

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON**  
**PRIVILEGES AND ELECTIONS**  
**Friday, 10 July, 1987**

**TIME — 1:00 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN: — Mr. C. Santos (Burrows)**

**ATTENDANCE - 11 — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Cowan, Penner. Hon. Mrs. Smith  
(Osborne)

Messrs. Birt, Connery, Dolin, Mrs. Hammond,  
Messrs. Johnston, Maloway, Santos, Smith  
(Elice)

**APPEARING:** Mr. and Mrs. Tye and Nancy Gamey,  
private citizens

Mr. Rheal Hebert, private citizen

Mrs. Terry Lion, private citizen

Ms. Denise Shavin, private citizen

Mr. Larry Licharson, Big Brothers Association  
of Winnipeg

Ms. Alison Norberg, Charter of Rights  
Coalition

Mr. Gerry Brydon, private citizen

Ms. Rhonda Chorney, Lesbian Phone Line

Mr. Ross Davidson, Gay Fathers of Winnipeg

Dr. Lois Beckwith, Planned Parenthood of  
Canada

Ms. Julie Enyingi, Planned Parenthood of  
Manitoba

Mrs. Wendy Woodcock, REAL Women of  
Canada

Mr. Dennis Hennessey, private citizen

Mr. Ken McGhie, private citizen

Mr. Tom Cohoe, private citizen

Mr. George Feenstra, private citizen

Mr. Randy Wengel, private citizen

Mrs. Louise Bromley, private citizen

Mr. Cornie Friesen, private citizen

Rev. Kenneth Heppner, Pastors' Evangelical  
Fellowship

Mr. Joe Taylor, private citizen

Mr. Joseph Caulfield, Christian Council and  
Service

Mr. Ken DeLisle, private citizen

**MATTERS UNDER DISCUSSION:**

Bill No. 47 - The Human Rights Code; Code  
des droits de la Personne

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**MR. CHAIRMAN:** Committee, please come to order.

We are continuing the public hearings on Bill No. 47,  
The Human Rights Code. The first persons to present  
are Nancy and Tye Gamey, private citizens.

**MRS. N. GAMEY:** Members of this Legislature and  
audience, I am speaking as a private citizen. I am a  
strong supporter of the institution of the family in our  
society. I am concerned about the future my children  
will have in Canada. Children are unable to protect  
themselves in many ways. It is at birth that they require  
the most protection and the type of protection that  
they need changes as they mature. With increasing  
maturity also comes increasing independence, ability,  
and accountability for their own decisions until they  
are completely independent and fully accountable for  
their own decisions.

This complete independence often comes in the latter  
half of their teen years. It is my responsibility as a  
parent to provide the protection for them as children  
that they are unable to provide for themselves, in  
physical, emotional, moral and spiritual ways.

If we buy lifejackets for our children, tell them not  
to take rides with strangers, why should we not provide  
them with a moral framework in which to live?

I want to be ensured that if I choose a private  
educational institution for my child that I will be able  
to choose it according to its specific moral stance, that  
is, monogamous heterosexual relationships. I do not  
want bisexuality or homosexuality taught to my children  
as acceptable lifestyles.

Now let me say that I personally have some close  
friends who are homosexuals. They were not born as  
homosexuals, but came to have their sexual orientation  
through role models, sexual experiences and choices  
made in early life. Through counselling and deep  
struggles with family and other close relationships, they  
have come to understand the development of their  
homosexual orientation and chosen to leave that  
lifestyle behind.

It is possible to change one's sexual orientation. I  
have seen it happen. As a believer and follower of Christ,  
I advocate a love for the homosexual which would allow  
them to live with a human dignity which is everyone's  
right without condoning their lifestyle and without giving  
them the privilege to advocate or teach their sexual  
orientation as normal.

**MR. CHAIRMAN:** Mr. Gamey.

**MR. T. GAMEY:** Honourable Chairman and those of  
the Legislature, I am speaking as a private citizen. I  
do not support Bill 47 but believe very strongly that  
my own personal rights would be removed if such a  
bill was passed. I believe, as a private citizen of  
Manitoba, that my right to choose a private institution  
for the education of our children that had certain moral  
standards could be hindered.

I believe in only monogamous heterosexual relationships and that homosexuality is not natural or orientation-received at birth. Sexual preferences can be and are learned behaviour that can be reversed. I speak from a personal position, having known certain people who live and lived and were active in the gay community and lifestyle. Having sought counsel, it has been shown that their sexual orientation was something that was a personal choice, which was influenced by several different circumstances and relationships throughout their childhood. Some have made the decision to change and some have not.

I do not believe that anybody should be denied a job or tenancy because of their sexual preference, but that a private institution should have the right to set their own moral standards and not be forced to condone homosexuality, which may be contrary to their beliefs and moral standards taught by the institution such as church or private religious school.

Within our culture, a basic belief that has risen over many years is that whatever feels good is right. Just because something may feel good does not necessarily make it right. Thank you for giving me and my wife this opportunity to speak and to make known our personal beliefs. Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, we thank you.

The next presenter will be Reverend Kenneth Heppner, representing Pastoral Evangelical Fellowship. The next presenter is Miss Mary McLean, private citizen. The next presenter is Mr. Rheal Hebert, private citizen. Mr. Hebert.

**MR. R. HEBERT:** Mr. Chairman and members of the Legislature, I come here to be against the Bill 47. What I'd like to share first is the reason I'm against it is because I'd like to share an experience I've had in my life. When I was a child, seven years old, I was used by a homosexual. I was involved in it for three years - from seven to ten years old - but for some strange reason I knew it was wrong. I chose not to do it anymore, but I lived with that guilt for the rest of my life.

My relationships with others were destroyed because of it. I could not cope with myself. A couple of times, I tried to commit suicide because of what had happened in my earlier life, but through the grace of God and the love of Christians who I ran into, I learned to accept myself and to know that I was forgiven of that. I know that there is a choice that people can make in that area. They don't have to be homosexual. They can make that choice not to be.

I am against it because of what it could do to society. Because of my early experience in it, I see the danger of young kids learning about it and going through the same problems I went through. And I was not only involved with that, but that also got me involved in seeking for things that would fill that guilt that I had in me. I got involved in drugs - you name it - just to try to cover that up.

But when I finally decided to give my life to Jesus Christ, all these things were taken away and I know that I am forgiven. What I'm trying to point across is that, according to last night at the hearing, I've heard from most gay people that they don't have the choice.

That is not true. They do have the choice. They can decide to be or not to be a homosexual, because I made that decision. And I know there are many people out there who can say, through the experience they've had similar to mine, they would say yes to this.

I can see much danger in the spread of AIDS. Basically I feel, as a government, you should not promote this because of the danger of it, because of what the Word of God says. It was strongly amplified yesterday that no man shall lie with a man like a woman, because it is an abomination to the Lord, and I feel very strongly in that personally. What was mentioned a lot last night from the gay people was they say that - how would I explain that? - they cannot control their emotions in the area, they need that compassion, they need whatever. But the way I see it, they look at love in a totally different way than what love is. Because they take love, and their basis of love is lust, which is not Godly, and that's what their implication is, is lust.

I'd like to share a bit of a word here, what I feel love is according to the Word of God. The Word of God says love is patient, love is kind, it does not envy, it does not boast, it is not proud, it is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs; love does not delight in evil but rejoices with the truth. The Word of God is truth and we need, as a country, to realize that we have to go according to the Word of God because those are the principles that we can live on and this is what I believe.

**MR. CHAIRMAN:** Any questions? Hearing none, thank you, Mr. Hebert.

The next presenter is Mr. Pierre Brochu, private citizen. The next presenter is Mr. Joe Taylor, private citizen. The next presenter is Mr. Alan Buckley, private citizen. Next presenter is Mr. Joseph Caulfield. The next presenter, Mrs. Terry Lion, private citizen.

Mrs. Lion.

**MRS. T. LION:** Honourable Chairman, members of the Legislature and citizens. I am a concerned private citizen and I want to express my concern regarding this bill. I want to talk about three areas.

First of all, the area of homosexuals being born normal. I think that's questionable, because if a person was born a homosexual, I have to wonder if maybe they wouldn't have any sperm or they wouldn't have any eggs in order to reproduce. One thing I look at is human nature - if we look at animals outside, they know instinctively that they're supposed to mate with the other sex or that they should mate with the other sex. We don't see a male dog mating with another male dog. I think that homosexuals, to tell you the truth, need understanding. They don't need people to condemn them and I'm not here to condemn them today.

If you say well, they think that's normal and so we should give them their rights, how about prostitutes? They were brought up in maybe an environment where they think being a prostitute is normal, maybe this is all they know. Maybe they didn't have a father or a mother and the only way they can make money is go out there, but we don't legalize that because we know it's wrong. It's just like any other thing - just because you label it normal, do we make it legal?

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Somebody said to me, how about if we give them their rights so that they can teach, but what if they just leave it at home if they're a homosexual, they leave their practices at home? Well, I don't believe a person can just leave it at home. If my daughter or my son went up to the teacher and said, are you married, and the teacher said, yes, what's her name? His or her name is George. The thing is my son or daughter would question that, and wonder well come you've got a man for a wife? Then he would have to explain why he has a man for a wife, because it's our teachers and our counsellors who are forming the minds of our children today. I know that I do not want my children brought up in a society where it's taught to believe that you can be a homosexual.

Another area, of course, is the AIDS area. In North America, the homosexual community and intravenous users are the highest risk group. I was thinking about that and I thought, you know, if somebody came in from a different country with a disease, we would probably put him in quarantine and we wouldn't let him spread this disease; we would do something about it. I think the thing is, we are afraid to offend the homosexual. It's not the person but it's the disease that we have to deal with. The homosexuals shouldn't look at it as, well they're treating me as the person that is doing the wrong, when really it's the thing, the root, that we have to get to.

We should be allowed to discriminate to protect society from an outspread from this. See this bill isn't just going to affect today, it's going to affect tomorrow and it's going to affect the years to come. If we have a teacher or a nursery worker who is a homosexual, and if he has AIDS and nobody knows about it, he could cut his finger and before he wipes it off, it could be bleeding, and he could wipe a little kid's nose and right there he could contact AIDS. Really we have to protect the citizens from people who have AIDS or what could come of that.

The last thing I want to talk about is our democratic society. In our democratic process, it is not necessary for each Manitoban to attend the legislative Sessions to cast their vote on this or any other bill. Each adult has a right to vote for one person to represent them and their views. The man or woman who is nominated and then elected to this body is here, not because of their personal opinions, but to represent the opinions and needs of their constituents. To guarantee that, in effect, the voice of each Manitoban is heard.

I've collected some surveys that you've handed out in your different areas, and the majority of the people do not want this to be passed. I just ask if you are listening to the people that are in your area?

Thank you.

**MR. CHAIRMAN:** Wait a minute, there are some questions.

The Member for Brandon West.

**MR. J. McCRAE:** Mrs. Lion, you made reference to prostitution and legalizing it. As I understand the criminal law in this country, the act of prostitution is not illegal. The aspect of soliciting for the purposes of prostitution is illegal and prostitution, per se, is not.

So therefore, I wonder if the government were to go ahead and not withdraw this bill regarding homosexuals,

what would your comment be about why the government would not be protecting prostitutes as well in the same way? If, hypothetically, you were in agreement with the government, that the sexual orientation aspect of this bill should go ahead, why would you not be pressing the government to include prostitutes for this protection too?

**MRS. T. LION:** But I'm not in agreement.

**MR. J. McCRAE:** That's right. It's a very hypothetical question but I thought I'd put it in anyway.

**MR. CHAIRMAN:** The next presenter is Denise Shavin, private citizen.  
Ms. Shavin.

**MS. D. SHAVIN:** Thank you for allowing me to present to you today.

I'd like to thank the government for bringing in this legislation. I am a lesbian mother of two children. I live with somebody common law. I consider our relationship to be as equal as any common-law person in this city. I pay taxes, I own a house, my children attend school, Girl Guides, Brownies. We do exactly the same things as any other common-law relationship in this city.

I was raised in a normal, healthy, happy family of heterosexuals - a Roman Catholic family. My parents don't understand and don't claim to understand my lifestyle and my choices, but they do love me and accept me and want me to be able to live my life without discrimination or harassment.

Several times, during the last few years since we had moved to Manitoba seven years ago, I have been party to discrimination, myself, my partner and my children. When we tried to buy a house together we were turned down for a mortgage by three banks and two trust companies. Both of us had sufficient incomes and qualified. We were turned down because we were two women buying a house. I was told by two places had I applied alone I would have gotten the mortgage. We finally did get a mortgage together. At various times in the past few years I have been afraid of losing custody of my children and my job, not due to neglect or abuse but strictly due to my living situation with another woman.

Other than that I really don't have much to say. I'm just asking that the government give me the same rights that you take for granted. I want to be able to live in my neighbourhood; I don't want to be harassed. I want my children to be accepted. I want my partner to be able to go to PTA meetings with me. I want to be able to own a house, have a job and not fear discrimination or reprisals because of the person I love and my lifestyle.  
Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you Ms. Shavin.

The next presenters are Larry Licharson and John Deacon representing Big Brothers Association of Winnipeg.

**MR. L. LICHARSON:** I apologize for the fact that Mr. Deacon isn't here. I believe he was held up in traffic.

**MR. CHAIRMAN:** Are you one of the other . . .

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**MR. L. LICHARSON:** My name is Larry Licharson, yes.

**MR. CHAIRMAN:** Oh, Licharson.

**MR. L. LICHARSON:** Honourable Chairperson, members of the committee, ladies and gentlemen, I would like to thank you for the opportunity of addressing you this afternoon regarding Bill 47. My name is Larry Licharson and I am president of the Big Brothers Association of Winnipeg.

The main reason for the existence of our organization is to provide young lads aged 6 to 14 from father-absent homes for the positive male role model, someone they can look up to, admire and emulate.

Although our organization is an autonomous one, we are members of Big Brothers of Canada and subscribe to national standards in the provision of this service. One of these standards is that we do not match adult homosexuals with little brothers. This is a standard which my board of directors, who are all Manitobans, wholeheartedly endorse and support. It is our understanding that under the proposed legislation, we would be considered to be practising discrimination by enforcing this standard.

Section 14(14) deals with occupations paid or unpaid. While I do not consider being a big brother an occupation in the normal sense of the word, under this legislation it would be considered so. We would not even be allowed to ask the question - are you a homosexual? - of a prospective Big Brother?

Section 13(1) deals with the discrimination in the provision of services. It is our contention that the little brother is the one being provided with a service, but under this legislation a homosexual will be deemed to have been denied a service if we do not approve the match.

To repeat my earlier statement, our objective is to provide a positive male role model, one which is consistent with the community standards of Manitoba, not other areas. We do not wish to be put in a position of endorsing or condoning a minority lifestyle or sexual practice which is inconsistent with the child's environment, upbringing and lifestyle.

What our organization deals with is children, young impressionable children. When these children come to our agency, they are usually coming from homes that have undergone a period of turmoil. What these children do not need at this point in their lives is additional confusion brought on by exposure to a minority lifestyle which they are not capable of dealing with or making rational judgments about. When these children come to our agency, they are placed under our care, custody and control. We delegate this care, custody and control to Big Brothers who have undergone a thorough screening process. In our situation we in effect become a guardian of the child during the periods of contact between the big and little brother.

We do not believe this act should apply in this situation and in similar ones. We believe that section 14(8) could and should be altered to cover instances where children are out of the home and respectively request that you do so.

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you Mr. Licharson.

**MR. L. LICHARSON:** Thank you, Sir.

**MR. CHAIRMAN:** The next presenters are Erwin and Donna Neufeld. Erwin and Donna Neufeld.

The next presenter is Lee and Agnes St. Hilaire. Lee and Agnes St. Hilaire.

The next presenter is Allison Norkerg representing the Charter of Rights Coalition.

Ms. Norkerg.

**MS. A. NORBERG:** I'd like to correct the record, it's Alison Norberg, with a "b" and it's one "l". My mother would want me to say that.

**MR. CHAIRMAN:** One "l". Ms. Norberg.

**MS. A. NORBERG:** Thank you, Mr. Chairperson and members of the committee.

I'd like to start off by thanking you for the opportunity to appear here today on behalf of the Charter of Rights Coalition. Just to clarify, I am a summer staffperson with the organization CORC, that's how I'll refer to it throughout my submission, and also a member of the steering committee prior to and following my summer employment with them.

The brief was prepared by a member of our committee - Jerry Bjornson. I am presenting it on behalf of the organization. Jerry Bjornson wrote the brief for CORC.

I also appreciate the opportunity of being deferred to today. We had to receive the brief from North Dakota and though it's with some speed that the committee is proceeding with this, I hope that will ensue to a speedy passage of this bill. So I look forward to that.

Also, there will be some portions of the brief that I will be summarizing so I'd appreciate the brief being entered into the record so that it's recorded for its entirety.

The Charter of Rights Coalition is a coalition of 10 groups representing thousands of Manitobans. Our membership is comprised of the Elizabeth Fry Society of Manitoba, the Immigrant Women's Association.

**MR. CHAIRMAN:** Order please.

A point of order being raised by the Member for Kildonan.

**MR. M. DOLIN:** A point of order.

The presenter requested that the brief be entered in the record, I'm wondering, is that, in order to do that, or would the presenter have to read the brief?

**MR. CHAIRMAN:** The presenter has to read the brief, it is being recorded.

**MS. A. NORBERG:** So you don't have provisions to add written submissions to the record of proceedings?

**MR. CHAIRMAN:** People who cannot come here have the privilege of just presenting written briefs and that will be taken as such. But the presenters' presentations are recorded in our computer on tapes, and they will appear in print as such.

**MS. A. NORBERG:** As part of the record of proceedings of this committee?

**MR. CHAIRMAN:** As part of the records of the proceedings of the committee.

**MS. A. NORBERG:** Okay, thank you.

So would that include portions of my brief that I don't read, or only written submissions?

**MR. CHAIRMAN:** No, only those that you . . .

**MS. A. NORBERG:** Okay, well, then, with your indulgence, I am going to read the brief.

**MR. CHAIRMAN:** But it will be in the committee record as such.

**HON. R. PENNER:** Yes, it's a sessional paper.

**MS. A. NORBERG:** Okay. Thanks for that clarification.

As I was saying, our membership is comprised of 10 organizations, the E. Fry society, the Immigrant Womens Association of Manitoba, the Junior League of Winnipeg, the Manitoba Action Committee on the Status of Women, the Manitoba Advisory Council on the Status of Women, the Manitoba Association of Women and the Law, the National Action Committee on the Status of Women, the Provincial Council of Women, the United Church of Canada, and the YM-YWCA, since their amalgamation that is included. It's not on our letterhead and with their indulgence, they are waiting for us to run out of letterhead before we add YM to the letterhead. So it's quite a broad cross-section of organizations that are members of the coalition.

Our purpose is to education the community and especially women about the potential effect of the Charter of Rights and to involve the public more fully in the ongoing Charter debate, specifically to play an active role in the elucidation and implementation of the Charter's equality provisions. As part of our work, we have completed a partial provincial statute audit which also included auditing of policies and regulations to ascertain provisions which may offend the sex equality guarantees of the Charter.

The first phase of that audit, Charter compliance, selected provincial statutes, included an in-depth analysis of the provincial Human Rights Code as it presently stands and included numerous recommendations. These recommendations have been presented to the Provincial Government and are the basis for this presentation.

I also have a copy of the audit for the committee so that committee members may look at that section of the audit. It's some additional paper so I didn't want to add, in terms of copying, but a copy of that audit is available for the committee.

I'd like to spend a bit of time talking about section 15 and also related sections of the Charter. The Canadian Charter of Rights and Freedoms includes two sections that are of particular importance to women, that being section 28 which guarantees all rights and freedoms apply equally to men and women; and section 15, the equality section, which confers rights and also endorses affirmative action programs. I won't read those out to you - I'm sure you are quite familiar with them.

Human rights legislation and the provisions of the Charter work in conjunction with each other. Section

26 of the Charter states that the guarantees in the Charter shall not be construed as denying the existence of any other rights and freedoms that exist in Canada. Therefore any provision in human rights legislation which go beyond the provisions of the Charter will apply to Manitobans, notwithstanding the Charter. At the same time, any human rights legislation passed by provincial Legislature must, at minimum, comply with the Charter.

While there is much discussion regarding how far reaching the Charter provisions go, it is clear that they apply to all direct government statutes, regulations and Orders-in-Council. Discussions revolve around whether it applies to government-funded bodies, the entire body of common law, municipal by-laws, etc., as well as to the private sector. If the Charter is interpreted narrowly to apply to government activity, protection for individuals will be applied through human rights legislation. It is therefore essential that human rights legislation be as strong and as broad as possible.

In commenting specifically on Bill 47, I first want to commend the Provincial Government for this bill which is a substantial improvement on existing legislation. We are committed to working with the Legislative Assembly to ensure that all Manitobans enjoy the benefits of The Human Rights Code, that provides extensive protections for Manitobans and provides the Human Rights Commission that is empowered to administer the Code, redress inequality and educate the population to their rights and responsibilities under the code.

Commenting specifically on some sections of the bill, and I would want to qualify here that it is by no means an extensive discussion about the bill clause-by-clause, but we have pulled out some areas of the bill that we would particularly like to draw your attention to; so I'd add the caution that it's not a comprehensive discussion of all sections of the bill but some major areas of it that we feel are quite important to draw to your attention.

With regard to the preamble of the bill, we are particularly pleased with the inclusion in part (e) which makes the statute paramount over all other laws of the province. Such paramountcy is essential if human rights legislation is to operate effectively as a safeguard to women's right to sexual equality.

In the past years, the Human Rights Commissions have operated on the assumption that the act did not have general paramountcy and therefore were powerless to act on blatant complaints of sex discrimination where the offence, act or amendment thereto was passed after The Human Rights Act. We are therefore supporting the inclusion of part (e) of the preamble.

In the section of definitions, in our previous audit, called for the inclusion of sexual orientation in The Human Rights Act. We are concerned though that the definition of sexual orientation that is presently in the bill - we support those who have raised this concern along with their support for inclusion of sexual orientation. We would therefore recommend that Bill No. 47 be amended to define sexual orientation as heterosexual, homosexual or bisexual - period, or to eliminate that from the definition section.

We would concur with concerns that have been raised with regard to the phrase, "and refer only to consenting adults acting within the law," that that seems to be covered within existing Criminal Code provisions.

With regard to part 1 of the bill, in order to have equal protection of the law, women must feel confident that the law will be enforced to their benefit. The responsibility of the Human Rights Commission and the makeup of the commission are as important as the laws that they are entrusted to uphold.

Confidence in the commission would be enhanced through two mechanisms. No. 1, being staggered terms of commissioners, and No. 2, ensuring impartiality of commissioners. CORC supports the provision for staggered terms, as outlined in section 2(4). We would recommend that the principle of impartiality of commissioners be included in that section, by the inclusion of a provision for an all-party committee of the Legislature, as recommended by the commission in their proposed Human Rights Code.

Speaking specifically to the issue of female representation as adjudicators - as of June 1985, only one female adjudicator had been appointed by the Attorney-General, and that although The Human Rights Code does make provisions for affirmative action in section 11 later on, there is no mention of this in relation to the appointment of adjudicators. CORC would therefore recommend that the government undertake an immediate affirmative action program with regard to appointing female adjudicators and judges until the goal of parity of sexes is reached.

In part 2 of the bill, although sex is not defined within section 15 of the Charter, section 15 is open-ended. Because of the open-ended nature of section 15, discrimination on the basis of pregnancy, marital status, gender and sex-based characteristics would undoubtedly be protected, either within the definition of sex or as a distinct non-enumerated grounds. That's within the Charter.

Discrimination on the basis of sexual orientation would also undoubtedly be a non-enumerated ground. In order to comply with the provisions of section 15 of the Charter and create certainty within the law, CORC supports the inclusion of section 9 in the bill and its extension of characteristics as outlined in (f), (g), (h) and (i). That's inclusion of the prohibited grounds of pregnancy, marital status, gender and sex-based characteristics. We support the inclusion of those.

Discrimination on the basis of social or economic status is not presently prohibited under The Human Rights Act and is not included in the proposed legislation. This was an area that we included recommendations on in our audit. Some statistical information here - in 1982, the average income of Canadian women, with income, was only 52.8 percent of the average income of Canadian men with income; and also in '81 - 82.6 percent of single-parent families were headed by women and had an average income of \$11,790.

The failure to prohibit discrimination on the basis of social or economic status has a disparate impact on women; so in effect, discrimination on the basis of sex, and contrary to section 15 of the Charter.

It is also conceivable that discrimination on the basis of social or economic status may be held as an unenumerated ground of discrimination under section 15 of the Charter. CORC would therefore recommend that section 9(2) of the proposed legislation be expanded to include social or economic status as an applicable characteristic.

Skipping over to page 6 - CORC believes it is necessary that provisions be enacted to specifically define discrimination, as including systemic discrimination and explicitly stating that an intention to discriminate is not a prerequisite to finding discrimination. CORC therefore supports the inclusion of section 9(3) within the proposed legislation.

We also support the inclusion of the concept of "reasonable accommodation" for the special needs of an individual or group.

CORC also supports the inclusion of section 11, affirmative action being permitted, and we'll discuss that in a bit more detail later on in the brief.

CORC commends the inclusion of the requirement for reasonable accommodation in interpreting sections 13 through 18 of the proposed act, but we do have some concerns that bona fide and reasonable requirements are qualifications in that phrase in other parts of the bill. A clear and more comprehensive definition would eliminate this concern. And I would concur with some of the comments made last night to the committee by Mona Brown of the Manitoba Association of Women and the Law with regards to being clear what the intent is in those words. If the intent is to have a subjective and objective test, then say that in the legislation. We have had a lot of experience with interpretation and I realize that much of the interpretation of those kinds of clauses has taken that into account. We also have numerous instances where the intent of legislators is not interpreted in the way in which they intended, by judges. So we would like that section to be quite explicit.

CORC supports the tightening of the exceptions for private residences in section 16.

With regard to discriminatory signs and statements in section 18, that eliminates some of the concerns that CORC has raised in the past with the government on this area, that we do have some concern that section 18 does not protect women from degrading and dehumanizing affronts to dignity. There's a specific case with relation to that. That's an area that I don't think will be able to be fully - or drafting of amendment to include that. That could happen in time so we are not including a recommendation to include this at this time. We are willing to wait and see how that particular section holds out; it's a test of time.

With regard to sexual harassment, again this would undoubtedly be accepted as a non-enumerated ground under section 15 of the Charter. We support the inclusion of the sections related to sexual harassment and we commend the government for the inclusive definition and the inclusion of the phrase, "if the person making the solicitation of the advance knows or ought reasonably to know that it is unwelcome . . ." "We feel that it's a very good and comprehensive definition and we're quite pleased with it.

In part III of the bill, we are pleased with the increased powers of investigation and, as well, some of the provisions with regard to damages. Based on past experience, damages awarded on discrimination cases have been extremely low so we're pleased that there are amounts set out within the bill.

CORC supports the direction of special remedies as set out in part IV of the bill. We are especially pleased to see the inclusion of contract compliance as elucidated in section 56. The specific mention of affirmative action

programs meets many of the concerns raised by CORC on previous occasions.

I'd like to deal specifically now with the issue of affirmative action. Affirmative action is a systemic remedy to systemic discrimination. Section 15(2) of the Charter specifically contemplates "the amelioration of conditions of disadvantaged individuals or groups." That section recognizes that certain groups of Canadians have been historically disadvantaged and ensures that affirmative action programs will not be struck down. It permits a group remedy for discrimination.

CORC also cautions that affirmative action programs do not always operate to the benefit of women. This can be attributed to many factors including paternalistic attitudes towards women and competing concerns of disadvantaged groups.

Some of the measures that I'm about to outline are not intended as measures that we're asking be delineated within The Human Rights Code, but we feel that they are an important backdrop to understanding the recommendation that we would like to make with regard to affirmative action. So some measures that are important in affirmative action programs that should be included: the program must relate to a specific group or groups; they must be applied to groups for which there is statistical evidence of past discrimination; they must have limited objectives and be of limited duration, ending when the goal has been met; and they must not result in the maintenance of unequal or separate standards or rights for the target group or any other disadvantaged group.

In order to meet these criteria, it is necessary to include work force analysis, review of present employment practices, mandatory quotas, special measures and a monitoring system. Much of those kinds of measures are currently being addressed in other areas of the government's agenda. I give that as backdrop for the recommendation that we would like to make. I would point out again that we support the inclusion of affirmative action programs in section 43(2)(e).

It is the position of CORC that the provisions of Bill 47 do not go far enough to eliminate the systemic discrimination which could be ameliorated through affirmative action. Therefore, we recommend that the Government of Manitoba include in Bill 47 the provisions to establish a special arm of the Human Rights Commission to educate the public on affirmative action programs for women.

In conclusion, I would like to commend once again the government for introducing this bill because it is a substantial improvement on the existing act and we commend our suggestions to you for your consideration.

Thank you.

**MR. CHAIRMAN:** Questions?

The Member for Kirkfield Park.

**MRS. G. HAMMOND:** Yes, I just have one question.

Is CORC suggesting sexual orientation as being one of the groups in the affirmative action program?

**MS. A. NORBERG:** Affirmative action programs can be designed for many disadvantaged groups. It's not

just women who experience systemic discrimination. That is not an area that was not explicitly dealt with in the audit sections that we did with affirmative action, so I can't speak with complete knowledge on that issue.

I guess I would just say that there are many groups that would qualify for affirmative action programs. I think the important thing in the act is that it does not prohibit the existence of affirmative action programs. I think it would be up to government whether that's within the scope of their affirmative action programs at the present time.

**MRS. G. HAMMOND:** Thank you.

**MR. CHAIRMAN:** Other questions?

The Member for Portage.

**MR. E. CONNERY:** You covered the total bill and I appreciate that because there's a lot of material in this bill. Generally speaking, we've been dealing with the sexual orientation clause which is I guess the controversial clause, but there are a lot of other important issues in this bill that I'm glad you addressed, but I guess I do have some concerns. Basically, if it centres around the sexual orientation, you're saying the protection of bisexuals should be included in this bill.

**MS. A. NORBERG:** I think that we recognize that there may be some concern to have some definition of what sexual orientation is for the purposes of this bill and so that we would understand that to include heterosexual, homosexual and bisexual persons. I think that interpretation of sexual orientation clauses in other jurisdictions would take similar interpretation even though it's not explicit with regards to homosexual, heterosexual and bisexual. So sexual orientation is commonly understood to include those three categories.

**MR. E. CONNERY:** Well, when we deal with bisexuality we are dealing with choice. I have some concern with that particular area. When we're dealing with those that were born homosexual and I do believe there are those that are born or attain it very early in life and don't have a choice and I have a strong compassion and they should be protected, but if we make it an acceptable alternative and we start dealing with choice. What we do to our family structure and what do we do to our lifestyle as a people when we now say that people can make a choice whether they want to be heterosexual or homosexual?

**MS. A. NORBERG:** I'm not entirely clear what the member is asking me to answer to. I think it's clear that the issue of whether or not orientation is something that is chosen is not something that is within our mandate to answer, and I have some concerns that that kind of a question seems to be a litmus test for where groups stand on particular issues. So it's not within the mandate of our group to comment on the issue of whether or not a particular orientation is chosen and I don't think it's the issue at hand within this legislation.

**MR. E. CONNERY:** You're saying you approve of the bill, so you must be approving of the context of the bill.

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**MR. CHAIRMAN:** May I remind members not to argue with the presenter, but to ask questions.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. M. DOLIN:** On a point of order.

I would suggest the Member for Brandon West not direct the Chair. I do not think that is appropriate. I think the Chair has a right to remind members of the rules of the committee and that the Member for Brandon West remember the rules and he would understand that the chairman is doing his job.

**MR. CHAIRMAN:** Let's go on with the business.  
The Member for Portage.

**MR. E. CONNERY:** Do you accept homosexuality as an acceptable alternate lifestyle in the context that people can choose whether they want to be heterosexual or homosexual?

**MS. A. NORBERG:** CORC Manitoba has acknowledged that there's persons of various sexual orientations, including homosexual, heterosexual and bisexual, and beyond that I don't think there is anything we need to comment on. We acknowledge that they exist and recognize that various orientations exist and that all should be included within the protection of human rights legislation.

**MR. E. CONNERY:** The question is not being answered and I think it's important that the question be answered because we're dealing with something that is very basic.  
Do you support homosexuality as an acceptable alternate lifestyle?

**MR. CHAIRMAN:** Questions are for clarification. We're not supposed to press them into answering.  
The Member for Brandon West.

**MR. J. McCRAE:** Mr. Chairman, earlier the Honourable Member for Kirkfield Park discussed with Ms. Norberg about affirmative action programs, and in your answer, Ms. Norberg, you referred to systemic discrimination. Do you think that homosexuals/bisexuals have been subjected to systemic discrimination?

**MS. A. NORBERG:** In terms of the issue of systemic discrimination, given that homosexual and bisexual persons have not previously been protected within human rights legislation, I think we would first need to see the outcome of complaints, whether it's with regard to firing or denial of accommodation, etc., and what the outcome of those complaints are. I think then it will be on the basis of that that we would have a clear understanding of whether or not we are also dealing with an issue of systemic discrimination. So because there have not been the avenues of making complaints with regard to that in the past, I think it's hard to tell whether or not the issue is one of individual cases or systemic discrimination. I think the question on that is open with regard to CORC and we couldn't comment specifically beyond that.

**MR. J. McCRAE:** But the question was put in the context and in relation to affirmative action. That's the type of systemic discrimination I'm talking about.

You declined comment on whether these groups should enjoy the benefits of affirmative action programs, but you did refer to groups suffering from systemic discrimination being the kinds of groups that should be targeted for affirmative action. This is why I'm asking about systemic discrimination to see if I can't get you to agree or disagree that homosexuals and bisexuals have indeed been subject to systemic discrimination and therefore should be entitled to affirmative action programs.

**MS. A. NORBERG:** I guess the reason why I've limited my comments on that is that the area that CORC has specifically looked at is the area of affirmative action programs for women. We have not studied in great detail other issues affected by affirmative action programs. We've looked at the principles of and looked specifically at affirmative action programs. It is a section that was included in our last audit and I would commend that section to you. So it may seem that I'm avoiding the issue, but I guess I would say it's not an issue that CORC has particular expertise in beyond the issue of affirmative action programs for women.

**MR. J. McCRAE:** But there are women who are homosexuals, too.

**MR. CHAIRMAN:** Is that a question?

**MR. J. McCRAE:** And therefore, perhaps, as part of the discussion today, it should be addressed.

**MS. A. NORBERG:** I would assume that that would be covered within affirmative action programs for women, period.

**MR. J. McCRAE:** Okay. The Charter of Rights Coalition, Mr. Chairman, I would like to ask: Is the Charter of Rights Coalition of Manitoba funded directly by the Provincial Government?

**MS. A. NORBERG:** Our funding in the past has come from two primary sources. In terms of dollars to the organization, we've been funded through the Secretary of State Women's Program and also we've had monies from the Attorney-General's Department in carrying out our audit. That has been supplemented by substantial in kind donations by our member organizations. Some of our organizations have provided us with office space, with photocopying facilities, with meeting space, etc., etc. So I think there would be an equal in kind contribution from our member organizations so that we have received money from those two sources.

Those monies have been used in preparing the statute audits and carrying out educational programs with regard to the content of the audit and Charter equality guarantees for women. So educating women about their equality guarantees within the Charter and, as well, making recommendations to provincial governments that would further those guarantees.

**MR. J. McCRAE:** In addition, Ms. Norberg, the societies and leagues and committees referred to on the front page of your presentation, those groups, a number of them are funded provincially and federally as well?



**MS. A. NORBERG:** I think the variety of groups, there is a variety of sources as well for those groups. Some groups are funded by Secretary of State Women's Program, the United Church of Canada does not receive any government funding to my knowledge and the Junior League of Winnipeg, I can't comment specifically on that, I don't know their financial state, but I think there is a variety of sources, both private and government, depending on the organization and their mandate.

**MR. J. McCRAE:** One more area, Mr. Chairman, briefly. On page 4, in the middle of the page, you make the statement, "Female representation on the judiciary and adjudicative boards should be proportionate to their percentage percentage of the population". With that I am in agreement.

Then you go on to say, "Evidence shows that there is a direct correlation between the gender of the judge or adjudicator and the tendency to give sympathetic decisions on feminist issues".

Now I may be a little bit naive or maybe behind the times, but I always thought that judges, whether they be male or female, made their decisions based on the evidence put before them in an impartial, unsympathetic and very cool way. Are you suggesting, with that statement, that we should be packing the benches of our courts and our Human Rights Commissions with people who do not look at the evidence in an objective way?

**MS. A. NORBERG:** I think the area that that is related to is the fact that all of us are socialized and that because the adjudicators - with regards to the Human Rights Commission and as well judges, some of whom are being asked also to adjudicate on cases - are almost exclusively men, that has some impact regardless of the objectivity of any individual, in terms of the kinds of decisions that are made.

Another example of this would maybe be with regard to sexual assault legislation, that prior to enactment of legislation in that area, women could not necessarily be guaranteed of having a sympathetic hearing with regard to a complaint of sexual assault, based on the person involved with the case.

So I think it's pointing out the need to have a broad representation with regard to adjudicators, and hopefully, as we dialogue more about these issues and as government officials and the judiciary become more informed of the issues affecting women, that we won't need to be concerned about this, that we will all be sensitive to and appreciative of those concerns.

**MR. J. McCRAE:** The Attorney-General has told us that the adjudicators will be judges in every sense of the word dealing with . . .

**HON. R. PENNER:** I told you that the adjudicators are judges. I never said anything about who they will be.

**MR. J. McCRAE:** But you said they are judges.

**HON. R. PENNER:** Currently, yes.

**MR. J. McCRAE:** Judges, as the Attorney-General should or would agree with me, deal with evidence on

a cold hard dispassionate basis, as opposed to a sympathetic basis. Are you suggesting that there should be a change in that centuries-old principle of law?

**MS. A. NORBERG:** Would you like me to comment? I think if decision makers and judges had been entirely objective, we wouldn't be in a position of having to continue to push for equality rights for women. They would already be fully provided for.

I would also say, beyond that, I would like to point out to the committee, there may be other members of the Charter of Rights Coalition who would be able to respond more ably to that issue. I personally am not directly involved with the legal profession and have no training in that area, so I wouldn't want to pretend that there may not be other CORC members who could respond more ably to that concern. I've presented it as I understand it and I hope that that satisfies the committee's concerns.

**MR. J. McCRAE:** You'll be happy to know, Ms. Norberg, that our Minister of Community Services agrees with you and is in favour of sympathetic judges, according to her comments that she threw across the table a few moments ago, so the evidence may not matter if it was left to the Minister of Community Services.

**MR. CHAIRMAN:** The Minister of Community Services.

**HON. M. SMITH:** With respect, Mr. Chairman, I'm quite able to speak for myself and I think what I was suggesting, admittedly across the table, was that judges should and I think some are capable of integrating both an analytical approach and a humane emphathetic approach, and if I have any hope for the future appointment of judges, I hope that those joint qualities will be looked at seriously.

**MR. CHAIRMAN:** Are there any other questions? Hearing none, thank you Ms. Alison Norberg.

For the record, the next presenter, Beverley Scott merely arranged to have her written submission be distributed.

I call upon Constable R. Christmas, representing Brandon City Police Association. The next presenter is Gerry Brydon, private citizen.

Mr. Brydon.

**MR. G. BRYDON:** Mr. Chairman, members of the committee, I have a very short brief so I beg your indulgence to read through it.

My name is Gerry Brydon. I live at 84 Spence Street in Winnipeg, and I am employed by Turnstone Press as promotion and marketing manager. I am also president of the Association of Manitoba Book Publishers and I have been active in the promotion of Manitoba arts for the past two and one-half years. I am also a gay man and I am here today as a private citizen.

I'm here today to add my voice to those who urge the members of the Legislature, through this committee, to support amendments to The Human Rights Code to include sexual orientation as a category in need of protection. It is important to note how few of us are in a position to make these presentations in proportion

to the number of gays and lesbians in Manitoba. For most gays and lesbians, such a presentation as this would result in the loss of our jobs, our homes, our participation in volunteer organizations and seriously threaten our standing in the community, not to mention increasing the risk of possible physical violence.

I am one of the lucky few who live and work in a tolerant environment, where my sexual orientation is not an issue. So as I speak today, I am conscious of my many friends who cannot be here for fear of the consequences in their lives. That list would include doctors, lawyers, teachers, artists, firemen, policemen, economists, nurses, social workers, members of the media, and countless others.

Only when the proposed legislation is passed, will we be able to live our lives without fear of the brutal homophobia and general discrimination so pervasive in Manitoba. This legislation will not end all discrimination and injustice, but it will give us a foothold, in legal terms, to redress the wrongs committed against gays and lesbians in Manitoba.

As a gay man I have not encountered the front-line discrimination that needs to be addressed so urgently by Bill 47. I have been active in the gay and lesbian communities in Vancouver and in Montreal and I have travelled widely. In my experience, Manitoba is one of the most brutal societies in which gays and lesbians live. The multicultural idealisms so often espoused by this government has never extended to our culture.

The horror stories of discrimination and abuse are legion and have been well documented by the media and in presentations to this committee. I have my own collection of horror stories, including the story of a young woman who was beaten severely with a baseball bat by her brother when she told her family she was lesbian. Also the story of the gay Native man with AIDS who spent two months trying to find an apartment in Winnipeg. Visibly sick, he was refused all vacant apartments and eventually settled in a boarding house without proper facilities or protection for his condition. He lived there for some months, shunned by the Native community and by the social service agencies until his recent death.

There is also the discrimination that begins in the schools and the huge number of gays and lesbians who never finish high school because they are harassed so severely for being different from their classmates. The results of such wholesale alienation are too many lives wasted through chemical abuse, depression, and even suicide.

It is not a pretty message we receive at an early age from society, the message being we have no right to live as gays and lesbians in any honest open manner. The sad fact is that so many gays and lesbians believe this monstrous homophobia themselves. Dr. Elisabeth Kubler-Ross has found in her research into death and dying among AIDS patients, that gay men suffer more guilt, fear and resentment than any other group of dying patients she has ever encountered. People who don't believe they have the right to live with dignity are not the kind of people who take care of themselves, practice safe sex and look after their immune systems. Dr. Kubler-Ross says AIDS is a monstrous disease that society has created by devaluing human beings who find intimacy with members of the same sex. The massive funding now applied to AIDS education is

worthless as long as gay people continue to be denied the right to live with dignity. This legislation is the government's best AIDS prevention program.

What the AIDS crisis has taught me is that we, as gay people, have become very good at caring for the dying and burying our dead, but we have made virtually no progress in gaining acceptance in the larger community, to live openly as gays and lesbians.

I hope you will support this legislation and give us a chance to feel a part of the larger society with all the rights and responsibilities such access would entail. Unlike the black civil rights movement of the Sixties, we don't need massive expenditures for affirmative action programs in the labour force; we're already integrated into all levels of society in every kind of job. Here I speak as a gay man; I think for women it's a bit different. What we need is this legislation to give us the confidence to no longer remain invisible. With these amendments to The Human Rights Code, we can start to live as other members of society, openly with dignity and in a tolerant society.

The gay and lesbian community of Manitoba is organizing a gay/lesbian pride march on August 2 at one o'clock. We will walk from Vimy Ridge Park, down Portage to Memorial, as far as Memorial Park near the Legislature. Those of us who become confident enough to reveal our true identity will be celebrating our pride in our existence as gays and lesbians. We will also have on hand 300 masks for members of the community unable to take part of the celebration openly. If this legislation passes, we will be able to celebrate the day when none of these masks will be necessary.

I've also brought a book, *Morningside Papers*, which is a collection of the more memorable moments on *Morningside*, and one of those is called, "The Closet." It concerns a piece that *Morningside* did on a man in St. Catherine's who was discovered by the police having sex in a washroom. He was an upstanding member of the community and he was afraid of the implications of being discovered, so he drove his car to a secluded area of the city and doused himself in gasoline and burned to death.

After the piece was done, this letter was received by *Morningside*. It is from a gay man who is in the closet and I think it describes a lot of members of Manitoba's gay and lesbian community. The people you've seen in these briefs are the people who can live openly, and a very small part of our community.

He says: "Let me reveal something about myself, about which nobody, and I mean nobody has any idea. I'm a 39 year-old, the product of a very happy and stable family environment. I have above-average education, happily married with two small children whom I love dearly. I hold a senior position in management with a reputable national company, 140 people are directly accountable to me. I am actively involved in our local community, sit on many boards, have never been in trouble with the police, and as a confirmed Roman Catholic, regularly attend church. If you met me, I believe I would impress you as a well-spoken reasonably intelligent young man, who is likely to continue to do well in both his career and any other activities in which he is involved.

"There is however a darker side to this otherwise perfectly normal, seemingly well-balanced individual. I have contact with other men. No, this is not just a

phase. I have always felt like this, but recognize that this deep desire must be suppressed and will never be fully satisfied because it is just not possible in this or in any other society.

"You are quite wrong to assume I want anonymous sexual encounters. They must be anonymous because I just cannot afford them being anything else. If the truth ever got out, it would ruin my marriage, deprive me of my children, affect my career, my standing in the community, and consequently, like my soul brother in St. Catherine, I would have little else to live for. Hence, the absolute necessity of total secrecy and total frustration in the true sense of the word.

"Although this urge is desperate, I just cannot allow myself to become involved with anyone who could possibly threaten me with my very existence. I would never visit a gay club or bar in my home town, and shy away from washrooms and other places where I know I could find some brief satisfaction simply because of this overriding fear of discovery. I would love to have a deep personal relationship with someone similarly inclined but dare not approach anybody with my secret for fear of it being discovered by the rest of the world.

"My job allows me to travel occasionally to other Canadian and American cities, and it is on such trips that Mr. Hyde takes over from Dr. Jeckyl. On such a trip, you will find me dressed not in business suits but in a pair of jeans wandering around late at night visiting gay clubs, porno movie houses and the like, just looking for that anonymous person to share a sexual encounter.

"Once about three years ago, I was lucky enough to spend the night with a young man I picked up in a reputable hotel bar. The memories of that one night are the only recent gratifying memories I have. On other occasions it is merely a faceless and furtive encounter full of fear - fear of discovery, fear of violence, and nowadays, fear of disease. But these fears, no matter how strong, cannot suppress the urge. I feel I am walking a tightrope half the time with a abyss below me - one slip and I'm gone.

"This may sound like a very sad story, and in some respects I suppose it is, but spare me no pity. Unless I want my life to be a lot sadder, I must continue with the masquerade so that neither you nor my family, neither my boss nor my subordinates, neither my friends nor my colleagues ever find out who I really am.

"Perhaps I am the guy sitting next to you on the bus. I could be your best friend, your husband, boyfriend or lover. I could be your son's scout master or school teacher, but only I know the truth. I am a homosexual who dares not come out of the closet."

And I think with this legislation, this kind of anguish will no longer continue.

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Mr. Brydon.

**MR. G. BRYDON:** Thank you.

**MR. CHAIRMAN:** The next presenter is Ms. Rhonda Chorney, representing Lesbian Phone Line.  
Ms. Chorney.

**MS. R. CHORNEY:** I would like to first begin by commending the government for several of the

additions and changes to The Human Rights Code, especially those pertaining to pregnancy and sexual harassment.

**MR. CHAIRMAN:** Do you have a brief to distribute?

**MS. R. CHORNEY:** Yes, I do.

**MR. CHAIRMAN:** Ms. Chorney.

**MS. R. CHORNEY:** I would like to first begin by commending the government for several of the additions and changes to The Human Rights Code, especially those pertaining to pregnancy and sexual harassment. I am here to speak specifically on the sexual orientation bill on behalf of Gays for Equality, Lesbian Phone Line.

The Lesbian Phone Line is operated by a group of women who volunteer their time on Tuesday evenings to answer calls and provide support specifically for women. We receive a wide range of calls, information about the gay community, women who are contemplating coming out, mothers worried about losing custody of their children, incidents of violence, young women who have questions about their sexual orientation. The calls we receive are a reflection of the diversity of lesbians.

Lesbians are silently represented in most occupations and come from a wide variety of family situations, socioeconomic and cultural backgrounds. Lesbians are old and young alike, are married, divorced and single, many are mothers. They work as mechanics, teachers, social workers, bureaucrats, doctors, dentists, lawyers, homemakers and most other occupations.

Though the calls we receive are very diverse, the one common thread that ties them together is an overwhelming fear of others finding out about their sexual orientation. Many fear losing jobs, housing, benefits, custody of children and being forced out of school should someone find out. The fear of discrimination is very real and at present there are no grounds for recourse should there be discrimination based on sexual orientation.

Lesbians, as a diverse group, need protection under the law to fight discrimination. Lesbians want access to the same housing available to all, fair access to benefit plans and coverage for their family, to be judged on ability and not on sexual orientation in the job market, and to be treated fairly by the legal system in custody cases.

Human rights protection would not give lesbians and gays special treatment. It simply would provide a recourse when discrimination occurs. Of course, legislation is only one small but essential step in providing protection and granting Manitoba lesbians and gays their basic human rights.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Ms. Chorney.

The next presenter is Mr. Ross Davidson, representing the Gay Fathers of Winnipeg.  
Mr. Davidson.

**MR. R. DAVIDSON:** Mr. Chairperson, committee members, citizens of Manitoba, I'm here on behalf of

the group called Gay Fathers of Winnipeg. No bona fide member of this organization trusted that they were sufficiently invulnerable through social censure or reprisal or, indeed, assured continuing custody of their children that they felt that they could make this case. Believing in their cause and feeling not in the same way vulnerable, I agreed to read their brief to you today:

We are a group of fathers who are gay. Our experiences have been varied and we are united in our determination to integrate these two aspects of our lives. In the past, our roles as fathers and gay men have been viewed as incompatible both by society at large and all too often by ourselves as well. We believe, on the contrary, that gay men can love and nourish children and provide a safe environment in which girls and boys can mature into loving and productive women and men.

We have formed this organization to help ourselves and others in similar situations to continue to grow and develop in ways which draw upon the rich experiences of both aspects of our lives. We intend to do this by forming a mutually supportive group for building a positive self-image and for creative problem solving by locating other gay men who are fathers and may be struggling alone and by educating professionals and the general public to our special strengths and our special concerns.

Gay Fathers of Winnipeg believe it's time that sexual orientation be included amongst the prohibited grounds for discrimination in the Manitoba Human Rights Act. Quebec, Ontario and Yukon have now included sexual orientation in their human rights legislation and we feel the gay people in Manitoba are entitled to the same protection. We strongly urge the government to amend the act to include sexual orientation.

Many organizations, including churches, unions, professional organizations, etc., have included resolutions recommending human rights protection for gay people. Public opinion polls have also shown that the majority of Canadians are in favour of gay rights.

Statistics indicate that approximately 10 percent of any population is homosexual and that of this group at least 20 percent of gay males have been married. A large number of these gay men have children.

This minority within a minority is in special need of protection under the human rights legislation. Gay parents and their families are most vulnerable to discrimination in loss of employment, career advancement, child custody and housing. Fear of discrimination has a great impact on the lives of gay fathers.

With the passage of the bill, including sexual orientation, we hope a first step will be taken towards protecting gay men and their families. Until such time as people are judged on their individual merits, minorities within a society will need all the protection the law can provide.

As there is at present no protection against discrimination for gay people under The Human Rights Act of Manitoba, we, of Gay Fathers of Winnipeg, are not prepared to risk ourselves or our family's well-being by coming forward at this time to make a presentation. Perhaps this fact speaks louder than our presence could have for the need to have sexual orientation protection included in The Manitoba Human Rights Act.

**MR. CHAIRMAN:** Any questions?

The Member for Lakeside.

**MR. H. ENNS:** Mr. Chairman, when was the organization that you refer to, the Gay Fathers of Winnipeg, organized?

**MR. R. DAVIDSON:** I'm sorry sir, I can't tell you the answer to that.

**MR. H. ENNS:** I'm sorry, I must have misunderstood. I thought that when you were presenting a bill you could give us some indication. It's always of interest to committee members, who are making presentations on behalf of the organization, is how the organization is structured. Do you have a formal organization?

**MR. R. DAVIDSON:** I'm sorry. I've agreed to make the presentation on behalf of the group. I know little about the group per se, except I'm in consonance with their stated purpose and their aggrieved oppressive state. That's apparent by the fact that they didn't feel sufficiently available to make the presentation on their own.

**MR. H. ENNS:** So you can't tell the committee at this point, or from your own experience, what we are talking about in terms of numbers?

**MR. R. DAVIDSON:** I'm sorry, I can't do that from a position of knowledge.

**MR. H. ENNS:** Can you tell the committee whether or not the group received any specific funding from the Attorney-General's Department?

**MR. R. DAVIDSON:** I can't tell you that, I could perhaps . . .

**HON. R. PENNER:** I can, no.

**MR. CHAIRMAN:** Are there anymore questions? Thank you, Mr. Davidson.

The next presenter is Dr. Brian Evans, representing the University of Winnipeg Faculty Association.

Next presenters are Julie Enyingi and Dr. Lois Beckwith, Planned Parenthood of Manitoba.

**DR. L. BECKWITH:** Mr. Chairman and members of the Legislature. We will be making two brief presentations.

**MR. CHAIRMAN:** Who is speaking please?

**DR. L. BECKWITH:** I'm Dr. Lois Beckwith representing Planned Parenthood Federation of Canada.

Planned Parenthood Federation of Canada consists of 29 branches across Canada. I am a member of the national executive board. I currently work in the field of human sexuality education here in Manitoba. I have a doctoral degree in health education specializing in human sexuality. I have 15 years experience in training teachers and health professionals in human sexuality. My research and teaching has covered all aspects of family life education. I have worked in a variety of countries and I am actively involved in writing curricula for the use in schools, universities and the community.

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Planned Parenthood Federation of Canada is a national, non-government organization whose principal concerns is in the area of family planning and human sexuality. Our organization promotes healthy sexuality throughout the human life cycle, and as the sexuality issues are of central importance to the health and well-being of Canadians, we feel that it's imperative that we speak out in support of this proposed bill.

Planned Parenthood actively identifies and responds to important sexuality issues which affect all of us. Our organization has advanced the cause for equal rights for homosexuals across Canada and had promoted the adoption of similar legislation in other provinces.

We commend the government for proposing this very timely legislation. Our society places a strong value on human rights and therefore the majority will see this legislation is reasonable. The law is not the trend setter. The law reflects common concerns in what society feels is just and reasonable. How can we, in this day and age, single out sexual orientation from race, nationality, sex, age and disability and allow blatant discrimination against one minority group?

We are very proud that we live in a democratic society. However, we are very disturbed that approximately 10 percent of Canadians are not granted basic human rights. All human beings have certain rights and deserve to be respected as human beings. It may be difficult for heterosexuals to understand homosexuality but all of us know what it is like to experience rejection, hurt and discrimination. We need to try and relate to homosexuals as human beings who are more familiar or more similar to heterosexuals than they are different.

In this day and age, we are still condoning the existence of a second-class citizen to a minority group. Very often in our society, homosexuals are victims of prejudice, bigotry and violence. No matter what one's beliefs are about homosexuality, one should respect the basic human rights of every person. Everyone can at least be tolerant and treat gays equally.

Sexual orientation should be covered under the human rights legislation. This is the only way to ensure that all Canadians are protected by law against discrimination. Our society and our schools promote core community values. We teach our children the importance of equality; i.e., that all individuals have the same right regardless of sex. However, this does need to be extended to cover sexual orientation.

Until the law is changed, we will continue to see victimization of gay students and teachers and a general negative degrading attitude that is prevalent among our teenagers. Our schools teach the value of respect, emphasizing that we need to treat everyone, including oneself, with dignity. How can we sit by and watch students develop an attitude where homosexuals are given no such respect?

We also teach social justice - be fair to all people. How can we blame teenagers for negative attitudes and violent behaviour towards homosexuals when our own legal system is in direct conflict and offers no protection to 10 percent of the population?

Children and adolescents can learn that derogative terms and name calling can be hurtful, unjust and unfair. Adults have a responsibility to discourage this kind of behaviour, and by adoption of appropriate legislation and sensitive appropriate education, help eliminate the discrimination and homophobia. Appropriate school

programs would focus on human rights issues and core values and would not be promoting a homosexual lifestyle. Children do not learn to become homosexuals, nor do they catch it from homosexuals. These fears are ungrounded.

The legislation is needed to address the long-standing pattern of hostility and mistreatment of gays. The proposed improvements to this legislation will provide basic protection for homosexuals that the rest of Manitobans currently enjoy.

Thank you very much.

**MR. CHAIRMAN:** Thank you, Dr. Beckwith.  
Julie Enyingi.

**MS. J. ENYINGI:** Honourable Chairperson, members of the Legislature, I am here today as coordinator of the Facts of Life Line, but also representing Planned Parenthood Manitoba.

Planned Parenthood Manitoba's mandate is to provide and encourage education, advocacy and research in the field of human sexuality, sexuality education and family planning.

I would like to begin by applauding the Government of Manitoba for addressing this controversial issue and proposing equal human rights for the gay population in this province.

One of the services offered by Planned Parenthood Manitoba is the Facts of Life Line. This is a telephone information and referral service available to all residents in the province. Counsellors deal with requests for information and support on all sexuality issues, including homosexuality. The Facts of Life line is widely used. We receive over 1,000 calls each month. A significant portion of our calls is related to gender identification, confusion and homosexuality. Callers of all ages have expressed concerns about discrimination, citing fear, intolerance and even violence directed at them in their own communities because of their perceived or actual sexual orientation.

As advocates in the field of human sexuality, Planned Parenthood Manitoba believes that people of any sexual orientation, heterosexual or homosexual, deserve equal treatment. Judging or discriminating against someone, based on their orientation, is no different than the discrimination of racial or religious minorities. The issues are the same.

Planned Parenthood Manitoba views homosexuality as a variant in behaviour, not a deviant. We recognize a variety of differences throughout the population, and previous legislation has ensured that these differences are not grounds for discrimination.

This legislation, granting equal rights to homosexuals, is no more a threat to the rights of others than was the granting of human rights to any other minority group.

It is clear that there is a great deal of abuse and mistreatment of gay people in our society. The need for protection of basic human rights is evident. It is especially critical that these rights encompass the entire population, youth and adult alike. Many of the calls to the Facts of Life Line do come from teenagers, and their stories of harassment emphasize their need for protection of their basic human rights.

This legislation has the potential to ensure that protection is extended to the most vulnerable in our

society, our youth. As educators and advocates, we promote the universal values of rights, respect, reason and responsibility. Our society has continually demonstrated tolerance for a wide variety of lifestyle differences. This legislation would ensure that the same tolerance be extended to those of different sexual orientation. We recognize that some individuals may not be accepting of a homosexual lifestyle, but surely we can demonstrate our respect and tolerance of others in this society.

Thank you.

**MR. CHAIRMAN:** Questions?

The Member for Portage.

**MR. E. CONNERY:** I'd like to ask Dr. Beckwith, is homosexuality something that is born into somebody or that they attain it at a very early age, or is it something that can be a choice? We talk about the bisexuals, and they keep on bringing in that they want to have protection for bisexuals, and bisexuals to me means choice. This is the area that I'm struggling with is: When does a person become a homosexual person?

**DR. L. BECKWITH:** If I could answer all those questions, I'd be a very famous researcher. Unfortunately, we don't have the answers to all those questions, but I can give you a personal viewpoint that might clarify some of it.

Yes, a lot of them probably are born. A lot of them discover it during their puberty. I think a lot of people try to suppress those feelings and try to live what we call the normal lifestyle, because of the pressures they would have to live if they tried to come out. I think a lot of people would prefer to actually be homosexual, but are forced to live bisexual lifestyles because of the nature of society right now.

So I can't give you any real conclusive answers on that, but I think all those things are actually functioning right now.

**MR. E. CONNERY:** In your estimation, if homosexuality is given an equal status with a heterosexual lifestyle, will it encourage more people to become homosexual?

**DR. L. BECKWITH:** No. I don't think we're actually condoning a different lifestyle here. What we're saying, we accept you as a human being; we're going to give you basic human rights. We're not saying we condone homosexuality per se.

It's a bit like the divorce problem. I do not like to see people divorce. It is much better to have a stable family relationship, but we have to face reality, divorces occur. The same thing applies in this given situation. I accept a divorcee and the lifestyle they choose to live, because that's their circumstance. That's what I'm asking people to do for the homosexual community.

But no, I do not see it promoting it and seeing a large increase in the number.

**MR. CHAIRMAN:** Other questions? Thank you, Dr. Beckwith.

The next presenter is Mr. Lewis Martin, private citizen - Mr. Martin. The next presenter is Mr. Rick Wilgosh, private citizen - Mr. Wilgosh. Next presenter is Ms. Wendy Woodcock, representing Manitoba Representatives for REAL Women of Canada.

Ms. Woodcock.

**MRS. W. WOODCOCK:** Thank you.

Mr. Chairman, committee members, ladies and gentlemen, my name is Mrs. Wendy Woodcock. Maybe you can make a change on the record. I'm not a Ms.; I'm a Mrs.

**MR. CHAIRMAN:** Mrs. Woodcock?

**MRS. W. WOODCOCK:** Mrs., yes. I'm the Manitoba representative for REAL Women of Canada. As such, I represent over 5,000 members provincially and over 40,000 nationally.

Our name is, I believe, it's an acrostic. It's called a Realistic, Equal, Active for Life is what we stand for, and we're a pro-life, pro-family organization of women who come from all backgrounds, be it homemakers or women who choose to work outside the home as well as have families or single women. Some 15 percent of our membership is men.

We're a volunteer organization and, unlike other organizations which have appeared before you today and yesterday, we receive no government funding whatsoever.

I speak to you today on behalf of the members of my organization, and we're dealing today only with those areas of the Code which have been approved as policy by our membership.

REAL Women are very concerned about the proposed amendment to the Manitoba Human Rights Code as proposed in Bill No. 47, concerning sexual orientation. The homosexual movement aims to redefine the family away from the traditional model of husband, wife and children. It seeks a more "functional definition," which does not require heterosexuality as its foundation. They promote the idea that the traditional family is only one among many legitimate alternate lifestyles, including same-sex marriages, common law unions, etc.

In Ontario, where sexual orientation legislation has been passed, homosexuals can now adopt and provide foster care. Think of how this will affect the children in our society as a whole, when research by the Kinsey Institute has uncovered that only 1 percent of homosexuals have a lifelong partner, 28 percent have over 1,000 different partners and, contrary to the idea of homosexuality being a loving relationship, 70 percent confine their sexuality to one-night affairs.

It has been stated many times that homosexuals are not as bad as heterosexuals for child abuse. However, a survey of American national studies carried out by Dr. Garry Bullard (phonetic) of the Department of Political Science at the University of Seattle has shown that homosexual assaults on boys represent 50 percent of the entire total sexual assaults and are carried out by homosexuals.

Homosexuals are at most 4 percent of the population and, accordingly, 24 times more likely to molest than heterosexuals. Dr. Nicholas Grath (phonetic), Director of the Sex Offenders Program in the State of Connecticut, states that 80 percent of the sex offenders in their program were themselves abused as children.

Homosexuals have the same civil rights as other Canadians. They are protected by the Charter of Rights and by federal and provincial human rights legislation.

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Including sexual orientation as a prohibited ground of discrimination, would mean that, in addition to the rights shared by everyone, homosexuals would have special rights, recognizing in law their lifestyle and behaviour. That is, amending the human rights legislation would mean societies condoning homosexual activity. If such a law is passed, citizens would be punished for taking into account a homosexual's moral character and making some important decisions, such as who will be accepted as a tenant in their home, as a teacher for their child, as an associate in their business or as an employee in their church.

If such a law is passed, homosexuals would be the first group to have special protection. No other group is protected under law, based on their behaviour.

The Charter of Rights protects citizens on the basis of identity, not behaviour. Historically, the Code has always dealt with unchangeable states, such as colour, race, place of birth, creed, gender, etc. Alcoholism or compulsive gambling, for example, do not qualify for such protection. Neither should other behaviour such as homosexual activity.

Homosexuality is a changeable behaviour. Research published by Masters and Johnson in their book, *Human Sexuality*, published in 1982, shows that 50 percent of homosexuals can successfully be returned to heterosexuality.

REAL Women do not believe that homosexuals are discriminated against as a minority. Everyone is against discrimination. The word connotes prejudice and bigotry. But there is a difference between permitting discrimination on an irrational basis, such as race, and permitting employers, landlords or others to exercise a sound discretion based on a legitimate factor, such as moral behaviour. Homosexuality is a psycho-sexual disorder, and refusal to pass laws giving special privileges to homosexuals is not discrimination.

If we legislate sexual orientation, it could lead to judgments against parents, businesses, organizations and everyone who has convictions that moral character does matter. A parent should have the right to consider the moral calibre of those who come into contact with their children.

This would only be the beginning. For example, gay rights activists are already lobbying to repeal the age of consent for sexual behaviour; for the recognition of homosexual and lesbian marriages; for the spousal rights of live-in lovers, such as health care, and for other laws promoting social acceptance of homosexuality. This legislation would benefit the 1 percent of homosexuals who have lifelong partners, and certainly be a statement of approval by our government of this lifestyle.

Homosexuality has a harmful impact on society that can no longer be seriously ignored. The new findings on AIDS have destroyed the idea that the gay rights movement doesn't injure anyone, and that what they do is their own business. Homosexuals are a medical threat to their own sex, to those who require blood transfusions, to the promiscuous and their unknowing spouses. The present crusade for condom use will not stop the spread of AIDS. If condoms are only 60 percent to 80 percent effective in preventing pregnancy, we cannot realistically expect condoms to prevent the spread of AIDS. In addition, the cost of medical research and treatment of AIDS is mounting daily and is being paid for by the taxpayer.

Homosexuality is like all forms of behaviour, a continuum. Thoughts become actions, habits become a lifestyle. Social acceptance that will follow "gay rights" laws will give homosexual behaviour a favourable climate to spread even more easily. As homosexuality becomes publicly accepted as a valid lifestyle, traditional moral standards are further undermined. The damage to homosexuals themselves goes far beyond their medical problems. Their conduct leads to devastating psychological consequences. Psychiatrists continue to believe that homosexuality is a disorder of psycho-sexual development.

The homosexual is, without doubt, a proper subject for the exercise of compassion on a personal basis, but sympathy is not shown by pretending that homosexual activity is normal behaviour. Sheer compassion comes to the homosexual from treating him as a responsible, moral being, who can change or control his inclinations. Compassion towards these individuals can serve a greater purpose in the form of treatment, not in feeding their wants. We should have a greater compassion for the effect this type of lifestyle will result on their innocent victims, who are medically or psychologically damaged.

REAL Women are also concerned with section 2, dealing with affirmative action, etc., permitted. REAL Women of Manitoba support, without exception, the concept that women must have equal opportunity in employment. Thus, all positions must be advertised and open equally to both men and women. REAL Women, however, are opposed to the concept of mandatory affirmative action, which includes female quotas which, in fact, becomes job ceilings for women as it prohibits women from obtaining jobs once the quota is filled. To give women this preferential treatment on the basis only of their sex is unfair and is reverse discrimination against qualified males, as well as minority groups, such as ethnic and Native people.

It is an undeniable fact that males now occupy the vast majority of high-paying positions. This, however, is not necessarily evidence of sexual discrimination. Rather this may well be a reflection of the fact that women until recent years either have not been trained for or have not participated on any large scale in the job market. Today, women are changing career goals, working more on a full-time basis and entering educational and post-graduate programs to gain new skills. More and more, they are working in occupations that have been held traditionally by males.

With the number of women in the work force rapidly increasing, the number of women appointed to high-paying supervisory and executive positions will inevitably increase. Women are now protected from discrimination in employment on the basis of sex by the provincial Human Rights Code. Increasingly, more qualified women, if they so choose, will attain better positions.

In summary, it is the position of REAL Women of Manitoba that appointments should not be made on the basis of gender. In short, appointments should be made on the basis of the best qualified person for the position, regardless of sex.

In conclusion, REAL Women of Manitoba appeal to the members of this committee to make amendments to the proposed Human Rights Code, which will reflect the wishes of their constituents, not the demands of

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minority groups. In this way, we will truly have government of the people, by the people and for the people.

I thank you very much for this opportunity to speak before the committee on our concerns towards Bill No. 47 and for your attentiveness.

**MR. CHAIRMAN:** Questions?  
The Member for River Heights.

**MRS. S. CARSTAIRS:** Yes, thank you, Mr. Chairman.  
I'd like to ask the individual here with regard to some statistics on page 2 of her brief. She has, in fact, said that 50 percent of all sexual assaults are performed on males. I think that that's in direct conflict with every single study I have ever read which indicates - (Interjection)- that 80 to 90 percent of such assaults are on females.

**MRS. W. WOODCOCK:** This is a study that I did not carry out myself. It was carried out by doctors . . .

**MR. CHAIRMAN:** Before we proceed . . .

**MRS. W. WOODCOCK:** Oh, I'm sorry.

**MR. CHAIRMAN:** Proceedings in legislative committees are not any less than proceedings in courts. There are orders here. Therefore, I caution the members of the audience not to make this a sideshow. Please be discreet when you show your appreciation.

Thank you. No rabble-rousing. You can clap gently at the end.

**MR. J. McCRAE:** The most recent outburst happened just after the Honourable Member for River East engaged in debate with the presenter today.- (Interjection)- I'm sorry, River Heights.

Mr. Chairman, you earlier cautioned me and other honourable members on this side of the table, as opposed to that side of the table, about engaging in debate. It was the debate by the Honourable Member for River Heights that caused the outburst.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. CHAIRMAN:** Order please.  
The function of the Chair is to maintain order. It can only be done with the help of the members and with the help of the audience. If we follow the rules, the proceedings will be orderly; if we don't, it will be disorderly.

Shall we follow the rules or not?

**MR. J. McCRAE:** Follow the rules.

**MR. CHAIRMAN:** We shall follow the rules. Let's go on with the business.  
The Member for River Heights.

**MRS. S. CARSTAIRS:** Thank you, Mr. Chairman.  
I simply want a clarification of the statistics. Can the person, who has presented the statistics, tell me whether we are talking about 50 percent of all sexual assaults, or 50 percent of the sexual assaults on boys?

**MRS. W. WOODCOCK:** We're talking about 50 percent of the assaults on boys.

**MRS. S. CARSTAIRS:** 50 percent of the assaults on boys.

**MRS. W. WOODCOCK:** M'huh.

**MRS. S. CARSTAIRS:** Therefore, you would not argue with my statistic that between 80 or 90 percent of all sexual assaults are, in fact, performed on girls?

**MR. CHAIRMAN:** Order please, order please.  
Members are not to debate with the presenters. They are to ask questions for clarification; that is the rule. I'm not referring to any particular member, I'm referring to all including myself.  
The Member for Lakeside.

**MR. H. ENNS:** Thank you, Mr. Chairman.  
We should thank Mrs. Woodcock for the brief. Just a simple question - a question that I ask from many organizations, when I hear you indicate the scale and scope of your organization, some 5,000 members provincially and 40,000 nationally. My simple question to you: Is your organization either nationally or provincially being funded from any government sources at this time?

**MRS. W. WOODCOCK:** No, we have been refused funding.

**MR. H. ENNS:** Thank you.

**MR. CHAIRMAN:** The Member for Brandon West.

**MR. J. McCRAE:** Mr. Chairman, on that point. I understand that at the federal level, at least, the funding has been denied because of a contention by the Federal Conservative Government in Ottawa that your organization does not stand for equal rights for women. Would you deal with that for a moment?

**MRS. W. WOODCOCK:** That is correct. Although the Secretary of State, John Crosbie, has said that we do meet the criteria of the women's program, they would not give us, I believe it's called core funding, but suggested that we submit for - I'm sorry, it's so hot in this room. I've been sitting here for so long, I can't think of what it's called. You get funding for projects - project funding, that's what it is, that we asked for project funding. Then from there go on for the core funding.

But since there was a special committee, and in that committee they specifically dealt with REAL Women and said that we didn't fit the criteria so it's kind of a catch-can situation here. They're saying on one hand we do and one hand we don't. Well, we had difficulty in the first place getting even an application for the funding.

We had to introduce ourselves as the lesbian mothers group, and then they sent us an application within a week, but before that we couldn't even get an application form.

**MR. J. McCRAE:** I understand that your group puts a certain - how shall I put it - emphasis on the



importance of the family to the future of our country and the family being the bulwark of our present society. Is that one of the precepts your organization puts forward?

**MRS. W. WOODCOCK:** Yes, it certainly is. We believe that the family is the backbone of this country, and if the family unit breaks down, then this country will begin to break down and disintegrate.

**MR. CHAIRMAN:** A point of order being raised - the Member for Kildonan.

**MR. M. DOLIN:** Could you speak up a little, I'm having difficulty hearing.

**MRS. W. WOODCOCK:** Sure, sorry.

**MR. J. McCRAE:** Has your group made application to the Government of Manitoba for assistance?

**MRS. W. WOODCOCK:** No, we have not as of this time. We're fairly newly organized in Manitoba and just in the process of incorporating.-(Interjection)- Right. But that has been done basically just by word of mouth too. It's not been certainly through any big drives or anything to gain membership either. We haven't had a whole lot of money; we just have our membership fees and gifts that people give in order to get our membership. Because we are just fairly new in Manitoba and just becoming incorporated now, we have not applied for funding yet from the Provincial Government.

**MR. J. McCRAE:** Is it the position of the REAL Women that they should be entitled to federal and/or provincial funding, just as the Elizabeth Fry Society, the Immigrant Women's Association of Manitoba, the Manitoba Action Committee on the Status of Women, the Manitoba Advisory Council on the Status of Women, the Manitoba Association of Women and the Law, the National Action Committee on the Status of Women, the Provincial Council of Women and the Young Women's Christian Association? Is it your position that if those groups are entitled to public funding to promote their issues that your groups should also be entitled that funding?

**MRS. W. WOODCOCK:** We don't believe that any women's groups should be funded by the government. However, we do believe that if the government is going to fund women's groups that we certainly should be entitled to some of that funding.

**MR. CHAIRMAN:** Any other questions?  
Thank you Mrs. Woodcock.

**MRS. W. WOODCOCK:** Thank you.

**MR. CHAIRMAN:** The next presenter is Mr. Dennis Hennessey, private citizen.  
Mr. Hennessey.

**MR. D. HENNESSEY:** Mr. Chairman, and honourable members.

While it is laudable to attempt to restrict unreasonable discrimination, care must be taken not to enact

legislation that will itself be discriminatory. It should be remembered that special rights given to any minority group are always given at the expense of the majority, and sometimes the majority takes exception to it.

Much, if not all, of section 9(1) and (2) of Bill 47 is covered in other legislation, and the passage of this will make more work for the courts in trying to interpret the meaning of the new law in relation to existing law. In addition, the literal enforcement of this law, as written, would result in ridiculous situations.

For example, as an employer, I would not want an employee to be an active member of the PLO or the IRA. That would not be beneficial to my business. There are many other possible scenarios where a conflict of interest exists, ones much more likely and reasonable, but there is no allowance for these in the legislation, as written.

In section 9(2), the category "sexual orientation" appears and its inclusion doesn't have any rhyme or reason. A well-known politician stated that the government had no business in the bedrooms of the nation and spent a lot of effort in getting sexual orientation out of legislation. It would be better left out. In addition, sexual orientation has to do with personal habits, while the other listed characteristics have to do with who a person is. Therefore, this is not an appropriate subject for inclusion in this type of legislation. "Source of income" also appears to be out of place here, having nothing to do with who a person is. While there is no limit to the possible reasons for discrimination, there is a physical limit to the list of characteristics not to be discriminated against. Said characteristics should be based on some common ground that can be readily seen and understood.

In general, it appears that section 9(1) and (2) are unnecessary in that they duplicate much existing law, would be excessively onerous if enforced as written and, in essence, would create more problems than they would solve. At the very least, the bill should be amended in order to make it reasonable and useful. Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Mr. Hennessey.

**MR. D. HENNESSEY:** Thank you.

**MR. CHAIRMAN:** The next presenter is Gordon Kooper, Mr. Kooper.

The next presenter is Ken McGhie. Mr. McGhie, do you have a brief?

**MR. K. McGHIE:** No, not to give out, just an oral presentation. I thank you for the opportunity to make this presentation.

I come against Bill 47, the bill, and just recently I got from Stats Canada a listing from 1981 on the many religious groups we already have in Winnipeg that are certainly recognized and it came to a total of 39, back in 1981. These people obviously represented many different beliefs, and with all these different beliefs, it can't be stated that all are believing the right thing. There are people there who definitely believe wrong things, and a bill, like Bill 47, would actually promote the believing of wrong things in many areas. Not all

religions are certainly believing right things. False religions would be sanctioned and would be promoted in this way, along with just the actual homosexual aspect; that which is not against homosexuality actually promotes it. This, in giving sanction to it, protecting it, actually promotes homosexuality and all that homosexuality brings with it, whether it be AIDS - a vote for this kind of a bill is a vote for homosexuality.

I'm in a prison ministry here in Winnipeg in the local area, and I have 10 years in my background as being a prison inmate, and some of the questions that came up earlier - one man asked does homosexuality bring on homosexuality and I'm here to tell you that, yes, homosexuality breeds homosexuality. I've seen it in many first-time cases, where young man who are duped, were seduced, were many things, into believing a homosexual lie.

I'm in a counselling situation in a prison ministry and I've been confronted with many people and I would say to use the word "suffering," trapped in a homosexual lie, believing a lie about homosexuality and then counselling them on the basis that this is present in their life. We try not to leave them trapped in a lie, because we do believe we have the answer for the homosexual and we present it to them.

We've seen many people walk away from homosexuality, free and clear and clean, without the drawing point of homosexuality. It is a binding trap; it's a compulsive thing. We're not trying - I mean the same discrimination we have against criminals, people who have a compulsion to rape, or a compulsion to shoot a gun at people and murder, we discriminate against these people and we have to again discriminate against homosexuals who say they have a compulsion to this type of behaviour.

Another member here at the board was questioning the origin of homosexuality and it's not just one origin. I believe there are many origins of homosexuality and one of them, I think just the aspect of it, it is a lie, and if a person is exposed to a lie long enough, he will receive that lie as actual fact and believe it as the truth, and that's one origin aspect of homosexuality.

Another aspect of homosexuality, even in the womb of a mother, homosexuality can be implanted in a child through thoughts, the mother wanting a girl and yet a boy being born, certainly again a strong tendency towards homosexual tendencies. The homosexual himself has a very strong tendency for suicidal - they have a high suicidal tendency. They know it's not right. There's just a natural knowledge that it's not right. But given the reinforcement of believing anything long enough or reinforcing it with the further behavioural action, they'll believe anything for so long.

But I think with this kind of a bill that would allow homosexuals especially to take places in jobs and not be discriminated against would just throw open the doors for the promotion of homosexuality. Homosexuality is definitely something that breeds homosexuality. It's a disease; it's a disease-like entity and I think that if we do not legislate against it, you just throw open - for the many school kids who are wondering about their sexuality or young people who are wondering about themselves, to give them this option to say, well, yes, our government says that it's something further that can be considered and it's accepted is wrong. It's wrong, because it's based on

a lie. We hope the lie can't stand the test of time, but as we look back on other civilizations and we see where rampant homosexuality was truly a point of downfall in Greek societies, in many societies past, and hopefully, we can look to the past and maybe learn something from it, but homosexuality never produced a strong, good, healthy environment.

On those points, I just thank you for listening to me.

**MR. CHAIRMAN:** The Member for Elmwood.

**MR. J. MALOWAY:** Thank you, Mr. Chairman.

Mr. McGhie, you mentioned that in 1981 in Winnipeg there was something like 39 religions and you mentioned that most of these were false religions. Could you give me a few examples of false religions?

**MR. K. MCGHIE:** No, I didn't mention that they were all false religions. I just mentioned that there was 39 on record, and I said that understandably some of them are false religions.

**MR. J. MALOWAY:** Could you name me a couple that are?

**MR. K. MCGHIE:** No. I don't think that it would be in my best interests to point a finger to say who is and who isn't. I'm just stating that not all these people are believing the same thing, and not all of these people are believing the truth in this way. The truth can't be stated in 39 ways.

**MR. J. MALOWAY:** So you're telling us that what you said was wrong then. You can't name me any false religions.

**MR. K. MCGHIE:** Well, I didn't say that but I suppose, if pressed to the point, I could name some false religions. The Satanic religion, I certainly believe is a false religion. There are just many aspects of religion, and I don't believe that religion really plays a real part in real Christianity.- (Interjection)- We won't mention that.

But I think that there are many different interpretations in Christianity, interpretations of the Bible that people have clung to and thus we have the many denominations. But definitely there are false religions, religions that won't - and what I mean by a false religion is a false religion is definitely a religion that doesn't present the truth that will set you free. Hopefully, anything that binds you up I believe is of a religious nature, and I think that is actually the root word of religion. It actually means a binding, and not necessarily a binding towards the truth, but a binding towards a falseness and a captivity.

**MR. CHAIRMAN:** Other questions? Thank you, Mr. McGhie.

**MR. K. MCGHIE:** Thank you.

**MR. CHAIRMAN:** The next presenter is Mr. Tom Cohoe, private citizen. Mr. Cohoe, proceed.

**MR. T. COHOE:** I appreciate being able to speak to this committee. I oppose this bill on the grounds that

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are the contentious grounds here, that is, the grounds that refer to the so-called sexual orientation.

Before I go on to dispel any ideas of the kind of people who think the world is divided up into militaristic, supremacist bigots and lovers of humanity, I'd like to say where I stand on a few other issues.

On the question of the Native Indians of Canada, I support them in every request they have ever made for funds from anybody in this country, that is, governments. The Free Press, which claims that it is a great stander-up for human rights, recently showed great indignation in denouncing the Indians on their reserve at Shoal Lake for trying to get some compensation for being the people who are supplying Winnipeg with their water. I think we should give them everything that they want in that. They haven't been unreasonable at all in the demands that are being made through Jean Chretien.

I'd like to say that I would like to see an Indian in this country rich enough to build or buy the Richardson Building. Until we have made at least one Indian that rich through an equally applied program, we haven't given them what we owe them.

The question of Nicaragua, I don't like the Contras. I think they're one of the great forces for evil in this world. I don't know anything about what the Nicaraguan Government is or what it stands for. I know that the Free Press - again, a great stander-upper for human rights - loves to denounce the Nicaraguan Government, and say that it likes this situation where it's being raided by a group of people supported by the most powerful nation in the world, that it likes this because this gives us an opportunity to oppress people in that country. That is the most ridiculous thing I've ever heard of!

If I were given a choice of who to vote for in the United States as President, I would choose Jessie Jackson. He is, by far, the most interesting leader in the United States who I know of who's running for the presidency right now.

My wife is an East Indian, born in India. Her native language is Malayalam. So if you want to make me out to be a bigot, you're going to have to explain - well, that's not what I mean to say. What I mean to say is that the world isn't divided into left and right.

Now having said that, I'd like to say what my attitude is towards Human Rights Commissions. I think they are abominations. In the past, religious groups had great power. The Catholic Church in Europe was a great oppressor of mankind. It had its inquisitions. The Human Rights Commissions are inquisitions.

The reason why Human Rights Commissions are something that I oppose is not because I don't believe in human rights, but because the notion of the state defending human rights is ridiculous. Human rights are all about defence against power, and the state has the power. Therefore, the state cannot possibly protect people against power, the exertion of power, and Human Rights Commissions, by their very nature, can't work. Communist countries think that they can, but they can't.

I'm a person who is being oppressed through legislation in this province. I'll be speaking to another committee that's supposed to be coming up soon on that account. But I don't want my rights defended through legislation or acts that will say that I have a right because I'm a member of some group. I would rather show that the legislation that's oppressed me is stupid.

I think that people have the right to do wrong. I don't know if anybody understands that's what freedom of conscience is. If you take away people's right to do wrong, to follow their conscience and do other than what the state determines is right, you make them sick and nervous. If you try to determine the moral value of every dilemma and decide which one is right and make the other one illegal so that people have no freedom to decide their conscience at all, you will make a state that will soon die because it will have no creativity. There will be no opportunity. The only people who will have any power will be people who have the benefit of nepotism or some form of corruption, which is what always occurs to an order that has power.

Possibly, that's wrong. I don't want to make my argument stupid by saying that, but corruption is the general rule for bureaucracies. That doesn't mean all bureaucracies are corrupt, but there is a great force tending to make them corrupt.

There is a great gap between the alternatives of oppressive legislation and legislation that makes it illegal for an individual to discriminate on the same basis that the legislation did. If you were to try and pass legislation, Mr. Penner, that said that it was illegal for a Manitoban to hire a homosexual, I would say that would be not only discriminatory but it would be persecution. There's a great gap between that position and saying that it's illegal for a Manitoban who is a private citizen to refuse to hire a homosexual. That's not persecution, because it doesn't stop the individual from going to another employer and trying to get a job. If there are 80,000 employers in Manitoba and one says he doesn't want to hire a homosexual, there's 79,999 left. On the other hand, if the state makes it illegal and the legislation has any teeth, then that person can be taken to court and prosecuted, which would be persecution in that case.

I don't understand why these people who want to defend human rights in government don't understand that there's a position between those two positions, banning or getting rid of state legislation against homosexuality and making it illegal for a private individual to decide, by his own conscience, that he doesn't want to hire a homosexual. The gap between those two alternatives is to do what one of the previous gentlemen here said, and it's just not refer to homosexuality in legislation at all.

I personally think that homosexuality is immoral, that it does corrupt society but, if you did try to pass a law that said it would be illegal for an employer to hire a homosexual, I would oppose that. I believe that they need freedom of conscience too. That's exactly what I meant when I spoke of the right to do wrong. They have to have that right, and so does the employer. So if it's wrong for an employer to refuse to hire a homosexual, he still should have that right. Even though it's discrimination, it's not persecution.

That's what I would like to speak about is the word "discrimination," because it seems to be a word that people are afraid of. Discrimination is what occurs every time you make a decision. If you decide to hire one person out of a line-up of 80, you've discriminated against 79 in favour of the one who you hired. I believe that discrimination is not a bad thing. There are bad forms of discrimination, but discrimination is just a neutral word, and it works like newspeak in the way that people are afraid to say it.

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Larry Desjardins was reported in the Free Press to have said that he believes that homosexuality is wrong, but he was taught not to discriminate and that's why he wants to support this bill. Well I'd like to ask him - if he was here, I'd say to him - if you had a position in your office and there were 20 people, 19 of them had no experience and one of them did, and you chose the one who had experience, I'd say you were discriminating on the basis of work experience. Mr. Desjardins personally thinks that homosexuality is immoral. He doesn't, I hope, think that lack of work experience is immoral. Yet if he wants to support a bill that will make it illegal to discriminate on the basis of something that he thinks is immoral, then to be consistent, surely he should also want to support a bill that would oppose discrimination on the basis of something that he thinks is immoral.

Gary Filmon also seems to be afraid to use the word, and he's making his argument a lot weaker by doing that.

I would like to also address what Sharon Carstairs is reported as to what her position is supposed to be. She is one of the people who believes that homosexuals can't help themselves. Well I don't know anything about the drives - well I do actually, at least I'm going to say what I think about them - but the kind of homosexuality that was until these recent changes were announced was the activity of homosexuality. People do, we believe, have the ability to control their behaviour. They should have the ability to control their behaviour, so there's a difference between saying a person has an impulsion or suffers a temptation or whatever, and succumbs to it. So if she wants to support this bill because she thinks these people can't help themselves, well they may not be able to help what they feel an impulsion to do, and maybe sometimes people feel an impulsion to steal or something like that too, but we expect them not to. If that's the reason why she supports this bill, it's not a very good one.

I think that women in general have a difficulty understanding why men don't like homosexuals. The reason why is because, for one thing, men can have an experience that women can't have, and that is to have a homosexual approach made on them. Is that hard to understand? If a man makes an approach on you that's a homosexual approach, I mean to me that seems to be impossible. If a normal approach . . .

**MR. CHAIRMAN:** Order please.

You are addressing the committee.

**MR. T. COHOE:** I'm sorry. They're heckling.

**MR. CHAIRMAN:** Proceed please. Go ahead, Tom.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. T. COHOE:** Who's a bigot? Well, just as long as they let me go on, I will . . .

**MR. CHAIRMAN:** Carry on.

**MR. T. COHOE:** There are differences between men and women, and men and women can have different experiences. Anybody who is afraid of that fact is

completely driven by ideology or something, I don't know.

Men's and women's sexual drives are different too and these can be explained in terms of evolution. Different sexual drives have to have evolved because the method that a man spreads his genes is different than a woman. A woman invests nine months into reproducing and a man invests a few minutes. So evolutionarily speaking, you can quite easily make sense of men's repulsion to homosexuals and women's lack of concern.

Since it takes so much energy for women to reproduce themselves, they have to be discriminatory in choosing their sexual partners. In other words, they don't have a libido that makes them want to satisfy their sexual urge at every possible opportunity. If they did that, they would not be selecting for the best genes that they can choose to pass on to the next survivor. I'm not saying this is an intellectual process. This is the way their drive works. Evolution has defended, protected, selected for a sexual drive in women that is slower to turn on because, if women jumped into bed with the first men they saw every time, they would be producing children who wouldn't be the best to survive, to pass on their genes. So they want to make sure that the man they go to bed with is a good one. That's why their sexual drives don't turn on as quickly.

Men, on the other hand, would have to be a Don Juan to be able to find more partners, if they were individual partners - everyone was different - to be able to - what I'm trying to say is that, if a man comes across a woman who is willing to go to bed with him, he's not very likely to find another one so quickly after that, that he can't go to bed with her. I'm not saying anything about the prowess of men, but it's for that very reason that women are very discriminatory. It's hard to convince a woman.

I'd also like to say something. The sexual drive itself, the itch, is brainless. It's not an intellectual function at all. It could be satisfied in many ways. If there were no such thing as what is called homophobia, I don't know what would be stopping men from turning into each other's arms and satisfying their sexual drive. Since all men have a very active sexual drive and it's easier to find a willing man than it is to find a willing woman, what is stopping men from satisfying their sexual drives with each other, instead of going to all that work trying to convince a woman to go to bed with them.

Well, it's the repulsion that men feel, and that's why there's this thing that's called homophobia. Homophobia is not an illness or a disease. In fact, it's natural and it's necessary. If it weren't necessary, the fertility of the race would drop drastically. I resent that my homophobia is supposed to be something wrong with me, and I would suggest that homosexuals are people who don't have homophobia.

Also, this committee has heard a lot of arguments in favour of this bill. I would suggest that two groups are organized. The homosexuals are organized and naturally supportive, and the women for the reason I said, they can't understand homophobia. I don't say you can't intellectually understand it, but you have to do it intellectually. You can't feel it. Thinking can very easily go wrong, so it's not surprising to me that women in general think that we're a bunch of mean-spirited bullies when we say we don't like homosexuals.

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I have nothing against homosexuals. I said I believe they have the right to do wrong. I just don't want to have to associate with them and that means that, if I am an employer, I don't want to be forced to hire one. Okay, I guess that's all.

**MR. CHAIRMAN:** Questions? Hearing none, thank you Mr. Cohoe.

**MR. T. COHOE:** Thank you very much.

**MR. CHAIRMAN:** The next presenter is Ray Schmidt, private citizen.

The next presenter is Wendy Peter. Ms. Peter.

The next presenter is George Feenstra, private citizen. Mr. Feenstra. Do you have a brief to distribute?

**MR. G. FEENSTRA:** No, Sir.

**MR. CHAIRMAN:** Thank you, just proceed.

**MR. G. FEENSTRA:** First of all, I would like to commend myself to your patience. I've been here for a very little time. I've heard words that have tried me. I've heard words that have been redundant, but I've also heard words that have been powerfully true.

I appeal to your realization of truth. If you know one man or one woman who is without prejudice or without pride, I will introduce you to the Messiah. We are all personal victims of our own prejudice and our own pride. We live in a society victimized by prejudice and by pride.

It reads in our Charter of Canadian Rights and Freedoms, "whereas," - in other words, in the light of, in the way that everything that follows this is predicated: "Whereas Canada is founded, established, built upon principles" - principles endure, the solar system is held in balance by principles, which is not to negate randomness - "that recognize the supremacy of God and the rule of law." I make the point that law derives from God and, if law does not derive from God, it is not law but anarchy, lawlessness. I believe the Jew who was rejected made a point of saying that terminal stages of civilization are characterized by lawlessness, a rejection of principle.

Homo - I've been called that. The girls in high school questioned my sensitivity, my lack of drive for conquest - homo. I had to explore that concept until I was about 25 years of age when I lay in bed with a man to finally find out that this idea, though it compelled me by virtue of my idiosyncrasy, was repulsive to me. I lay in bed beside a man who had been kind to me, gentle to me, and yet the consummation of carnal engagement was reprehensible. I speak from experience.

This country stands on the threshold. This committee represents a fading democracy. The computer which records these words and these events represents an evolving technocracy, a totalitarian technocracy, basically a capitalist technocracy, basically fundamentally a capitalism that profits from the intrinsic basic drives of humanity, perverting them for sales. The Book of Revelations speaks of the selling of human souls. You sell the poor into bondage; you sell the rich into bondage; you sell the intelligent into bondage; and you sell the dumb into bondage.

The supremacy of God is the issue here. The supremacy of God is the issue in every committee sitting and every Legislative Assembly in every place where men of reason gather together. If God is not supreme, then I have the right to impose my will upon all of you by whatever means I see fit. In all likelihood, if I should undertake such a venture, I would be deceived, believing that I was a sincere man. I commend you to history and attest that Hitler believed he was a sincere man, bettering humanity.

Homo, like kind, the end result is futility. Can a man, by entering into the anus of a man, beget a man? And without begetting, where is humanity? Then what purpose is the penetration of a man by a man? It's futility, it's despair. It's the reduction of man's will to will without purpose, without cause. We have heard testimony that a homosexual is a victim, is vulnerable. Who here has not suffered isolation in your climb? Who has not suffered indignation at the hands of a bully or a ruffian?

The homosexual lobby is not a group of random individuals suffering injustice. It is a powerful lobby, pursuing the idea of futility, man entering into man, begetting - shall I speak of plagues? Does humanity believe in plagues? Does the Jew revere what Moses set before us? It has endured, what Moses set before us. It's the foundation of all that we believe.

I commend you not simply to walk away from this committee, feeling you have discharged a civil commission. I charge you to walk away here, men fired up in your imaginations, to pursue righteousness and to pursue justice. I remind you that justice is not contained in law, nor is it limited by law.

In essence, the purpose of this legislation is futility for law cannot legislate kindness. Law cannot bring to pass compassion. Law is what you use to keep your cattle in straight lines.

We need to educate people to be responsible to the truth, even if it costs us the destruction of the financial empires which pollute our world with their heresies. Patient people, I have a direct line of inspiration, I could go on for hours and years setting the truth before you. But you are mortal; your patience has limits. From this point, you need no longer weigh elementary, peripheral facts. You must come to decide the heart of the issue: Is God supreme in Canada or is this country founded on rhetoric?

Thank you and I charge you to remain honourable, ladies and gentlemen.

**MR. CHAIRMAN:** Questions for Mr. Feenstra? Hearing none, thank you, Mr. Feenstra.

The next presenter is Mr. David Bloom. The next presenter is Rosalia Bugan. The next presenter is Rose and Paul Dubois. The next presenter is Norman Woods. The next presenter is Kell Frandsen. The next presenter is Rob Friesen. The next presenter is Doris Friesen. The next presenter is Betty Friesen. The next presenter is Harv Thiessen. The next presenter is Richard Koopanyi. The next presenter is Henry Dueck.

The next presenter is Randy Wengel. Randy Wengel, private citizen.

**MR. R. WENGEL:** I have a brief.

**MR. CHAIRMAN:** Mr. Wengel.

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**MR. R. WENGEL:** Honourable Chairman, members of Parliament, I appreciate this opportunity to express some individual concerns in regard to Bill 47. In section 9(2) of the bill, we read in regard to sexual orientation and slipped in between gender-determined characteristics, and marital or family status, is the phrase "sexual orientation" which is defined as heterosexual, homosexual or bisexual and refers only to consenting adults acting within the law. The phrase "sexual orientation" creates a special status for a certain group of individuals who are otherwise protected as members of our society under the existing law of the Charter of Rights. And sexual orientation, if included in this legislation, demands that our society not only condones and accepts, but gives special protection to lifestyles which may not be acceptable to other individuals.

To begin with, I believe that in many areas some of the issues have been clouded. I believe that there is protection for homosexuals already in many areas, that they've talked of beatings, of violence being given towards them or expressed towards them. Our criminal laws already protect all people under that. And I'm not so sure that this law would give them any more protection in any way from that kind of treatment. I think that the thing we need to be concerned about is that this is protecting a certain segment of individuals and really all it's saying is condoning homosexuality. I believe they are protected in other areas.

Next, I'm concerned that the bill itself is too general and I would - let's just say - I received a letter from the Honourable Roland Penner, and expressed some of my concerns and I appreciated how he addressed them. I believe he had addressed them well and I'd like just to read the one paragraph.

"The amendments address unjustified discrimination and do not endorse any lifestyle or value system. Exceptions are made where discrimination is based on bona fide and reasonable requirements or qualifications. For example, employers will not be required to hire individuals whose values do not coincide with the values which they would be expected to promote as part of their employment." And he wrote that in regard to my concerns that we, as a church, might have to hire a homosexual should he apply for a position of employment.

Now, here he states very clearly that wouldn't be so, but the bill itself does not state that. The bill is very general. I would honestly like to say that if this bill goes through that more specifics be included in the bill that would protect us, that we would not be discriminated against. Should this occur in a court of law where, if the statement is general, the court will decide who is being mistreated, not the bill per se, unless we give the judges something clearly. If a homosexual came in and the judge said you have to hire, that violates my rights and my freedoms. I would like to bring to your attention that we need more protection, not just for that group but if you're going to put this bill in you've got to take into considerations what might happen to other people who have personal rights and values.

Lastly, in addition to that, I personally believe that the legislation creates a perception that homosexual and heterosexual lifestyles are equal, a concept which is contrary not just to me but to many Manitobans. I believe this legislation offends against many of the

religious and moral principles of God's Word in our society. In your brief I have listed Scriptures that I feel state my individual belief in our very - as far as I can see - understanding. So that in regard to this, it would be a great concern to me that we do not protect a minority that would violate the rights and freedoms of other minorities and other beliefs within this province.

Thank you, gentlemen, for your time.

**MR. CHAIRMAN:** Questions? Hearing none, thank you Mr. Wengel.

The next present is Louise Bromley, private citizen. You have no brief to distribute?

**MRS. L. BROMLEY:** No, there is a reason for this. Yes, indeed, I am a private citizen and if I may request the permission to represent my husband as well as myself?

**MR. CHAIRMAN:** Granted.

**MRS. L. BROMLEY:** Thank you.

**MR. CHAIRMAN:** Louise Bromley. Husband's name, please?

**MRS. L. BROMLEY:** Malcolm, M-a-l-c-o-l-m. Thank you.

My husband and I felt strongly enough about this issue that we took the liberty to write to our MLA, Messr. Laurent Desjardins, Minister of Health - this letter was sent yesterday - and to the Attorney-General, Mr. Roland Penner, and to the editor of the Winnipeg Free Press. I will now read the contents of this letter.

"We are not in favour of Bill 47, as it now stands, and we do not want it passed. It is the phrase "sexual orientation" which deeply disturbs us. Though the inclusion of the phrase "sexual orientation" would protect the rights of some, it would violate the rights of others in our society. As parents, we are concerned that one day we may not have the right to demand that our children be taught by heterosexuals only. Those who claim that heterosexism is a form of prejudice need to recognize that there is an ultimate authority who has already declared the position on acceptable sexual behaviour."

I refer in the letter to the Scripture texts, which I believe are the authoritative word of God, in errant: Leviticus 18, verse 22; First Corinthians 6, verse 9; Romans 1, verse 22 to 32; Genesis 1, verse 27. Those who claim that homophobia is an unreasonable fear need to understand our parental responsibility and that natural, sexual behaviour is heterosexual. To allow one's children to be taught and guided by adults of another sexual persuasion will at least create confusion in the development of a child's sexual attitudes and could very well be a determining factor in influencing that child to engage in unnatural sexual behaviour. The issue is determined by one's convictions as to whether homosexuality is natural human behaviour or whether it is behaviour resultant from traumatized upbringing, such as might be caused by homosexual role modelling, or sexual encounter at an impressionable age.

As parents, we have a right, we have a responsibility to nurture our children in the moral and ethical values, which are consistent with our own beliefs. To have

imposed upon our children homosexual values, through the representatives of the educational system, would be antagonistic to a parent-child relationship based upon Christian principles.

In summary, I want to say that I am a Christian. Jesus Christ is my Saviour and Lord, and the Father, God Almighty is the authority. As a Christian, I live in a society. I am a taxpayer, and I am law abiding, but there is a cost in being a Christian as well. We all have convictions and we have to live by them.

I thank you very much, gentlemen and ladies, members of this committee, and the audience for allowing me to speak.

**MR. CHAIRMAN:** Any questions?  
The Member for Kildonan.

**MR. M. DOLIN:** Thank you, Mr. Chairman, just one question.

There are understood to be homosexual teachers now teaching who are not obvious homosexuals. You were saying you are opposed to homosexuals teaching children. If you were to discover one of your children's teachers was a homosexual, would you recommend that this person be fired? What action would you take?

**MRS. L. BROMLEY:** As a Christian, it is my first desire that my child be raised with the teachings of the Scriptures, with the teachings of the Christian belief, and so, honourable member, I would make a very big effort before I have my child enter the school system to see to these things.

In the future - my child is right now nine months old - if my child cannot be taught the Christian principles, my child will not enter into the public school system. I will simply make that choice. If there is a Christian school available, I will see to it that my child is able to go. If this is not available, then I will see home schooling as an option. I have this right. And if my child was taught by a homosexual, no, I would not want this, but as I have said, the conditions are I would see to it that my child would not be taught by a homosexual.

I am a concerned parent and I would see to it - I would look into my child's education before that child would enter that institution. This is my place; this is my right as a citizen.

**MR. M. DOLIN:** Thank you.

**MR. CHAIRMAN:** Are there questions? Hearing none, thank you, Mrs. Bromley.

**MRS. L. BROMLEY:** Thank you.

**MR. CHAIRMAN:** The next presenter is Cornie Friesen, Mr. Friesen, private citizen.

**MR. C. FRIESEN:** Thank you for this opportunity to share something that's on my heart. I have written down a few things because I wouldn't speak orally very well. When we take a look at the laws of the land, we realize that they are designed for our protection and well-being and not for our destruction and undoing. We may also notice that a great part of our laws are firmly based on the principles of God's word, the Bible.

This in a very great measure has been the reason for the great prosperity of Canada and the United States. God is able to bless where His Word, the Bible, is heeded. There is before Parliament, at the present time, a bill that God will not be able to totally bless because part of it violates directly the law He has given. I'm referring to Bill No. 47, section 9(2). The passing of this part would cause any sexual orientation to be accepted as good and equal while the Bible says God made them male and female.

The Bible, in the book of Romans, Chapter 1, tells us the result of violating this law of God's. May I read Romans, Chapter 1, verses 18 to 28:

"For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, to suppress the truth in unrighteousness; because that which is known about God is evident within them, for God made it evident to them. For since the creation of the world His invisible attributes, His eternal power and divine nature have been clearly seen, being understood through what has been made; so they are without excuse: For even though they knew God, they did not honour Him as God or give thanks, but they became futile in their speculations and their foolish heart was darkened. Professing to be wise, they became fools, and exchanged the glory of the incorruptible God for an image in the form of corruptible man and of birds and of fourfooted animals and crawling creatures. Therefore God gave them over into lusts of their heart to impurity, that their bodies might be dishonoured among themselves: For they exchanged the truth of God for a lie, and worshipped and served the creature more than the Creator, who is blessed forever. Amen."

For this reason God gave them over to degrading passions, for the women exchanged their natural function for that which is unnatural; and in the same way also the men abandoned the natural function of the woman and burned in their lust toward one another, men with men, committing indecent acts and receiving in their own persons the due penalty of their errors. And just as they did not see fit to acknowledge God any longer, God gave them over to their depraved mind to do those things which are not proper. And verse 32: "And though they know the ordinance of God, that those who practise such things are worthy of death, they not only do the same, but also give hearty approval to those who practise them."

Also, it appears very evident that the present problem of AIDS is, in large measure, due to perverted sex practice.

But God, being God of love, He does not leave us without a remedy for the problem we have gotten us into. May I read one of the many passages in the Bible which talk about this most wonderful and complete remedy which the Lord has given us? It speaks about being saved, not only from an ungodly sexual orientation, but also any other sin with which we are constantly beset. I shall read a few verses from John, chapter 3, verses 10, 11 and verses 16 to 18.

"Jesus answered and said to him, Are you the teacher of Israel and do not understand these things? Truly, truly I say to you, We speak that we know and bare witness of that which we have seen; and you do not receive our witness. If I told you earthly things and you do not believe, how shall ye believe if I tell you heavenly

things? And no one hath ascended into heaven, but he who descended from heaven, even the Son of man. And as Moses lifted up the serpent in the wilderness, even so must the Son of man be lifted up: That whosoever believes in him, may have eternal life . . . For God so loved the world, that He gave his only begotten Son, that whoever believes in Him should not perish, but have eternal life. For God did not send His Son into the world to judge the world, but that the world should be saved through him. He who believes in Him is not judged; he who does not believe has been judged already because he has not believed in the name of the only begotten Son of God."

I am one of them who the Lord has delivered and given his freedom from various sins, and I'm acquainted with hundreds who would likewise testify. My prayer is that the laws passed in this province and elsewhere will serve not to bring people into bondage, but to help liberate them into that which is truly freedom.

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Mr. Friesen.

Since there was a change in the scheduled time for sitting from 2:00 p.m., which was previously circulated publicly, to an earlier time of 1:00 p.m., there might be presenters who, on the premise that the committee proceeding would not start until 2:00 p.m., have missed. So I'm going to start from the top of the list again.

Rev. Kenneth Heppner, Pastors' Evangelical Fellowship.

Rev. Heppner.

**REV. K. HEPPNER:** Mr. Chairman and committee members, ladies and gentlemen, in a letter that I had sent to Mr. Pawley, Mr. Roland Penner, of which copies were also sent to Mr. Gary Filmon and Mrs. Sharon Carstairs, I stated that, although there are many positive items in this bill, I am deeply alarmed by the inclusion of sexual orientation in The Human Rights Code.

Firstly, it isn't necessary for the protection of human rights to include the rights of homosexuals. Secondly, it has the effect of making government more intrusive than is justifiable in a free and a democratic society.

A similar amendment to the Canadian Human Rights Act was also debated at the House of Commons on June 19, 1981, and sent to the Commons Legal Affairs Committee for study. The Hon. Mark MacGuigan, then Minister of Justice and Attorney-General of Canada, stated quite plainly at that time that the omission of sexual orientation from the federal legislation was intentional as a matter of public policy.

On November 30, 1982, after the passage of the Charter of Rights and Freedoms, the Minister told the committee that there was a lack of sufficient social conceptions to justify prohibiting discrimination on the grounds of sexual orientation.

The issue was raised again in the House of Commons on May 11, 1983, during debate of a private member's bill. Opposing the measure, the Parliamentary Secretary to the Minister of Justice told the House: "Let us now consider sexual orientation in the context of the Canadian Human Rights Act." When the House considered the act in 1987 (sic), the question of adding sexual orientation to the amendment, prohibited

grounds of discrimination, was raised before the Standing Committee on Justice and Legal Affairs. The committee rejected the amendment at that time. I would consider it obvious. It was not a consideration of Parliament at that time to prohibit discrimination on the basis of sexual orientation.

Whether or not to prohibit discrimination on the basis of sexual orientation is a question with which legislative bodies in Canada and the United States have wrestled with for years. For the most part, it was decided that the negative implications of such a prohibition outweighed its advantages but, as not every man may have views on sexual orientation, it cannot be denied that a substantial number of individuals are concerned about the possible social impact of such measures.

The negative implications of genuine concern of the public are no less real today than they were in 1983. Incipient throughout this bill is a presupposition that homosexuality is something other than a choice and that people only need to be educated in accepting this as an alternative lifestyle. This is evident in the opening statement of the bill, under section (c) and (d), and is later delineated in the responsibilities of the proposed commission in section 4(c), (d) and (e).

We object to the inclusion of sexual orientation in section 9(2) of this bill, because it singles out homosexuals in our society, giving them special status, thereby seeking to approve of their lifestyles as normative. Furthermore, it imposes upon our society the notion that homosexuality is an alternative lifestyle and equivalent to the traditional nuclear family. This has pervasive ramifications in regard to the social, economic and moral fibre of our society.

There is every indication that the implementation of this Bill 47, as it stands, will result in a redefinition of "family" in section 9(2). In fact, this week, the Ombudsman of Ontario has indicated that this may be a necessary consequence of enacting similar legislation in Ontario. We are concerned about what the ultimate impact will be on marriage and adoption if this type of legislation is enacted. Not only would lesbian and homosexual marriages occur, but there also could be a demand of government to provide family and health benefits to homosexual couples. This would result in the adoption of children in same-sex marriages. A volunteer agency could lose its right to define its code of conduct. The Big Brothers Association in Minneapolis have already, due to a complaint on the basis of discrimination, experienced this result because of sexual orientation ordinance enacted there in the Seventies.

The public and private school systems would be pressured to teach that homosexual lifestyle is a viable and normal alternative to traditional marriage and family. We fear that the private and religious schools could be forced to teach that homosexuality is a legitimate, normative and alternative lifestyle and, as such, if equal time were not provided, the school could jeopardize its right to function or be forced to defend itself in a court of law. If sexual orientation was made part of what a school system was forced by law to recognize even if the religious views of that school opposed homosexuality, by law, it could either be forced to violate its own belief or commit an offence and thus be indicted.

What of the agencies like group homes and social facilities who serve the public, based on religious



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commitment? According to this bill, the determination as to what is bona fide and reasonable cause for discrimination will be in the hands of a committee with specific powers to make decisions on the basis of their personal judgments. Is the state now going to determine or ratify religious conviction and subsequent policy for the church?

This bill affects not only the church's freedom of religious convictions, but the expression of these convictions. The enactment of the bill will ultimately, and surely already has, put at enmity the government and the church. We view the inclusion of sexual orientation as the legislation of immorality.

In conclusion, we would also call the government to slow down the process of passing this bill for further input for the following reasons: It touches upon difficult moral and religious issues. It is clearly a step to legitimize and promote homosexuality, in particular. It is not merely a legislative housekeeping matter.

Brian Stiller, President of the Evangelical Fellowship of Canada, of which our group is also a member, informed us today that steps to include sexual orientation in the federal Human Rights Act has bogged down. Efforts have consistently failed in their attempt to include such particular gay rights. During the debates engaged in the past years, the arguments for exclusion of such a group have outweighed the arguments for inclusion. The prime reasons are that the traditional family would come under further attack and the local church would be put in an untenable position.

Secondly, the attempt to rush such a bill through by having a session last night until 2:30, I believe it was, and by holding hearings during the prime holiday time, namely, early July, makes little sense when such a critical concern is before the House.

I might add that I personally found out about this hearing late yesterday afternoon, and we did not have a good chance to really sit down and do our homework. Therefore, we urge the committee to slow down the process and to grant more time to make positions clear. The inclusion of sexual orientation is unlike any other legislation. It must be separated, isolated and treated separately because of its unique character and far-reaching implications.

We also request that the government permit a vote according to the conscience as opposed to a requirement of voting as a block. To do otherwise is autocratic and heavy-handed in that the constituents would not be fairly represented.

Thank you.

**MR. DEPUTY CHAIRMAN:** Any questions for Rev. Heppner?

The Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Thank you, Rev. Heppner.

I'm reading at the top of your brief, "speaking on behalf of approximately 100 evangelical churches in the City of Winnipeg." Can you give me some idea of how many people that is? What size that 100 churches' congregation would be approximately?

**REV. K. HEPPNER:** The only thing I can say is that, if you take and say that the average of a church is 100 - and I'm going to say that as a conservative figure as well - that would be, say, roughly 10,000 people.

**MR. F. JOHNSTON:** Thank you.

**MR. DEPUTY CHAIRMAN:** Any further questions? The Member for Fort Garry.

**MR. C. BIRT:** Rev. Heppner, I can appreciate your concern of not being able to find out how this act came forward before this hearing and you found out about it late yesterday. Unfortunately, we have a very imprecise system here of having bills pass and then go to committees.

There was extensive debate in the Legislature on this particular bill, and there was agreement between all sides to send it to committee. The reason we sat late last night was to accommodate all those people who did show who couldn't come today. Now, we can appreciate that maybe in haste we may have caused some problems, but the intention of both sides of the Legislature sitting on this committee and the reason we sat till 2:30 a.m. last night was to try and accommodate those who couldn't be here today. We gave them the option and some of them who had sat for hours decided that they would like to make their presentation, so we accommodated them.

So, for myself, I can only apologize for any inconvenience you may have suffered but, quite frankly, I think the comment that we perhaps were acting in haste is perhaps not correct because we were trying to accommodate the public. There are also going to be public hearings Monday as well.

So we're attempting to get full public involvement on this bill but, unfortunately, the way the Legislature works - I mean, it's no one's fault; it's everyone's fault. So I don't want you to misinterpret anything. I know that you're a fair person, and I think everyone should be reasonable and understanding in how our process works because it was a system that was agreed to by all people here.

Thank you.

**MR. DEPUTY CHAIRMAN:** Any further questions for Rev. Heppner? Thank you, Rev. Heppner.

The next presenter is Mary MacLean. The next presenter is Pierre Brochu. The next presenter is Joe Taylor, private citizen.

Mr. Taylor.

**MR. J. TAYLOR:** I haven't a brief. I have a few notes, because I tend to lose my thoughts at times.

Mr. Chairman and committee members, my name is Joe Taylor. I'm getting quite long of tooth and the little hair I have is turning gray. However, observing some of the members of this committee, I don't think I'm the only one suffering from this condition.

I have participated in my small way for many years fighting for social justice and social change, an example of which was manning the picket lines to get the 40-hour week, which many people here in this room today believe is a God-given right.

I have for the most part always been proud to be a Canadian, particularly a Manitoban, as this province has been fortunate enough to have had and has governments which have brought forward legislation concerned with all our peoples. I was, therefore, thrilled and excited when legislation was tabled which provided

protection to all our peoples, regardless of sex, sexual orientation, colour or creed and all other essential prohibited grounds enshrined in this proposed legislation.

I was, however, appalled with some of the legislators in Manitoba who professed to be supporters of our rights and freedoms publicly denouncing and wanting to limit the freedom of equal treatment of some of our citizens before the law because of their sexual preference.

As I said, I am quite long of tooth and I remember, in 1942, seeing my older brothers off on a train loaded with soldiers going overseas to establish, hopefully, a world where every citizen had the right to equal treatment in society with all of the freedoms proposed in this bill. It seems, after 45 years, those battles will have to be fought again.

I always believed that the responsibility of a legislator was to ensure the rights of minorities in our society were protected. If only the will of the majority was the function of the government, we wouldn't need elected representatives but could, with the aid of television, hold king-size or queen-size public opinion polls and, in order to keep the interest of the public, offer a prize to every thousandth caller. It probably would be cheaper than a Legislature and, if the role of the government is only to make rules for the visible majority or those few who will scream the loudest, it would probably serve us just as well.

I'm a father of five boys and a grandfather. Three of my sons hold university degrees, one is working on a degree, and the fifth is in partnership with his wife and operate their own business. My oldest son has an MBA, was valedictorian at his university, an honour's degree in science and pathology, and has made the dean's honour list every year, and has been actively employed in senior management positions for a number of years. In his student days, he was one of Canada's few classical accordionists and has won many prizes and competitions, a tremendous role model, many people and many of my friends say. However, he is a homosexual, a faggot, as a lot of people call him.

I've heard people say in this hearing that is some kind of sickness. They can stop if they want. What will they do if we allowed them to teach our kids? What will happen to our children's moral values? I assure you, if it is a disease, which I believe it isn't, it's not catching, because two of my kids are married. One, if my instincts are correct, is about to be, and the other is the most popular young womanizer I have ever met. When you say they can stop what they do, it is to insist they deny the very essence of part of their being. If we believe in divine power, then we must believe that God in his or her wisdom had a hand in creating that essence of being. So when we talk about the soul and so forth, if we were created by a divine being, then that divine being had a hand in making us the way we are.

The effect, when we talk about kids, of having an older brother who is a homosexual has had a very positive effect on my family and my children, not negative, because learning that other people have different values and different beliefs and can still be productive and concerned citizens of our community has only made our family unit stronger, and allows my children to test, believe and accept moral, spiritual and

political values that are not the in-thing with their peers at any point in time. Everything I hear about teenage problems, it's because teenagers fall in line with what their peers are doing. We expose our children to other forms of life and other beliefs, and they can make decisions for themselves.

If you, as a committee, ought to eliminate protection for sexual orientation from this legislation, you sentence my son and hundreds like him to hide in closets and not allow them the same rights and freedoms granted to the majority, which stifles their ability to create and contribute fully to our way of life in Manitoba. But most important, you send a message to my children, grandchildren and your grandchildren and children that there will be two sets of rules for future Manitobans, based on varying degrees of equality. This will be your legacy to your and my children.

Thank you.

**MR. CHAIRMAN:** Questions for Mr. Taylor? Hearing none, thank you, Mr. Taylor.

**MR. J. TAYLOR:** Thank you.

**MR. CHAIRMAN:** Mr. Alan Buckley.

Mr. Joseph Caulfield, representing the Christian Council and Services Inc.

Mr. Caulfield.

**MR. J. CAULFIELD:** Thank you.

I wish to comment as I begin that this presentation is only going to be the first two pages of what you have received. The following pages, the last pages, are only for supplementary information. This presentation will of course follow the, familiar to this committee, view of the Christian tradition as already, more ably than myself, presented by Betty Gross, Mark Hughes and Reverend Heppner.

We request that the term "sexual orientation" be removed from Bill 47. All Canadians, regardless of sexual orientation, are presently protected by the Charter of Rights and need no special status or protection, as the gay leaders within the gay community themselves admit and as Roland Penner's previous position, as I had understood it, was that they needed no special protection. They already had plenty. Such special status opens a can of worms in the area of health, education and social activities.

Emotional orientation, both homosexual and heterosexual, is more caught than taught. So equating the gay lifestyle and gay family to the heterosexual family lifestyle will encourage the impressionable youth in our society in their uneven maturing to become fixed in this type of immaturity through possible experimentation.

How family life educators will include this in the curriculum will only lead to more separate schools and the need, which you should consider, of more separate school funding. Will graduation proms one day be held on two different evenings, one for the straight dance and one for the gay dance? Are boys going to be necking in the auto shop? Are teachers going to be holding hands in the teachers' room?

This educational-social-political wish to equate misdirected love with the more traditional heterosexual

love is based upon the belief that all beliefs and behaviour are relative - if it feels good, do it - and that there is no God. All the great religions of the world have taught historically that the homosexual lifestyle is against nature, against man, and against God. It is certainly anti the Judeo-Christian tradition of Evangelicals, Orthodox and Catholic. Homosexuality is only recently tolerated by a few leaders of two denominations, because they choose to conform to some of the current social scientists by putting cultural trends above divine revelation.

The eminent psychiatrist, Dr. Karl Menninger, in his last book, entitled, "Whatever Became Of Sin," spoke about sin being the most ignored concept in mental health. He has become in his last years a reject by the psychiatric profession for stating this fact of life, psychiatry and religion. Sin, by any other name, is still sin. Sin is the root of much mental and physical ill health, as well as it is often the basis of family and social breakdown.

For instance, homosexuality could be compared - in my opinion as a social worker who has dealt with some people with this problem - to alcoholism. The deeper one gets into alcoholism, the less motivation they have to overcome it. The longer they stay within the alcoholic pub community, the less likely they are to escape it. So, if any alcoholic or homosexual wants to break out of that lifestyle, it takes great motivation, but also a decision clear cut to leave the alcoholic or homosexual community which may mean the only friends and closest friends one has and that of course would be a very painful thing for any human being to do. Not impossible, because according to the Judeo-Christian tradition, in Hebrews, chapter 7, verse 25, it says that Jesus Christ is able to save those to the uttermost, alcoholic, homosexual, whoever comes to God sincerely, can be saved from it.

The opposite of sin is righteousness. Doing right brings good feelings. Whereas, the opposite, doing wrong, even if it feels good for the moment, sooner or later brings chaos. This proposed legislation, on the issue of sexual orientation, does wrong to the behaviour and God-given roles and relationships of society and of our social conscience. Therefore, we urge this committee and the Legislature to drop the term "sexual orientation," if not for conscience' sake, for votes' sake.

Gays have been out of their closets for some time. If those whose consciences are offended by this evil lifestyle come out of their closets, no government could hope to pass such legislation and survive. But, as the government knows, most Christians are as asleep to this evil as they were to the evil of abortion. Now we have abortion on demand; next we will have homosexuality on demand. This bill will go a long way toward increasing the spread of AIDS over 100 percent, because for the common man, what is legal and socially acceptable is moral.

AIDS health cost is now over \$1,000 per month per patient. Manitoba has had nine AIDS deaths and has eight persons with the AIDS virus and has 76 persons with the HIV positive antibody, as reported in May 13, by the Winnipeg Free Press.

We should consider these health costs of legitimizing such an infectious lifestyle. The gay community itself, according to the information supplementary here, estimates that 10 percent of their own community is

affected with the HIV virus. I don't know if their estimates are correct, but it's frightening.

I would like to draw the attention of this committee to the evil connection between overcrowded foster homes and male and female prostitution in Winnipeg. Prostitution, as I understand it from the media, which takes place on these very grounds, our Honourable Attorney-General seems to do very little to control it in his own constituency. But I am sure he has called this meeting to do as good a job as he possibly can and we're here to help him. Foster homes with more than two foster children are overcrowded, which means that the child's emotional needs for attention and affection are neglected. This emotional neglect and abuse by the child "ill-fare" system causes some of these children to seek emotional affection and attention in the wrong places and with the wrong people.

Some of these foster children are neglected by the child welfare system, as to their social and recreational needs. Therefore, to get a little money to spend, some choose prostitution, both as gays, homosexuals and bisexuals. This is well-known and overlooked by the social worker civil servants, who are silenced by their superiors, to make the public believe that they are properly handling these problems, when the problems are only getting worse, because all the money is going to more jobs for more social workers and not to the elimination of the overcrowded foster homes.

All prostitutes, gay and straight, should be registered and checked regularly for disease, especially for AIDS. Those with AIDS or the HIV antibody should be prohibited from prostitution; and those who will not stop prostitution should be quarantined for the sake of the public.

Sexual behaviour is learned behaviour. Adolescence is the time when most people move into a heterosexual orientation, but most persons, during these formative years, have felt and occasionally acted upon some degree of homosexual fantasy or activity before they were repulsed by it. Enactment of Bill 47, in its present form, will lead some youth to a life of pain and suffering and it will provoke social chaos. Homosexual lifestyle is often learned when entering prison and unlearned when leaving. As a social worker who has worked in prisons, I know that. Every person who knows a person's community knows that homosexuality can be learned and unlearned the day you come in and out the prison door.

If this government really truly wants to help the minorities, it will provide work or a guaranteed annual income to families on welfare. This would help thousands of women and children. Instead, this government appears intent on destroying the foundations of the Judeo-Christian democratic society, which protects the family and life, when it is in doubt, and to replace it by a socialist-communist society which destroys the family. Perhaps some of this thinking of the government comes from previous political roots.

If the government had chosen to legalize necrophilia and bestiality, sex with the dead or with animals, it would have been less damaging. Good government is a servant of God and of the public. Evil government is a beast ignoring God and destroying the people, if you want to read Romans 13 and Revelation 13.

This government's hearing on this very important issue is a slap in the face to the public, which must

sit at hearings until after two o'clock in the morning. Such hearings are done in a corner to exclude, by very little advertising, those who might oppose this controversial bill. Many of the groups speaking on behalf of this bill are from groups funded by the government and are, in effect, paid lobbyists for this bill.

We believe all our legislators, the public they represent, and all minorities, and especially poor welfare mothers who need more respect and concern from our government, and foster children who need better foster homes, as well as the gay community, we are all created in the image of God with an impulse to draw nearer to Him. We are all children of the same Creator. We all need good government which includes good legislation, so that, through it, and with God's help, we may all be delivered from evil.

Thank you.

**MR. CHAIRMAN:** Any questions? Hearing none, thank you, Mr. Caulfield.

There will be two written briefs for distribution that the Clerk will distribute from Mrs. Claire Taeves and Ms. Doris Friesen.

Erwin and Donna Neufeld, private citizens. Lee and Agnus St. Hilaire, private citizens.

Ken DeLisle would like to make a presentation as a private citizen.

**MR. K. DeLISLE:** I don't have a brief.

**MR. CHAIRMAN:** Mr. DeLisle.

**MR. K. DeLISLE:** Mr. Chairman, ladies and gentlemen, I do have a brief. I want to just comment on four aspects of sexual orientation.

A lot of the people who have come up and spoken and a lot of concerns of the committee is the family fibre. They're somehow afraid that, if sexual orientation is included, the family fibre in society will be destroyed. I have no clear understanding of what this means or how families would be destroyed. My own hope, since I can't tell the future any more than any one of you, is that, by putting in sexual orientation, families will indeed increase in strength, in that lesbians and gay men will not have to feel or be forced into marriage in order to try and prove to their friends or to their family or to themselves that they are heterosexual. When they do that, you end up with families that, some time later on, usually end up being broken apart and more people suffering and being hurt. That does not do anything to support the family. If, on the other hand, they know they do not have to pretend, that they are free to be who they are, the families that are created are more bonded and more honest because they start with honesty.

I'm also surprised at the number of heterosexuals who come up here and begin to say that they are not experts on homosexuality, but then tell you what they think is best for us, that they know better than we do what is good for us. I'm also surprised that they tell us they love us and then, as soon as we try to talk to them about who we are and what we are, they snicker or laugh or walk away.

In regard to alternate lifestyles, which also seems to be a topic that everyone is concerned in, I'm unclear

as to what alternate lifestyles - or when that question is asked, will it be equal to a heterosexual lifestyle. If you mean that each individual in Manitoba will now have the right to live their honest orientation in a responsible way, then yes. If you mean that there will be a sudden increase in the number of known homosexuals in Manitoba, perhaps, because they will no longer fear that they have to live in the closet.

If you mean that there will suddenly be an increase of more than 10 percent of the population being homosexual, I don't think that will happen. All anthropological studies have shown that at any given society at any time, whether they approved or disapproved of homosexuality, the average number of the population was 10 percent. It did not get to 50 percent because someone decided that homosexual was equal to or equivalent to heterosexuality. It remained at 10 percent.

For that 10 percent of the population, homosexuality lifestyle is a viable alternative to heterosexual lifestyle. For the 90 percent who are heterosexual, to live a homosexual lifestyle are lying, are not acting responsibly on their sexuality, the same way that a homosexual living a heterosexual lifestyle is irresponsibly using their sexuality.

In regard to affirmative action, my heart tells me, yes, we should have it. My mind tells me it will never work because, for it to work, you would have to know the sexuality of everybody in the group that you are trying to "parity," or the equivalent, whatever the quota, which means, how do you know when somebody tells you that they're heterosexual that they really are? More likely, they will lie. A homosexual will lie and tell you I'm a heterosexual. So, when you finally get your known 10 percent on the board or whatever, you in fact have more, and that would not be fair to the heterosexuals. So my heart tells me one thing; my mind tells me another. You've got the problem.

That's it.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Mr. DeLisle.

As Chairperson, I have a duty to be fair to the presenting audience. Is there anyone else here who has not registered? Who has registered and has not had a chance to present? Is there anyone else here who has not registered and would like to register for Monday?

Hearing none, that concludes the hearing of presenters for today. Next meeting is Monday at 10:00 a.m.

Committee rise.

**COMMITTEE ROSE AT:** 4:30 p.m.

**BRIEFS PRESENTED BUT NOT READ:**

**BRIEF PRESENTED TO THE STANDING  
COMMITTEE ON ELECTIONS AND  
PRIVILEGES RE: BILL 47 BY THE  
CHARTER OF RIGHTS COALITION  
(MANITOBA) JULY 10, 1987**

Brief prepared by: Ms. Jeraldine Bjornson

Brief presented by: Ms. Alison Norberg

The Charter of Rights Coalition (Manitoba) (CORC MB), thanks you for this opportunity to express our opinions on Bill 47, The Human Rights Code. The Charter of Rights Coalition is a coalition of 10 groups, representing thousands of Manitobans. Our purpose is to educate the community and especially women about the potential effect of the Charter of Rights and to involve the public more fully in the ongoing "Charter Debate"; and to play an active role in the elucidation and implementation of the Charter equality provisions. As part of our work, CORC (MB) has completed a partial audit of provincial statutes, policies and regulations to ascertain provisions which may offend the sex equality guarantees in the Charter. The first phase of the provincial statute audit, Charter Compliance: Selected Provincial Statutes, included an in-depth analysis of the provincial Human Rights Code and include several recommendations. These recommendations have been presented to the Provincial Government and are the basis of this presentation.

Section 15, the Canadian Charter of Rights and Freedoms. The Canadian Charter of Rights and Freedoms includes two sections of particular importance to women: section 28 which guarantees that all rights and freedoms apply equally to men and women; and section 15, the equality section which confers rights and endorses affirmative action programs.

Section 15(1). Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origins, colour, religion, sex, age or mental or physical disability.

Section 15(2). Subsection 1 does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Human rights legislation and the provisions of the Charter work in conjunction with each other. Section 26 of the Charter states that the guarantees in the Charter "shall not be construed as denying the existence of any other rights and freedoms that exist in Canada." Therefore, any provisions in human rights legislation which go beyond the provisions of the Charter will apply to Manitobans notwithstanding the Charter. At the same time, any human rights legislation passed by a provincial Legislature must, as a minimum, comply with the Charter.

While there is much discussion regarding how far-reaching the Charter provisions go, it is clear that they apply to all direct government statutes, regulations and Orders-in-Council. Discussion revolves around whether it applies to government-funded bodies, the entire body of common law, municipal by-laws, etc., as well as the private sector. If the Charter is interpreted narrowly to apply to "government activity," protection for individuals will be applied through human rights legislation. It is, therefore, essential that human rights legislation be as strong and broad as possible.

Bill 47. CORC (MB) would like to begin its comments on Bill 47 by commending the Provincial Government for this bill which is a substantial improvement on the existing legislation. We are committed to working with

the Legislative Assembly to ensure that all Manitobans enjoy the benefits of a Human Rights Code that provides extensive protections for Manitobans and provides a Human Rights Commission that is empowered to administer the Code, redress inequality and educate the population to their rights and responsibilities under the Code.

Preamble. CORC (MB) is pleased with the recognitions of the government as they are set out in the Preamble of Bill 47. We would like to highlight part (e) which makes the statute paramount over all other laws of the province. There has been, in the past, some uncertainty over whether The Human Rights Act takes priority only over those statutes enacted before it was passed or whether it has paramountcy over all statutes. The Canadian Charter of Rights and Freedoms clearly applies to all laws including future laws. Such paramountcy is essential if the human rights legislation is to operate effectively as a safeguard to women's right to sexual equality. In the past years, the Human Rights Commissions have operated under the assumption that the act did not have general paramountcy and, therefore, were powerless to act on blatant complaints of sex discrimination where the offence act or amendment thereto was passed after The Human Rights Act. We are therefore supporting the inclusion of part (e) of the Preamble.

Definitions. CORC (MB) has called for the inclusion of sexual orientation in The Human Rights Act. (This will be more fully discussed later in this brief.) We are concerned, though, with the definition of sexual orientation in Bill 47. We support those who have raised this concern along with their support for inclusion of sexual orientation. We would, therefore, recommend that Bill 47 be amended to define sexual orientation as "heterosexual, homosexual, or bisexual," or to eliminate the definition.

Part I. In order to have equal protection of the law, women must feel confident that the law will be enforced to their benefit. The responsibilities of the Human Rights Commission and the make-up of the Commission are as important as the laws they are entrusted to uphold. Confidence in the Commission would be enhanced through two mechanisms: (1) staggered terms of commissioners; and (2) ensuring impartiality of the commissioners. CORC (MB) supports the provision for staggered terms as outlined in section 2(4). We would recommend that the principle of impartiality of commissioners be included in that section by the inclusion of a provision for an "all-party committee of the Legislature," as recommended by the Human Rights Commission in their proposed Human Rights Code.

Female representation on the judiciary and adjudicative boards should be proportionate to their percentage of the population. Evidence shows that there is a direct correlation between the gender of the judge or adjudicator and the tendency to give sympathetic decisions on feminist issues. As of June 1985, only one female adjudicator had been appointed by the Attorney-General. Although the proposed Human Rights Code makes provisions for affirmative action, section 11, no mention is made of affirmative action in relation to the appointment of adjudicators. CORC (MB) recommends that the government undertake an immediate affirmative action program appointing female adjudicators and judges until the goal of parity of the sexes is reached.

Part II. Under the present act, discrimination on the basis of "sex" is prohibited, but sex is not defined. Although sex is not defined within section 15 of the Charter, section 15 is open-ended. Because of the open-ended nature of section 15, discrimination on the basis of pregnancy, marital status, gender, and "sex-based" characteristics will undoubtedly be protected either within the definition of sex or as distinct non-enumerated grounds. Discrimination on the basis of sexual orientation will also undoubtedly be a non-enumerated ground. In some instances, case law has established a precedent for including these factors within the prohibited ground "sex," while there are also instances where previous practice or case law has been overturned as to sex-based characteristics, (e.g., *Canada Safeway Ltd. v. Steel* and the Human Rights Commission) and as to pregnancy, (e.g., *Brooks v. Canada Safeway Ltd.*; *Dixon and Pauls v. Canada Safeway Ltd.*) In order to comply with the provisions of section 15 of the Charter and create certainty in the law, CORC (MB) supports the inclusion of section 9(2) in Bill 47 and its extension of characteristics as outlined in (f), (g), (h) and (i).

Discrimination on the basis of social or economic status is not presently prohibited under The Human Rights Act and is not included in the proposed legislation. In 1982, the average income of Canadian women (with income) was only 52.8 percent of the average income of Canadian men (with income). In 1981, 82.6 percent of single parent families were headed by women and had an average income of \$11,790.00. Since women clearly comprise a higher percentage of the lower socioeconomic class in Canada, the failure to prohibit discrimination on the basis of social or economic status has a disparate impact on women. Since it can be clearly demonstrated that such discrimination adversely affects women, this is, in effect, discrimination on the basis of sex and contrary to section 15 of the Charter. It is also conceivable that discrimination on the basis of social or economic status may be held as an unenumerated ground of discrimination under section 15 of the Charter. CORC (MB), therefore, recommends that section 9(2) of the proposed legislation be expanded to add "social or economic status" as an applicable characteristic.

Central to the entire concept of identifying and eliminating sex discrimination is the issue of defining equality. CORC (MB) has taken the position that equality for women must include the elimination of systemic discrimination as well as blatant discrimination. We have also taken the position that reasonable accommodation must be made for specific characteristics. This would include concepts such as the right to protective reassignment for workers. Under the present act there is no definition of "discrimination." The Manitoba Human Rights Commission has adopted the broad view of discrimination and has considered systemic discrimination and disparate impact to be included under prohibited grounds. It has also taken the position that malice or intention or motive need not be proven to find discrimination. CORC (MB) believes that it is necessary that provisions be enacted to specifically define discrimination as including systemic discrimination and explicitly stating that an intention to discriminate is not a prerequisite to finding discrimination. CORC (MB), therefore, supports the

inclusion of section 9(3) within the proposed legislation. We also support the inclusion of the concept of "reasonable accommodation" for the special needs of an individual or group, section 9(1)(d).

CORC (MB) supports the inclusion of section 11, Affirmative Action, etc., permitted, and will discuss this area more fully at the end of this brief.

CORC (MB) commends the inclusion of the requirement of reasonable accommodation interpreting sections 13 through 18 of the proposed act. We do have some concerns that "bona fide and reasonable requirements or qualifications," even with the reference to reasonable accommodation within the meaning of clause 9(1)(d), might allow discrimination against women which is prohibited under section 15 of the Charter. A clear and comprehensive definition would eliminate this concern.

CORC (MB) supports the tightening of the exceptions for private residences as stated in section 16(2).

Clause 18, discriminatory signs and statements, as proposed in Bill 47, eliminates some of the concerns CORC (MB) has raised in the past. The inclusion of "statements" clearly eliminates the discrimination which was evident in the case of *Warren v. Jack M. Chapman* and the Manitoba Human Rights Commission. We are concerned that section 18 does not protect women from degrading and dehumanizing "affronts to their dignity."

The entire area of harassment and sexual harassment has been identified by women as a major concern. It has been identified again and again as one major area in which has resulted in discrimination against women. Harassment will, undoubtedly, be accepted as a non-enumerated ground under section 15 of the Charter. Recent Court of Appeal rulings in Manitoba clearly indicate that it is not presently considered as discrimination on the basis of sex in Manitoba. CORC (MB) supports the inclusion of section 19(1) and 19(2) within Bill 47 and commends the government on the inclusive definition and the inclusion of the phrase, "if the person making the solicitation of advance knows or ought reasonably to know that it is unwelcome."

Part III. CORC (MB) commends the government for the direction set out in Part III of Bill 47. The enhancement of the powers of investigation should ensure increased equality for Manitobans.

Under the present act, the damages awarded on discrimination cases have been extremely low. The Commission has experienced repeat offenders who find it more advantageous to pay small damage awards than to reform their discriminatory practices. The provision for damage awards should result in a system which operates more effectively and should discourage the practice of repeat offences.

Part IV. CORC (MB) supports the direction of Special Remedies as set out in Part IV of the proposed legislation. We are especially pleased to see the inclusion of Contract Compliance as elucidated in 56(1) and (2). The specific mention of affirmative action programs meets many of the concerns raised by CORC (MB) on previous occasions.

Affirmative Action. Affirmative action is a systemic remedy to systemic discrimination. Section 15(2) of the Charter specifically contemplates "the amelioration of conditions of disadvantaged individuals or groups." It recognizes that certain groups of Canadians have been

historically disadvantaged and ensures that affirmative action programs will not be struck down. It permits a group remedy for discrimination. CORC (MB) also cautions that affirmative action programs do not always operate to the benefit of women. This can be attributed to many factors, including paternalistic attitudes toward women and competing concerns of disadvantaged groups. CORC (MB) recommends that minimum criteria be met for all affirmative action programs. These include: (1) the program must relate to specific group(s); (2) they must apply to groups for which there is statistical evidence of past discrimination; (3) they must have limited objectives and be of limited duration, ending when the goal has been met; and (4) they must not result in the maintenance of unequal or separate standards or rights for the targeted group or any other disadvantaged group. In order to meet these criteria it is necessary to include: (1) work force analysis; (2) review of present employment practices; (3) mandatory quotas; (4) special measures; and (5) a monitoring system. CORC (MB) is not asking that these measures be delineated within The Human Rights Code, we use this information as background for further recommendations related to the area of affirmative action.

CORC (MB) commends the government on the emphasis put on the area of affirmative action within Bill 47. We support the inclusion of section 43(2)(e) which sanctions the implementation of affirmative action programs.

It is the position of CORC (MB) that the provisions of Bill 47 do not go far enough to eliminate the systemic discrimination which could be ameliorated through affirmative action, therefore, we recommend that the Government of Manitoba include in Bill 47 the provisions to establish a special arm of the Human Rights Commission to educate the public on affirmative action programs for women.

CORC (MB) would, again, like to commend the government on this legislation which is a substantial improvement on the present act and commends to you our recommendations.

## SUMMARY OF RECOMMENDATIONS

1. CORC (MB) recommends that Bill 47 be amended to define sexual orientation as "heterosexual, homosexual or bisexual," or eliminate "sexual orientation" from the definition section.
2. CORC (MB) recommends that the principle of impartiality of commissioners be included in Bill 47 by inclusion of a provision for an "all party committee of the Legislature" as recommended by the Human Rights Commission in their proposed Human Rights Code.
3. CORC (MB) recommends that the government undertake an immediate affirmative action program appointing female adjudicators and judges until the goal of parity of the sexes is reached.
4. CORC (MB) recommends that section 9(2) of Bill 47 be amended to include "social or

economic status" as an applicable characteristic.

5. CORC (MB) recommends that provision be included in Bill 47 to establish a special arm of the Human Rights Commission to educate the public on affirmative action programs for women.

## WRITTEN SUBMISSION BY DORIS FRIESEN July 9, 1987

Mr. Chairman and members of the committee:

I do not agree that Bill 47 should be passed containing the clause "sexual orientation" because it asserts the rights of homosexuals and bisexuals by equating these lifestyles with heterosexual lifestyles and thus undermining the structure of the family and weakening our country, Canada, as a whole.

I believe that legalizing homosexuality would definitely be detrimental to our society. From the gay people I personally know, homosexuality is a desolation.

I feel the bill ignores the cause of homosexuality and lesbianism that keep people from experiencing the fullness of manhood and womanhood. John and Paula Sanford, who successfully counsel many homosexuals say: "In all our years of counselling, we have never found a homosexual or lesbian who had or related to a strong, gentle, loving father."

The growing boy who grows up with an inadequate father rejects masculinity as a model and flees to the female side of his nature. The young girl on the other hand rejects, letting her emotional responses live in relation to men, and finds gratification with women.

Mothers can likewise drive boys to reject getting close to women and girls to despise becoming female.

Other people who have homosexual tendencies may find their root causes before they were born. Parents may have wanted a child of the opposite sex and the child has felt this as a fetus and boys try to be daddy's girl or a girl tries to be the boy her parents so deeply desire.

Sometimes a tendency toward homosexuality can be traced back through several generations. Even these people have been helped to right their sexual orientation through counsellors such as Desert Stream, a California based interdenominational ministry to heal and restore homosexuals, sexual addicts, AIDS patients and victims of sexual abuse.

Children can be extremely vulnerable to homosexual/sexual abuse. Many homosexuals have many partners and some abuse children. I am afraid that if we legalize homosexuality, these people who are destructive - and I know many are not - will hurt our children.

I see it to be very wrong to teach homosexuality as part of a school's sex education program. Instead we should be teaching how to live abstaining sex till marriage to build the family and to keep our country from being destroyed by AIDS.

Sexual aberrations have root causes that need healing. I am convinced that we are not helping gay people by legalizing their lifestyle. It is time we hear those who are crying for help and have nowhere to turn. We need to begin to offer counselling and make

therapy groups available to gay people who need to see that there is an answer and that wholeness in life is waiting for them.

Desert Stream offers teaching tapes, literature and speakers to groups wanting to know more about ministry to homosexuals and people suffering from other sex related problems. They have a variety of seminars, support networks and support groups patterned after Alcoholics Anonymous.

They encourage people to write: Desert Stream, c/o The Vineyard Christian Fellowship, 1415 Santa Monica Mall, Suite 201, Santa Monica, Ca., 90401; Phone: (213)458-1811.

I have been hearing here yesterday from pro gay people that homosexuality is normal and they desire the community to have an open "live and let live" mentality. I do not believe kindness is achieved by being blind to reality.

I work with teenage boys in a receiving home and they lie, cheat, steal and burn out their minds on drugs. I must see their behaviour as wrong without hating them. In the same way, seeing homosexuality as wrong is not being judgmental or full of hate toward gays. As drugs can blind a teenage boy's mind to meaningful thought and sensible conclusions, no matter how much encouragement he receives, so a homosexual's mind can be filled with blindness to any help.

We must accept the fact that there are many gay people out there who desperately need our help - but they will also need to take a step to help themselves, rather than trying to normalize what is wrong.

D. Friesen

**A BRIEF FOR PRESENTATION  
TO THE COMMITTEE FOR  
THE HUMAN RIGHTS CODE**

**PRESENTED BY: BEVERLEY SCOTT,  
ON BEHALF OF FAMILIES OF GAYS  
WRITTEN BY: BEVERLEY SCOTT**

I would like to say, first of all, that I am very pleased that the Government of Manitoba has recognized the need to include sexual orientation in The Human Rights Code. Discrimination on the basis of sexual orientation is unacceptable as is discrimination of any kind.

I speak to you this evening as a private citizen and as the coordinator of a support group for the families of gays. This support system was started approximately eight years ago, out of my own need to talk with other families in which there are gay and lesbian members. After 18 years of marriage, my husband shared with me that he is gay. This announcement resulted in many changes for myself and for our two young children. It was these changes, and the myriad of questions rebounding inside me, that pushed me to seek help from others. I spoke with ministers, social workers, and concerned individuals in an attempt to satisfy my questioning. They were all helpful to a degree but no one could or would say, "I know someone in the same situation. Would you like me to arrange a meeting?"

I knew that in a city the size of Winnipeg, there had to be other women and men who had homosexual spouses and had dealt with the issue successfully. I wanted to know how they did it. I also realized there

were probably others who had not dealt with the issue very well and I felt if we could work together some of our questions would be more easily understood and some of the answers would be more easily lived with and accepted. There was no organization to turn to, so I decided to do something for myself. Out of my personal need was born "Families of Gays."

Over the ensuing years I have acted as a peer counsellor for a number of other women with gay husbands, I have talked with young men wrestling with the dilemma of how to tell their families that they are gay. I have talked with families struggling to come to some degree of understanding and acceptance of having a gay son or a lesbian daughter. Together we have grown in understanding.

The legislation presented in The Human Rights Code including sexual orientation as grounds against discrimination is most welcome. This legislation is seen by some to benefit only a small segment of our population and is often suggested to be unnecessary due to coverage under other headings. The legislation may be directly applicable to the homosexual community as our society stands today - however the ramifications are much broader. Each lesbian female or gay male is part of a family with a mother, father, sisters, brothers, aunts, uncles, cousins, and grandparents.

Often, in the past, these individuals also married and became spouses and parents. The far-reaching outcome is that there is probably someone with a homosexual orientation in every extended family in Manitoba. In a province with a population estimated at 1,820,800 as of April 1, 1987, we can approximate that there are 182,080 people of homosexual orientation in our society. These people, and their families, make up a large segment of the voting and taxpaying public.

The inclusion of sexual orientation in our Human Rights Code provides an acknowledged equality of all citizens of our province. The inclusion of sexual orientation may appear to benefit only 10 percent of our population, but when viewed from a family perspective, it benefits us all.

To be discriminated against is an ugly situation. Even as a woman, I have difficulty imagining what it would be like. It is this situation that my husband faced when he acknowledged his sexual orientation to me. It is this situation in which he lives today. To realize that his rights are not as equal as mine - within the wording of The Human Rights Act presently standing - was, and is, of considerable concern and worry. To know that his job or his place of residence could be threatened by some intolerant individual left all of us, his family, with many frustrations and a sense of indignation that this could indeed happen in a so-called "enlightened" age and a so-called "free" country, in a province whose people pride themselves in fairness and justice.

The inclusion of sexual orientation does not provide special status to homosexual males and lesbian females. Lifestyle seems to be the basis for debate. Heterosexual lifestyle is seen as the norm and not as a choice. However, the lifestyle of homosexuals is suggested to be a choice. My husband tried for 40 years to choose the accepted lifestyle in order to be acceptable in our society. This "choice" was often suggested as a "cure" by the psychiatric profession as recently as 25 years ago. The choice became an intolerable duplicity, one



Friday, 10 July, 1987

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which he could no longer perpetuate for himself or with his family. I do not feel that the choice to be a heterosexual female is one that I can explain and I have never met a homosexual male or lesbian female who felt that they could explain their orientation either.

Arguing over how we got to be the way we are is pointless at this time. The fact of the matter is that homosexuality exists and has done so as far back as recorded history. Rather than disputing right and wrong, I would appreciate if we, as a society, got on with the business of living our lives to the best of our abilities and not passing judgment on one another. The inclusion of sexual orientation will go a long way in providing protection to a segment of our society which has suffered discrimination at the hands of those feeling righteous. No one is more equal than another. We all deserve the right to live without fear of losing our jobs or our place of residence because we are different, one from another.

It is my hope that this committee will see fit to ratify The Human Rights Code and the inclusion of sexual orientation. There are people and their families who would rest more easily knowing that all members of their family are equally protected and valued as human beings.

Legislation will not erase discrimination and prejudice but it will help to provide protection and shore up the loopholes through which citizens of this province can presently fall. As members of our elected Legislative Assembly, I ask that you care for us all as you would wish to be cared for if discrimination reared its ugly head against you.

This paper is respectfully submitted. Thank you.

**WRITTEN SUBMISSION  
BY CLAIRE TOEWS:**

422 St. Jean Baptiste St.  
Winnipeg, Manitoba  
R2H 2X4

July 10, 1987

To: The Legislative Committee Hearings  
Rm. 255, Legislative Bldg.  
Winnipeg

Re: Bill 47

Whereas the Canadian Constitution Act guarantees not only freedom of conscience and religion but also the freedom of thought, belief, opinion and expression, the passage of Bill 47 into law would clearly interfere with these guarantees. In effect, Bill 47 would allow an individual to hold a particular belief but would prevent him/her from acting in accordance with that belief.

What point to a right if it cannot be exercised freely? If one will no longer be allowed to practice, how long before one is no longer allowed to preach?

As you move toward the Third Reading of this proposed legislation, keep in mind that proprietors of service establishments currently have the right to inflict a "no shoes, no shirt, no service" policy but that this same proprietor under Bill 47 will no longer be able to refuse service to a "drag queen" providing, of course, they are wearing a shirt and shoes. Remember also that you can pass legislation forcing proprietors to serve homosexuals but - as yet - you cannot force customers to patronize them - they will simply take their business elsewhere if they disapprove of the clientele being served.

Once again, small businessmen in particular will be left holding the bag.

If Bill 47 passes into law one might be inclined to believe that the law is indeed an ass!

I therefore urge you not to inflict yet another piece of unwanted and unneeded legislation on the people of this province - we have had enough - more than enough!

Sincerely,  
Claire Toews, Citizen.