

Solicitor General
of CanadaSolliciteur général
du Canada

MAY 21 1987

Dear [REDACTED]

Thank you for your letter of March 21, 1987 concerning the Government's promise to take measures to protect individuals from discrimination on the basis of sexual orientation.

The Government, as you are aware, indicated in "Towards Equality" that it was committed to the principle that all Canadians have an equal opportunity to participate as fully as they can in our society and that no one should be denied opportunities for reasons that are arbitrary or irrelevant. The same document noted that the Department of Justice was of the view that protection from discrimination on the grounds of sexual orientation was already encompassed by the guarantees in section 15 of the Charter. The Minister of Justice is currently considering what additional legislative measures might be required to implement the Government's decision with respect to this issue.

In June 1986, Treasury Board promulgated new policy guidelines with respect to security clearances in the Public Service of Canada. The guidelines do not identify sexual orientation per se as a factor associated with a higher security risk. Any features of character, however, which could be used to induce an individual to divulge classified information or otherwise act disloyally may become a factor under the new policy in assessing the security risks

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associated with employing that individual. Homosexuals who are open about their orientation are not necessarily considered security risks because of that feature of character. Under the new policy, Deputy Heads of departments and agencies are responsible for making the final determination to grant or withhold a security clearance. I believe the new policy represents a reasonable balance between an individual's freedom and right to privacy, and national security.

RCMP personnel and administrative policies do not distinguish on the basis of sexual orientation. Prior to the coming-into-force of section 15 of the Charter, members of the Force who were found to be homosexuals were asked to leave the Force. Since April 17, 1985, no member of the Force has been required to leave the Force on the grounds of his or her sexual orientation per se. RCMP policies and practices will continue to respect the provisions of the Charter as well as the Canadian Human Rights Act should that Act be amended to include sexual orientation as a prohibited ground of discrimination.

As your letter also touched upon issues outside my immediate area of responsibility (i.e., amendments to the Criminal Code and employment policies of the Armed Forces), I have taken the liberty of referring copies of your letter to the Minister of Justice and the Minister of National Defence.

Your interest in this matter is appreciated.

Yours sincerely,

Original signé par
James Kelleher

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