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CANADIAN FORCES POLICY ON SEXUAL ORIENTATION

CONSEQUENCES FOR THE CANADIAN FORCES  
AS A RESULT OF PRESENT UNCERTAINTY

In September 1991 the Minister of National Defence was advised by the Minister of Justice that the Canadian Forces policy on sexual orientation is not defensible and ought to be abandoned. In view of this advice, the Chief of the Defence Staff recommended that the policy be revoked. The fact of this recommendation has been widely reported in the media. The present uncertainty about the future of the policy is creating difficulty for the Canadian Forces.

There is widespread acceptance among senior military personnel that the policy is not defensible and that if the cases go to court, the policy will be struck down. It is believed that members will accept the loss of the policy provided there is strong leadership. However, in the absence of a policy decision, there can be no leadership on the issue and members are becoming polarized over it. The longer the issue remains unresolved, the more disruptive it will be and the more it will undermine the ability of senior leaders to effect the change, as they inevitably must do.

There is also an important issue of fairness. Pending a final determination on this matter, members to whom the policy applies may remain in the Canadian Forces. However, those who choose to remain are severely career restricted in that, for example, they are not eligible for career development training, for advancement in qualification levels, for promotion, and for most postings. While the Canadian Forces is obliged to apply career restrictions as long as the policy is in effect, this action is viewed by many members as extremely unfair. This situation both erodes respect for authority and contributes to a loss of faith in the regulations and orders governing the Canadian Forces. The possible result is that the sense of duty and resolve of Canadian Forces members is being damaged.

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An additional concern is that the present uncertainty is delaying an important initiative on sexual misconduct including sexual assault. The existing order that addresses homosexual activities also provides policy guidance on dealing with sexual misconduct generally. Improved guidance has been developed but it cannot be introduced until the existing order is revoked. Thus the lack of action on this issue is impeding action on another matter that is of great concern both to the Associate Minister of National Defence and to the Canadian Forces.

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