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CONFIDENTIAL

DRAFT

(b)

ORDER

1. This Order may be cited as the Security Review Order.
2. This Order applies to all employees who are employed in a department and are appointed by the Civil Service Commission.
3. In this Order,
 - (a) "department" means a department, branch, office or any other organization in which persons appointed by the Civil Service Commission are employed;
 - (b) "minister" means, with respect to a department, the member of the Queen's Privy Council for Canada -
 - (A) who presides over the department;
 - (B) through whom it is responsible to Parliament for the conduct of its affairs;
 - (C) to whom it is responsible for its operations, or
 - (D) who reports its activities to, or lays its reports before, Parliament.

*only communist
relevant
subsection general*

4. No employee of a department shall be dismissed from the public service for reasons of suspected communist sympathies unless the minister of that department so decides after considering the advice of the Security Review Board.

5. (1) When a minister of a department is considering whether or not an employee in the department should be removed from his position in the department for reasons of suspected communist sympathies, he shall cause to be completed and delivered to the employee a notice stating that he is considering whether or not the employee should be removed from his position in the department for reasons of suspected communist sympathies, and requesting the employee to notify a designated senior officer within two weeks whether he wishes to have a confidential inquiry made under this Order or whether he wishes to resign from his position.

(2) An employee who fails to notify the designated officer as provided in subsection (1) within the time limited thereby shall be deemed to have abandoned his position.

(3) If an employee resigns from his position or if he is by subsection (2) deemed to have abandoned his position, the necessary steps to give effect thereto may be taken without further action under this Order.

(4) When a minister causes to be delivered to an employee a notice as provided in subsection (1), he shall ensure that the employee is removed from access to classified information.

(5) If the employee indicates that he wishes to have a confidential inquiry made under this Order, the minister shall grant him leave with pay until the inquiry has been completed.

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6. (1) A confidential inquiry under this Order shall be conducted by a Board, to be known as the Security Review Board, consisting of a Chairman and not more than four other members, to be nominated by the Minister of Justice.

(2) A member of the Board shall hold office for one year after his nomination, and shall be eligible for renomination by the Minister of Justice for further periods of one year.

(3) Three members of the Board designated by the Chairman shall constitute a quorum.

7. Where an employee has elected to have a confidential inquiry made under this Order, the minister of the department concerned shall forthwith request the Security Review Board to make an inquiry and the Board shall conduct a confidential inquiry in the manner prescribed in this Order and advise the minister whether, in its judgment, dismissal would be justified in accordance with government security policy, having regard to the information obtained in the inquiry.

8. (1) The procedure for an inquiry under this Order shall be as follows:

- (a) the inquiry shall be held in private;
- (b) before the inquiry commences, the designated senior officer shall prepare and deliver to the Board and the employee a confidential document indicating, without compromising sensitive sources of security information, the causes for concern about the loyalty of the employee, the nature and duties of the employee's position, and the security considerations with respect thereto;
- (c) the Board shall first interview the appropriate departmental representatives alone and obtain the employee's employment record and other related information;
- (d) the Board shall then interview representatives of the appropriate government security service alone and thoroughly examine all security information relating to the employee, satisfying itself as to the weight to be attached to such information;
- (e) the Board shall then interview the employee alone and, as far as it can without revealing anything that would compromise sensitive sources of security information, give the employee an opportunity of removing the causes for concern about his loyalty;
- (f) the Board shall also interview separately such reasonable number of other persons as the employee may nominate to speak on his behalf;
- (g) the Board shall then, if it considers it advisable, again interview the representatives of the appropriate government security service alone, and, if it considers it advisable, also the appropriate departmental representatives alone;

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(h) if the Board has interviewed the representatives of the security service or the department representatives after its interview with the employee, it shall again interview the employee alone and, without compromising sensitive sources of security information, give him a further opportunity of removing the causes for concern about his loyalty.

(2) An employee may, before or during an inquiry under this Order, or within such time thereafter as the Board allows, file a written statement.

9. The advice of the Security Review Board upon an inquiry and the reasons for their advice shall be communicated by the Board only to the minister of the department concerned.

10. When the advice of the Board has been received by the minister, any proposed action in respect of the employee shall be considered in the light of such advice.

11. No person shall reveal any information about an employee secured or furnished in connection with an inquiry under this Order to any person not requiring it for official purposes, but an employee is free to communicate to others any such information concerning himself.

12. (1) There shall be a secretary to the Security Review Board who shall, upon being advised by a department that an employee has elected to have a confidential inquiry, make all required arrangements for the necessary hearing or hearings, and attend all interviews conducted by the Board in its inquiry.

(2) The Privy Council Office shall arrange to have the Security Review Board supplied with the secretary and such other assistance, supplies and accommodation as it may require.

(3) The members of the Board shall be paid such amount per day for each day engaged on the work of the Board as the Treasury Board determines.

(4) The Board may recommend to the minister of the department concerned the payment of reasonable expenses incurred by or on behalf of an employee by reason of an inquiry under this Order.

June 10th, 1963.

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