



CC - SECRET

Memorandum

1745-42-5 (D Pers Pol 2-2)

16 Nov 95

Dist List



PROPOSED TREASURY BOARD CHANGES
RE. BENEFITS FOR SAME-SEX PARTNERS

- Refs: A. Draft M.O.U. between T.B. and P.S. unions dated 3 Oct 95 (Notal)
- B. BN for ADM(Per) dated 16 Nov 95
- C. 1745-42-5 (D Pers Pol 2-2) 15 Nov 95

1. As you may be aware, a draft memorandum between Treasury Board (TB) and Public Service unions was tabled 4 Oct at a meeting of the National Joint Council, the purpose of which is to grant to employees living in a same-sex partner relationship the same "Category 1" benefits to which an employee who is a common-law spouse is entitled. (The benefits which the Department of Justice has classified as "Category 1" are those which it has been decided will no longer be defended in the courts because the arguments against granting the benefits to same-sex partners are too weak. In approving this litigation strategy in a May MC, Cabinet gave the President of TB approval to award this Category of benefits to same-sex partners. Category 2 cases, [such as medical deductions, spousal credits and transfer of education and tuition credits under the Income Tax Act, pension spousal benefits and medical and dental insurance benefits for spouses and dependents]; and Category 3 cases, [dealing with marriage as applying to opposite sex only, for example marriage and marriage-related leave for employees], will continue to be defended.) It should be noted, however, that, depending upon the final decision in the Moore and Akerstrom case, medical and dental benefits could also move into Category 1, meaning that these benefits, too, could be awarded. Since pension benefits do not come under the CHRA, however, and would require a Charter challenge, it is not anticipated that pension benefits will be extended in the short term (5 years).

2. Pending the decision (Moore and Akerstrom) respecting medical and dental benefits, therefore, TB is proposing changing the interpretation of the following provisions of collective agreements such that the benefits will be extended to same-sex partners: bereavement leave, family-related responsibilities leave, relocation leave, foreign service directives, isolated post directives and relocation directives. (Note, these proposed changes would not alter the definition of spouse, they would merely add another category of beneficiary (i.e. same-sex partner) to those eligible to receive the benefits. These changes are likely to be effected in one form or another (i.e. through agreement with the unions or by TB direction) within a matter of months.

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3. Ref B has been staffed to ADM(Per) to provide information on the current status of this initiative

second BN will be staffed to ADM(Per)

A

It is requested that your comments be forwarded to the OPI, D Pers Pol 2-2, Maj Cathy Campbell, 992-0535 no later than 22 Dec 95.

E.B. Beno
BGen
DGMP
992-3658

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Action

DGCB
DGFinS
DGPR
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Info

EA/ADM(Per)
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C Civ P
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