



May 30, 2008

## **Same-sex marriage complaint upheld**

The Saskatchewan Human Rights Commission announced today that it is pleased with the decision of the Saskatchewan Human Rights Tribunal upholding the complaint of M.J. that he was discriminated against when marriage commissioner Orville Nichols declined to marry him and his same-sex partner.

Marriage commissioner Nichols argued that he should have the right to be accommodated for his beliefs by declining to officiate at a same sex marriage. Consistent with the Commission's conclusion, the Tribunal found that the Province of Saskatchewan legislation does not grant its marriage commissioners the right to decline to perform same-sex marriages.

“Mr. Nichol’s refusal to marry a same-sex couple based on his religious beliefs conflicted with his duties as a public officer providing a non-discriminatory statutory service,” said Chief Commissioner Marilou McPhedran. “The Commission stands by its position that to allow public officials to insert their personal morality when determining who should and who should not receive the benefit of law undermines human rights in Saskatchewan beyond the issue of same-sex marriages. In referring this case to the Tribunal, we were concerned that a precedent not be set to allow discriminatory refusals to perform public services on the basis of sexual orientation or other protected grounds of *The Saskatchewan Human Rights Code*, such as race or disability”

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