

DRAFT
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PA

SUBJ: SAME-SEX PARTNER BENEFITS

REFS: A. CFAO 19-41
B. CFAO 16-1
C. CANFORGEN 034/90

1. THIS SERVES TO ANNOUNCE AND OUTLINE THE POLICY AND PROCESSES INVOLVED IN THE GRANTING OF CERTAIN SAME-SEX PARTNER BENEFITS TO MEMBERS OF THE CF. AS YOU WILL RECALL, TREASURY BOARD (TB) GRANTED SPECIFIC SAME-SEX PARTNER BENEFITS (SUCH AS BEREAVEMENT LEAVE, AND CERTAIN RELOCATION BENEFITS) TO PUBLIC SERVICE EMPLOYEES IN NOV 95.
2. SAME-SEX PARTNER BENEFITS WILL INCLUDE BENEFITS IN THE AREAS OF COMPASSIONATE LEAVE, LWOP FOR SPOUSAL ACCOMPANIMENT, MILITARY FOREIGN SERVICE REGULATIONS, ISOLATED POST REGULATIONS, AND RELOCATION REGULATIONS. ALL OF THE ABOVE BENEFITS EXCEPT FOR COMPASSIONATE LEAVE AND LWOP FOR SPOUSAL ACCOMPANIMENT WILL REQUIRE FORMAL CHANGES TO QR OS.
3. BENEFITS WILL ALSO BE AVAILABLE TO SAME-SEX PARTNERS OF CF MEMBERS UNDER THE CF DEPENDANTS DENTAL CARE PLAN, THE CF RESERVE DENTAL CARE PLAN AND THE PUBLIC SERVICE HEALTH CARE PLAN. THE ADMINISTRATIVE REQUIREMENTS FOR MEDICAL AND DENTAL BENEFITS WILL BE MADE KNOWN TO YOU BY A SEPARATE INSTRUCTION FROM DPSP.
4. FOR THE PURPOSE OF THE BENEFITS BEING GRANTED, A SAME-SEX PARTNER WILL BE CONSIDERED AS A DEPENDANT OF THE CF MEMBER. THE CF WILL EMPLOY TB S DEFINITION OF A SAME-SEX PARTNER RELATIONSHIP WHICH IS SAID TO EXIST WHEN FOR A CONTINUOUS PERIOD OF AT LEAST ONE YEAR, AN EMPLOYEE HAS LIVED WITH A PERSON OF THE SAME SEX IN A HOMOSEXUAL (OR LESBIAN) RELATIONSHIP, PUBLICLY REPRESENTED THAT PERSON AS HIS/HER PARTNER AND CONTINUES TO LIVE WITH THAT PERSON AS HIS/HER PARTNER.
5. TB HAS NOT RECOGNIZED SAME-SEX PARTNERS AS COMMON-LAW SPOUSES SINCE THIS WOULD BE CONTRARY TO CURRENT GOVERNMENT POLICY. BENEFITS ARE BEING GRANTED IN THE RECOGNITION OF THE EMOTIONAL TIES BETWEEN SAME-SEX PARTNERS WHO HAVE BEEN LIVING TOGETHER IN A LONG-TERM RELATIONSHIP. AS EXAMPLES, MEMBERS SHOULD BE ENTITLED TO MOVE WITH THEIR PARTNERS ON POSTINGS OUTSIDE OF CANADA, OR TO TAKE COMPASSIONATE LEAVE RELATED TO THE ILLNESS/DEATH OF THEIR PARTNERS.
6. SERVICE MEMBERS WHO ARE IN A SAME-SEX RELATIONSHIP AND WHO WISH TO CLAIM THE BENEFITS TO WHICH THEY ARE ENTITLED WILL BE ASKED TO DECLARE THE EXISTENCE OF THE RELATIONSHIP BY COMPLETING A STATUTORY DECLARATION SIMILAR TO THAT REQUIRED FOR THE RECOGNITION OF A COMMON-LAW SPOUSE. IN ADDITION, THERE WILL BE SIMILAR FORMS TO AMEND PREVIOUS DECLARATIONS IN THE EVENT OF

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ANY CHANGE OF PERSONAL CIRCUMSTANCES. THE STATUTORY DECLARATION(S) WILL BE INCLUDED IN A FORTHCOMING LETTER TO BE GIVEN WIDE DISTRIBUTION PENDING DEVELOPMENT AND PROMULGATION OF AN ADMINISTRATIVE ORDER.

7. THE BENEFITS OF COMPASSIONATE LEAVE AND LWOP FOR SPOUSAL ACCOMPANIMENT DO NOT REQUIRE CHANGES TO QR OS AND THEREFORE ARE NOW AVAILABLE SUBJECT TO REQUIREMENTS OF PARA 4 BEING SATISFIED. REGARDING COMPASSIONATE LEAVE, COMMANDING OFFICERS ARE ADVISED THAT DUE TO THE RECOGNITION OF THE NATURE OF THE RELATIONSHIP BETWEEN SAME-SEX PARTNERS, THAT ALL RELATED REQUESTS FOR COMPASSIONATE LEAVE SHOULD BE GIVEN DESERVED CONSIDERATION.

8. COMMANDING OFFICERS ARE ALSO REFERRED TO CANFORGEN 034/90 WHICH GRANTED LWOP FOR SPOUSAL ACCOMPANIMENT INVOLVING POSTINGS OUTSIDE OF CANADA. THIS POLICY SHOULD NOW BE EXTENDED TO INCLUDE SAME-SEX PARTNERS.

9. DISCUSSIONS CONTINUE WITH TREASURY BOARD ON BOTH THE ADMINISTRATIVE DETAILS INVOLVED IN THE IMPLEMENTATION OF APPROVED BENEFITS AND ON ADDITIONAL BENEFITS WHICH COULD BE MADE AVAILABLE IN THE FUTURE. YOU WILL BE UPDATED AS SOON AS DECISIONS ARE MADE AND ADMINISTRATIVE DETAILS BECOME CLEAR.

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