

COALITION FOR HUMAN RIGHTS REFORM

CP/POB 1556, SP/STN A, Fredericton, N.B. E3B 5G2

COALITION POUR LA REFORME DES DROITS DE LA PERSONNE

NOTICE OF MEETING

NEW BRUNSWICK COALITION FOR HUMAN RIGHTS REFORM

SAT. FEB. 13, 1988

#24, 140 BOTSFORD ST. MONCTON, NB

10:00 AM

AGENDA

10:00-11:00 BUSINESS MEETING

welcome and introductions

reading of minutes

business arising from the minutes

reports - treasurer - executive secretary

11:00-12:00 SPEAKER - LES McAFEE

Possible Strategies for Human Rights Reform

QUESTION AND ANSWER PERIOD

12:00-1:00 LUNCH

1:00 -2:00 PANEL

2:00 -3:00 DIVIDED SESSIONS

Is our focus to be on the sexual orientation amendment only or on larger reform of the Human Rights legislation?

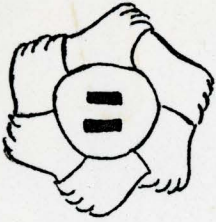
Do we work alone or with other organizations?

How should we use the media?

3:00 -3:15 BREAK

3:15 -4:45 PLENARY SESSION

Recorders from the divided sessions will report to the group. The Moderator will hear concerns and a group consensus will be sought.



COALITION FOR HUMAN RIGHTS REFORM

CP/POB 1556, SP/STN A, Fredericton, N.B. E3B 5G2

COALITION POUR LA REFORME DES DROITS DE LA PERSONNE

NOTICE OF MEETING

NEW BRUNSWICK COALITION FOR HUMAN RIGHTS REFORM

SAT. FEB. 13, 1988

#24, 140 BOTSFORD ST. MONCTON, NB

10:00 AM

AGENDA

10:00-11:00 BUSINESS MEETING

welcome and introductions

reading of minutes

business arising from the minutes

reports - treasurer - executive secretary

11:00-12:00 SPEAKER - LES McAFEE

Possible Strategies for Human Rights Reform

QUESTION AND ANSWER PERIOD

12:00-1:00 LUNCH

1:00 -2:00 PANEL

2:00 -3:00 DIVIDED SESSIONS

Is our focus to be on the sexual orientation amendment only or on larger reform of the Human Rights legislation?

Do we work alone or with other organizations?

How should we use the media?

3:00 -3:15 BREAK

3:15 -4:45 PLENARY SESSION

Recorders from the divided sessions will report to the group. The Moderator will hear concerns and a group consensus will be sought.

242 Dundonald St.,
FREDERICTON, N.B.,
E3B 1W9

November 30, 1987

Mr Hal Hinds
734 Albert Street
FREDERICTON, N.B.
E3B 2C6


Dear Hal,

I've enclosed a copy of the letter I sent to Francis regarding the FLAG human rights committee.

My reasons for not getting involved are basically personal, and I repeat I'm more than available to help schlep stuff around. I just can't see taking on helping with the organizing level of stuff right now.

I don't want to lose touch with what's going on, however, and will call if I don't hear. I enjoyed chatting with you, and the whole thing is an exciting thing to be embarking upon. However long the road may be.

Please stay in touch


Kevin Crombie

453-7722 (h)
452-9766 (o)

242 Dundonald St.,
FREDERICTON, N.B.,
E3B 1W9

November 30, 1987

Mr Hal Hinds
734 Albert Street
FREDERICTON, N.B.
E3B 2C6


Dear Hal,

I've enclosed a copy of the letter I sent to Francis regarding the FLAG human rights committee.

My reasons for not getting involved are basically personal, and I repeat I'm more than available to help schlep stuff around. I just can't see taking on helping with the organizing level of stuff right now.

I don't want to lose touch with what's going on, however, and will call if I don't hear. I enjoyed chatting with you, and the whole thing is an exciting thing to be embarking upon. However long the road may be.

Please stay in touch


Kevin Crombie

453-7722 (h)
452-9766 (o)

242 Dundonald St., Upstairs
FREDERICTON, N.B.,
E3B 1W9

November 30, 1987

Mr. Francis Young
35 Boyne Ct.,
FREDERICTON, N.B.,
E3B 2A8

Dear Francis,

After our phone conversation, I've decided I can't participate in the FLAG committee on human rights.

My reasons for this are mostly personal, and have nothing to do with my support for your goals. In fact I want you to keep my name and number around so that if there is any grunt work (licking envelopes, getting petitions signed, that sort of thing) then I would be happy to help.

Nor does this have anything to do with fear of exposure, since it's no secret I am gay, and I'm out to my employers. However, as I mentioned on the phone, as a journalist, I have a problem working on something that is news, part of the story as it were. And quite confidentially, I don't imagine I'll be living in Fredericton for many more months. But I thought I should not bow out without sharing some of my thoughts with you.

I believe the basic strategy is very sound. Your analysis that this is the perfect opportunity to try and convince the government to change the human rights code seems to me to be correct, for several reasons:

1/ The McKenna government, although never making any policy statement regarding sexual orientation or any other aspect of human rights, is nonetheless a "Liberal" government, and more open than the previous one to issues of social concern.

2/ With no effective political opposition, the Liberals are to a certain degree vulnerable to public pressure on various issues. By presenting what appears to be a united coalition of groups, it may be possible to convince the Liberals changes are overdue.

The strategy of pushing for first a review of human rights legislation in the province, and then (assuming the review recommends such changes as including sexual orientation) pushing for the government to adopt the report is also well conceived. It allows the case for inclusion of sexual orientation (and others, naturally) to be made twice: first to the committee, then to the government. It also provides considerably more leverage to apply pressure than merely writing letters or meeting with government ministers, and in the short term is a typically attractive solution to governments who prefer study to action.

However, I do have several concerns about your specific approach, and some suggestions that may streamline things.

242 Dundonald St., Upstairs
FREDERICTON, N.B.,
E3B 1W9

November 30, 1987

Mr. Francis Young
35 Boyne Ct.,
FREDERICTON, N.B.,
E3B 2A8

Dear Francis,

After our phone conversation, I've decided I can't participate in the FLAG committee on human rights.

My reasons for this are mostly personal, and have nothing to do with my support for your goals. In fact I want you to keep my name and number around so that if there is any grunt work (licking envelopes, getting petitions signed, that sort of thing) then I would be happy to help.

Nor does this have anything to do with fear of exposure, since it's no secret I am gay, and I'm out to my employers. However, as I mentioned on the phone, as a journalist, I have a problem working on something that is news, part of the story as it were. And quite confidentially, I don't imagine I'll be living in Fredericton for many more months. But I thought I should not bow out without sharing some of my thoughts with you.

I believe the basic strategy is very sound. Your analysis that this is the perfect opportunity to try and convince the government to change the human rights code seems to me to be correct, for several reasons:

1/ The McKenna government, although never making any policy statement regarding sexual orientation or any other aspect of human rights, is nonetheless a "Liberal" government, and more open than the previous one to issues of social concern.

2/ With no effective political opposition, the Liberals are to a certain degree vulnerable to public pressure on various issues. By presenting what appears to be a united coalition of groups, it may be possible to convince the Liberals changes are overdue.

The strategy of pushing for first a review of human rights legislation in the province, and then (assuming the review recommends such changes as including sexual orientation) pushing for the government to adopt the report is also well conceived. It allows the case for inclusion of sexual orientation (and others, naturally) to be made twice: first to the committee, then to the government. It also provides considerably more leverage to apply pressure than merely writing letters or meeting with government ministers, and in the short term is a typically attractive solution to governments who prefer study to action.

However, I do have several concerns about your specific approach, and some suggestions that may streamline things.

1. Firstly, I would write, on FLAG letterhead (if there is such a thing, if not, make some up) to a variety of higher profile groups across the province who might support a coalition. These might include native groups, women's groups, other gay groups, social justice/welfare advocates (even some of the churches). The letter should be simple, stating straightforwardly that an ad hoc committee is being formed in Fredericton to push for a review of human rights legislation in hopes of including things like sexual orientation, family status, source of income, and upgrading and broadening the role of the human rights commission (and anything I've left out). The point of the letter is to ask these groups for a letter of support to send to the minister responsible, and to indicate whether they would be interested in participating in a province-wide coalition.

2. A follow-up phone call will help encourage these groups to consider the question. It's a personal contact, which is always more persuasive than paper, it's a reminder, and also it's a chance to get a feel on whether they may or may not be supportive.

3. If there is a reasonable response (it will take two to three months...organizations move slowly), then a brief should be prepared to be sent to the government. The brief should be BRIEF, and include the letters of support. Beforehand, it's a good idea to send copies of the brief to all the people you've had contact with, urging them to get in contact with you if they have concerns about the wording. Give them time (but not a lot) to respond.

4. At this point, my recommendation is to hold a press conference, or send out a release indicating you have asked the government to set up a review. The government responds to media pressure...you may get some lip service commitments out of them. The downside is, of course, you may attract some unpleasant publicity.

I have several thoughts on this. Firstly, I believe the unpleasant publicity works against the people who point the fingers and spew the bigoted filth. Anti-choice groups have gained few friends with their right wing sanctimonious pronouncements on abortion. Similarly in Ontario, the loud religious lobby who tried to have Bill 7 killed provoked an equally loud cry from people who were outraged at the display of intolerance.

Secondly, if the gay community is unwilling to stand up, publicly, together to demand what are our basic human rights, guaranteed even by the Charter of Rights and Freedoms entrenched in the Constitution, then not only will we not get those rights accorded to us in provincial law, the government of the day will see no reason to protect a group that cannot even muster a weak voice to legitimize its own existence. The weapon that has been used against us time and time again is our invisibility. If we do not say we are here, not invisible, not frightening, we are your neighbors, your bus drivers, your teachers, your lawyers, your waiters, your gas station attendants and to oppose this legislation is to hurt us, then we will NOT win. Nor, do I believe, should we.

1. Firstly, I would write, on FLAG letterhead (if there is such a thing, if not, make some up) to a variety of higher profile groups across the province who might support a coalition. These might include native groups, women's groups, other gay groups, social justice/welfare advocates (even some of the churches). The letter should be simple, stating straightforwardly that an ad hoc committee is being formed in Fredericton to push for a review of human rights legislation in hopes of including things like sexual orientation, family status, source of income, and upgrading and broadening the role of the human rights commission (and anything I've left out). The point of the letter is to ask these groups for a letter of support to send to the minister responsible, and to indicate whether they would be interested in participating in a province-wide coalition.

2. A follow-up phone call will help encourage these groups to consider the question. It's a personal contact, which is always more persuasive than paper, it's a reminder, and also it's a chance to get a feel on whether they may or may not be supportive.

3. If there is a reasonable response (it will take two to three months...organizations move slowly), then a brief should be prepared to be sent to the government. The brief should be BRIEF, and include the letters of support. Beforehand, it's a good idea to send copies of the brief to all the people you've had contact with, urging them to get in contact with you if they have concerns about the wording. Give them time (but not a lot) to respond.

4. At this point, my recommendation is to hold a press conference, or send out a release indicating you have asked the government to set up a review. The government responds to media pressure...you may get some lip service commitments out of them. The downside is, of course, you may attract some unpleasant publicity.

I have several thoughts on this. Firstly, I believe the unpleasant publicity works against the people who point the fingers and spew the bigoted filth. Anti-choice groups have gained few friends with their right wing sanctimonious pronouncements on abortion. Similarly in Ontario, the loud religious lobby who tried to have Bill 7 killed provoked an equally loud cry from people who were outraged at the display of intolerance.

Secondly, if the gay community is unwilling to stand up, publicly, together to demand what are our basic human rights, guaranteed even by the Charter of Rights and Freedoms entrenched in the Constitution, then not only will we not get those rights accorded to us in provincial law, the government of the day will see no reason to protect a group that cannot even muster a weak voice to legitimize its own existence. The weapon that has been used against us time and time again is our invisibility. If we do not say we are here, not invisible, not frightening, we are your neighbors, your bus drivers, your teachers, your lawyers, your waiters, your gas station attendants and to oppose this legislation is to hurt us, then we will NOT win. Nor, do I believe, should we.

5. More letters, meetings and so on may be required to convince the government to spend the money on a study. This will also give the committee time to strengthen the coalition, adding groups initially ignored in the first run, possibly holding a meeting with representatives from each. A bona-fide coalition must be formed to ensure participation from each member group when the crunch comes...legislation. This may mean disbanding the committee, replacing it with a steering committee for the coalition, consisting of representatives from each group. This group will then be able to look for things like federal funding (Secretary of State has lots of programs this could fit under...REAL Women we're not). That too will be essential later.

6. Once the study is actually commissioned, a full scale lobby campaign must get underway to convince the government to follow through with legislation. This will include things like letter writing campaigns (easier than it sounds), and meetings with government caucus members (as rough as it sounds).

The tough part is getting legislation introduced...they are the government after all, and with no opposition in the house, debate should be pretty limited. Lots of scenarios are possible at that point, and in the meantime the best plan is to set up an organization that can best deal with anything that comes up.

Frankly I see several dangers in what I've heard so far. The idea of finding gay people in various organizations and government offices to act as a sort of Fifth column is not as productive as it sounds...you're unlikely to find people who are willing to be open and confident enough who have influence enough to convince their organization to support such a plan. A much better approach is the straightforward, through the front door request for assistance, stressing the effectiveness of appearing as a common front.

Trying to disguise the fact this movement is sponsored in large part by gay people is firstly offensive to me personally, as a gay man who isn't afraid of his sexuality, and secondly fails to give the impression we're the upright members of society that need and deserve to be included in the human rights code. It must be remembered that a large part of this exercise will come down to being a public education campaign on what being gay is, and should be allowed to be.

I sense a certain lack of direction at this point. While I realize this is much too early to judge, I feel obliged to remind you that this kind of project is a goal-oriented, NOT a process oriented enterprise. Mucking around with details like who has access to a word processor, or newspaper clippings do not bring you any closer to achieving one step of the plan.

5. More letters, meetings and so on may be required to convince the government to spend the money on a study. This will also give the committee time to strengthen the coalition, adding groups initially ignored in the first run, possibly holding a meeting with representatives from each. A bona-fide coalition must be formed to ensure participation from each member group when the crunch comes...legislation. This may mean disbanding the committee, replacing it with a steering committee for the coalition, consisting of representatives from each group. This group will then be able to look for things like federal funding (Secretary of State has lots of programs this could fit under...REAL Women we're not). That too will be essential later.

6. Once the study is actually commissioned, a full scale lobby campaign must get underway to convince the government to follow through with legislation. This will include things like letter writing campaigns (easier than it sounds), and meetings with government caucus members (as rough as it sounds).

The tough part is getting legislation introduced...they are the government after all, and with no opposition in the house, debate should be pretty limited. Lots of scenarios are possible at that point, and in the meantime the best plan is to set up an organization that can best deal with anything that comes up.

Frankly I see several dangers in what I've heard so far. The idea of finding gay people in various organizations and government offices to act as a sort of Fifth column is not as productive as it sounds...you're unlikely to find people who are willing to be open and confident enough who have influence enough to convince their organization to support such a plan. A much better approach is the straightforward, through the front door request for assistance, stressing the effectiveness of appearing as a common front.

Trying to disguise the fact this movement is sponsored in large part by gay people is firstly offensive to me personally, as a gay man who isn't afraid of his sexuality, and secondly fails to give the impression we're the upright members of society that need and deserve to be included in the human rights code. It must be remembered that a large part of this exercise will come down to being a public education campaign on what being gay is, and should be allowed to be.

I sense a certain lack of direction at this point. While I realize this is much too early to judge, I feel obliged to remind you that this kind of project is a goal-oriented, NOT a process oriented enterprise. Mucking around with details like who has access to a word processor, or newspaper clippings do not bring you any closer to achieving one step of the plan.

So I do support what you're doing, and you can count on my help. But I'm hesitant about getting involved at the organizing level. I want to stay in touch with how things are going, and if it's possible, I'd like to attend the January meeting with the organizer from EGALE.

Stay in touch,

A handwritten signature in black ink, appearing to read 'Kevin Crombie', with a long horizontal flourish extending to the right.

Kevin Crombie

453-7722 (h)

452-9766 (o)

So I do support what you're doing, and you can count on my help. But I'm hesitant about getting involved at the organizing level. I want to stay in touch with how things are going, and if it's possible, I'd like to attend the January meeting with the organizer from EGALE.

Stay in touch,

A handwritten signature in black ink, appearing to read 'Kevin Crombie', with a long horizontal flourish extending to the right.

Kevin Crombie

453-7722 (h)

452-9766 (o)

RIGHTS NOW! STRATEGY OPTIONS FOR GAY AND LESBIAN RIGHTS

A. PURPOSE OF THIS PAPER

For discussion only: This confidential discussion paper was written in the hope that it might help lead to a consensus on a strategy to have the Human Rights Act of New Brunswick amended to include sexual orientation as a prohibited ground of discrimination. Its proposals do not represent a "fait accompli" but are intended merely to focus the discussion on specifics. This paper also provides some background information and discusses the advantages and disadvantages of various strategies. It also stresses the need for commitment, collaboration and planning. Later, this paper may also be useful in explaining our strategy to newcomers.

Revised version: This is a substantially revised version of the discussion paper circulated at the Jan. 2 1988 meeting. Only parts B, D and H are essentially unchanged.

B. WHY WE NEED CHANGES TO THE HUMAN RIGHTS ACT

No protection against homophobia: At the present time, employers in New Brunswick can refuse to hire, landlords can deny apartments and public facilities can refuse service based on sexual orientation. Yet homosexuality is entirely irrelevant to a person's suitability as an employee, tenant or customer. Such basic human rights as the right to work are denied simply because of an irrational hatred, a form of bigotry called homophobia.

N.B. Human Rights Act: It was in order to combat similar forms of bigotry that the Human Rights Act of New Brunswick was enacted in 1967. It prohibits discrimination in public services (eg hotels, restaurants, insurance, stores and bars), rental housing, real estate transactions, professional associations, labor unions and all aspects of employment. In each of these areas it prohibits discrimination based on race, colour, national origin, place of origin, ancestry, religion, physical and mental disability, age, sex and marital status, but not discrimination based on sexual orientation. This provincial act applies to 90% of employees, the majority of public services and nearly all rental housing, whether in the public or the private sector. The rest are covered by the Canadian Human Rights Act, a federal law administered by the Canadian Human Rights Commission, which also does not prohibit discrimination based on sexual orientation. Other groups, especially EGALE (Equality

RIGHTS NOW! STRATEGY OPTIONS FOR GAY AND LESBIAN RIGHTS

A. PURPOSE OF THIS PAPER

For discussion only: This confidential discussion paper was written in the hope that it might help lead to a consensus on a strategy to have the Human Rights Act of New Brunswick amended to include sexual orientation as a prohibited ground of discrimination. Its proposals do not represent a "fait accompli" but are intended merely to focus the discussion on specifics. This paper also provides some background information and discusses the advantages and disadvantages of various strategies. It also stresses the need for commitment, collaboration and planning. Later, this paper may also be useful in explaining our strategy to newcomers.

Revised version: This is a substantially revised version of the discussion paper circulated at the Jan. 2 1988 meeting. Only parts B, D and H are essentially unchanged.

B. WHY WE NEED CHANGES TO THE HUMAN RIGHTS ACT

No protection against homophobia: At the present time, employers in New Brunswick can refuse to hire, landlords can deny apartments and public facilities can refuse service based on sexual orientation. Yet homosexuality is entirely irrelevant to a person's suitability as an employee, tenant or customer. Such basic human rights as the right to work are denied simply because of an irrational hatred, a form of bigotry called homophobia.

N.B. Human Rights Act: It was in order to combat similar forms of bigotry that the Human Rights Act of New Brunswick was enacted in 1967. It prohibits discrimination in public services (eg hotels, restaurants, insurance, stores and bars), rental housing, real estate transactions, professional associations, labor unions and all aspects of employment. In each of these areas it prohibits discrimination based on race, colour, national origin, place of origin, ancestry, religion, physical and mental disability, age, sex and marital status, but not discrimination based on sexual orientation. This provincial act applies to 90% of employees, the majority of public services and nearly all rental housing, whether in the public or the private sector. The rest are covered by the Canadian Human Rights Act, a federal law administered by the Canadian Human Rights Commission, which also does not prohibit discrimination based on sexual orientation. Other groups, especially EGALE (Equality

for Gays And Lesbians Everywhere), are lobbying for the federal law to be amended.

What an amendment would achieve: The Human Rights Commission would then be able to investigate complaints of sexual orientation discrimination in employment, housing and public services. Substantiated complaints that could not be settled by negotiation might be referred to arbitration. While only a few complaints are likely to be filed each year, the official recognition of sexual orientation as a prohibited form of discrimination, coupled with an effective campaign by the Commission to promote social tolerance, could go a long way towards fostering positive attitudes towards homosexuality among heterosexuals and homosexuals alike. Inclusion of sexual orientation in the Act would probably also lead to its inclusion in anti-discrimination clauses in some collective agreements, thus giving access to the grievance arbitration process.

C. WHAT WE WANT

Main goal: Our main goal is to have "sexual orientation" added to the list of prohibited grounds in each of the various activities (employment, housing, etc.) covered by the provincial Human Rights Act. This would require amendments to subsections 3(1 - 4), 4(1 - 3), 5(1), 6(1), 7(1), and section 12. It might also be desirable to define "sexual orientation" as "heterosexuality, homosexuality and bisexuality" (also transexuality?) in section 2 so as to defuse accusations that it includes pedophilia and bestiality.

Exception: It is proposed that the only acceptable exception be the general exemption based on bona fide qualifications (sub. 3(5)), which applies to all grounds. We should oppose a disclaimer, such as was used in Manitoba, to the effect that the inclusion of a ground of discrimination does not imply condonation of the practices of any minority. Such a clause would limit the potential positive influence of the Act on attitudes toward homosexuality.

Secondary goals: So as to avoid discouragement should an amendment be a long time coming, and to give us a purpose after it is enacted, it may be desirable to set secondary goals. These could be to lobby for an amendment to the Canadian Human Rights Act, to develop allies, to combat homophobia and to raise our own level of awareness.

D. THE TIME IS RIGHT, NOW!

Nation-wide momentum: There has never been a better time to campaign for gay/lesbian rights. With Manitoba, Ontario, and

for Gays And Lesbians Everywhere), are lobbying for the federal law to be amended.

What an amendment would achieve: The Human Rights Commission would then be able to investigate complaints of sexual orientation discrimination in employment, housing and public services. Substantiated complaints that could not be settled by negotiation might be referred to arbitration. While only a few complaints are likely to be filed each year, the official recognition of sexual orientation as a prohibited form of discrimination, coupled with an effective campaign by the Commission to promote social tolerance, could go a long way towards fostering positive attitudes towards homosexuality among heterosexuals and homosexuals alike. Inclusion of sexual orientation in the Act would probably also lead to its inclusion in anti-discrimination clauses in some collective agreements, thus giving access to the grievance arbitration process.

C. WHAT WE WANT

Main goal: Our main goal is to have "sexual orientation" added to the list of prohibited grounds in each of the various activities (employment, housing, etc.) covered by the provincial Human Rights Act. This would require amendments to subsections 3(1 - 4), 4(1 - 3), 5(1), 6(1), 7(1), and section 12. It might also be desirable to define "sexual orientation" as "heterosexuality, homosexuality and bisexuality" (also transexuality?) in section 2 so as to defuse accusations that it includes pedophilia and bestiality.

Exception: It is proposed that the only acceptable exception be the general exemption based on bona fide qualifications (sub. 3(5)), which applies to all grounds. We should oppose a disclaimer, such as was used in Manitoba, to the effect that the inclusion of a ground of discrimination does not imply condonation of the practices of any minority. Such a clause would limit the potential positive influence of the Act on attitudes toward homosexuality.

Secondary goals: So as to avoid discouragement should an amendment be a long time coming, and to give us a purpose after it is enacted, it may be desirable to set secondary goals. These could be to lobby for an amendment to the Canadian Human Rights Act, to develop allies, to combat homophobia and to raise our own level of awareness.

D. THE TIME IS RIGHT, NOW!

Nation-wide momentum: There has never been a better time to campaign for gay/lesbian rights. With Manitoba, Ontario, and

the Yukon having joined Quebec in prohibiting discrimination based on sexual orientation in the last two years, and the federal government having promised in 1986 to do so at the federal level, a momentum has built up that we must capitalize upon RIGHT NOW!

New government: The timing is especially promising in New Brunswick as the Liberal government is expected to be more receptive than the previous one. Aldea Landry, the President of the Executive Council and the Minister Responsible for Intergovernmental Affairs (the number 2 Minister according to the media) is a former member of both the Advisory Council on the Status of Women and the Human Rights Commission. Her husband, Fernand Landry, is the Premier's Deputy Minister. Mike McKee, the Minister of Labour, is responsible for the Human Rights Act. Both he and James Lockyer, the Minister of Justice, are also thought to be receptive. The fact that there is no official opposition and the government will not be facing the electorate for another four years is also to our advantage. Dr. Noel Kinsella, the Chairperson of the Human Rights Commission, has already indicated his support.

Urgency: The time is right, now. But time is not on our side, not in the short term anyway. With every month that passes, some momentum is lost and opposition groups are given more time to get organized. Also, if we do not press our demands quickly, the government may initiate a narrowly focused study or revision of the Act that would exclude sexual orientation. With luck, we should be able to get an amendment passed before election considerations make it impossible, three years from now. But circumstances can deteriorate unexpectedly (eg by-elections, cabinet shuffles, sagging government popularity, scandals, AIDS hysteria). Another opportunity like this probably will not come around again for several years. We must act urgently to grab it before it slips away.

E. OTHER REFORMS TO THE HUMAN RIGHTS ACT

Need for other reforms: While many mainstream organizations would support the inclusion of sexual orientation anyway, it would be easier to gain the support of some groups if we also supported other reforms to the Act that would be of interest to those groups. The Act hasn't been the subject of a comprehensive study in 20 years and it has fallen behind those of other jurisdictions.

New grounds: The following types of discrimination are prohibited in other jurisdictions (though not necessarily in all activities), but are not prohibited in New Brunswick:

- family status (eg. having children)(Manitoba, Ontario, Quebec, Yukon, Canada)
- criminal record (British Columbia, Ontario, Quebec,

the Yukon having joined Quebec in prohibiting discrimination based on sexual orientation in the last two years, and the federal government having promised in 1986 to do so at the federal level, a momentum has built up that we must capitalize upon RIGHT NOW!

New government: The timing is especially promising in New Brunswick as the Liberal government is expected to be more receptive than the previous one. Aldea Landry, the President of the Executive Council and the Minister Responsible for Intergovernmental Affairs (the number 2 Minister according to the media) is a former member of both the Advisory Council on the Status of Women and the Human Rights Commission. Her husband, Fernand Landry, is the Premier's Deputy Minister. Mike McKee, the Minister of Labour, is responsible for the Human Rights Act. Both he and James Lockyer, the Minister of Justice, are also thought to be receptive. The fact that there is no official opposition and the government will not be facing the electorate for another four years is also to our advantage. Dr. Noel Kinsella, the Chairperson of the Human Rights Commission, has already indicated his support.

Urgency: The time is right, now. But time is not on our side, not in the short term anyway. With every month that passes, some momentum is lost and opposition groups are given more time to get organized. Also, if we do not press our demands quickly, the government may initiate a narrowly focused study or revision of the Act that would exclude sexual orientation. With luck, we should be able to get an amendment passed before election considerations make it impossible, three years from now. But circumstances can deteriorate unexpectedly (eg by-elections, cabinet shuffles, sagging government popularity, scandals, AIDS hysteria). Another opportunity like this probably will not come around again for several years. We must act urgently to grab it before it slips away.

E. OTHER REFORMS TO THE HUMAN RIGHTS ACT

Need for other reforms: While many mainstream organizations would support the inclusion of sexual orientation anyway, it would be easier to gain the support of some groups if we also supported other reforms to the Act that would be of interest to those groups. The Act hasn't been the subject of a comprehensive study in 20 years and it has fallen behind those of other jurisdictions.

New grounds: The following types of discrimination are prohibited in other jurisdictions (though not necessarily in all activities), but are not prohibited in New Brunswick:

- family status (eg. having children)(Manitoba, Ontario, Quebec, Yukon, Canada)
- criminal record (British Columbia, Ontario, Quebec,

- Yukon, Canada)
- pregnancy discrimination in housing and public services (Manitoba, Ontario, Quebec, Yukon, Canada, Saskatchewan)
 - source of income (eg. welfare)(Manitoba, Ontario, Nova Scotia)
 - political affiliation (patronage) (British Columbia, Quebec, Yukon, P.E.I., Nfld)
 - citizenship (Ontario)
 - social condition (Quebec)

In addition, the provincial Human Rights Act doesn't prohibit discrimination based on occupation (eg. being a student) or on place of residence. In a press statement on Dec. 10 1987, Dr. Kinsella indicated his support for the inclusion of place of residence, political affiliation, family status, social condition and source of income.

Independence of the Commission: At present the Commission reports to the Minister of Labour. Events in P.E.I. cast doubt on the ability of a commission to deal effectively with political discrimination unless it reports directly to the legislature, its members are appointed for a fixed term and its arbitrators are independently selected from a panel.

Additional powers: The Human Rights Act does not deal effectively with hate literature, a problem that the Minister of Labour promised to study in a press statement on Dec. 10 1987. Nor does the Act provide for mandatory affirmative action, unlike those of Saskatchewan, Manitoba and Canada. Also, unlike the legislation of Ontario, Manitoba, Quebec and Canada, the Act does not provide for contract compliance a requirement that employers with unrepresentative work forces adopt corrective measures to become eligible for major government contracts).

F. APPROACHES USED IN OTHER JURISDICTIONS

1. Alberta

Organization: Lobbying started about six years ago. The Gay and Lesbian Awareness Group is now the most active lobby. Efforts were made to act in concert with mainstream organizations, but this was not very successful since most did not want to be associated with gay and lesbian groups.

Tactics used: A letter-writing campaign was undertaken, but was found not to work well unless gays and lesbians are provided with pre-typed, pre-addressed letters. The lobby sometimes sought publicity and at other times adopted a low-key approach. Apart from one magazine, the media has been quite positive. A number of briefs were submitted when the Commission undertook a study of the Human Rights Act. The Commission recommended inclusion.

- Yukon, Canada)
- pregnancy discrimination in housing and public services (Manitoba, Ontario, Quebec, Yukon, Canada, Saskatchewan)
 - source of income (eg. welfare)(Manitoba, Ontario, Nova Scotia)
 - political affiliation (patronage) (British Columbia, Quebec, Yukon, P.E.I., Nfld)
 - citizenship (Ontario)
 - social condition (Quebec)

In addition, the provincial Human Rights Act doesn't prohibit discrimination based on occupation (eg. being a student) or on place of residence. In a press statement on Dec. 10 1987, Dr. Kinsella indicated his support for the inclusion of place of residence, political affiliation, family status, social condition and source of income.

Independence of the Commission: At present the Commission reports to the Minister of Labour. Events in P.E.I. cast doubt on the ability of a commission to deal effectively with political discrimination unless it reports directly to the legislature, its members are appointed for a fixed term and its arbitrators are independently selected from a panel.

Additional powers: The Human Rights Act does not deal effectively with hate literature, a problem that the Minister of Labour promised to study in a press statement on Dec. 10 1987. Nor does the Act provide for mandatory affirmative action, unlike those of Saskatchewan, Manitoba and Canada. Also, unlike the legislation of Ontario, Manitoba, Quebec and Canada, the Act does not provide for contract compliance a requirement that employers with unrepresentative work forces adopt corrective measures to become eligible for major government contracts).

F. APPROACHES USED IN OTHER JURISDICTIONS

1. Alberta

Organization: Lobbying started about six years ago. The Gay and Lesbian Awareness Group is now the most active lobby. Efforts were made to act in concert with mainstream organizations, but this was not very successful since most did not want to be associated with gay and lesbian groups.

Tactics used: A letter-writing campaign was undertaken, but was found not to work well unless gays and lesbians are provided with pre-typed, pre-addressed letters. The lobby sometimes sought publicity and at other times adopted a low-key approach. Apart from one magazine, the media has been quite positive. A number of briefs were submitted when the Commission undertook a study of the Human Rights Act. The Commission recommended inclusion.

Key tactics: According to Wayne H., it's important to get the support of labour organizations, such as the Federation of Labour, and to get to know the M.L.A.'s and discuss the issue with them on a one-to-one basis. Its also important to document actual cases of discrimination and refer them to the Human Rights Commission.

Prospects: The Commission supports the inclusion of sexual orientation but the PC caucus and the general public are opposed. There is little chance of an amendment until the government changes.

2. British Columbia

Public education: Public education efforts first started in the mid 1960's and have progressed quite far since then. For example, they have a monthly TV show, two monthly gay/lesbian newspapers and have had a weekly lesbian radio show since 1979. Many gays and lesbians are involved in organized political parties, especially the NDP, and in the mainstream media.

Court cases: Gay rights efforts seem to have focused on court cases rather than lobbying. The Gay Alliance Towards Equality filed a human rights complaint against the Vancouver Sun in 1975 that eventually ended unsuccessfully in the Supreme Court of Canada in 1979. The Gay Rights Union was formed in 1982 when Rob Joyce was fired and placed on the child abuser register over allegations of child abuse; the case was settled in 1986.

No lobbying: The City of Vancouver adopted a gay rights policy in 1982, but what little protection was afforded by the Human Rights Act was lost when the Act was replaced by the Social Credit government in 1984. However the Gay Rights Union is not lobbying for an amendment as they feel that it will not be possible until there is a change of government.

Key tactics: They feel that an amendment can only be effective after a change of public attitudes. This can be achieved mainly through a sophisticated use of the media. Don L. stressed the importance of having very good public speakers who can convey complex ideas in twenty second long "bites" for TV. He also stressed the importance of learning what a "hook" was and how to generate news stories.

3. Canada

History: Lesbians and gay men first demonstrated on Parliament Hill in 1971 and the Canadian Human Rights Commission recommended inclusion as early as 1979. Several gay/lesbian groups and mainstream groups supported a sexual orientation amendment in hearings held before the Parliamentary Committee on Equality Rights. The Committee published the Equality for All report in 1985, in which it recommended inclusion. The government supported these recommendations in the Towards Equality report. In March 1986 John Crosbie, the Minister of Justice, promised to take whatever measures were necessary to implement the sexual orientation recommendations of the Equality for All report. However, no amendment has been

Key tactics: According to Wayne H., it's important to get the support of labour organizations, such as the Federation of Labour, and to get to know the M.L.A.'s and discuss the issue with them on a one-to-one basis. Its also important to document actual cases of discrimination and refer them to the Human Rights Commission.

Prospects: The Commission supports the inclusion of sexual orientation but the PC caucus and the general public are opposed. There is little chance of an amendment until the government changes.

2. British Columbia

Public education: Public education efforts first started in the mid 1960's and have progressed quite far since then. For example, they have a monthly TV show, two monthly gay/lesbian newspapers and have had a weekly lesbian radio show since 1979. Many gays and lesbians are involved in organized political parties, especially the NDP, and in the mainstream media.

Court cases: Gay rights efforts seem to have focused on court cases rather than lobbying. The Gay Alliance Towards Equality filed a human rights complaint against the Vancouver Sun in 1975 that eventually ended unsuccessfully in the Supreme Court of Canada in 1979. The Gay Rights Union was formed in 1982 when Rob Joyce was fired and placed on the child abuser register over allegations of child abuse; the case was settled in 1986.

No lobbying: The City of Vancouver adopted a gay rights policy in 1982, but what little protection was afforded by the Human Rights Act was lost when the Act was replaced by the Social Credit government in 1984. However the Gay Rights Union is not lobbying for an amendment as they feel that it will not be possible until there is a change of government.

Key tactics: They feel that an amendment can only be effective after a change of public attitudes. This can be achieved mainly through a sophisticated use of the media. Don L. stressed the importance of having very good public speakers who can convey complex ideas in twenty second long "bites" for TV. He also stressed the importance of learning what a "hook" was and how to generate news stories.

3. Canada

History: Lesbians and gay men first demonstrated on Parliament Hill in 1971 and the Canadian Human Rights Commission recommended inclusion as early as 1979. Several gay/lesbian groups and mainstream groups supported a sexual orientation amendment in hearings held before the Parliamentary Committee on Equality Rights. The Committee published the Equality for All report in 1985, in which it recommended inclusion. The government supported these recommendations in the Towards Equality report. In March 1986 John Crosbie, the Minister of Justice, promised to take whatever measures were necessary to implement the sexual orientation recommendations of the Equality for All report. However, no amendment has been

introduced and the majority of Tory M.P.'s are thought to be opposed.

Tactics used: EGALE is concentrating on gay rights exclusively but has obtained written endorsements from mainstream organizations. It has adopted a high profile approach. Its members have met personally with many M.P.'s, have called press conferences and have coordinated the distribution of a petition. In response to a massive letter-writing and telephone campaign by the Coalition for Family Values (REAL Women of Canada, Catholic Bishops, Canadian Organization of Small Business, Evangelical Fellowship of Canada, National Citizen's Coalition), EGALE organized "Hate Hurts", a nation-wide letter-writing campaign. The Coalition for Gay Rights in Ontario (C.G.R.O.) organized a demonstration in October 1987.

4. Manitoba

History: Gays and lesbians have had a public education program for several years and a weekly radio and TV program for nine or ten years. They have also been lobbying M.L.A.'s individually and in meetings for 20 years. In 1983 they submitted briefs to the Human Rights Commission when it undertook a major study of the Human Rights Act. As a result of the study, the Commission published a draft of a new Act in 1984 that included sexual orientation and several other major reforms. However, the NDP caucus resisted inclusion.

The Lobby: Ten lesbians formed the Lobby for the Inclusion of Sexual Orientation in the Manitoba Human Rights Act in 1985 to lobby for a sexual orientation amendment specifically. It eventually developed into a coalition of gay/lesbian organizations and representatives of fifty or so mainstream groups (labour unions, psychologists, social workers, historians, teachers).

Tactics used: To avoid giving the opposition time to organize, they avoided the media until a bill was introduced and concentrated on building up the confidence of the government by supplying it with information. A group of two or three of them met with various ministers. Thousands of postcards were sent to the M.L.A.'s. Several gay and lesbian insiders (M.L.A.'s, special assistants, party people) also pressed the government for inclusion. When a bill was introduced, the Lobby issued a media kit that included a lengthy list of persons willing to speak to the media in support of the amendment. The radio and TV (especially the CBC) were supportive but the newspapers were very strongly opposed. Overall, the publicity was not as vicious as in Ontario.

Passage of the bill: When it became necessary to make some other changes to the Act, the government tabled a bill in May 1987 that provided for the inclusion of sexual orientation as well as other major reforms. However the sexual orientation issue was the only one that became controversial. The controversy flared during the four days of committee hearings following the second reading. About 250 briefs were submitted, many by fundamentalists and Conservatives

introduced and the majority of Tory M.P.'s are thought to be opposed.

Tactics used: EGALE is concentrating on gay rights exclusively but has obtained written endorsements from mainstream organizations. It has adopted a high profile approach. Its members have met personally with many M.P.'s, have called press conferences and have coordinated the distribution of a petition. In response to a massive letter-writing and telephone campaign by the Coalition for Family Values (REAL Women of Canada, Catholic Bishops, Canadian Organization of Small Business, Evangelical Fellowship of Canada, National Citizen's Coalition), EGALE organized "Hate Hurts", a nation-wide letter-writing campaign. The Coalition for Gay Rights in Ontario (C.G.R.O.) organized a demonstration in October 1987.

4. Manitoba

History: Gays and lesbians have had a public education program for several years and a weekly radio and TV program for nine or ten years. They have also been lobbying M.L.A.'s individually and in meetings for 20 years. In 1983 they submitted briefs to the Human Rights Commission when it undertook a major study of the Human Rights Act. As a result of the study, the Commission published a draft of a new Act in 1984 that included sexual orientation and several other major reforms. However, the NDP caucus resisted inclusion.

The Lobby: Ten lesbians formed the Lobby for the Inclusion of Sexual Orientation in the Manitoba Human Rights Act in 1985 to lobby for a sexual orientation amendment specifically. It eventually developed into a coalition of gay/lesbian organizations and representatives of fifty or so mainstream groups (labour unions, psychologists, social workers, historians, teachers).

Tactics used: To avoid giving the opposition time to organize, they avoided the media until a bill was introduced and concentrated on building up the confidence of the government by supplying it with information. A group of two or three of them met with various ministers. Thousands of postcards were sent to the M.L.A.'s. Several gay and lesbian insiders (M.L.A.'s, special assistants, party people) also pressed the government for inclusion. When a bill was introduced, the Lobby issued a media kit that included a lengthy list of persons willing to speak to the media in support of the amendment. The radio and TV (especially the CBC) were supportive but the newspapers were very strongly opposed. Overall, the publicity was not as vicious as in Ontario.

Passage of the bill: When it became necessary to make some other changes to the Act, the government tabled a bill in May 1987 that provided for the inclusion of sexual orientation as well as other major reforms. However the sexual orientation issue was the only one that became controversial. The controversy flared during the four days of committee hearings following the second reading. About 250 briefs were submitted, many by fundamentalists and Conservatives

violently opposed to the sexual orientation clause. However M.L.A's received almost no letters opposing it. The opposition arguments focused on children and religion. The government very nearly backed down but eventually pushed the bill through with its majority. It was proclaimed on Dec. 10 1987. According to Margie Cogill, timing was all-important (there were three years left before the next election) as well as who was in power.

5. Newfoundland

Report: In Newfoundland, as in Manitoba, the inclusion of sexual orientation was one of the recommendations of a major study that proposed a wide-ranging reform of the Human Rights Act. The study was undertaken by the Newfoundland and Labrador Human Rights Association, a non-governmental body funded by the Secretary of State. Gays and lesbians did not play an active role in the study. No hearings were held and no briefs were requested. In 1985 the Association published a major report recommending, among other things, the inclusion of sexual orientation.

Tactics used: It is only at this point that lobbying started. An informal coalition of gays, lesbians, their families and friends was set up to lobby for the inclusion of sexual orientation specifically. A brief was submitted in March, 1986. All the MLA's were contacted by mail, but most did not respond. Mainstream organizations were encouraged to send letters of support to the government. The Advisory Council on the Status of Women was especially active. So far there has been practically no publicity, but publicity will be sought in the near future.

Prospects: The Human Rights Commission and the Minister of Justice are supportive, but the rest of the Liberal government appears to be stalling.

6. Nova Scotia

Organization: Some gays and lesbians have recently formed Lesbian and Gay Rights Nova Scotia to lobby for the inclusion of sexual orientation in the Human Rights Act. They do not intend to form a coalition with mainstream organizations but will be seeking their support.

Strategy: As they have not yet decided on a strategy, they have not considered the possibility of lobbying for other reforms that would be of interest to mainstream groups, nor the possibility of pressing the government to undertake a major study of the Act. As in New Brunswick, there has been little publicity on gay and lesbian issues over the last few years and there are few gays and lesbians willing to come out to do it. Accordingly, they may decide to adopt a low profile.

Prospects: An amendment is not expected until after a change of government.

violently opposed to the sexual orientation clause. However M.L.A's received almost no letters opposing it. The opposition arguments focused on children and religion. The government very nearly backed down but eventually pushed the bill through with its majority. It was proclaimed on Dec. 10 1987. According to Margie Cogill, timing was all-important (there were three years left before the next election) as well as who was in power.

5. Newfoundland

Report: In Newfoundland, as in Manitoba, the inclusion of sexual orientation was one of the recommendations of a major study that proposed a wide-ranging reform of the Human Rights Act. The study was undertaken by the Newfoundland and Labrador Human Rights Association, a non-governmental body funded by the Secretary of State. Gays and lesbians did not play an active role in the study. No hearings were held and no briefs were requested. In 1985 the Association published a major report recommending, among other things, the inclusion of sexual orientation.

Tactics used: It is only at this point that lobbying started. An informal coalition of gays, lesbians, their families and friends was set up to lobby for the inclusion of sexual orientation specifically. A brief was submitted in March, 1986. All the MLA's were contacted by mail, but most did not respond. Mainstream organizations were encouraged to send letters of support to the government. The Advisory Council on the Status of Women was especially active. So far there has been practically no publicity, but publicity will be sought in the near future.

Prospects: The Human Rights Commission and the Minister of Justice are supportive, but the rest of the Liberal government appears to be stalling.

6. Nova Scotia

Organization: Some gays and lesbians have recently formed Lesbian and Gay Rights Nova Scotia to lobby for the inclusion of sexual orientation in the Human Rights Act. They do not intend to form a coalition with mainstream organizations but will be seeking their support.

Strategy: As they have not yet decided on a strategy, they have not considered the possibility of lobbying for other reforms that would be of interest to mainstream groups, nor the possibility of pressing the government to undertake a major study of the Act. As in New Brunswick, there has been little publicity on gay and lesbian issues over the last few years and there are few gays and lesbians willing to come out to do it. Accordingly, they may decide to adopt a low profile.

Prospects: An amendment is not expected until after a change of government.

7. Ontario:

Summary: The strategy adopted in Ontario has been to seek as much publicity as possible in the belief that an amendment would only be effective if public attitudes were first changed. Publicity was also seen as necessary to create pressure on politicians. No attempt was made to include mainstream organizations in the gay rights coalition but attempts were made to cooperate with them. They did not agree to lobby for other reforms to the Act in exchange for the support of mainstream organizations. There was a major study of the Act, but it did not lead to an amendment until nine years later. The sexual orientation amendment that was eventually passed was associated with some other changes to the Act and was part of a major omnibus bill.

Organizations: The lobbying was done originally by the Gay Alliance Towards Equality (GATE) and later by the Right To Privacy Committee and the Coalition For Gay Rights In Ontario (C.G.R.O.). C.G.R.O. was formed in 1975 and consists of 30 or so gay/lesbian agencies. It has had a full-time staff since 1981. Its two main activities have been to lobby for a sexual orientation amendment and to support John Damien's lawsuits (he was fired as a horse racing judge in 1975 because of his sexual orientation).

Tactics used: Since 1975, C.G.R.O. has submitted four different briefs, published a promotional tabloid, conducted two letter-writing campaigns and organized eight demonstrations or rallies as well as eight conferences. It raised funds through concerts, brunches, lotteries, rallies and a bike-a-thon.

History: Gays and lesbians have been lobbying more or less continually since the early 1970's. In the beginning it was mostly directed at the Commission itself. The gay rights issue first entered mainstream politics when C.G.R.O. and GATE campaigned against the Tories in 1977. However the Tories won. C.G.R.O. coordinated the gay rights submissions that were made to a major study that eventually led to the Life Together report in 1977. In that report the Human Rights Commission recommended several major reforms to the Act, one of which was the inclusion of sexual orientation. However a sexual orientation amendment was defeated after heated debate in 1981. C.G.R.O. and organizations for the disabled had worked together for the inclusion of sexual orientation and physical disability. The disabled continued to support the sexual orientation amendment even after disability was included in 1981.

Passage of a bill: In 1985 the Tories were replaced by a minority Liberal government dependent on the NDP. According to C.G.R.O.'s Tom Warner, this was the most important factor in their eventual success. When the government introduced Bill 7 to bring several laws in conformity with section 15 of the Charter, Evelyn Gigantes (NDP) introduced an amendment to include sexual orientation and other reforms in the Human Rights Act. C.G.R.O. organized an intensive lobby effort that included a letter-writing campaign in

7. Ontario:

Summary: The strategy adopted in Ontario has been to seek as much publicity as possible in the belief that an amendment would only be effective if public attitudes were first changed. Publicity was also seen as necessary to create pressure on politicians. No attempt was made to include mainstream organizations in the gay rights coalition but attempts were made to cooperate with them. They did not agree to lobby for other reforms to the Act in exchange for the support of mainstream organizations. There was a major study of the Act, but it did not lead to an amendment until nine years later. The sexual orientation amendment that was eventually passed was associated with some other changes to the Act and was part of a major omnibus bill.

Organizations: The lobbying was done originally by the Gay Alliance Towards Equality (GATE) and later by the Right To Privacy Committee and the Coalition For Gay Rights In Ontario (C.G.R.O.). C.G.R.O. was formed in 1975 and consists of 30 or so gay/lesbian agencies. It has had a full-time staff since 1981. Its two main activities have been to lobby for a sexual orientation amendment and to support John Damien's lawsuits (he was fired as a horse racing judge in 1975 because of his sexual orientation).

Tactics used: Since 1975, C.G.R.O. has submitted four different briefs, published a promotional tabloid, conducted two letter-writing campaigns and organized eight demonstrations or rallies as well as eight conferences. It raised funds through concerts, brunches, lotteries, rallies and a bike-a-thon.

History: Gays and lesbians have been lobbying more or less continually since the early 1970's. In the beginning it was mostly directed at the Commission itself. The gay rights issue first entered mainstream politics when C.G.R.O. and GATE campaigned against the Tories in 1977. However the Tories won. C.G.R.O. coordinated the gay rights submissions that were made to a major study that eventually led to the Life Together report in 1977. In that report the Human Rights Commission recommended several major reforms to the Act, one of which was the inclusion of sexual orientation. However a sexual orientation amendment was defeated after heated debate in 1981. C.G.R.O. and organizations for the disabled had worked together for the inclusion of sexual orientation and physical disability. The disabled continued to support the sexual orientation amendment even after disability was included in 1981.

Passage of a bill: In 1985 the Tories were replaced by a minority Liberal government dependent on the NDP. According to C.G.R.O.'s Tom Warner, this was the most important factor in their eventual success. When the government introduced Bill 7 to bring several laws in conformity with section 15 of the Charter, Evelyn Gigantes (NDP) introduced an amendment to include sexual orientation and other reforms in the Human Rights Act. C.G.R.O. organized an intensive lobby effort that included a letter-writing campaign in

March 1986, a professional-looking brief in May and a large rally in November. On Dec. 2 1986, after a total of two weeks of heated and highly publicized debate (and with a doctors strike in progress), the sexual orientation amendment passed, despite a PC filibuster. It followed what has been described as the most massive lobby campaign in Ontario's history.

Opposition / support: The Coalition For Family Values (REAL Women, Ontario Conference Of Catholic Bishops and some right wing organizations) mounted a massive letter-writing and phone-in campaign in October 1986. The support of mainstream groups was crucial. Public statements of support were made by some religious groups (most notably the United Church of Canada), some disabled groups, some local labour councils and the National Action Committee on the Status of Women. Many organized their own letter-writing counter-campaigns.

8. Quebec

Summary: Quebec's human rights legislation was amended to include sexual orientation in 1977 following a lobby campaign that was relatively short and had a low profile. Quebec is the only jurisdiction to pass an amendment dealing almost exclusively with sexual orientation. As in Manitoba, gay and lesbian insiders played an important role. As in Ontario, street demonstrations were also important.

History: A coalition of gay and lesbian organizations was founded in 1974 to lobby the government to include sexual orientation in the human rights bill that the government was proposing. The coalition won the support of 25 mainstream organizations. When the Liberal government's bill failed to include sexual orientation, the Parti Quebecois proposed an amendment to include it, but that was defeated. However the PQ was elected in 1976. In October 1977 the Association des gais du Quebec submitted a brief to each member of the Assembly in which it cited examples of discrimination. The Human Rights Commission indicated its support.

Passage of a bill: Things came to a head when a large number of demonstrators protested a police raid of the Truxx bar on Oct. 22 1977. A group of PQ militants, M.N.A.'s, cabinet ministers and high-level bureaucrats, all gay, met with the Minister of Justice the next day to urgently press for an amendment. Gay and lesbian activists outside the government were not even aware of these behind the scenes developments. To everybody's surprise, an amendment was introduced and passed within two months. There was quite a bit of publicity on the first reading, but the bill was rushed through second and third reading late in the evening with practically no publicity. Apparently that was the PQ's strategy.

9. Saskatchewan

History: In 1973, the Saskatchewan Human Rights Commission was the first in Canada to recommend the inclusion of sexual orientation.

March 1986, a professional-looking brief in May and a large rally in November. On Dec. 2 1986, after a total of two weeks of heated and highly publicized debate (and with a doctors strike in progress), the sexual orientation amendment passed, despite a PC filibuster. It followed what has been described as the most massive lobby campaign in Ontario's history.

Opposition / support: The Coalition For Family Values (REAL Women, Ontario Conference Of Catholic Bishops and some right wing organizations) mounted a massive letter-writing and phone-in campaign in October 1986. The support of mainstream groups was crucial. Public statements of support were made by some religious groups (most notably the United Church of Canada), some disabled groups, some local labour councils and the National Action Committee on the Status of Women. Many organized their own letter-writing counter-campaigns.

8. Quebec

Summary: Quebec's human rights legislation was amended to include sexual orientation in 1977 following a lobby campaign that was relatively short and had a low profile. Quebec is the only jurisdiction to pass an amendment dealing almost exclusively with sexual orientation. As in Manitoba, gay and lesbian insiders played an important role. As in Ontario, street demonstrations were also important.

History: A coalition of gay and lesbian organizations was founded in 1974 to lobby the government to include sexual orientation in the human rights bill that the government was proposing. The coalition won the support of 25 mainstream organizations. When the Liberal government's bill failed to include sexual orientation, the Parti Quebecois proposed an amendment to include it, but that was defeated. However the PQ was elected in 1976. In October 1977 the Association des gais du Quebec submitted a brief to each member of the Assembly in which it cited examples of discrimination. The Human Rights Commission indicated its support.

Passage of a bill: Things came to a head when a large number of demonstrators protested a police raid of the Truxx bar on Oct. 22 1977. A group of PQ militants, M.N.A.'s, cabinet ministers and high-level bureaucrats, all gay, met with the Minister of Justice the next day to urgently press for an amendment. Gay and lesbian activists outside the government were not even aware of these behind the scenes developments. To everybody's surprise, an amendment was introduced and passed within two months. There was quite a bit of publicity on the first reading, but the bill was rushed through second and third reading late in the evening with practically no publicity. Apparently that was the PQ's strategy.

9. Saskatchewan

History: In 1973, the Saskatchewan Human Rights Commission was the first in Canada to recommend the inclusion of sexual orientation.

However, gay rights really became an issue only when Doug Wilson, a lecturer at the University of Saskatchewan, was denied the right to supervise education students doing practice teaching in high schools in 1975. He filed a human rights complaint but the courts decided that the prohibition of sex discrimination did not apply to sexual orientation. Though the media generally supported Wilson, the government never implemented the Commission's recommendation.

Strategy: A Coalition for Human Equality was recently formed to resume efforts to include sexual orientation in the Act. It consists of gays and lesbians as well as representatives of mainstream groups. It proposes to undertake a public education campaign. Glen B. is of the opinion that an amendment that was passed quietly would be ineffective. They do not expect an amendment until the government changes.

10. Yukon

Passage of a bill: The NDP government introduced a comprehensive new Human Rights Act in 1986 that included sexual orientation, but had to withdraw the bill due to strong opposition by the PC's and the general public. It was only then that the government published a white paper explaining the need for the new legislation. There were heated public meetings throughout the Yukon and many homophobic letters were published in the press. The Anglican Bishop was in the forefront of the opposition. One tenth of the entire population signed a petition opposing the legislation. However, the Status of Women Council supported it. A new bill was later introduced and it was passed on February 12, 1987.

G. STRATEGY OPTIONS

1. Should our campaign have a high or low profile?

Various approaches: We cannot entirely avoid publicity, but we can choose to minimize and delay it or else to seek it out with a view to influencing public opinion. In Ontario, British Columbia and Saskatchewan, gay rights groups sought and are seeking publicity. On the other hand, there was little publicity in Quebec and Manitoba's lobby delayed publicity until a bill was introduced. Some activists cite Quebec's example and say that an amendment would be ineffective unless public attitudes were first changed through publicity. They add that extremely homophobic publicity can provoke a backlash that can work to our advantage.

Limited time and resources: However, it was ten years after they began their public education efforts before gays and lesbians got an amendment in Ontario, and they almost did not get it.

However, gay rights really became an issue only when Doug Wilson, a lecturer at the University of Saskatchewan, was denied the right to supervise education students doing practice teaching in high schools in 1975. He filed a human rights complaint but the courts decided that the prohibition of sex discrimination did not apply to sexual orientation. Though the media generally supported Wilson, the government never implemented the Commission's recommendation.

Strategy: A Coalition for Human Equality was recently formed to resume efforts to include sexual orientation in the Act. It consists of gays and lesbians as well as representatives of mainstream groups. It proposes to undertake a public education campaign. Glen B. is of the opinion that an amendment that was passed quietly would be ineffective. They do not expect an amendment until the government changes.

10. Yukon

Passage of a bill: The NDP government introduced a comprehensive new Human Rights Act in 1986 that included sexual orientation, but had to withdraw the bill due to strong opposition by the PC's and the general public. It was only then that the government published a white paper explaining the need for the new legislation. There were heated public meetings throughout the Yukon and many homophobic letters were published in the press. The Anglican Bishop was in the forefront of the opposition. One tenth of the entire population signed a petition opposing the legislation. However, the Status of Women Council supported it. A new bill was later introduced and it was passed on February 12, 1987.

G. STRATEGY OPTIONS

1. Should our campaign have a high or low profile?

Various approaches: We cannot entirely avoid publicity, but we can choose to minimize and delay it or else to seek it out with a view to influencing public opinion. In Ontario, British Columbia and Saskatchewan, gay rights groups sought and are seeking publicity. On the other hand, there was little publicity in Quebec and Manitoba's lobby delayed publicity until a bill was introduced. Some activists cite Quebec's example and say that an amendment would be ineffective unless public attitudes were first changed through publicity. They add that extremely homophobic publicity can provoke a backlash that can work to our advantage.

Limited time and resources: However, it was ten years after they began their public education efforts before gays and lesbians got an amendment in Ontario, and they almost did not get it.

Saskatchewan and British Columbia are still waiting for a change of government before they can hope to succeed. In New Brunswick we already have a change of government, but ideal political conditions will last at most three years. In contrast to most jurisdictions, there has been almost no public education so far. There is a possibility that what little public education we can achieve in that time would be worse than none at all, since public attitudes on such a highly emotional subject can be positively influenced only in the medium and long term while a homophobic backlash can be immediate. We also must consider whether we have enough people who are "out" and willing to speak to the press, TV and radio to mount an effective public education campaign.

Rights first, education later? One possibility, given our limited time and resources, is to first concentrate on getting an amendment enacted with as little publicity as necessary and, once it is enacted, then launch a public education campaign. In the meantime, we would try to minimize and delay publicity while remaining ready to counter negative publicity when it becomes too prominent. We would then do it in such a way as to avoid giving it added prominence.

2. How closely should we be allied with mainstream organizations?

Option 1: We form a separate organization: If we are to succeed, it is essential that we obtain the support of influential mainstream organizations, such as labor unions, churches and other minority groups (disabled, natives, women). We might consider establishing a separate gay/lesbian/straight coalition with its own structure. However this would entail the risk that we would lose control of the campaign to mainstream organizations. An informal arrangement might be preferable.

Option 2: We agree to support each other: One way to gain the support of hesitant mainstream organizations is by committing ourselves to support other human rights reforms that would be of interest to them. Some of these are mentioned in Part E. The experience of disabled and gay groups in Ontario illustrates that such an agreement may be feasible; they supported each other's demands when neither enjoyed the protection of the Human Rights Act. Aligning ourselves with other human rights reforms would also have the advantage of making the sexual orientation amendment less prominent. It would also identify it more clearly as a human rights issue. Quebec is the only jurisdiction to pass a sexual orientation amendment that was not associated with some other human rights reform. However, care must be taken not to align ourselves with an issue that is even more controversial than the sexual orientation amendment. The criminal record amendment is reportedly such an issue at the federal level and is stalling the sexual orientation amendment there.

Option 3: They agree to support us: The experience of the other

Saskatchewan and British Columbia are still waiting for a change of government before they can hope to succeed. In New Brunswick we already have a change of government, but ideal political conditions will last at most three years. In contrast to most jurisdictions, there has been almost no public education so far. There is a possibility that what little public education we can achieve in that time would be worse than none at all, since public attitudes on such a highly emotional subject can be positively influenced only in the medium and long term while a homophobic backlash can be immediate. We also must consider whether we have enough people who are "out" and willing to speak to the press, TV and radio to mount an effective public education campaign.

Rights first, education later? One possibility, given our limited time and resources, is to first concentrate on getting an amendment enacted with as little publicity as necessary and, once it is enacted, then launch a public education campaign. In the meantime, we would try to minimize and delay publicity while remaining ready to counter negative publicity when it becomes too prominent. We would then do it in such a way as to avoid giving it added prominence.

2. How closely should we be allied with mainstream organizations?

Option 1: We form a separate organization: If we are to succeed, it is essential that we obtain the support of influential mainstream organizations, such as labor unions, churches and other minority groups (disabled, natives, women). We might consider establishing a separate gay/lesbian/straight coalition with its own structure. However this would entail the risk that we would lose control of the campaign to mainstream organizations. An informal arrangement might be preferable.

Option 2: We agree to support each other: One way to gain the support of hesitant mainstream organizations is by committing ourselves to support other human rights reforms that would be of interest to them. Some of these are mentioned in Part E. The experience of disabled and gay groups in Ontario illustrates that such an agreement may be feasible; they supported each other's demands when neither enjoyed the protection of the Human Rights Act. Aligning ourselves with other human rights reforms would also have the advantage of making the sexual orientation amendment less prominent. It would also identify it more clearly as a human rights issue. Quebec is the only jurisdiction to pass a sexual orientation amendment that was not associated with some other human rights reform. However, care must be taken not to align ourselves with an issue that is even more controversial than the sexual orientation amendment. The criminal record amendment is reportedly such an issue at the federal level and is stalling the sexual orientation amendment there.

Option 3: They agree to support us: The experience of the other

jurisdictions shows that many mainstream organizations are willing to support a sexual orientation amendment without asking for anything in return, provided a convincing argument is made.

3. Should we press for a major study of the Human Rights Act?

An internal study: A sexual orientation amendment is a very simple matter that does not require much study once the government is convinced that it is desirable and politically feasible. However, other reforms to the Act might require at least an internal study by the Department of Labour, the Department of Justice or the Human Rights Commission. If such a study were undertaken, we could presumably submit a brief to it at our own initiative.

A major study: Alternately, we might press for a major study by the Human Rights Commission or by an outside expert (eg. a professor). It would invite briefs from the public (and possibly hold public hearings) and publish a report. Since all but one of the major studies done on human rights legislation in Canada in the last ten years has recommended inclusion of sexual orientation, it is highly probable that a major study in New Brunswick would do so as well.

Advantages and disadvantages: Assuming that its report was supportive, a major study would tend to raise the level of the debate, debunk homophobic myths and add some respected authority to our side. However, a request for briefs would alert opposition forces and stir up a major public controversy that might frighten the government from pursuing an amendment. Public hearings would give opposition groups an ideal opportunity to raise havoc. Also, a wide-ranging study of the Act might raise such complex and controversial issues and consume so much time as to make it impossible to introduce an amendment before the next election. A look at other jurisdictions where major studies recommended inclusion tends to confirm this; in Ontario the amendment was passed nine years after the report was published and in Manitoba it was three years. Amendments have still not been passed in Newfoundland and at the federal level though they were recommended in 1985.

H. HOW GAY MEN AND LESBIANS CAN BE INVOLVED

People needed: Only about twenty gay and lesbian activists are needed at the beginning. Larger numbers won't be needed until an amendment is introduced. Persons experienced in volunteer organizations or activism or who have contacts with mainstream organizations would be extremely valuable. As we propose to have designated spokespersons, only a few of the activists need to be

jurisdictions shows that many mainstream organizations are willing to support a sexual orientation amendment without asking for anything in return, provided a convincing argument is made.

3. Should we press for a major study of the Human Rights Act?

An internal study: A sexual orientation amendment is a very simple matter that does not require much study once the government is convinced that it is desirable and politically feasible. However, other reforms to the Act might require at least an internal study by the Department of Labour, the Department of Justice or the Human Rights Commission. If such a study were undertaken, we could presumably submit a brief to it at our own initiative.

A major study: Alternately, we might press for a major study by the Human Rights Commission or by an outside expert (eg. a professor). It would invite briefs from the public (and possibly hold public hearings) and publish a report. Since all but one of the major studies done on human rights legislation in Canada in the last ten years has recommended inclusion of sexual orientation, it is highly probable that a major study in New Brunswick would do so as well.

Advantages and disadvantages: Assuming that its report was supportive, a major study would tend to raise the level of the debate, debunk homophobic myths and add some respected authority to our side. However, a request for briefs would alert opposition forces and stir up a major public controversy that might frighten the government from pursuing an amendment. Public hearings would give opposition groups an ideal opportunity to raise havoc. Also, a wide-ranging study of the Act might raise such complex and controversial issues and consume so much time as to make it impossible to introduce an amendment before the next election. A look at other jurisdictions where major studies recommended inclusion tends to confirm this; in Ontario the amendment was passed nine years after the report was published and in Manitoba it was three years. Amendments have still not been passed in Newfoundland and at the federal level though they were recommended in 1985.

H. HOW GAY MEN AND LESBIANS CAN BE INVOLVED

People needed: Only about twenty gay and lesbian activists are needed at the beginning. Larger numbers won't be needed until an amendment is introduced. Persons experienced in volunteer organizations or activism or who have contacts with mainstream organizations would be extremely valuable. As we propose to have designated spokespersons, only a few of the activists need to be

"out". The others can nevertheless make valuable contributions as researchers, coordinators, etc. or simply by keeping us informed of what is happening in the mainstream organizations.

Commitment: This campaign will involve a lot of work over an extended period of time. We will need to anticipate problems before they occur (rather than deal with them as they arise), come up with imaginative solutions (conventional ones do not always work) and work out the details of their implementation (they won't take care of themselves). This will require dedication, persistence, cleverness, pragmatism, cooperation, and organizational ability.

Collaboration: An effective campaign will require a concerted effort by a province-wide network of men and women of both linguistic groups. Our spokespersons should reflect this diversity. We must also be willing to set our personal differences aside. Naturally, activists tend to have strong convictions and the willingness to defend them. However we must remember that a sexual orientation amendment is equally beneficial to all of us and that we can achieve it only through collaboration. We must recognize our differences, respect our right to disagree and put our personality conflicts aside, for the sake of our common goal.

Feb. 1988

"out". The others can nevertheless make valuable contributions as researchers, coordinators, etc. or simply by keeping us informed of what is happening in the mainstream organizations.

Commitment: This campaign will involve a lot of work over an extended period of time. We will need to anticipate problems before they occur (rather than deal with them as they arise), come up with imaginative solutions (conventional ones do not always work) and work out the details of their implementation (they won't take care of themselves). This will require dedication, persistence, cleverness, pragmatism, cooperation, and organizational ability.

Collaboration: An effective campaign will require a concerted effort by a province-wide network of men and women of both linguistic groups. Our spokespersons should reflect this diversity. We must also be willing to set our personal differences aside. Naturally, activists tend to have strong convictions and the willingness to defend them. However we must remember that a sexual orientation amendment is equally beneficial to all of us and that we can achieve it only through collaboration. We must recognize our differences, respect our right to disagree and put our personality conflicts aside, for the sake of our common goal.

Feb. 1988