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TO 1745-42-7 (DGPP)
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BACKGROUND INFORMATION
HOMOSEXUALS IN THE CANADIAN FORCES

In a 27 October 1992 judgement, the Federal Court of Canada declared that the then Canadian Forces (CF) policy regarding the service of homosexuals was contrary to the Canadian Charter of Rights and Freedoms. That same day, the CF cancelled its policy restricting the service of homosexuals.

In December 1992, a new policy (Sexual Misconduct) was promulgated, to provide policy and guidance on the issue of inappropriate sexual behaviour, whether homosexual or heterosexual. That policy and related orders (e.g., Harassment) apply equally to homosexual and heterosexual conduct.

Within the Canadian Forces, implementation of the policy change has been directed at two objectives: to ensure compliance with the policy change and to achieve acceptance of the change. The Chief of the Defence Staff provided leadership on this issue by endorsing the policy change and by appealing to members' devotion to duty and sense of fairness in making the change work.

The Canadian Forces approach to promoting acceptance of and compliance with the policy change has been for Commanders, through the chain of command, to communicate the rationale for the change, encourage its acceptance, and respond to any personal concerns of Canadian Forces members.

The former policy on homosexuality did not allow retention of homosexual members in the Canadian Forces. Although this policy was cancelled in October 1992, a modified application of the policy was in effect from January 1988 until then. During that period, a member was not released from the Canadian Forces for being homosexual unless:

- a. the member acknowledged his or her homosexuality and the Department of National Defence considered the member to be homosexual;

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- b. the member desired to be released from the Canadian Forces; and
- c. the member did not object to being released under the release item that had normally been applied to homosexual members ("Not Advantageously Employable").

During this "interim policy" period, if the member did not wish to be released under that item, he or she was retained in the Canadian Forces with certain career restrictions. With the cancellation of the policy in October 1992, there is no longer any restriction on homosexuals serving in the Canadian Forces.

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

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