

Dear Mr. Hill:

I refer to your letter of June 16th in which you ask specific and searching questions on the treatment of homosexuals, with or without record of criminal convictions, by the Public Service Commission.

As you are probably already aware, the Public Service Employment Act and Regulations provide a general framework within which all applicants will and do receive fair and equitable treatment and consideration. Unless the position to be filled requires security clearance, and these are relatively few in number, a successful applicant is declared on the basis of his or her qualifications, experience and apparent suitability as determined by a Board chaired by a member of our Staffing Branch. The Public Service Commission application form seeks no information in regard to an applicant's sexual habits or preferences (or criminal conviction) nor is there any attempt made to elicit personal information of this sort in the course of the interview. On this basis, your questions are hypothetical.

Since there is no special effort of general application to identify homosexuals it is quite conceivable, particularly if no conviction has been recorded, that a homosexual or heterosexual could be employed in the Public Service and enjoy a successful career to compulsory retirement age without his personal sexual habits becoming known and, therefore, risking to interfere with normal progression.

Knowledge of an employee's homosexuality, while in the probationary stage or in permanent status, if revealed, will generally be the result of a criminal indices check in instances where security clearance is or becomes a requirement.

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If a homosexual has not committed a morals offence he may only be identified as a suspected homosexual by persons who have been approached by the security service to provide character reference. Persons approached are, in many instances, persons other than the three references listed by the applicant or the employee on the Personal History Form. (Details re Personal Inquiries are contained in paragraph 85 of the Royal Commission on Security Report (abridged). Whatever the means of identification, the case is dealt with on its own merits and we know of no cases where a public servant has been discharged for the sole reason that he or she was proved to be or having declared or admitted being a homosexual. In some instances, to protect the individual as well as to save embarrassment to all concerned, transfers have been arranged but such cases are rare. The normal course followed by the Public Service Commission as well as departments is to interview the employee to make him or her aware of the facts recorded or suspicions raised as the result of inquiries. If the employee's services have been satisfactory and there is no knowledge of his peculiarity in the milieu, no further action is taken but to request cooperation in the event that coercion or blackmail is attempted. This is, in our view a human and fair approach to which those concerned have, to date, reacted favourably and with understanding. On the other hand some have refused to cooperate even when faced with overwhelming evidence and chose to resign rather than discuss the situation.

Whether or not the government will adopt a policy vis-à-vis public servants who are known to engage in homosexual acts which will be in strict conformity with the applicable recommendation of the Royal Commission on Security, or otherwise modify ^{its} the present ^{policy and review} procedure, is unknown at present.

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While the Commission might appear to deal with homosexuals as a collectivity, we do not believe this to have been their intention, nor is it to be expected that the government would subscribe to the suggestion that "homosexual" is a proper metonym for an individual. Rather we believe that "homosexual" will continue to be properly used as an adjective to describe the nature of overt sexual relations and conduct.