

## DISCUSSION

Your Committee believes that the time has come to amend the Canadian Human Rights Act to ensure that certain discriminatory situations are clearly included within its coverage. Throughout our hearings, there was widespread concern expressed about the necessity of amending the Canadian Human Rights Act and the importance of these amendments in encouraging the development and improvement of access to services and facilities to persons with disabilities.

It is evident that expenditures will be incurred in providing access to goods, services, facilities and accommodation. Accordingly, it will be necessary, in some instances, to schedule these changes over a reasonable period of time.

Many persons with a previous addiction or a mental handicap are denied access to employment opportunities and services on purely discriminatory grounds. These persons should be evaluated according to the same criteria as any other potential employee: is this person capable of carrying out the requirements of the job? This principle should be applied to *all* persons who are willing and able to work. Disqualification is justifiable only when a particular individual does not meet a bona fide occupational requirement. Rejection because of previous psychiatric treatment in particular should be morally and legally unacceptable in this country.

Nevertheless, some employers may be concerned with the addition of mental handicap or a previous addiction to the list of proscribed grounds of discrimination. Your Committee appreciates their concern and wishes to reassure them that Section 14(a) of the Canadian Human Rights Act makes provision for the establishment of a bona fide occupational requirement.\* This provision protects employers against complaints of discrimination where it can be demonstrated that the job requires particular abilities which cannot be met by the applicant.

The Government of Canada has a responsibility to ensure that all Canadians are considered equal before the law; to eliminate the present situation in which certain individuals are considered less worthy than others; to promote the dignity and rights of every Canadian citizen and particularly those persons who have special needs. The Government of Canada can enhance the quality of life for every person in this country by promoting human rights in general and, in particular, by safeguarding the rights of those individuals who need special consideration.

\* Section 14(a) of the Canadian Human Rights Act is as follows:

14. It is not a discriminatory practice if
  - (a) any refusal, exclusion, expulsion, suspension, limitation, specification or preference in relation to any employment is established by an employer to be based on a *bona fide* occupational requirement;

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