

CF POLICY ON SEXUAL ORIENTATION

POLICY:

1. Current Canadian Forces policy prohibits the enrolment or retention of practising homosexuals. This policy is presently under review at the senior governmental level. Pending completion of this review, as an interim policy, identified practising homosexuals who object to release are retained in the service with certain career restrictions.

BACKGROUND:

2. The present CF policy is contained in CFAO 19-20, in existence since 1976. Application of this CFAO was modified in 1987, by Ministerial direction, in that persons were no longer to be released on the basis of propensity alone; confirmed homosexual acts were necessary before release proceedings would be taken; members were no longer required to report fellow serving members suspected of homosexual activity; and the CDS personally retained final approving authority for such releases.

3. Subsequently a new CFAO 19-36 was drafted to ultimately replace CFAO 19-20; it has had extensive review within DND, Justice and the PCO but still awaits final approval.

4. In the interim, pending promulgation of CFAO 19-36, identified practising homosexuals are being compulsorily released only under the following conditions:

- a. the member acknowledges and the CF determines that the member is a practising homosexual;
- b. the member wishes to be released from the CF; and
- c. the member does not object to compulsory release from the CF under item 5(d) of QR&O article 15.01.

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If a member objects to release as set out above, the member will be retained subject to the following career restrictions:

- a. no promotion or career courses;
- b. no re-engagement or extensions or service;
- c. no advancement in qualification levels;
- d. restrictive posting opportunities;
- e. no transfer to or from the Reserve; and
- f. not eligible for Class B or Class C Service.

5. There are currently three court cases pending which challenge this policy as being discriminatory on the basis of sexual orientation.

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