

OTTAWA, May 7, 1990

CIRCULAR DOCUMENT

ADMIN. NO. /90 (ADA)

"SAME-SEX" RELATIONSHIPS

Changes in Canadian societal *attitudes* norms have led to a growth in the number of "same-sex" relationships. While such relationships have no legal status, and while their numbers in the Department are small, their existence must be recognized and the implications for the Department addressed. This Circular Document addresses those basic areas of concern to the Department and/or the employee member of such a relationship, specifically security, assignments and benefits.

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Although an employee of the Department forming part of a "same-sex" relationship is not considered by the Department to be involved in a "spousal relationship" as defined by Circular Document Admin. No. 20/88 (ADA) of May 20, 1988 on Marriage and Spousal Relationships, copy attached as Annex A, it nevertheless must be recognized that the emotional attachments of such a relationship can be similar to those of a spousal relationship and thus have ^{require similar security} security ~~checks,~~ implications for the Department. Employees ^{who have entered into} forming part of a "same-sex" relationship ^{should also} thus ~~are~~ ^{therefore} required to submit a completed ^{Form} ~~Form~~ EXT-332 ("Notice of Intent to Marry or Cohabit"), ~~form EXT-332 as if they were in a spousal relationship.~~

The assignment of an employee forming part of a "same-sex" relationship may create serious difficulties for the Department

given that the existence of such a relationship could be viewed by a receiving State as an overt admission of homosexuality, a practice which is illegal in many countries and which is viewed negatively in many others. For this reason, among others, the Department has adopted a questionnaire, copy attached as Annex B, to be used in all cases where societal limitations, of which attitudes toward homosexuality or perceived homosexuality may be one, in the receiving State raise questions about the potential effectiveness of an employee being considered for an assignment to a Canadian mission in that State. This questionnaire has been prepared with an eye to recent court decisions on Human Rights cases; it is designed to ensure that an objectively based decision can be made regarding a particular

assignment.

Although, as noted above, the existence of a "same-sex" companion may have security and assignment implications for an employee, it should be emphasized that such a companion is **not recognized** by the Department as a spouse for such purposes as admission to the country to which an employee has been assigned, or for benefits available under the Foreign Service Directives or elsewhere. The Department's position in this regard is in line with current Canadian law and Canadian Government practice. The Department, however, is aware of and is monitoring the progress of a number of court cases which, in essence, revolve around attempts to have same-sex companions considered for legal purposes as spouses or equivalents to spouses. Should any changes in

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the current legal status of
"same-sex" relationships occur as

a result of these cases, the
Department ~~will adjust its~~ *give consideration to adjusting*
approach accordingly.

This Circular Document is to
be brought to the attention of all
Canada-based staff. It is to
remain in effect until May 31,
1991 or until it is incorporated
in the Departmental Human
Resources Management Manual,
whichever comes first.