

PROTECTED B

MEMORANDUM

④ ADM (Per)

DM suggests a good course of action. PLS have DG crew draft send a letter.

1745-42-5 (DG CREW)

ASGD 15 MAR 90 Mar 90

DM/CDS (thru ADM(Per))

PROPOSED AMENDMENT TO THE CHRA

1. At the meeting with the Deputy Minister, Department of Justice, on 1 Mar 90, he suggested that consideration could be given to providing a provision in the subject Memorandum to Cabinet granting the CF a five year transitional period on sexual orientation. During those five years, the CF could apply the provisions contained in CFAO 19-36, at the same time working to change the attitudes of our personnel. At the end of the five-year transition, CFAO 19-36 would be cancelled and the CF would cease discriminating against homosexuals.

2. As I stated during the meeting, I have considerable difficulty with this option. Firstly, I do not believe that the transitional period is practical. To continue to apply CFAO 19-36, not recruiting or retaining homosexuals, while at the same time trying to change the attitudes of servicemembers towards homosexuals, is a contradiction in objectives. While such an option could work in some organizations, it would not work in the CF. Secondly, the acceptance of a five-year transitional period would send a signal to the members of the CF that we have abandoned our policy. We have always taken the view that we should fight such issues in court and let the courts decide. From a senior management point of view, losing in the Supreme Court tomorrow would be highly preferable to a five year transitional period.

3. Unless otherwise directed, I will assume that a five-year transitional period is not an acceptable option.

⑤ Mr. Clay (Per)

I agree with Dan 3 of min ①.

ASGD 09 MAR

D.E. Munro BGen DG CREW 995-0018

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Sous-Ministre de la Défense Nationale MAR 12 1990

⑥

SO DO I AND I SUGGESTED THAT THIS POINT BE MADE IN A LETTER - ASAP - FROM CDS TO DM JUSTICE. 14 MAR 90

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