

SPEAKING NOTES FOR ADM(PER)

SEXUAL ORIENTATION

1. Background. Until recently, there was a long-standing prohibition on the service of homosexuals in the CF. However, beginning in 1986, a number of individuals initiated court actions to challenge the constitutionality of the CF policies. On 27 October 1992, the Federal Court of Canada, in the case of [REDACTED] declared that policies restricting the service of homosexuals in the CF were contrary to the Canadian Charter of Rights and Freedoms. Later that day the CDS issued a general message to all members of the CF advising that all such policies were revoked effective immediately.

2. Current Status. There are three follow-on actions to the cancellation of the CF policies on homosexuality:

- a. Promotion of acceptance of the policy change. This is seen as a leadership challenge. It is considered neither practical nor desirable to attempt to change deeply held values and beliefs that may have a family or religious origin. However, senior leaders have been

encouraged to express support for the policy change and have been provided with information so they can speak with confidence about the subject. Members are being asked to judge others on the basis of their performance rather than their sexual orientation.

b. Settlement of outstanding cases. There are about 25 cases to be resolved (four in Federal Court; four before the CHRC; seven redresses; ten career action cases). These are in various stages of investigation and/or settlement. This process may take some time to complete especially as new complaints may continue to surface (eg, individuals may initiate complaints with the CHRC for up to a year, and longer in some cases).

c. Publication of new policy on sexual misconduct. A new CFAO which describes CF career policy and procedures applicable to cases of sexual misconduct was promulgated just before Christmas. The order reflects CF non-tolerance of sexual misconduct and establishes consistent investigative and administrative procedures to

deal with it regardless of whether it is
heterosexual or homosexual in nature.

3. Although there was evidence that a majority of
CF members did not favour a policy change, there have not
been any unusual problems reported as a result of the
change.

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