

Solicitor General  
of CanadaSolliciteur général  
du Canada

MAY 21 1987



Dear [REDACTED]:

Thank you for your letter of March 21, 1987 concerning the Government's promise to take whatever measures are necessary in areas of federal jurisdiction to ensure that individuals are not discriminated against on the basis of their sexual orientation.

As you know, the Government made a commitment in "Towards Equality" to implement measures to protect individuals against discrimination on the basis of their sexual orientation. In particular, it was the Government's view that individuals should not be excluded from employment opportunities for reasons that are irrelevant to their capacity and ability to do the job. The Minister of Justice is currently giving consideration to the best way of implementing the Government's commitment in this area.

On June 8, 1986, my predecessor announced a major reform of the Government's security screening process. Under the new policy, which is administered by Treasury Board, a person may be refused a security clearance if there are reasonable grounds to believe that because of personal beliefs, features of character or personal associations, that person may act or be induced to act disloyally. A feature of character, such as homosexuality, is not sufficient grounds in and of itself to deny an individual a security clearance. A security clearance can be denied only if it is demonstrated that there are reasonable and probable grounds to believe that the feature of character (and the way the individual has adapted to it) could contribute to that person being blackmailed or otherwise induced to act in a manner disloyal to Canada. Homosexuals who are open about

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their orientation are not necessarily considered security risks because of that feature of character. Under the new policy, Deputy Heads of departments and agencies are responsible for making the final determination to grant or withhold a security clearance.

I do not believe that any feature of character, including homosexuality, should be excluded from consideration in assessing the potential security risk of an individual. What is important, from a human rights perspective, in making these assessments is that no one be denied a security clearance arbitrarily or for reasons that are unrelated to the perceived risk associated with employing that individual. Homosexuals as a class of persons are therefore not subject to discriminatory practices under the security policy of the Government of Canada.

With respect to the employment of homosexuals in the RCMP, I can point out that RCMP personnel policies and practices do not distinguish on the basis of sexual orientation. Since the coming-into-force of the equality provisions of the Canadian Charter of Rights and Freedoms on April 17, 1985, no member of the Force has been asked to leave on the grounds of his or her sexual orientation.

You also advocate in your letter that the Criminal Code be amended and the Canadian Armed Forces change their employment practices as they pertain to homosexuals. As these matters fall under the jurisdiction respectively of the Minister of Justice and the Minister of National Defence, I have taken the liberty of providing them with a copy of your letter.

Your interest in this matter is appreciated.

Yours sincerely,

Original signé par  
James Kelleher

James Kelleher