

Mr Hogan

BRIEFING NOTE FOR THE CDS AND DM

SUBJECT SEXUAL ORIENTATION

ISSUE

1. Implementation of the Federal Court of Canada declaration that CF policies restricting the service of homosexuals were contrary to the Canadian Charter of Rights and Freedoms.

SITUATION

2. The cancellation of CF policies restricting the service of homosexuals is a major personnel policy change with the potential to disrupt the operational effectiveness of the CF. The following considerations apply:

- a. a large number of CF members are opposed, some strongly, to the presence of homosexuals in the CF;
- b. the opposition derives, at least to some extent, from values and beliefs acquired in the home and/or from religious studies; and
- c. any attempt to change those underlying values and beliefs, except where they are patently wrong, would raise serious ethical concerns.

3. Implementation of the policy change needs to be directed at two objectives: first, to ensure compliance with the policy change and, second, to achieve acceptance of the change. Both these objectives are considered achievable with strong leadership. Moreover, the process of policy review over the past seven years and the near cancellation of the policy in October 1991 have served to reduce the impact of the policy cancellation.

IMPLEMENTATION

4. Implementation of the policy change began on 27 October 1992, the day of the Federal Court declaration. The following elements are relevant:

- a. the CANFORGEN advising CF members of the change contained a CDS endorsement of the change and an appeal to members' devotion to duty and sense of fairness in making the change work;
- b. ADM(Per) is providing guidance to commanders on the need for them to take a leadership role in explaining the policy change and in promoting acceptance of it;
- c. an article is being prepared for the Canadian Forces Personnel Newsletter providing members with additional information and reinforcing command expectations that individuals will be judged on their ability rather than their sexual orientation;

- d. a number of policies are being reviewed to ensure that they apply equally to both heterosexuals and homosexuals (eg, CFAO 19-38 Mixed-Gender Relationships will be renamed Personal Relationships). The ongoing review of the CF personal harassment policy (CFAO 19-39) will lead to improved policy and procedures for dealing with all types of harassment, including harassment on the basis of sexual orientation; and
- e. a new order, CFAO 19-36 Sexual Misconduct, has been prepared to deal effectively with all forms of sexual misconduct.

SUMMARY

5. A number of activities are in progress to ensure compliance with the cancellation of CF policies restricting the service of homosexuals and to promote acceptance of the policy change. These activities take into account those values and beliefs held by many CF members and that it would be inappropriate for a federal institution such as the CF to attempt to change.

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