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**National
Gay
Rights
Coalition**

**Coalition
Nationale pour les
Droits des
Homosexuels**

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Our File - N - Fed Govt

23 August 1977

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Rt. Hon. P.E. Trudeau
Prime Minister of Canada
HOUSE OF COMMONS
OTTAWA, Ontario
K1A 0A2

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Dear Mr. Trudeau,

We have been trying for a number of years to get a clear statement of policy from the federal government on the employment of homosexuals in the public service. Though several Ministers have indicated on several occasions that sexual orientation is not a bar to employment in the public service, the facts indicate otherwise. In addition, some of these Ministers' statements are contradictory. We therefore appeal to you to untangle this web and set the record straight.

As you know, your government refused to include sexual orientation in the Canadian Human Rights Act when it was passed recently in Parliament. Had the term been included, discrimination against homosexuals in employment in the federal sector would have been illegal. Since it was not included, there is no public government policy on this whole question.

During debate in the Justice Committee on the sexual orientation amendment, Justice Minister Ron Basford said:

"...the security concerns relate only to the public service and to some associated activity in the private sector... It is not a general issue of employability and I think it has been made clear by other Ministers and by the government in statements made that homosexuality or sexual preference is not a bar to employment in the public service but rather relates to the suitability of a particular person to a particular kind of employment requiring a special degree of stability and immunity from improper pressures. In the security procedures homosexuality is not singled out. There are other characteristics of persons who are heterosexual who can nevertheless be poor security risks. What is of concern is someone's degree of stability and immunity from improper pressures. Because of that I think it is appropriate that security criteria, which have to apply to others that those who are homosexuals, known or unknown, be handled in a different way... Security considerations themselves are more appropriately handled by another mechanism than the Human Rights Act. There is within the government the Pearson guidelines for setting out the dismissal of public servants on security grounds and which now include a right of inquiry under Section 77 of the Financial Administration Act...."

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Mr. Stuart Leggatt (NDP) then told Mr. Basford that his argument was "very persuasive for including sexual orientation" and he asked:

"If the Minister's answer is that the Pearson guidelines give him sufficient scope and give the government sufficient scope in this areas to protect the public interest, why should the private area be permitted to use sexual orientation as a ground for discrimination? Since apparently we are covered in the Public Service, then why are you not willing to put (sexual orientation) in so that when private employers discriminate on that ground an individual has a right to appear before the Commission and use it as a ground for complaint?"

Mr. Basford replied:

"Well, I think you misunderstand me. Obviously the Human Rights Act would override and displace the Pearson guidelines."

(The above quotes are from pages 13:39, 13:40 and 13:41 of the Minutes of Proceedings and Evidence of the Standing Committee on Justice and Legal Affairs, Thursday, 19 May 1977.)

Now what are we to make of that? First Mr. Basford explains why the national security angle is not based on homosexuality but on other factors and then he says sexual orientation cannot be included in the Canadian Human Rights Act because that would override the Pearson Guidelines!

Is homosexuality a factor in the granting of security clearances in the public service? Is the question of whether or not a homosexual is open a factor?

What are the Pearson guidelines? Where can we obtain a copy of the Financial Administration Act?

Given Mr. Basford's statement above that homosexuality is not a bar to employment in the public service, how come the Armed Forces openly discriminate against homosexuals? How come the RCMP keeps files on known homosexuals? Will the civilian side of the Department of National Defence hire a homosexual who is open about his or her sexual orientation? Will the RCMP hire an open homosexual?

In a letter dated 3 August 1977 (see attached), Solicitor General Francis Fox informs us that "an individual's sexual orientation does not prevent that individual from obtaining employment in the Federal Government or from obtaining a security clearance". Are not the Armed Forces part of the Federal Government? Apparently not, for Mr. Fox goes on to exclude them from his statement.

Would you please provide us with a definition for each of the following:

- Federal Government
- Public Service
- Departments
- Agencies
- Crown Corporations
- Civil Service

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Could you please tell us under which of the above come the RCMP and the Armed Forces.

During the debate referred to above, Mr. Basford mentions that the guidelines for security clearance within the government are being reviewed "to make sure they are adequate and proper" and that the guidelines for the employment of homosexuals within the Public Service are also being reviewed "as a direction to deputy ministers".

Have these reviews been completed? When will the results be made public?

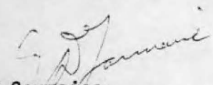
Mr. Trudeau, thousands of gay public servants live in constant fear of losing their jobs because the government won't make a clear statement that homosexuals will not be discriminated against in the public service. Even if we accept that homosexuality is not a bar to employment (which it obviously is in the Armed Forces), there is still a widespread fear that the disclosure of one's homosexuality will have adverse effects on one's career and on one's chances of getting a security clearance. The practice by the RCMP of keeping files on known homosexuals will not exactly inspire confidence among homosexuals in the good will of their employers in the federal public service.

Are there any practices or regulations which would prevent an open homosexual from obtaining employment in the RCMP, in the civilian side of DND, or in highly security classified positions in the public service, especially External Affairs?

Are there any practices or regulations which would treat "closet" homosexuals different from open homosexuals in these situations?

It is time the government made a clear statement responding to the concerns of gay people who make up 10% of the population of this country.

Yours sincerely,


David Garmaise
Coordinating Office

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