SECRET

BILL C-25, THE CANADIAN HUMAN RIGHTS ACT: PROPOSED AMENDMENTS

BILL C-25, LOI CANADIENNE SUR LES DROITS DE LA PERSONNE: PROJET DE MODIFICATION

I OBJECT

1. The object of this memorandum is to place before Ministers for consideration and approval several amendments to Bill C-25, the Canadian Human Rights Act. This Bill received second reading in the House of Commons on February 24, 1977 and is presently before the Justice and Legal Affairs Committee. As a result of factors raised in second reading debate, comments received from interested groups and individuals and discussion in Committee, it is felt desirable to introduce certain amendments during clause-by-clause consideration by Committee. In addition, comments have been made about certain other aspects of the Bill which ought to be brought to the attention of Ministers, although no recommendations for amendments are presented at this time.

II DECISION REQUIRED

2. It has become evident that it is desirable to propose certain amendments at Committee stage and Ministers' approval is sought for these amendments. These can be classified within eight general areas:

A. The Exemption of "Reasonable Factor" in Clause 11

3. Subclauses 11(1) and (2) provide:

> 11(1) It is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees employed in the same establishment who are performing work of equal value.
>
> (2) In assessing the value of work performed by employees employed in the same establishment, the criteria to be applied are the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed."

4. Subclause 11(3) provides an exemption stating that:

> 11(3) Notwithstanding subsection (1), it is not a discriminatory practice to pay to male and female employees different wages if the difference is based on a reasonable factor that justifies the difference."



A considerable amount of criticism has been directed at the "reasonable factor" exemption in clause 11(3) by interested persons and groups, including national women's organizations and the Canadian Bar Association. It is said that the term "reasonable factor" is too vague and that it could become a substantial loophole. It has been urged that the phrase either be deleted or that the "reasonable factors" be specified in the Bill.

This is a TRAP! nothing will be a "reas. factor" permitting a differential, unless & until Comm'n so prescribes. It is to be inferred from the retention of this "loophole" that there are reas. factors justifying differential - can't some be listed in Bill, (other than 11(a), sex) or some excluded in Bill (in addit. to 11(a), sex)? (8)

5. While it is thought to be neither possible nor advisable to develop an exhaustive and complete list of "reasonable factors" for inclusion in the Bill, it is felt that the concerns raised are valid. Therefore, it is proposed that the Bill provide that the only factors which will constitute "reasonable factors" are those which have been specifically prescribed as such by the Human Rights Commission under its power to issue guidelines under subclause 22(2). Subclause 11(3) would read:

> 11(3) Notwithstanding subsection (1), it is not a discriminatory practice to pay to male and female employees different wages if the difference is based on a factor prescribed by guidelines made by the Canadian Human Rights Commission pursuant to subsection 22(2) to be a reasonable factor that justifies the difference."

How will good faith employer know if his is a reas. factor, till a complaint agst. him is made? Why not permit him to seek a ruling before complaint is made? BUT 22(2)

The effect would be that only those factors prescribed by the Commission would be acceptable exemptions to the general requirement of equal pay for work of equal value.

6. Another factor in clause 11 which has attracted criticism is the reference to employees employed "in the same establishment". The point has been made that the basis for comparison ought to be employment by the same employer. The term

(8) This is an important prescribing power, on questions of policy, being conferred on Hum. Rts. Commission (J. Turner's letter of 1971 - specific, Cabinet approval req'd)

More generally, if it's "impossible" to specify in Bill, how will Commission do it? By the nature of their operation, won't it be principally ad hoc, case-by-case, or on each set of facts? Is it possible to prescribe gen. rules (eg re lifting of "heavy" weights)?

Why not leave in "reas factor" as in 11(3) but explicitly permit Comm'n to prescribe some that are + some that aren't - ie to define term, + ruling power.

"in the same establishment" was adopted to allow an employer with operations in different parts of the country to pay employees differently based on regional economic factors. However, if the Commission is to have this duty under subclause 11(3) to prescribe "reasonable factors" which justify a difference in pay, the phrase "in the same establishment" in subclauses 11(1) and (2) could be dropped and replaced in subclause 11(2) with "by the same employer". Subclauses 11(1) and (2) would read:

> "11(1) It is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees who are performing work of equal value.
>
> (2) In assessing the value of work performed by employees employed by the same employer, the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed."

It is proposed that this be done.

[redacted]

[redacted]

9. However, it must be drawn to Ministers' attention that the introduction of such a definition does pose the risk of reopening the entire language question to debate.

D. Ordering Affirmative Action

10. The Bill makes reference to "affirmative action programmes", that is, programmes designed to aid and equalize opportunities for disadvantaged groups. Under clause 15 such programmes are permissible and the Commission will be authorized to suggest and promote such programmes. Paragraph 41(2)(a) also goes some way in allowing a Tribunal to order that a person take positive action to prevent discrimination from reoccurring where it has found that a complaint against him of discrimination is substantiated.

11. Paragraph 41(2)(a) provides:

> "41(2) If, at the conclusion of its inquiry, a Tribunal finds that the complaint to which the inquiry relates is substantiated, subject to subsection (4) and section 42, it may make an order against the person found to be engaging or to have engaged in the discriminatory practice and include in such order any of the following terms that it considers appropriate:
>
> (a) that such person cease such discriminatory practice and, in consultation with the Commission, take measures to prevent the same or a similar practice occurring in the future."

[redacted] This limitation has been criticized and it seems that several provincial human rights commissions presently feel that their lack of authority to order such programmes is substantially limiting their effectiveness in combatting discrimination. While it is recognized that the power to order such a programme can create a substantial interference by an independent body in the affairs of an employer, it seems on balance

that such a power ought to be included to increase the potential effectiveness of the Commission. Therefore, it is proposed that the power given to Tribunals under paragraph 42(1)(a) be expanded to include ordering that a person undertake, in consultation with the Commission, affirmative action programmes which are permitted under clause 15. Paragraph 41(2)(a) would read:

> "41(2)(a) that such a person cease such discriminatory practice and, in consultation with the Commission, take measures including adoption of a special programme, plan or arrangement referred to in subsection 15(1), to prevent the same or a similar practice occurring in the future"

E. Exemption in Paragraph 53(e) Regarding Prisoners and Parolees

12. Paragraph 53(e) presently provides that a Minister with control of a federal information bank may, with the approval of the Governor-in-Council, restrict the information that is required to be published in relation to that information bank where, in the Minister's opinion, disclosure of this information:

> "(e) would be detrimental to the proper custody, control or supervision of persons under sentence for an offence against any Act of Parliament."

The exemptions included in the Bill have been the subject of much criticism and have been re-examined to ensure that all those included are necessary. As a result of further consultations with the Solicitor General it has been concluded that this exemption in clause 53 is not necessary, and should be deleted. (The Solicitor General will announce this amendment if it is approved.)

F. Exemption in Paragraph 54(d) Regarding Prisoners and Parolees

13. Clause 54 sets out the bases on which a Minister responsible for a federal information bank may deny a person access to particular

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information contained in the information bank. Paragraph 54(d) in the Bill as it presently reads provides that a Minister may deny access where, in his opinion, knowledge of the existence of the record or the information contained therein

> "(d) would be detrimental to the proper custody, control or supervision of persons under sentence for an offence against an Act of Parliament."

In further consultations with the Solicitor General it has been determined that this exemption is potentially broader than necessary. Therefore, it is proposed that paragraph 54(d) be deleted and replaced with the following more specific wording:

> "54(d) might, in respect of any individual under sentence for an offence against any Act of Parliament
>
> (i) lead to a serious disruption of that individual's institutional, parole or mandatory supervision program,
>
> (ii) reveal information originally obtained upon a promise of confidentiality, express or implied, or
>
> (iii) result in physical or other harm to that individual or any other person."

(The Solicitor General will announce this amendment if it is approved.)

G. Requirement that the Exemption Relied On Be Stated

14. As the Bill presently reads there is no requirement to specify the exemption relied upon when a Minister exempts a federal information bank under clause 53 from the provision of

subclause 52(1) in regard to access and so on nor from the requirement under subclause 51(1) that certain information be published in the Federal Index. There is also no requirement to specify the exemption where a Minister denies an individual access to his file under clauses 54 or 55. This has been criticized by several organizations and Members of Parliament. It has been assumed that a Minister would state the exemption relied upon and it seems reasonable to require that this be done. Thus, it is proposed that a new subclause 52(4) be added to the Bill, providing:

> "(4) Where an individual is denied any right provided by subsection (1) on the ground that, by virtue of section 54 or 55, subsection (1) or a provision thereof does not apply in the circumstances, the appropriate Minister shall advise the individual in writing of the particular ground on which the right is denied."

and that the words "specifying the ground for the restriction or exemption" be added following the words "by order" in clause 53. Clause 53 will read:

> "53. The appropriate Minister in relation to a government institution that has control of a federal information bank may, with the approval of the Governor-in-Council, by order specifying the ground for the restriction or exemption, restrict the information relating to that information bank that is required to be published in the publication referred to in subsection 51(1)..."

H. Other Amendments

15. Several other detailed and non-substantive amendments have been found to be desirable. These are set out in Annex 'A'.

16. There is also a ninth amendment which may be necessary and for which Ministers' approval is sought:

I. Requirement That Derivative Uses be Listed

17. Under Part IV of the Bill personal information provided by an individual and held by the government in a federal information bank can only be used for the purpose for which it was provided or for "derivative uses" unless steps are taken under subclause 52(2) to obtain the consent of the individual. "Derivative use" is defined in clause 49 as meaning:

> "...a use of a record for a purpose that, in the opinion of the appropriate Minister, is consistent with the use for which it was compiled, and any use of a record that is not a derivative use is a 'non-derivative use' ".

This definition of derivative use and the provisions regarding derivative use have been criticized for placing too much discretion in the hands of Ministers. Therefore, to meet these concerns it is proposed that an amendment to subclause 51(1) be prepared requiring that the derivative uses of personal information held in a federal information bank be published (at least annually) in the index of data banks. Subclause 51(1) would read:

> "51(1) The designated Minister shall cause to be published on a periodic basis not less frequently than once each year, a publication setting forth the name or identification of each federal information bank, the type of records stored therein, the derivative uses of those records and such other information as is prescribed by the regulations."

The provision in clause 53 which allows a Minister to exempt an information bank from a requirement to publish certain information, however, would allow exemptions from the requirement in sub-clause 51(1) to publish derivative uses.

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18. The following are matters which have been identified as causing considerable concern, but upon which no recommendation for amendments are made at this time. They are discussed here in order to inform Ministers and to seek their guidance:

J. Physical Handicap

19. The Bill includes physical handicap as a prohibited ground of discrimination for employment purposes (clause 3). It also provides in subclause 41(4) that, where a Tribunal finds that a complaint of discrimination in employment based on physical handicap is substantiated but that the reason for the discrimination is a lack of proper physical amenities to accommodate the physically handicapped person, an order cannot be made against the employer but only an appropriate recommendation can be issued. The Bill does not provide that physical handicap is a prohibited ground of discrimination in relation to the provision of services, facilities and accommodations (clauses 5 and 6). However, paragraph 22(1)(h) does place a duty on the Commission to:

> "...encourage the development and improvement, to the extent practical, of arrangements for physically handicapped persons to have access to services, facilities and accommodation within the legislative authority of Parliament that are customarily available to other persons."

20. It has been urged that physical handicap be included as a prohibited ground of discrimination in the areas of services, facilities and accommodation as well as in employment. This would primarily affect public buildings and transportation carriers within federally-regulated areas. Consultations with the Public Works Canada have indicated that such a provision would not be a problem for Government of Canada buildings and accommodations. The Government's policy as

implemented by that Department has been to remove structural obstacles and add special fittings to existing buildings when carrying out major renovations and to equip new buildings to accommodate the physically handicapped. It is also required that space rented by the Government of Canada be equipped to accommodate the handicapped. In addition, the National Research Council's National Building Code provides for minimum building standards to accommodate the handicapped. As this Code is adopted throughout the country it seems that most new buildings in the country do meet the needs of handicapped persons.

21. It does seem, however, that problems would arise for some federally-regulated transportation carriers if physical handicap is extended as a prohibited ground of discrimination in the provision of services, facilities and accommodations. This is particularly true for the railways where the construction of equipment and terminals often makes it very difficult to provide service to the handicapped and where the cost of providing trained personnel to enable the handicapped to use the available facilities would be very expensive. Transport Canada is aware of the problems faced both by the physically handicapped in attempting to use transportation facilities and by the carriers in attempting to provide services. They have been working with the carriers to improve available services and facilities and significant progress is being made. However, often the improvements involve major structural changes, are extremely expensive and cannot be reasonably provided at all locations where service is offered to the general public. Given the difficulties involved and the action being taken to improve services it is debatable whether significant advantages could be gained by including physical handicap as a prohibited ground of discrimination at this time or whether it would be preferable for the Government to continue to deal with this problem by promoting improvements through its appropriate departments and agencies. However, if Ministers feel that the ground of physical handicap ought to be extended, it is recommended that the Commission be given broad powers to enact guidelines which would prevent an unreasonable burden being placed on transportation carriers.

v. extensive bureaucratic power, if no legislative guidelines ---

K. Sexual Orientation and Political Belief

22. Numerous suggestions and proposals have been received to include sexual orientation and political belief as prohibited grounds of discrimination in clause 3. This matter will be discussed at the meeting of the Committee on Security and Intelligence on April 27, 1977 and will be described in a document prepared for that meeting.

why rush now?

L. Attorney General's Consent to Prosecutions

23. Certain actions such as obstructing the operations of a Tribunal or failing to comply with the terms of a settlement are declared under subclause 46(1) to be offences. It is provided in subclause 46(5) that a prosecution for these offences cannot be instituted except by or with the consent of the Attorney General of Canada. This provision was inserted for several reasons: to provide a check against frivolous prosecutions, to allow the Attorney General to have some control over prosecutions brought against departments and agencies of the federal government and in general to prevent provincial Attorneys General from laying charges under the Act. However, the provision has been criticized as potentially creating an unjustified obstacle to prosecutions. It is doubtful whether its retention is important.

why not take a stand?

M. Appointment Procedure for the Privacy Commissioner

24. Under the Bill the Privacy Commissioner is to be a member of the Human Rights Commission who, on the recommendation of the Chief Commissioner, will be designated Privacy Commissioner by the Minister of Justice. Like other Commissioners, he or she will be appointed as a Commissioner by the Governor-in-Council, will hold office during good behaviour for a specified term and may be removed at any time by the Governor-in-Council on address of the Senate and House of Commons.

25. The representations received and discussions which have taken place in second reading debate and in committee reflect a concern that the Privacy Commissioner will not possess a sufficient degree of independence from the

is this serious?

Executive. There are two possible ways in which the appointment procedure could be altered to create an impression of greater independence. The first is that the Bill could provide that the Privacy Commissioner is to be a Superior Court Judge (on leave from his court for the term of his appointment as Commissioner). The second is to provide that the Commissioner be appointed by both Houses of Parliament. This latter method of appointment would be similar to that adopted for the Commissioner of Official Languages and for many Ombudsmen in Canadian provinces.

26. There are problems associated with both approaches. A major question associated with providing that a judge be Privacy Commissioner is the desirability of ascribing a non-judicial function to a judge who for all practical purposes would cease to perform judicial functions while Commissioner. The Privacy Commissioner is given the power to review the decisions of Ministers in denying individuals access to personal information. However, he is not given the authority to make binding decisions. Also, the process of reviewing the decisions of Ministers necessarily involves the Commissioner in the political sphere which is not a particularly comfortable position for a judge who must some day return to his court. In addition, both methods of appointment create practical problems for the office of Privacy Commissioner. Under the present scheme the Privacy Commissioner is a member of the Human Rights Commission and it has been planned that he would be able to share the offices, staff and facilities with the Commission. However, if the appointment procedure for the Privacy Commissioner is to be dramatically different from that for other Human Rights Commissioners, it would be difficult for him to be regarded as a member of the Commission. Changes would probably have to be made to sever his formal association with the Commission.

27. Also, if an amendment to provide that the Privacy Commissioner be appointed by both Houses of Parliament were to be introduced at committee stage, it would either be necessary at the same time to reduce the maximum number of members of the Commission by one, from eight to seven, or else there would have to be a royal recommendation at report stage for an amendment providing for a new position.

28. On balance, the suggestion of appointment by Parliament is preferable to the appointment of a judge. However, no recommendation for a change in the appointment procedure is made at this time.

III CONSIDERATIONS

A. Financial Considerations

29. The recommended amendments will not give rise to increased expenditures. However, if a new appointment procedure for the Privacy Commissioner is seen as being desirable, increased expenses for the separate office and staff of the Privacy Commissioner could be foreseen.

B. Consultations

30. Officials of the Department of Justice have consulted with officials of the Department of Labour on the issue of tightening up the reasonable factor exemption in clause 11, with officials of Transport Canada, National Health and Welfare and Public Works Canada on the issue of extending physical handicap as a prohibited ground of discrimination, with officials of the Solicitor General on the exemptions in Part IV of the Bill and with officials of the Treasury Board on the amendments to Part IV.

IV CONCLUSION

31. As a result of consultations which have taken place, I am of the opinion that the eight amendments proposed above ought to be approved and that approval be given to introduce the ninth amendment if it is necessary to do so. I have reached no conclusions on the four additional items identified as being sensitive areas, but draw Ministers' attention to them and seek their direction.

V RECOMMENDATIONS

32. I recommend that Ministers approve the proposals for amendment to Bill C-25 which would:

vague?

A. Restrict the "reasonable factor" exemption provided in subclause 11(3) to the requirement that equal wages be paid for work of equal value and provide that the basis for comparison is to be employees employed "by the same employer" rather than "in the same establishment";

B. Specify that an employer who intends to rely on the "bona fide occupational requirement" exemption in paragraph 14(a) must bear the onus of proof;

C. Provide a definition of "ethnic origin" which would clarify that this ground of discrimination includes some aspects of discrimination on the basis of language;

D. Provide that a Tribunal may order that an affirmative action program be undertaken by a person against whom a complaint of discrimination has been substantiated;

E. Delete paragraph 53(e) which provides for the exemption of an information bank from access and permits the restriction of information published about it where it "would be detrimental to the proper custody, control or supervision" of prisoners or parolees;

F. Make more restrictive the exemption in paragraph 54(d) providing that a person can be denied access to personal information if such release "would be detrimental to the proper custody, control or supervision" of prisoners or parolees;

G. Require that a Minister specify the exemption upon which a decision is based to exempt a federal information bank from access and restrict information published about it under clause 53 or to deny a person access to personal information under clauses 54 or 55;

H. Require in subclause 51(1) that the derivative uses to be made of personal information held in a federal information bank be published in the index (this amendment would only be introduced if necessary);

I. Provide for other detailed changes as described in Annex 'A'.

Respectfully submitted,

Minister of Justice.

ANNEX A

MINOR AMENDMENTS

The detailed and non-substantive amendments to Bill C-25 which are being proposed are listed in this Annex. The original text of the relevant clauses is reproduced with the proposed amended text typed beside it. Changes are indicated by underlining.

	ORIGINAL TEXT	AMENDED TEXT
1.	s.2(b)	
	2.The purpose of this Act is to extend the present laws in Canada to give effect, within the purview of matters coming within the legislative authority of the Parliament of Canada, to the following principles:	2.The purpose of this Act is to extend the present laws in Canada to give effect, within the purview of matters coming within the legislative authority of the Parliament of Canada, to the following principles:
	...	...
	(b) the privacy of individuals should be protected to the greatest extent consistent with public order and well-being.	(b) the privacy of individuals and their right of access to records containing personal information concerning them should be protected to the greatest extent consistent with public order and well-being.
2.	s.5	
	5.It is a discriminatory practice in the provision of services, facilities or accommodation customarily available to the general public	5.It is a discriminatory practice in the provision of goods, services, facilities or accommodation customarily available to the general public
	(a) to deny, or to deny access to, any such service, facility or accommodation to any individual, or	(a) to deny, or to deny access to, any such good, service, facility or accommodation to any individual, or
	(b) to differentiate adversely in relation to any individual,	(b) to differentiate adversely in relation to any individual,
	on a prohibited ground of discrimination.	on a prohibited ground of discrimination.

3. s.11(2)

11.(2)In assessing the value of work performed by employees employed in the same establishment, the criteria to be applied are the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed.	11.(2)In assessing the value of work performed by employees employed by the same employer, the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed.

4. s.11(6)

11.(6)For the purposes of this section, "wages" means any form of remuneration payable for work performed by an individual and includes salaries, commissions, vacation pay, dismissal wages, bonuses and reasonable value for board, rent, housing, lodging, payments in kind and any other advantage received directly or indirectly from the individual's employer.	11.(6)For the purposes of this section, "wages" means any form of remuneration payable for work performed by an individual and includes salaries, commissions, vacation pay, dismissal wages, bonuses, reasonable value for board, rent, housing, lodging, payments in kind, employer contributions to pension funds or plans, long-term disability plans and all forms of health insurance plans and any other advantage received directly or indirectly from the individual's employer.

5. s.15(1)

15.(1)It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to the race, national or ethnic origin, colour, religion, age, sex, marital status or physical handicap of members of that group, by improving opportunities respecting services, facilities, accommodation or employment in relation to that group.	15.(1)It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to the race, national or ethnic origin, colour, religion, age, sex, marital status or physical handicap of members of that group, by improving opportunities respecting goods, services, facilities, accommodation or employment in relation to that group.

6. s.15(2)

15.(2)The Canadian Human Rights Commission established by section 21 may at any time on application give such advice and assistance with respect to the adoption or carrying out of a special program, plan or arrangement referred to in subsection (1) as will serve to aid in the achievement of the objectives the plan was designed to achieve.	15.(2)The Canadian Human Rights Commission established by section 21 may at any time (a) on its own initiative, initiate proposals for special programs, plans or arrangements referred to in subsection (1); and (b) on application, give such advice and assistance with respect to the adoption or carrying out of a special program, plan or arrangement referred to in subsection (1) as will serve to aid in the achievement of the objectives the program, plan or arrangement was designed to achieve."

7. s.17

17.The establishment of separate pension funds or plans for different groups of employees does not constitute the basis for a complaint under Part III that an employer is engaging or has engaged in a discriminatory practice if the employees are not grouped in those funds or plans according to age, sex or marital status.	17.The establishment of separate pension funds or plans for different groups of employees does not constitute the basis for a complaint under Part III that an employer is engaging or has engaged in a discriminatory practice if the employees are not grouped in those funds or plans according to a prohibited ground of discrimination.

8. s.20

20.In this Act,	20.In this Act,
...	...
"physical handicap" means a physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and includes epilepsy and, without limiting the generality of the foregoing, "physical handicap" includes and degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, and physical reliance on a seeing eye dog or on a wheelchair or other remedial appliance or device.	"physical handicap" means a physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, and physical reliance on a seeing eye dog or on a wheelchair or other remedial appliance or device.

9. s.22(1)

22.(1)In addition to its duties under Part III with respect to complaints regarding discriminatory practices, the Commission is generally responsible for the administration of Parts I, II and III and	22.(1)In addition to its duties under Part III with respect to complaints regarding discriminatory practices, the Commission is generally responsible for the administration of Parts I, II and III and
...	...
	(d.1)shall promote the adoption of proposals for special programs, plans or arrangements referred to in subsection 15(1) that are initiated by it pursuant to subsection 15(2);
	...
	(e.1)shall carry out or cause to be carried out such studies concerning human rights and freedoms as may be referred to it by the Minister of Justice and include in a report mentioned in section 47 a report setting forth the results of each such

	study together with such recommendations in relation thereto as it considers appropriate;
...	...
(h) shall encourage the development and improvement, to the extent practical, of arrangements for physically handicapped persons to have access to services, facilities and accommodation within the legislative authority of Parliament that are customarily available to other persons.	(h) shall encourage the development and improvement, to the extent practical, of arrangements for physically handicapped persons to have access to goods, services, facilities and accommodations within the legislative authority of Parliament that are customarily available to other persons.
10.	22.(2.1) Each guideline issued under subsection (2) that relates to the manner in which a provision of this Act applies in a class of cases shall be published in Part II of the Canada Gazette, and each such guideline that applies in a particular case shall be communicated to the persons directly affected thereby in such manner as the Commission deems appropriate."
11. s.26(2)	
26.(2) The Commission may engage on a temporary basis or for specific projects the services of persons having technical or specialized knowledge of any matter relating to the work of the Commission to advise and assist the Commission in the exercise or performance of its powers, duties and functions under this Act, and such persons may be paid such remuneration and expenses as may be prescribed by by-law of the Commission.	26.(2) The Commission may, for specific projects, enter into contracts for the services of persons having technical or specialized knowledge of any matter relating to the work of the Commission to advise and assist the Commission in the exercise or performance of its powers, duties and functions under this Act, and such persons may be paid such remuneration and expenses as may be prescribed by by-law of the Commission.

(shd they be Statutory Instruments?)

12. s.35(2)(a)

35.(2)An investigator shall investigate a complaint in a manner authorized by regulations made pursuant to subsection (4) and the Commission may authorize an investigator,	35.(2)An investigator shall investigate a complaint in a manner authorized by regulations made pursuant to subsection (4) and the Commission may authorize an investigator,
(a) subject to such limitations as the Governor in Council may prescribe in the interests of national defence or security, at any reasonable time, to enter any premises and carry out such inquiries as are reasonably necessary for the investigation of the complaint; and	(a) subject to such limitations as the Governor in Council may prescribe in the interests of national defence or security, at any reasonable time, to enter any premises, other than a private dwelling place or any part of any premises that is designed to be used as a permanent or temporary private dwelling place, and carry out such inquiries as are reasonably necessary for the investigation of the complaint; and

13. s.38(1)

38.(1)When, at any stage after the filing of a complaint, a settlement is agreed on by the parties, the terms of the settlement may be referred to the Commission for approval or rejection.	38.(1)When, at any stage after the filing of a complaint, and before the commencement of a hearing before a Human Rights Tribunal in respect thereof, a settlement is agreed on by the parties, the terms of the settlement shall be referred to the Commission for approval or rejection.

14. s.41(2)(d)

41.(2)If, at the conclusion of its inquiry, a Tribunal finds that the complaint to which the inquiry relates is substantiated, subject to subsection (4) and section 42, it may make an order against the person found to be engaging or to have engaged in the	41.(2)If, at the conclusion of its inquiry, a Tribunal finds that the complaint to which the inquiry relates is substantiated, subject to subsection (4) and section 42, it may make an order against the person found to be engaging or to have engaged in the

discriminatory practice and include in such order any of the following terms that it considers appropriate:	discriminatory practice and include in such order any of the following terms that it considers appropriate:
(d) that such person compensate the victim, as the Tribunal may consider proper, for any or all additional cost of obtaining alternative services, facilities or accommodation and any expenses incurred by the victim as a result of the discriminatory practice.	(d) that such person compensate the victim, as the Tribunal may consider proper, for any or all additional cost of obtaining alternative goods, services, facilities or accommodation and any expenses incurred by the victim as a result of the discriminatory practice.
15. s.49	
49.In this Part,	49.In this Part,
...	...
"federal information bank" means a store of records within the control of a government institution that is used for administrative purposes;	"federal information bank" means a store of records within the control of a government institution where any of the records comprised therein are used for administrative purposes;
16. s.50(2)	
50.(2)Nothing in this Part authorizes the release to any person or the examination by any person of information about that person contained in any federal information bank in contravention of any agreement between the Government of Canada or a Minister of the Crown in right of Canada and the government of a province or a Minister of the Crown in right of a province.	50.(2)Nothing in this Part authorizes the release to any person or the examination by any person of information about that person contained in any federal information bank in contravention of any agreement between the Government of Canada or a Minister of the Crown in right of Canada and the government of a province or a Minister of the Crown in right of a province under which information was made available in confidence for inclusion in the information bank."

17. s.52(1)(a)

52.(1)Every individual is entitled to (a) ascertain what records concerning that individual are contained in federal information banks named or otherwise identified in the publication referred to in subsection 51(1);	52.(1)In furtherance of the principle enunciated in paragraph 2(b) that the privacy of individuals and their right of access to records containing personal information concerning them should be protected to the greatest extent consistent with public order and well-being, every individual is entitled to (a) ascertain what records concerning that individual that are used for administrative purposes are contained in federal information banks named or otherwise identified in the publication referred to in subsection 51(1);

18. s.54

54.Le ministre compétent dont relève une banque fédérale de données peut, par décret, la dispenser de l' application de tout ou partie du paragraphe 52(1)...	54.Le ministre compétent dont relève une banque fédérale de données peut la dispenser de l'application de tout ou partie du paragraphe 52(1)...

19. s.55(1)

55.(1)The appropriate Minister in relation to a government institution that has control of a federal information bank may, by order, provide that subsection 52(1) or any provision thereof specified in the order does not apply in respect of the information bank where, in the opinion of the Minister, the public benefit to be derived from the	55.(1)The appropriate Minister in relation to a government institution that has control of a federal information bank may, by order, provide that subsection 52(1) or any provision thereof specified in the order does not apply in respect of the information bank where, (a) no order has been previously made under this subsection in respect

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application of that subsection or the provisions thereof specified in the order in respect of the information bank is outweighed by the costs that would be incurred in applying that subsection or those provisions thereto.	of the information bank; and (b) in the opinion of the Minister, the public benefit to be derived from the application of that subsection or the provisions thereof specified in the order in respect of the information bank is outweighed by the costs that would be incurred in applying that subsection or those provisions thereto.

20. s.56(1)

56.(1)The designated Minister shall (a) cause to be kept under review the manner in which federal information banks are maintained and managed to ensure compliance wherever possible with the provisions of this Part and regulations made thereunder relating to access by individuals to records concerning them in those information banks;	56.(1)The designated Minister shall (a) cause to be kept under review the manner in which federal information banks are maintained and managed to ensure compliance with the provisions of this Part and regulations made thereunder relating to access by individuals to records concerning them in those information banks;

21. s.59(2)

59.(2)The Privacy Commissioner shall report to the complainant, or to a person authorized by the complainant to act on behalf of the complainant, the results of the investigation of a complaint but where, pursuant to paragraph (1)(b), a notice has been requested of action taken or proposed to be taken in relation to recommendations	59.(2)The Privacy Commissioner shall report to the complainant, or to a person authorized by the complainant to act on behalf of the complainant, the findings of the investigation of a complaint but where, pursuant to paragraph (1)(b), a notice has been requested of action taken or proposed to be taken in relation to recommendations of the Commissioner arising out

of the Commissioner arising out of the complaint, no report shall be made under this subsection until the expiration of the time within which that notice is to be given to the Commissioner.

of the complaint, no report shall be made under this subsection until the expiration of the time within which that notice is to be given to the Commissioner.

22.

s.59.(2.1)Where, pursuant to paragraph (1)(b), a notice has been requested of action taken or proposed to be taken in relation to recommendations of the Privacy Commissioner arising out of a complaint and no such notice is received by the Commissioner within the time specified therefor or the action described in the notice is, in the opinion of the Commissioner, inadequate or inappropriate or will not be taken in a reasonable time, the Commissioner shall so advise the complainant in his report to the complainant under subsection (2) and may include in the report such comments on the matter as he thinks fit.

23. s.59(3)

59.(3)Any report made by the Privacy Commissioner under subsection (1), together with any notice given to the Commissioner in response thereto, may be included in a report made pursuant to subsection 60(1).

59.(3)Any report made by the Privacy Commissioner under subsection (1), together with any notice given to the Commissioner in response thereto, may be included in a report made pursuant to subsection 60(1), and notice of each case in which a notice has been requested by the Privacy Commissioner, pursuant

	to paragraph (1)(b), of action taken or proposed to be taken and in which no such notice is received by him within the time specified therefor or in which the action described in the notice is, in the opinion of the Commissioner, inadequate or inappropriate or will not be taken in a reasonable time shall be included in a report made pursuant to subsection 60(1).
24. s.62(1)	
62.(1)The Governor in Council may make regulations	62.(1)The Governor in Council may make regulations
...	...
(b) prescribing the procedure to be followed in permitting an individual to examine personal information concerning that individual in any record contained in a federal information bank;	(b) prescribing the procedure to be followed in permitting an individual to examine personal information concerning that individual in any record or class of records contained in a federal information bank;
(c) prescribing the procedure to be followed where an individual wishes to request correction of personal information concerning that individual in any record contained in a federal information bank;	(c) prescribing the procedure to be followed where an individual wishes to request correction of personal information concerning that individual in any record or class of records contained in a federal information bank;
...	...
(h) prescribing a fee for examination of records; and	(h) prescribing a schedule of fees for examination of records; and
...	...

25.

s.62.(5)No schedule of fees prescribed pursuant to paragraph (1)(h) may provide for a fee for the examination of any record where, by or pursuant to any enactment or any agreement to which Her Majesty in right of Canada or an appropriate Minister is a party, the right of examination thereof is to be provided without fee or charge.

26. Schedule

Industrial Development Bank	Federal Business Development Bank

27. s.53

53.The appropriate Minister in relation to a government institution that has control of a federal information bank may, with the approval of the Governor in Council, by order	53.The appropriate Minister in relation to a government institution that has control of a federal information bank may, with the approval of the Governor in Council, by order specifying the ground for the restriction or exemption, restrict the information relating to that information bank that is required to be published in the publication referred to in subsection 51(1) and provide that subsection 52(1) or any provision thereof specified in the order does not apply to records contained therein where, in the opinion of the Minister, disclosure of information contained in the information bank or relating thereto
(a) exempt that information bank from naming or identification in the publication referred to in subsection 51(1), or	(a) might be injurious to international relations, national defence or security,
(b) restrict the information relating to that information bank that is required to be published in such publication and provide that subsection 52(1) or any provision thereof specified in the order does not apply to records contained therein,	
where, in the opinion of the Minister, disclosure of information contained in the information bank or relating thereto	

(c) might be injurious to international relations, national defence or security, or federal-provincial relations,

(d) would be likely to disclose information obtained or prepared by any government institution or part of a government institution that is an investigative body

(i) in relation to national security,

(ii) in the course of investigations pertaining to the detection or suppression of crime generally, or

(iii) in the course of investigations pertaining to particular offences against any Act of Parliament:

(e) would be detrimental to the proper custody, control or supervision of persons under sentence for an offence against any Act of Parliament,

or federal-provincial relations; or

(b) would be likely to disclose information obtained or prepared by any government institution or part of a government institution that is an investigative body

(i) in relation to national security,

(ii) in the course of investigations pertaining to the detection or suppression of crime generally, or

(iii) in the course of investigations pertaining to particular offences against any Act of Parliament."