

SECRETMEMORANDUM

1745-42-7 (DGPP)

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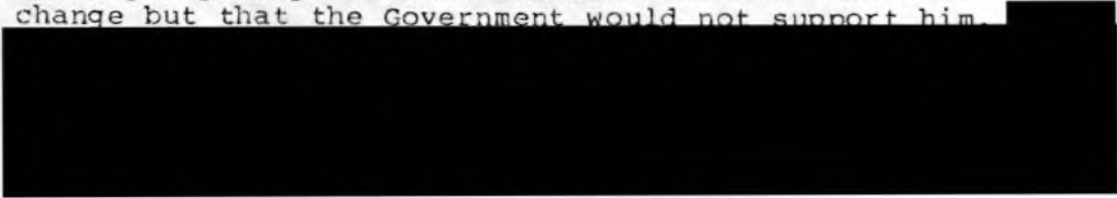
ADM(Per)

IMPACT ANALYSIS
SEXUAL ORIENTATION POLICY CHANGE

1. During the past five years, the CF has repeatedly attempted to develop a new policy to replace CFAO 19-20. At no time during that period have we received more than half-hearted support from the government and in general we were thwarted in our attempts to produce a new policy. There is little doubt that had a new policy been in effect when the complainants filed their statements of claim, we would have been in a much better position to defend our policies in the Courts. The fact that the Government now appears to be against a change of policy is irony worthy of Shaw.

2. The inadvertent leaking of the press material has created two different impressions in the press. The majority appears to believe that the CDS recommended the change and that the Government caucus have objected. A minority, including Mr Svend Robinson, have suggested that the senior leadership of the CF is balking. Neither situation has any positive connotation.

3. In the press package which was leaked, emphasis was placed on the notion the CDS was announcing the change. The rationale was that this would establish a position of leadership and help to limit the negative effects of the change. This was emphasized by the thrust of the CDS address to the CWO Course at CFB Borden where the CDS impressed upon the CWOs that this was his decision and asked for their leadership support in managing the change if and when it came about. Unfortunately, the leak has tended to turn the argument around and there may develop a perception that the CDS wanted to make the change but that the Government would not support him.



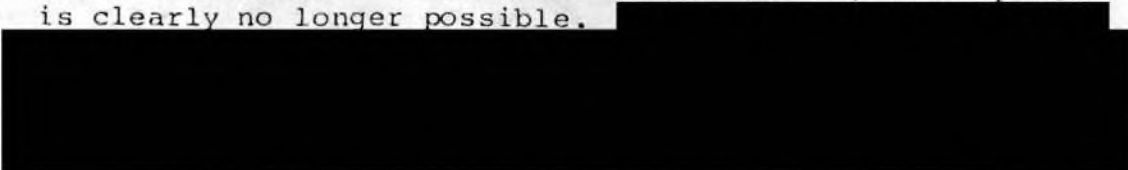
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4. Notwithstanding opinion expressed in the media that some members of the Government believe this to be an issue which should be resolved in the Courts, this option is clearly no longer possible.



5. It has been suggested that the manner in which the last few days have unfolded may drive a wedge between the CF and the Government. This appears to be unlikely in light of the comments of the Prime Minister to the CDS.

6. In our meeting with the CDS on 27 Sep, we established three general principles. They were:

- a. internal audience more important than external audience;
- b. low key external communications; and
- c. appeal to sense of duty and sense of fairness of CF members.

While principle b. is now impossible, a. and c. cannot be abandoned. It is vitally important that somehow we reestablish these paramount considerations.

7. The proposed CANFORGEN and the type of approach by the CDS to the CWO Conference and to the Senior Management Symposium must be reinforced. In addition, the CDS must reestablish his leadership on this issue. Consideration could be given to a CANFORGEN, issued as soon as possible, in which the CDS advises CF members that they have undoubtedly heard that the CF is about to change its policy and that further information will be issued when government direction is received. Whether or not this would be in violation of Cabinet Confidentiality is unsure and would require the advice of our policy staff. To leave CF members in total limbo, however, may have a very destructive effect. It will allow those who strongly oppose the policy change to polarize and will make it markedly more difficult for leadership to effect the policy change.

8. Given that the press package is now public domain and that CF members may have given this entire issue more thought, the present CANFORGEN, press release and backgrounder may have to be fine-tuned. The Qs and As will probably be sufficient with minor alterations.

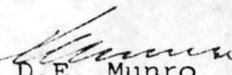
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9. In order to have a complete package when the decision is finally made, the development of a new CFAO 19-36, entitled Sexual Misconduct, is being put on the fast track and every effort will be made to have it ready as part of a package of change.

10. There still exist the seventeen members who have been retained in the CF under the provisions of the interim policy. Given that the policy will and must be revoked, any member who reaches the end of their present engagement should either be extended for some finite period or be reengaged. No member should be released in the interim. In addition, the mechanism should be established which will allow these outstanding cases to be resolved in a consistent and equitable manner.

11. It is recommended that:

- a. The CDS consider issuing a CANFORGEN which asks servicemembers to bear with him over this uncertain period.
- b. The CANFORGEN addressing the policy change be reviewed to ensure its appropriateness.
- c. The press package be reviewed.
- d. The replacement CFAO development be expedited and the order be ready for release as part of a complete package.
- e. Any member whose engagement expires in the interim be extended or reengaged.
- f. A process be established to review outstanding Redresses of Grievance and the circumstances of those persons who have had their careers affected by the application of the interim policy.


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