Reserve for fiscal year 1986-87; and

3. that the Secretary of State advise the Committee on the arrangements for the Conference, including the criteria and process used to select Conference participants.

Le Comité convient:

1. que le gouvernement octroie une subvention de 500,000 dollars à la Conférence d'étude du Gouverneur général 1987 pour couvrir ses frais administratifs à la condition que ce montant ne constitue pas un engagement du gouvernment à subventionner des Conférences futures sur la base d'un pourcentage fixe des frais;

2. que ces fonds soient puisés dans la Réserve de la politique sociale pour l'année financière 1986-87; et

3. que le Secrétaire d'État avise le Comité des arrangements mis en place pour la tenue de la Conférence, y compris du processus et des critères gouvernant la sélection des participants à la Conférence.

Health Initiatives Related to Tobacco

Modigications à la Loi canadienne sur les droits de la personne

The Committee had for its consideration a Memorandum from the Minister of National Health and Welfare (Cab. Doc. 8-0047-87MC(01) dated February 4, 1987, seeking approval to draft a Tobacco Products Act to ban tobacco advertising and promotion in Canada and requesting funding to undertake new health protection and promotion initiatives to reduce smoking.

In introducing the item, the Minister of National Health and Welfare made the following points:

1. smoking was the leading preventable cause of illness in Canada; about 30,000 deaths a year were attributed to smoking;

2. the public was increasingly voicing its concern about the effects of smoking, and two-thirds of Canadians agreed that tobacco advertising should be banned;

A0454720_6-003089

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT

3. discussions had taken place between the Minister and the Canadian Tobacco Manufacturers' Council with a view to persuading the Council to voluntarily restrict their tobacco marketing practices; but, this had met with little success and it had became apparent to the Minister that the self-regulation approach would not work;

4. government/industry discussions had gone on far too long and, as a result, the government was being perceived by the public as dragging its feet on the advertising issue;

5. in October of 1985, the government took its first step in a new national program to reduce smoking with the media campaign known as "Break-Free", which aimed to create a positive environment for a new generation of non-smokers. The public reacted very favourably to this initiative - 84% of Canadians in a follow-up poll in 1985 agreed that there should be more non-smoking education programs;

6. total bans on tobacco advertising and promotion had been imposed with relatively little disruption in the Scandinavian countries and also in Italy;

7. a Private Members' Bill, sponsored by Lynn McDonald (Bill C-204), is currently in the House, and although it could be defeated on the enforceability, concerning smoking in the workplace, more than 50 percent of the Members had indicated a willingness to support the Bill's provisions banning advertising of all tobacco products. As there must be a vote for Private Members' Bills under the new rules, Ministers had to decide very soon who will get the "credit" - the government or Miss McDonald;

8. discussions had taken place between the Minister and his colleagues and the item had been raised recently at Caucus and at the Priorities and Planning Committee. The Minister had discussed the proposal with the Minister of Agriculture who had agreed with the proposal. The Minister had also discussed the item with Mr. Wilson who had informed him that monies for transitional assistance to tobacco farmers were included in the Department of Agriculture's A-Base. It was also noted that the Department of Transport had taken steps to control smoking in common carriers under federal jurisdiction, such as the recent initiative to ban smoking in all airline flights of two hours or less, and that the Treasury Board had transmitted revised guidelines governing smoking in the workplace to the National Joint Council for its consideration;

9. the main concern lay in the Minister of Communication's portfolio, namely the impact of the ban on the publishing industry; moreover, the fact that the proposed ban exempted foreign publications complicated the situation. The Minister pointed out, however, that the publishing

DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET

A0454720_7-003090

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT

DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET

industry's problems were "deep-rooted" and were basically unrelated to tobacco advertising, and therefore, stalling on the anti-smoking initiatives would do little for the publishing industry; and

10. on the constitutional issue, the Minister acknowledged that the proposed ban ran the risk of a challenge under the Charter of Human Rights, but, in his view, the government could not be seen to be backing down for fear of defeat in the courts.

In the course of discussion, the following points were made:

1. the Minister of Communications concurred with the opening comments of the Minister of Health and Welfare but felt that a number of additional points should be made concerning the impact of the proposal on the Canadian publishing industry. It was noted that this industry was still recovering from the impact of the book tariff, and it had become very defensive about recent press reports hinting at a reduction/elimination of the postal subsidy. In addition, the industry operated on a slim profit margin; last year, revenues amounted to $30 million and it was estimated that the removal of tobacco advertising monies would take about $8 million out of this total. Accordingly, the Minister of Communications would like to see a longer phase-in period, perhaps three or four years before the ban would take effect, in order to give the publishing industry time to adapt. The Minister of State for Finance indicated his full support for the possibility of a longer phase in period;

2. on a related point, the Minister of Communications stressed that she would like to see clear instructions given to the Department of Justice to ensure that the ban applied to foreign publications which published localized editions in Canada, publications such as Time Canada and the Reader's Digest. She noted that she was not referring to foreign publications per se, but to foreign publications which are printed in Canada;

3. the Minister of Labour expressed his concern about the lack of coordination between the proposal and other government anti-smoking initiatives. The Minister of Health and Welfare indicated that he would have preferred a comprehensive tobacco strategy, but that his officials had told him, as late as yesterday, that this was not possible; hence, the revised Communications Plan which had been circulated to Ministers at the beginning of the discussion indicated that the Minister of National Health and Welfare would limit the announcement to the proposed advertising and promotion ban of tobacco products;

A0454720_8-003091

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT

4. the Minister of Labour noted that Bill C-204 also addressed smoking in federal workplaces, and that the government would likely come under pressure to accelerate efforts in this regard. It was agreed that efforts be made to coordinate the timing of Mr. Epp's announcement with related initiatives of the Minister of Labour and the President of the Treasury Board. It was noted that the U.S. Government and most recently the Government of Quebec had banned smoking in workplaces under their control;

5. it was pointed out that magazines such as Playboy and perhaps Penthouse, which occasionally print special runs directed at the Canadian market, would not be included in the proposed ban and that this would effectively allow such publications to enjoy an "unfair" competitive advantage in Canada. The Minister of Health and Welfare expressed his sympathy for these arguments but regretted that, aside from the Income Tax Act, provision noted earlier, the practical difficulties simply prevented further immediate action in regard to foreign publications;

6. concern was also raised about how the proposed legislation would affect small retailers who, for the most part, depend on cigarette sales to bolster slim profit margins. The Minister of Health and Welfare suggested that the proposed advertising ban was not the problem for the retailers - their difficulties were rooted in declining cigarette sales;

7. the Minister of Justice indicated that the proposed legislation could be challenged as offending Section 1 of the Charter of Human Rights and Freedoms; however he also thought that a defensible case could be made. The Minister of Health and Welfare acknowledged that there was a risk of a challenge, but said that he had been advised that the courts might be more sympathetic to the legislation than was originally thought - the recent decision on the Sunday Closing Law being a case in point; and

8. the Minister of Labour reiterated his concerns about the linkages between this proposal and other government anti-smoking initiatives, and noted that any government efforts to ban smoking in federal institutions could prove to be very expensive. The Minister of Health and Welfare confirmed that he would continue efforts to coordinate with his colleagues, although he expressed reservations about a phase-in period for the proposed ban which exceeded a year or a year and a half.

The Committee agreed that:

1. the Legislation Section of the Department of Justice, in consultation with the Department of National Health and Welfare, be authorized to proceed with the drafting of a new Tobacco Products Act to:

A0454720_9-003092

CABINET DOCUMENT DU CABINET

1) ban all forms of advertising and promotion of tobacco products and facsimilies in Canadian media, including broadcast, print (including any publications published or printed in Canada), billboard and point of sale advertising;

2) provide for strongly worded, rotating and prominent health warnings on the packaging of all tobacco products and facsimilies;

3) ensure that manufacturers and importers test and report toxic substances in tobacco products;

4) ensure that specified toxic substances (i.e. tar, nicotine and carbon monoxide) in tobacco or tobacco smoke be listed prominently on tobacco packaging; and

5) require that manufacturers and importers report monthly sales by brand and province;

2. the Minister of National Health and Welfare consult with the Minister of Communications to determine the time period over which the ban on tobacco advertising and promotion would be effective;

3. the Minister of National Health and Welfare, the Minister of Labour and the President of the Treasury Board agree on how ongoing efforts to regulate smoking in workplaces under federal jurisdiction should be linked to the announcement of this proposal;

4. the Minister of National Health and Welfare be authorized to implement new program initiatives to assist in reducing smoking by: providing information on health and social consequences; promoting non-smoking as the social norm; making available prevention and cessation programs; and supporting community action on tobacco issues; and

5. the proposal be banked against a possible replenishment of the Reserve, on the understanding that if replenishment does not occur, or if this initiative is not allocated funding from a replenished Reserve, the item will be funded from the department's A-base as follows:

($ Millions, Current)

1987-88	1988-89	1989-90	1990-91	1991-92
4.2	4.5	4.8	5.1	5.3

Le Comité convient:

1. que la Section de la législation du ministère de la Justice, en consultation avec le ministère de la Santé nationale et du Bien-être social, soit autorisée à rédiger un nouveau projet de Loi sur les produits du tabac dont les objectifs seraient les suivants:

1) interdire toute publicité et toute promotion des produits du tabac et de leurs imitations dans les media au Canada (la presse parlée ou écrite), dans les publications publiées ou imprimées au Canada, les affiches et les points de vente,

DOCUMENT DU CABINET

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET

2) prescrire l'affichage de mises en garde percutantes, faciles à voir et soumises à un système de rotation sur les emballages des produits du tabac et de leurs imitations,

3) veiller à ce que les fabricants et les importateurs analysent les produits du tabac et fassent rapport sur les substances toxiques qu'ils contiennent,

4) veiller à ce que figure, bien en vue sur les emballages de tabac, la liste de certaines substances toxiques (par ex., le goudron, la nicotine et l'oxyde de carbone) qui sont présentes dans le tabac ou la fumée de tabac, et

5) prescrire aux fabricants et importateurs de faire rapport mensuellement de leur chiffre d'affaires, par marque et par province;

2. que le ministre de la Santé nationale et du Bien-être social consulte le ministre des Communications en vue de déterminer quelle peut être la période d'efficacité de l'interdiction de toute publicité sur le tabac et de la promotion des produits du tabac;

3. que le ministre de la Santé nationale et du Bien-être social, le ministre du Travail et le président du Conseil du Trésor s'entendent sur les liens à établir entre l'annonce de la présente proposition et les efforts constants en vue de réglementer l'usage du tabac dans les milieux de travail relevant du gouvernement fédéral;

4. que le ministre de la Santé nationale et du Bien-être social soit autorisé à mettre en oeuvre, dans le cadre de ses programmes, toute une gamme de mesures visant à réduire la consommation de tabac, notamment: la production d'information sur les conséquences de cette habitude pour la santé et pour la société; la promotion de la privation volontaire de tabac comme norme sociale; la mise sur pied de programmes visant à prévenir l'habitude de fumer ou incitant à s'en défaire; et l'appui des mesures mises de l'avant par les collectivités pour lutter contre l'usage du tabac; et

5. que les fonds nécessaires à la mise en oeuvre des mesures proposées soient imputables sur la réserve qui sera peut-être regarnie, étant entendu que, si elle ne l'est pas ou que des fonds ne sont pas débloqués à l'égard de ces mesures, même si la réserve est regarnie, celles-ci seront financées au moyen des services votés du ministère, conformément à ce qui suit:

(en millions de $ courants)

1987-1988	1988-1989	1989-1990	1990-1991	1991-1992
4,2	4,5	4,8	5,1	5,3

A0454720_11-003094

CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT

DOCUMENT DU CABINET DOCUMENT DU CABINET DOCUMENT DU CABINET

Amendments to the Canadian Human Rights Act

Modifications à la Loi canadienne sur les droits de la personne

The Committee, had for consideration a Memorandum from the Minister of Justice (Cab. Doc. 7-0043-87MC dated February 5, 1987), concerning amendments to the Canadian Human Rights Act (CHRA).

In introducing the item, the Minister of Justice made the following points:

1. he tabled a report on the implementation of Toward Equality as required by Cabinet and indicated that significant progress had been accomplished, particularly in the areas of pensions, women in the Armed Forces, immigration, the disabled and employment equity;

2. he noted that the Nielsen Task Force on Justice, among others, had expressed concerns about the fairness of the process of the Human Rights Commission, as evidenced by the MacBain Case, but that steps to improve the fairness of the process had already been taken by Mr. Crosbie when he took measures to separate the complaint and investigation process from the adjudication process;

3. in the government's response to the Report of the Parliamentary Committee, commitments had been made on some aspects of the CHRA, in particular with regard to mandatory retirement, sexual orientation, reasonable accommodation, and on whether the CHRA should be given supremacy over other federal legislation;

4. consultations had been held by Department of Justice officials with 55 private sector interest groups and the 17 federal departments most affected by the CHRA;

5. the current proposal was designed to respond to the results of these consultations and to the government's public commitments; it provided for a fair and efficient Commission, for a Tribunal that would not be vulnerable to criticism about appointment practices; and for changes to the settlement process and powers of the Commission;

6. the proposal constituted a fair and moderate package (except for the recommendation on sexual orientation) and achieved a balance among considerations raised by various groups;

7. the major issues addressed in the proposal were the following: (see Chart attached)

Following this presentation, the Committee discussed the proposal without officials in attendance.

Le secrétaire
Ray Protti
Secretary.

A0454720_12-003095



CONSULT-WITHHELD s.23

A0454720_13-003096



CONSULT-WITHHELD s.23

A0454720_14-003097



CONSULT-WITHHELD s.23

A0454720_15-003098



CONSULT-WITHHELD s.23

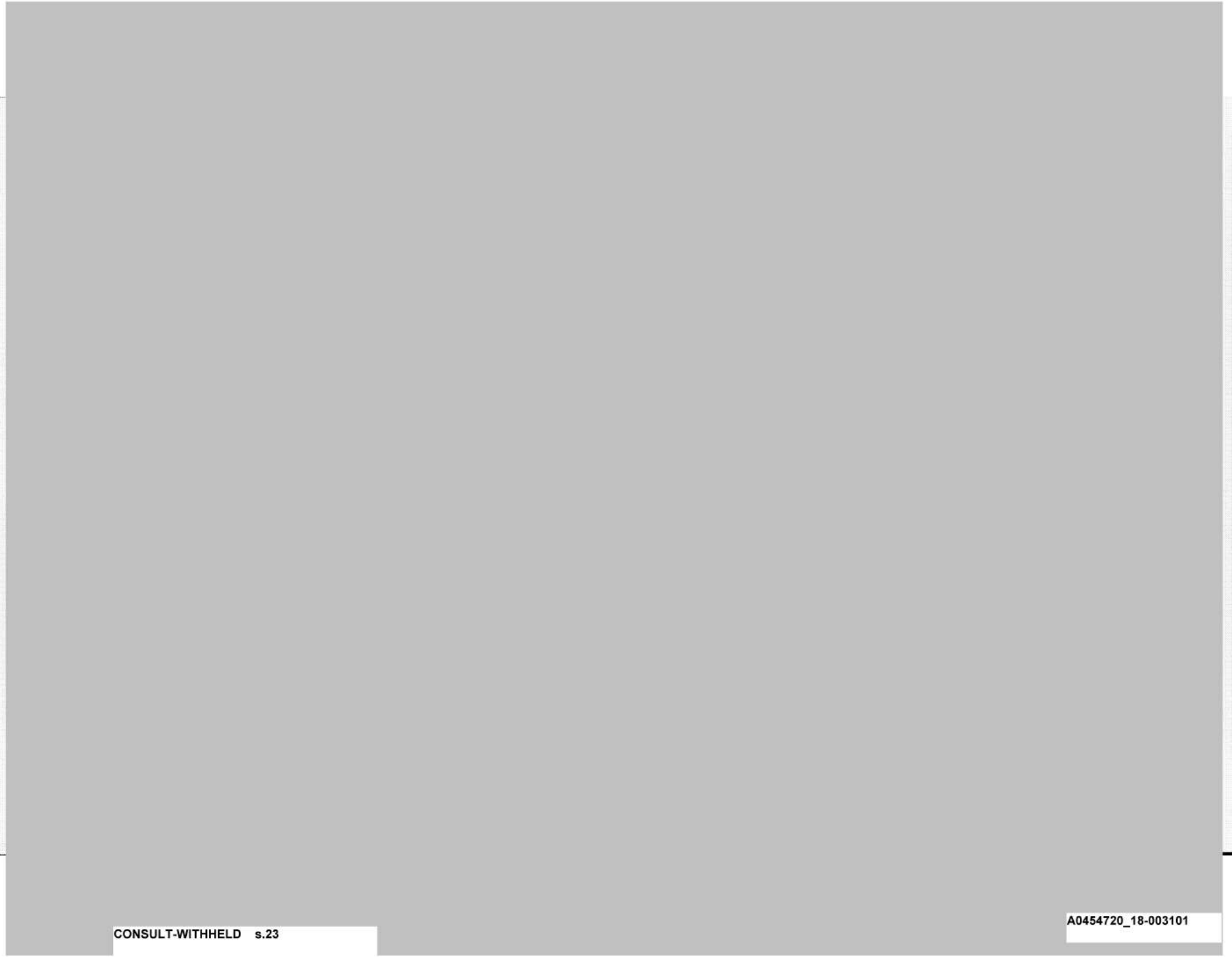
A0454720_16-003099



SECRET

CONSULT-WITHHELD s.23

A0454720_17-003100



CONSULT-WITHHELD s.23

A0454720_18-003101



SECRET

CONSULT-WITHHELD s.23

A0454720_19-003102



CONSULT-WITHHELD s.23

A0454720_20-003103

[redacted]

PAS

S

SECRET

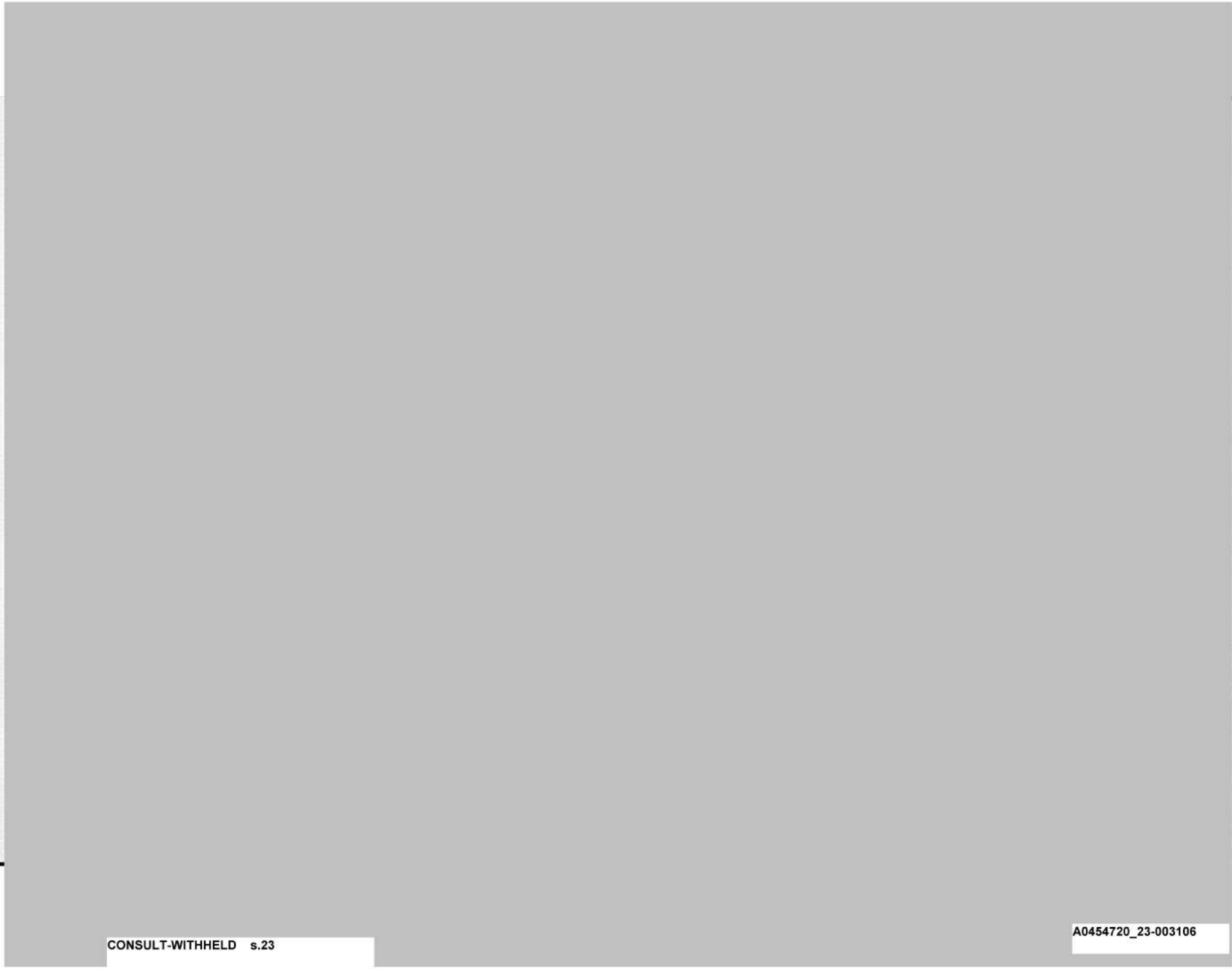
CONSULT-WITHHELD s.23

A0454720_21-003104



CONSULT-WITHHELD s.23

A0454720_22-003105



CONSULT-WITHHELD s.23

A0454720_23-003106



SECRET

CONSULT-WITHHELD s.23

A0454720_24-003107



SECRET

CONSULT-WITHHELD s.23

A0454720_25-003108



SECRET

CONSULT-WITHHELD s.23

A0454720_26-003109



CONSULT-WITHHELD s.23

A0454720_27-003110