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JUDGE
ADVOCATE GENERAL

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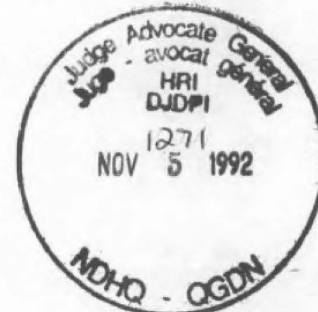
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MEMORANDUM

REFERRED TO CONTROL NO. HRI
923077

1745-42-7 (DPPCS 2)

3 Nov 92



Distribution List

REVOCATION OF CF SEXUAL ORIENTATION POLICY
RESOLUTION OF OUTSTANDING CASES

1. Representatives of DPCAO, DPCAOR, DPLS, D Pers A, D Law/HRI, D Law/Claims and DPP met on 29 Oct 92 to discuss the general approach that should be followed to resolve outstanding cases.
2. Individuals who may require some specific action fall into one or more of the following groups (some individuals are known to fall within three of the groups):
 - a. claims against the Crown in the Federal Court of Canada;
 - b. complaints with the Canadian Human Rights Commission (CHRC);
 - c. applications for redress of grievance;
 - d. serving members held under the terms of the interim policy; and
 - e. individuals released since 17 Apr 85 (the date Section 15 of the Charter came into force). Approximately 61 former members have been released since that date for reasons of homosexuality.

A list of individuals known to fall into the first four groups is at Annex A.

3. It was agreed that each of the above groups would be dealt with as follows:

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- a. Court cases. To be settled individually through negotiations with designated legal counsel. In each case, prior confirmation will be sought to ensure that the individual does not have a complaint before the CHRC. Settlement will include a release from any outstanding redress application.
OPI: D Law/HRI
- b. Complaints with the CHRC. To be settled individually through the CHRC. Settlement to include a release from any future court action or any outstanding redress application.
OPI: D Pers A
- c. Redresses of grievance. Excluding court cases and complaints with the CHRC, applications to be resolved administratively if possible. Settlement to include a release from any future legal action related to the application. Those with court cases and/or CHRC complaints to be advised that they will be dealt with in accordance with sub-paras 3a or 3b as appropriate. OPI: DPLS
- d. Interim policy cases. It was considered important that all 15 individuals who were under the interim policy on 27 Oct 92 be advised as soon as practical, through their COs, that all career limitations had been lifted effective 27 Oct 92 and that following an administrative career review of their file they would be advised of the results of that review. The OPI is requested to clear that advisory letter/message with legal staff before despatch. The objective of the career review is to put the individuals into the situation they would have been but for the application of the policy. It was agreed that this might require priority attendance on career courses and promotion adjustment (including retroactive promotion, following review by a special merit board, if the policy application had denied attendance on a career course that would otherwise have qualified the individual for promotion). OPI: DPCAO/DPCAOR

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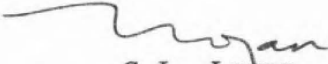
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e. Released individuals. Some former members fall into the above groups and they will be dealt with as appropriate for their group. For those individuals who do not fall into any of the above groups, no action need be taken unless they come forward. In such cases, it will be necessary to determine, on an individual basis, the action to be taken.

4. There was some discussion of individual cases. It was agreed that former members who wished re-enrolment should be offered the opportunity to re-enrol, subject to meeting all current requirements, at their former rank and IPC. This may even require re-enrolment into overborne MOCs. As well, there was some discussion of responses to Ministerial Inquiries. It was agreed that these would be answered by the staff in accordance with standard practice - ie, policy questions by DPPCS staff, individual personnel issues by careers staff - with reference to/review by legal staff as required.

5. A further meeting will be held in a few weeks to review progress and discuss problems.


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DPPCS 2
995-0014

Annex:

Annex A - List of Individual Cases

DISTRIBUTION LIST

DPCAO
DPCAOR
DPLS
D Pers A
D Law/HRI
D Law/Claims
DPPCS

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