


DECLASSIFICATION
AUTH. AUT. NO. PCO - 9.8.78
NAME P.A. Lemieux
SIGNATURE 

May 26th, 1975.

MEMORANDUM TO ALL DEPARTMENTAL/AGENCY SECURITY OFFICERS:

Regulations Respecting Enquiries
Relating to Public Service Employees
whose Dismissal Has been Proposed in
the Interest of the Safety or Security of Canada
and
Consequential Amendment of
Cabinet Directive No. 35

Background

Following the establishment in 1966 of the Treasury Board as a separate department, amendments were made to the Financial Administration Act in 1967, to clarify and establish the powers of the Board in relation to personnel management. A sub-section was inserted in the amendments to protect the power of the Governor in Council to suspend or dismiss persons "in the interest of the safety or security of Canada". The formulation of the sub-section was such that, in preserving the power of dismissal, it specified that it was to be pursuant to "an inquiry conducted in accordance with regulations of the Governor in Council by a person appointed by the Governor in Council". It appears that the effect of the amendment on existing procedures was not adequately appreciated at the time and no regulations were passed pursuant to the new legislation. The deficiency came to light recently and has now been corrected with the Cabinet approval on March 27th 1975 of appropriate regulations, copy of which is attached for your convenience.

Revised Procedure

This recent decision brings a major change to the current and mandatory review procedure of adverse security cases particularly as it appears in paragraph 17, sub-paragraphs (c) and paragraph 18 of C.D. 35. Under the new regulations, a deputy minister or head of agency who, having personally reviewed an adverse case and interviewed the employee in question, concludes that the continued employment of the person in the Public Service of Canada is prejudicial to the safety or security of Canada shall recommend dismissal to the Governor in Council and the appointment of a commissioner under the Regulations.

The revised procedure for the review of adverse security cases will appear, in the near future, in a fully revised C.D. 35. Meanwhile, any deputy minister or head of agency who wishes to recommend dismissal under the Regulations should contact the Assistant Secretary to the Cabinet (Security and Intelligence) for further details.



P.A. Lemieux,
Security and Intelligence Secretariat.

Attach.

Privy Council Office,
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