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REFERENCE
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SUBJECT
SUJET • EAITC POLICY ON HOMOSEXUALITY

Security / Sécurité
UNCLASSIFIED

Accession / Référence

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ANNEXES

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Attached is a Q and A we recently prepared on the
Department's policy on homosexuality. The text was cleared
with ADA and ISS.

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HOUSE OF COMMONS BOOK - BRIEFING NOTE

LIVRE DE LA CHAMBRE DES COMMUNES - NOTES D'INFORMATION

Classification

UNCLASSIFIED

Subject/Highlights / Sujet/Points saillants

Departmental Policy on Homosexuality

Source

Variety of newspaper articles and media reports on April 24.

Suggested Reply / Réponse suggérée

Being homosexual at the Department is not an obstacle to obtaining employment, a security clearance or enjoying a successful career in the foreign service.

A. Responsive Basis Only (Assignments)

External Affairs and International Trade Canada has missions located all over the world. In certain countries homosexuality is illegal or homosexuals are blatantly discriminated against.

In these instances the Department's concern is whether there are laws or practices in the host country which could place the employee's safety and well-being in jeopardy or which could detrimentally affect the performance of the employee's duties. Against this background must be balanced any human rights questions that might arise from a decision to refuse an assignment request for reasons of societal limitations.

In this regard, the Department, in consultation and cooperation with the Canadian Human Rights Commission, has developed open and transparent procedures to ensure the objectivity and fairness of any such decision.

The departmental policy entitled "Assignment of Personnel: Societal Limitations", is a public document which has been circulated to all employees of the Department. The employee in question and management work together in this process to ensure that any decision made regarding a particular assignment is objectively based.

Assessment / Évaluation

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The Department together with the Canadian Human Rights Commission has developed guidelines to determine whether limitations occasioned by societal limitations in a host country constitute a bona fide obstacle in the assignment process. In addition the Department has circulated to all employees the list of countries where homosexuality is **believed to be** legal, illegal or uncertain. Given the difficulty in determining the legality of homosexuality in many countries, the Department recognizes that its listing represents the best information available on this subject to date. This matter, however, is somewhat of a moving target.

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Suggested Reply/Reponse suggeree/continued

We must stress that these policies and procedures were developed, not to discriminate against employees, but to ensure that their safety and operational effectiveness would not be compromised.

B. Responsive Basis Only (Benefits)

On the matter of departmental benefits for same sex partners, the Department abides the definition of a spouse used by the Canadian Government which requires parties to "be of the opposite sex". All collective agreements with unions are required to conform with standard usage for these definitions. We understand that the issue of the definition of a spouse is currently before the courts and the Department will of course be bound by any future decisions in this regard.