

TO/A • Executive Committee

FROM/DE • PFZ

REFERENCE •
RÉFÉRENCESUBJECT • Standards of Behaviour in the
SUJET • Foreign Service

Security/Sécurité

CONFIDENTIAL/PERSONNEL

Accession/Référence MANAGEMENT

File/Dossier

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ENCLOSURES
ANNEXES

DISTRIBUTION

Background

In March of last year, the then Under Secretary considered two related policy proposals. The first dealt with homosexuality and was occasioned by a proposal to assign an official from another Government department as Head of Post; this individual was known to us to be a homosexual who lived with another male. The decision in that case was that the proposed appointment would not be made.

2. As a result of his consideration of that specific issue, Mr. Osbaldeston asked that a further paper be prepared dealing with the wider problem of character defects and behaviour problems in the foreign service; this was done in July, 1982. As a result of the foregoing, it was agreed that character defects presented a range of problems unique to the foreign service, of which managerial, representational and security are the chief ones. It was also agreed that we would prepare a general policy paper on the subject for senior management approval, to be issued as a Circular Document, outlining what the Department's policy is and how it deals with problems in this area.

Proposal

3. After some considerable time, and effort, on the part of the Security and Personnel divisions, an agreed draft Circular Document is attached, which the Under-Secretary has seen and would like to have discussed by the Executive Committee.

Considerations

4. Some people, when shown the attached, have questioned the human rights aspect of it in relation to homosexuals. The short answer to that observation is that such considerations do not arise in this context:

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homosexuals and homosexuality are not protected under the Charter of Rights, the Canadian Human Rights Act (CHRA) or any other federal legislation. The need for a security clearance is a "valid occupational requirement" under the CHRA and the meaning of the word "spouse" does not, in the Foreign Service Directives or elsewhere, include a person of the same sex.

Consultation

5. The concepts in the attached paper have been discussed informally with a variety of officers of various ranks in the Department, including a number of heads of post and the text itself with the Personnel Branch. There have not been any consultations with staff associations. We believe the policy and approach outlined in it will be supported by the great majority in the foreign service. *Ref.*

Next Steps

6. If the attached document is approved, it is proposed that assignment officers and security officers would sit down and review the dozen or so problem cases we now have which remain unresolved. Some of these have reached the point that they can not be resolved in the absence of a clear policy framework. I do not expect that, as a result of such an exercise, we will be recommending any dismissals from the Department, at least on security grounds, and not in the short term. What is required in a few instances is that the individual concerned be informed that he is one of those whose behaviour or activities contravene the standards set out in the attached Circular, that he is therefore considered to be non-rotational and will be treated in accordance with the provisions of Circular Document Admin. No. 53/81 entitled "Assignments and Rotationality". This means, in effect, that the individual has up to a year to find employment in a non-rotational job; failure to do so could ultimately lead to release for incapacity, although this has rarely been applied in recent years by the Department.

[Signature]

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