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April 8, 1994

Mrs. Buelah Adams-Farrell,
 Human Rights Officer,
 Canadian Human Rights Commission,
 Place de Ville, Tower A,
 320 Queen Street,
 Ottawa, Ontario
 K1A 1E1

ACC	DATE
FILE	DOSSIER
3-1-15	
LOC	
D2-54	

Dear Mrs. Adams-Farrell:

I refer to Mr. Rooke's letter of March 11, 1994 to Mr. Reid Morden regarding a complaint from Stanley J. Moore alleging discrimination by the Department of Foreign Affairs and International Trade on the grounds of sexual orientation and family status.

On September 11, 1992, September 17, 1992, January 8, 1993, and October 10, 1993, Mr. Moore requested spousal benefits contained in the Foreign Services Directives for his companion on the grounds that they had been cohabiting for the required one-year period recognized for common-law relationships. Mr. Moore was advised that his companion was ineligible for such benefits.

The Department's position on this complaint is based on the definition of common-law spouse as contained in the collective agreement which applies to the Foreign Service (FS) Group. The Foreign Service Directives form part of this agreement, which is negotiated with the Treasury Board by the Professional Association of Foreign Service Officers (PAFSO) on behalf of its members. Article 2 of the FS collective agreement defines common-law spouse as "...a person of the opposite sex...".

.../2

This definition conforms with current government policy and is common to all collective agreements in the Public Service (e.g. PSAC, PIPSC). A copy of the relevant excerpt is attached for your information.

Should you require further information, please contact Christina Dowler at 996-0881.



Michael S. Conway,
Acting Director General,
Personnel Administration Bureau

AGREEMENT

BETWEEN

THE TREASURY BOARD

AND

**THE PROFESSIONAL ASSOCIATION
OF FOREIGN SERVICE OFFICERS**

**GROUP: FOREIGN SERVICE
(ALL EMPLOYEES)**

CODE: 312/91

EXPIRY DATE: APRIL 30, 1993

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** Asterisks denote substantive changes from the
previous Collective Agreement.

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ARTICLE 2

INTERPRETATION AND DEFINITIONS

2.01 For the purpose of this Agreement:

"Association" means the Professional Association of Foreign Service Officers (association),

"bargaining agent" means the Professional Association of Foreign Service Officers (agent négociateur),

"bargaining unit" means the employees of the Employer in the Foreign Affairs Group in the Administrative and Foreign Service Category as described in the certificate issued by the Public Service Staff Relations Board on March 11, 1968 (unité de négociation),

"common-law spouse": a "common-law spouse" relationship exists when, for a continuous period of at least one year, an employee has lived with a person of the opposite sex, publicly represented that person to be his spouse and continues to live with the person as if that person were his spouse (conjoint de fait),

"continuous employment" has the same meaning as specified in the Public Service Terms and Conditions of Employment Regulations (emploi continu),

"daily rate of pay" means an employee's weekly rate of pay divided by five (5) (taux de rémunération journalier),

"employee" means a person who is a member of the bargaining unit (fonctionnaire),

"Employer" means Her Majesty in right of Canada as represented by the Treasury Board, and includes any person authorized to exercise the authority of the Treasury Board (employeur),

"hourly rate of pay" means an employee's daily rate of pay divided by seven and one-half (7 1/2) (taux de rémunération horaire),

"part-time employee" means an employee whose normal scheduled hours of work on average are less than thirty-seven and one-half (37 1/2) hours per week, but not less than those prescribed in the Public Service Staff Relations Act (fonctionnaire à temps partiel),

"spouse" will, when required, be interpreted to include "common-law spouse" except, for the purposes of the Foreign Service Directives, in which case the definition of "spouse" will remain as specified in Directive 2 of the Foreign Service Directives (conjoint),