

If the *Charter* were left to stand alone, without this complementary amendment to the *Canadian Human Rights Act*, many homosexuals might find it necessary to resort to the courts in the event of discrimination against them. They would be without any effective remedy at all if the discrimination were at the hands of another person and had no basis in federal laws or policies. This suggested amendment to the *Canadian Human Rights Act* would open up an expeditious and inexpensive forum for conciliation and conflict resolution to those alleging they have suffered discrimination, in the federal sector, on the basis of sexual orientation.

We should note further that several examples of how federal law and policy may adversely affect homosexuals were raised in briefs and testimony. The inclusion of sexual orientation as a prohibited ground of discrimination and the addition of a primacy or override clause in the *Canadian Human Rights Act* (which we recommend in Chapter 15) will provide a mechanism for their resolution.

- 10. We recommend that the *Canadian Human Rights Act* be amended to add sexual orientation as a prohibited ground of discrimination to the other grounds, which are race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, and conviction for an offence for which a pardon has been granted.**

## Special Cases

It has been suggested that the Canadian Armed Forces and the Royal Canadian Mounted Police are special cases where discrimination on the basis of sexual orientation may be justified.

The Canadian Armed Forces has a policy of not recruiting homosexuals and dismissing homosexuals, once detected, from the Forces. If a member of the Canadian Armed Forces is suspected of being homosexual, the commanding officer conducts an investigation with the assistance of the Special Investigation Unit. If the suspicion is confirmed, the commanding officer makes a report to that effect to National Defence Headquarters. The member is then asked to resign with the promise of an honourable discharge. All of this is done in accordance with Canadian Forces Administrative Order 19-20. In his appearance before the Committee, the Minister of National Defence gave the following figures for the number of members discharged under C.F.A.O. 19-20 in the last four years: in 1981, 37 members; in 1982, 45 members; in 1983, 44 members; and in 1984, 38 members.

If this route of exit from the Forces, as just described, is not followed, the suspected homosexual member may be charged under the *National Defence Act* with a service offence of conduct in violation of good order or discipline. If the member is alleged to have committed a criminal offence, he or she may be tried by a civilian court or by a court martial.

The Royal Canadian Mounted Police has no formal written policy on homosexual members, although a draft *aide-mémoire* setting out the rationale for not knowingly recruiting and not retaining homosexual members was tabled with the Committee. When a member of the RCMP is discovered to be homosexual, the member is discharged.

We heard the stories of a number of former members of the Canadian Armed Forces, who had served in the Forces for years, apparently without problem, but were