

PROTECTED B

s.19(1)

MEMORANDUM

5705-2 (CO 409 Sqn)

21 Sep 90

Wg Comd

REDRESS OF GRIEVANCE

IE TECH 557

Ref: A. [redacted] (Pers) 31 Aug 90 (enclosed)
B. 5705-2 (DGPOR) 14 May 90 (enclosed)
C. DPCAOR 5 5270 111350Z May 90 (enclosed)

1. [redacted] is an individual to whom CFAO 19-20 and the CDS interim policy on homosexuality apply. [redacted] has decided to pursue the CF's unacceptability of his intent to continue to serve in the Canadian Forces and has submitted a redress at ref A, in accordance with CFAO 19-32.

2. [redacted] has submitted a well-prepared and adequately documented redress. I concur fully with his contention that his work has "always been superior" and doubt not for one minute his personal ability and enthusiasm to excel in the CF. [redacted]'s personal evaluation reports, as well as the special investigation and medical officer reports confirm, thus far, that [redacted]'s sexual orientation does not interfere with the performance of his duties, present a security risk or bring discredit to the Canadian Forces.

3. [redacted] contends that he has been discrete in his personal relationships and that he has never denied nor hidden his sexual orientation. It must be emphasized that [redacted]'s homosexuality is, in fact, not common knowledge. Members of his immediate peer group and certainly serving members of [redacted] are unaware of [redacted]'s sexual orientation. My concern is that should [redacted]'s homosexuality become common knowledge, [redacted] would inherit ridicule and abusive treatment from within and without. Furthermore, [redacted]'s homosexuality alone, regardless of his exemplary conduct in the work place, would subject him to personal recrimination. I will not tolerate discredit to [redacted] personnel. While I have an obligation to [redacted] as his Commanding Officer I am not compelled to protect him from the verbal abuse he is likely to receive from other members of my unit. It is my belief that ultimately, as [redacted]'s lifestyle becomes known, [redacted] ability to carry out its assigned mission will be reduced due to the demoralizing and divisive unit atmosphere which will ensue. This, too, I will not tolerate.

4. I am concerned that the operational effectiveness of [redacted] during transition to war and war, wherein personal hygiene and sexual abstinence in the tightly confined spaces within the Canadian Forces Modular Protector Shelters (AKA sewers/submarines) is paramount, may be compromised, given [redacted]'s sexual orientation and proven

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record of sexual indiscretion in public places. This concern would extend to other areas of potential operational responsibility/activities, wherein the unit populace would be predominately male, living in closely confined quarters.

5. [redacted]'s career disposition has been made clear at ref B. Since a political decision to release [redacted] under CFAO 19-20 is unlikely before the end of his current terms of service [redacted] I support certain elements of his redress. I find the career restrictions placed on [redacted] at ref C acceptable, given that he will not be re-engaged. I do, however, support [redacted]'s request to earn the promotion he so richly deserves. The fact remains that he has been a very productive technician and would likely have received accelerated promotion to corporal rank, had not his sexual orientation surfaced.

6. In summary, I empathize a great deal with [redacted]'s predicament. I do not have the power to afford his redress but, nevertheless, support a recommendation for promotion to corporal rank, retroactive to Nov 89. I support the remainder of the career restrictions placed on [redacted] at ref C.

7. As an officer in the CF I am an unwilling advocate of the interim policy on homosexuality. I believe the ministerial decision to suspend release of members to whom CFAO 19-20 applies to be a mistake. I predict that [redacted] will not be satisfied with any decision other than one totally supportive of his redress. As a Commanding Officer I am concerned about a possible lengthy and non-productive legal fight, likely to ensue, and am apprehensive of the consequent disruption to [redacted] My unit's operational effectiveness is at risk.

8. I submit this redress to a higher adjudicative authority.

E.D. Campbell

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LCol

[redacted] Tac (F) Sqn

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