

*Equality Rights*

this motion which is rather significant from a standpoint of equality.

Whenever we are debating human rights and equality issues, I fail to understand why we always drift towards the somewhat homophobic argument that we are seeking to extend rights to certain people like pederasts, for example, or others who profess their sexual deviations. Indeed, although I did appreciate the question pertaining to research on equality, it was the past Minister of Justice himself who publicly stated that no discriminatory provision related to sex ought to be included in our legislation, including sexual orientation. Still according to the former Minister of Justice, if we can believe him, all Canadians, both men and women, have the right to work, the right to gain access to public services, the right to all kinds of things regardless of their sexual preferences and orientations.

So the motion introduced today is just another way of setting the record straight once and for all with respect to the whole issue of sexual orientation, because the former Minister of Justice claimed that people whose sexual orientation differs from that of the majority are protected under existing laws, including the Charter of Rights and Freedoms which does cover sexual matters.

To anyone who takes time to look into legal precedents it becomes quite obvious that under the existing legislation an employee can be dismissed on grounds of sexual orientation alone, even though such sexual orientation may not in any way prevent the employee from satisfactorily performing his or her duties.

• (1720)

[English]

I am always amazed when this question comes up—and I have received telegrams about the Bill which is in the Ontario Legislature at the moment—that the argument against providing equality to each and every Canadian man and woman, regardless of sexual orientation, is countered by those who talk in a very homophobic fashion about things like pederasty and other sexual deviations which are not exclusive to anyone of a homosexual orientation.

It seems to me that what we are discussing here is a follow-up to statements which were made by the former Minister of Justice. In preparing his response to the equality report, the past Minister of Justice told the House of Commons and the people of Canada that in today's day and age no Canadian, regardless of sex and sexual orientation, should be fired from his or her job or denied access to public services simply because of sexual orientation. What is being proposed in this Private Member's Bill is an attempt to ensure by further amendments to the Canadian Human Rights Act that sexual orientation, most specifically, be a prohibited ground of discrimination.

Any reasonable Canadian man or woman recognizes that we are not talking about according special rights to any group of persons or person. We are not talking about special status. We

as Canadians are talking about a law which provides equally for all persons to have access to earning a decent living, to have a job, and to live in a community in an apartment or house of their choice, regardless of whether or not they happen to be homosexual or heterosexual. Surely there is no Canadian in Canada, in 1986, who believes that people should be fired from their jobs simply because they happen to be homosexual. I do not think anyone believes that people should be barred from a job simply because they happen to be homosexual.

We must recognize, notwithstanding the statements and commitments of the former Minister of Justice in the House *vis-à-vis* implementation of the Charter of Rights and Freedoms, that the cold reality in 1986 is that if persons are homosexual they can be legally fired from their jobs without recourse. We have seen the argument taken all the way to the Supreme Court of Canada. In fact, a former employee of the Ontario Racing Commission was fired from a job after many long years of service. He had not been selling sexual favours on the job and had not been in any way utilizing his own sexual orientation. Someone found out that he was a gay man, and he was fired from his job. He pursued the route suggested by the former Minister of Justice, that is the common law route, to redress the injustice. The court said that the current law—the Ontario Human Rights Code in that case and specifically the Canadian Human Rights Act in other cases—did not protect homosexuals from being fired because they were not specified in the legislation.

The Minister of Justice (Mr. Hnatyshyn) told the House that every Canadian should have the right to a job and to equal opportunities. If we are to believe him, then surely the proposal of the Hon. Member for Burnaby (Mr. Robinson) is simply an attempt to clarify further in legislation what the Minister of Justice claimed *de facto* was the law.

Sometimes I think politicians tend to live in the Dark Ages *vis-à-vis* their constituents. I remember struggling with this question when I was a member of the Opposition in the Ontario Legislature back in 1981. We were involved with drafting a new Ontario Human Rights Code. As labour critic, I had to come to grips with whether I would move an amendment to include sexual orientation as a prohibited ground of discrimination. I discussed it with many people. It was called Bill 7 at the time. It was the first time I had carried a Bill through the Legislature. Frankly I was frightened. I wondered what kind of backlash there would be in my community if I introduced such a piece of legislation. After talking with a number of people, I decided I had to move a motion which was in accord with my conscience, and I did.

I should like to refer to what happened. There was no backlash in my riding of Hamilton East, a riding of steelworkers, the most industrial riding in Canada. When they realized that I was not talking about special rights or special status, they believed in and supported it. I was talking about affording protection to homosexuals, or to heterosexuals for that matter, who were being discriminated against simply on the basis of