

OTTAWA June 11, 1990

CIRCULAR DOCUMENTADMIN. NO. /90 (ADA)HOMOSEXUAL RELATIONSHIPS

Changes in Canadian societal attitudes have led to a growth in the number of homosexual 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.

An employee of the Department forming part of a homosexual relationship is not considered by the Department to be involved in a spousal relationship as defined

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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 necessitate a similar security check. Employees who have entered into a homosexual relationship therefore should also submit a completed form EXT-332 ("Notice of Intent to Marry or Cohabit").

The assignment of an employee forming part of a homosexual relationship may create serious difficulties for the Department given that homosexuality is illegal in many countries and is viewed negatively in many others. For this reason, among others, the Department has adopted a questionnaire, copy attached as

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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 homosexual 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

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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 homosexual companions considered for legal purposes as spouses or equivalents to spouses. Should any changes in the current legal status of homosexual relationships occur as a result of these cases, the Department will give consideration to adjusting its approach.

This Circular Document is to be brought to the attention of all Canada-based staff. It is to remain in effect until June 30,

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1991 or until it is incorporated  
in the Departmental Human  
Resources Management Manual,  
whichever comes first.

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