

CLERK OF THE PRIVY COUNCIL AND
SECRETARY TO THE CABINET



GREFFIER DU CONSEIL PRIVÉ ET
SECRÉTAIRE DU CABINET

SECRET

MAY 19 1987

MEMORANDUM FOR [REDACTED]

Update on the Implementation of
Toward Equality by the RCMP and DND

As you requested, this note provides an update of the January 30, 1987 Memorandum (see attached) on this subject.

Amendments to the Canadian Human Rights Act

- Amendments to the Canadian Human Rights Act (CHRA) were considered by CCSD on February 11, 1987. The package included a proposal to add sexual orientation as a prohibited ground of discrimination. Ministers focussed on (in a Ministers only discussion) the nature of the Prime Minister's commitment to caucus that the government would not move on sexual orientation. Ministers agreed that this issue should be reviewed with the Prime Minister prior to any further discussion of the matter.
- As you know, I reviewed this file with the Prime Minister last week at which time he expressed a preference that consideration of these amendments be delayed.

RCMP Implementation

- A Court case pending against the RCMP involves a former member who alleges that he was harassed by management and had to resign because he is a homosexual. He has asked to be readmitted and is suing for \$1M in damages. The RCMP has filed a defence in this case [REDACTED]

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DND Response

Women in the Forces

- On February 5, Mr. Beatty announced his intention to open all positions, including combat positions, to women, on a trial basis. Since that time, DND has been developing the parameters and schedule for the trial. The Department's recommendations are to be presented to the Chief of the Defence Staff and the Minister by May 31. It may take some time to recruit the number of women necessary to make the trials meaningful and scientifically unbiased, and it will be three or four years before the results of the trials are known.

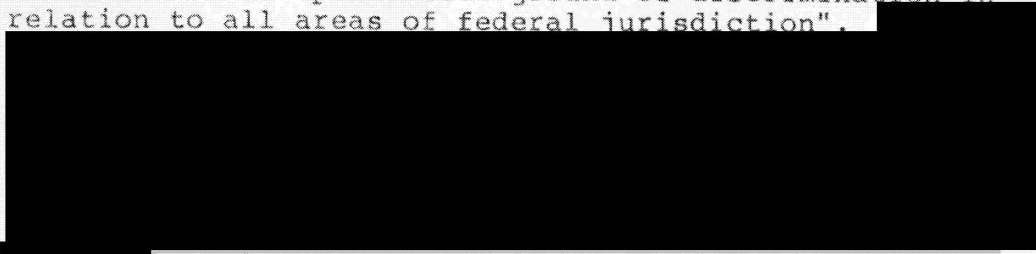
Homosexuals in the Forces

- With respect to the treatment of homosexuals within the armed forces, Mr. Beatty indicated in his appearance before the Standing Committee on Human Rights on February 11, 1987 that "the obligation for members to report suspected homosexuals will be reviewed. Most importantly, the continuing exclusion of homosexuals will be based on conduct or behaviour rather than on orientation alone". In the subsequent questioning in the Committee, it was made clear that no one would be precluded from entering the armed forces if they were homosexuals but if they engaged in such behaviour they would be dismissed.
- Since then, DND has prepared but has not yet issued a Canadian Forces Administrative Order (CFAO) on "Inappropriate sexual conduct". This CFAO apparently states policy in precisely the same words Mr. Beatty used in his appearance before the Standing Committee on Human Rights on February 11.
- A CFAO currently exists on this issue but it effectively bars the enrolment of homosexuals into the Canadian Forces. Because Mr. Beatty's statement, in effect, made it clear that homosexuals could not be barred from enrolment simply on the grounds of their sexual proclivity, the current CFAO became inoperative. DND's problem was either to publish a new policy or have none. They have chosen to issue a new one, reflecting Mr. Beatty's statement. While it has been approved within the Department, the Minister has not yet agreed to its promulgation.

- The CFAO will state that should one engage in homosexual (or inappropriate and scandalous) sexual behaviour while a member of the Canadian Forces, one will be released from the Forces.
- You should also know that DND does have some homosexuals that they want to release but will not move until the CFAO is approved.

Concluding Comment

As noted in the January 30, 1987 memorandum the government has a public commitment to "take whatever measures are necessary to ensure that sexual orientation is a prohibited ground of discrimination in relation to all areas of federal jurisdiction".



As long as the proposed amendments to the CHRA are not introduced, the issue is not joined in public. If they were introduced, we can expect spirited discussion of the issue.

Original signed by
Original signé par
Paul M. Tellier

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