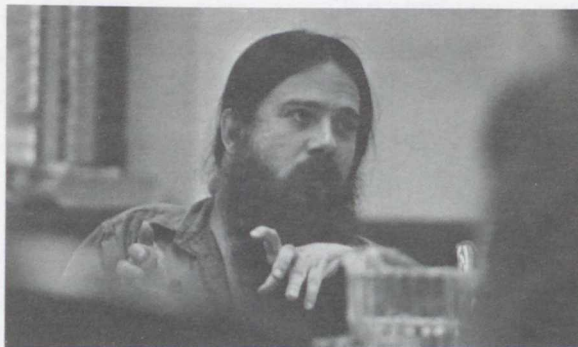


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## HUMAN RIGHTS

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Jim Derksen is an adviser to the Committee because of his experience with physically disabled self-help groups.

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### THE PROBLEM

The Canadian Human Rights Act applies to all Federal Government Departments, Agencies and Crown Corporations, as well as to business and industry coming under federal jurisdiction, such as banks, airlines and railway companies. The proscribed grounds of discrimination are listed in Section 2 of the Act: race, national or ethnic origin, colour, religion, age, sex, marital status, and conviction for which a pardon has been granted. However, the physically handicapped are protected only in matters relating to employment. The mentally handicapped are not afforded any protection under the Act.

When the Canadian Human Rights Act was discussed in 1977 by the Standing Committee on Justice and Legal Affairs, the Committee agreed not to include certain suggested proscribed grounds of discrimination, deemed to be contentious, in order not to imperil the swift and unanimous passage of the Bill. The Standing Committee concluded that after the Canadian Human Rights Commission had had a chance to establish its programs and to evaluate the effectiveness of its legislation, it could recommend the inclusion of other proscribed grounds of discrimination to Parliament.

Attitudes towards persons with disabilities or handicaps, particularly mental handicaps, are slowly changing. The efforts of organizations of disabled persons, parents and friends, and professionals have been important in promoting greater understanding and a more positive attitude. However, there are many disabled persons whose rights, whose dignity, and whose lives must be protected through an immediate amendment of the Canadian Human Rights Act. Therefore, your Committee recommends

- **That physical handicap be made a proscribed ground of discrimination for all discriminatory practices listed in the Canadian Human Rights Act, and not just for discriminatory employment practices.**
- **That the Canadian Human Rights Act be further amended so that Tribunal orders can be made with respect to access to goods, services, facilities and accommodation and that it include a qualification that the changes ordered by a Tribunal should not impose undue hardship on the respondent.**
- **That persons with mental handicaps (learning disability, retardation or mental illness) and persons with a previous history of mental illness or a previous history of dependence on alcohol or other drugs be added to the proscribed grounds of discrimination under the Canadian Human Rights Act.**