



# Policy Brief

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## LGBTQ2S+ Service Members

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LGBTQ2S+<sup>1</sup> service members have always existed in the Canadian Armed Forces (CAF), but have often had to hide their identities and lives for fear of discrimination, harassment, and dismissal. At the Many Faces of Diversity workshop, a panel and breakout session focussed on the experiences of LGBTQ2S+ service members and charted recommendations for ways forward. Lynne Gouliquer from Laurentian University, Carmen Poulin from the University of New Brunswick, and Penny Foster from the CAF Directorate Human Rights and Diversity presented on the panel “LGBTQ2S+: History and Practice in the Canadian Armed Forces.” Coupled with this renewed attention is the return of what many now call great power competition. China, Russia, and the United States are now competing to set the agenda for the coming decades. While the United States enjoyed a position of leadership and indeed dominance in this regard since the end of the Cold War, this position is now being challenged by China most notably, but also by Russia.

Presentations focussed on what is known as the LGBT Purge, current discrimination, and the development and implementation of policies, programs, and practices for the inclusion and wellbeing of LGBTQ2S+ service members. This policy brief is an overarching summary of the presentations and discussions during the workshop but is not necessarily a comprehensive review of the research in these domains. Unreferenced statements are drawn from discussions. This policy brief will begin by examining the Arctic environment as both a condition and a region. With this in mind, the brief will then frame our analysis around the idea of the operational art, identifying a set of security planning and leadership considerations that will be applied to the Arctic as both a region and condition.

The LGBT Purge continues to affect LGBTQ2S+ service members and shape the culture of the CAF as an institution. There continues to be a lack of visibility and protection for LGBTQ2S+ service members, and as Statistics Canada reports indicate, they are more vulnerable to sexual and gender-based discrimination and violence.<sup>2</sup>

Formal inclusive structures are needed, as are informal cultural initiatives, and broader visibility of LGBTQ2S+ service members and the symbols of the community. LGBTQ2S+ service members



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need to be included and consulted in CAF efforts, and research on this population going forward is vital to understanding the needs of the community.

### **History**

Dr. Poulin contextualized the history of the LGBTQ2S+ community in the CAF and DND, as well as in Canada more broadly. Before 1969, when Pierre Elliott Trudeau decriminalized some homosexual acts, ‘out’ homosexuals were prohibited from participating in the CAF and if their identities were found out, they were discharged. It was in the 1940s when background checks and investigations began to be conducted on individuals considered to be security risks. Those with supposed “moral failings” and “character weaknesses” were investigated, and homosexuals fell into that category.<sup>3</sup> In 1986 while the CAF upheld the Unified Policy on Homosexuality, which excluded LGBTQ2S+ individuals from serving, but it was amended so that service members were no longer obliged to inform on others who were believed to be homosexual. In 1988, the CAF claimed that individuals investigated for homosexuality would no longer be discharged and, in 1990, investigation stopped. The period between the 1940s and the 1990s is considered the LGBT Purge, which extended beyond the CAF to the RCMP, and the Civil Service departments and agencies.

In 1990, a wrongful discrimination lawsuit was filed by Michelle Douglas who was investigated and dismissed from the CAF for being “not advantageously employable due to homosexuality.”<sup>4</sup> In 1992, a human rights tribunal struck down the remnants of the Unified Policy on Homosexuality. In 1996, the CAF granted health and family benefits to same sex partners. More than a decade later in 2008, service members officially marched at the Pride Toronto festival after same sex marriage was legalized in 2005.

When Drs. Poulin and Gouliquer began researching lesbians and gay men in the military in 1996, there was little support for the project and a lack of collaboration from the CAF and the Department of National Defence (DND). Often, participants were afraid to speak up, even in an anonymous research setting, for fear of reprisals and discrimination. Dr. Poulin describes a transformation from social scientist to activist through her and Dr. Gouliquer’s research, as policy lagged behind lived realities. In 2014, the We Demand an Apology Network<sup>5</sup> was formed to advocate for an apology from the federal government for the wrongs and discrimination suffered by former service members in the CAF, the public service, and the RCMP. In 2017 EGALE released The Just Society Report<sup>6</sup> on state sponsored discrimination against the LGBTQ2S+ community in Canada. A class action for LGBT Purge victims with plaintiffs Todd Ross, Martine Roy, and Alida Satalic was making advances in the courts.<sup>7</sup>

### **Legacy and the Current Climate**

The legacy of the LGBT Purge continues to be reflected in the lack of data on LGBTQ2S+ service members. Currently, the CAF and DND continue to have issues with determining the size of the LGBTQ2S+ community within their organizations partially because individuals do not want to come forward and be counted according to Dr. Poulin and Dr. Gouliquer. Additionally, as is also common when discussing increasing the percentage of women in the CAF, policymakers, practitioners and researchers discuss why the inclusion of LGBTQ2S+ individuals is operationally relevant. Asking to justify the usefulness of the LGBTQ2S+ community has alienated some community members, who point to the fact that LGBTQ2S+

service members have always existed and contributed, and that the CAF and DND made a calculated effort to push them out.

There continues to be a lack of representation of the LGBTQ2S+ community in the CAF, in general. As Dr. Gouliquer indicated, family resource websites show white heteronormative couples and LGBTQ2S+ symbols are largely absent from CAF and DND affiliated websites unless the LGBTQ2S+ community is being specifically discussed. Statements about inclusion were invisible due to being located far from the front pages, especially when it came to illustrating or writing about the inclusion of the LGBTQ2S+ community.

There is a continued lack of inclusive services for LGBTQ2S+ service members and their families and the CAF continues to operate on a white, Western, heterosexual model of the family. However, as Penny Foster noted in her presentation, the CAF and DND are taking feedback to heart and making changes. The CAF Directorate of Human Rights and Diversity has been working on consultations with experts and survivors and was set to release a report by the end of 2020.<sup>8</sup> The Path to Dignity and Respect,<sup>9</sup> a culture change strategy for the CAF, discusses gender integration as inclusive to LGBTQ2S+ community, however, it does not discuss commitments specifically to the LGBTQ2S+ community in further detail. Foster noted that the DND has also been developing a Defence Team Pride Network, which acts as an advisory group, in the same way as the other groups named by the employment equity act, in order to understand LGBTQ2S+ perspectives for policies and communications development. According to Foster, the Directorate of Human Rights and Diversity has also developed guidance for transgender service members to plan their transition and navigate the more binary systems that exist within the CAF. There are also efforts to streamline positive space ambassadors<sup>10</sup> in the CAF and DND and attempts to go beyond current policies to facilitate inclusion.

### **Recommendations**

The key strategy that emerged from the panel and breakout session focussed on LGBTQ2S+ experiences was to work on equity, diversity, and inclusion by building on reassurance and trust. The following recommendations could support this strategy. This list does not reflect the totality of potentially effective policy, especially as data continues to be lacking on the needs of this population. However, the recommendations here represent important first steps to a more inclusive future in the CAF and DND:

- Collaboration with the LGBTQ2S+ community should be a standard of practice for research, policy, and outreach from the very beginning. Collaboration should include current service members, but also veterans, academics, advocacy groups, and other experts. An openness to feedback is necessary for this, as well as a willingness to constantly tweak terminology and policy in order to best meet needs. Conversations about the usefulness of LGBTQ2S+ service members to the CAF is offensive and has done nothing to build back the trust of the community.
- Formal and inclusive structures need to be strengthened and enforced. This includes explicit structures around protection from discrimination and harassment that fully include the LGBTQ2S+ community. Further, family policies, and other adjacent policies and resources must explicitly include the needs of LGBTQ2S+ service members and their families. The recently created L1 office of the Chief, Professional Conduct and

Culture in the CAF is a step in the right direction.<sup>11</sup> The opinions, treatment, and circumstances of LGBTQ2S+ veterans and service members should also be taken into account during the Independent External Comprehensive Review of the DND and the CAF by Madame Louise Arbour.<sup>12</sup>

- Informal cultural initiatives are needed to demonstrate a culture of equity, diversity, and inclusion in the CAF. The Path to Dignity and Respect is a step in this direction. Leadership support must be clear at all levels, with informal mentorships and check-ins encouraged. Respect and dignity must be part of the mission of the CAF and DND and cannot be relegated to an afterthought. A focus on active allyship is needed, and all service members, especially leaders, must be provided with the tools to enact allyship.
- Visibility of LGBTQ2S individuals as part of the CAF and DND communities on all CAF and DND materials is necessary for full inclusion. Visibility of the LGBTQ2S+ community does not just mean diversity statements; it also means inclusion through representations of diverse service members and families as well as LGBTQ2S+ symbols. Crucially, visibility also means discussing the legacy of the LGBT Purge, including a breakdown of how the LGBTQ2S+ community was excluded. A timeline of what the CAF and DND have done and continue to do to support the LGBTQ2S+ community following the Purge should also be highlighted.
- Finally, since there is a lack of data on this population, research must continue on LGBTQ2S+ service members, veterans, and their family members. It is important to conduct this research in a way that acknowledges and respects the fraught history of the CAF and DND with the LGBTQ2S+ community. DND funding should be allocated to this research, but the research should be carried out in collaboration with academics and advocacy groups. It is important that this research is intersectional, and also focusses on those excluded from dominant narratives of the LGBTQ2S+ community, such as two spirit, non-binary, transgender, intersex, and asexual individuals. The intersectional workings of class, race, ethnicity, religion, culture, and age must also be examined when it comes to LGBTQ2S+ service members, veterans and their families, not just sex, gender, and sexuality. Studies should also focus on differing experiences by service branch, trade, and rank.

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## Endnotes

- 1 The LGBTQ2S+ is what was used throughout the conference and is the acronym used by DND. It would be pertinent to review this acronym and perhaps use a more inclusive one. One option is the 2SLGBTQIA+ acronym which includes a large variety of identities, while also positioning 2S (two spirit) first, in acknowledgement that Indigenous peoples inhabited the land we call Canada first, and that it is due to colonialism that Western conceptualizations of sexuality and identity are dominant in Canada.
- 2 “Sexual misconduct in the Canadian Armed Forces, 2018.” Statistics Canada, 2019. <https://www150.statcan.gc.ca/n1/en/catalogue/85-603-X>; “Experiences of unwanted sexualized and discriminatory behaviours and sexual assault among students at Canadian military colleges, 2019.” Statistics Canada, 2020. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00011-eng.htm>.
- 3 “who, what, when, where, why.” LGBT Purge Class Action. <https://lgbtpurge.com/about-lgbt-purge/>.
- 4 Ibbitson, John. “How Michelle Douglas broke down the Canadian military’s LGBT walls.” The Globe and Mail, October 23, 2017. <https://www.theglobeandmail.com/news/politics/interrogation-dismissal-and-now-an-apology-to-michelle-douglas/article36700166/>.
- 5 Website: We Demand an Apology Network. <https://p-sec.org/we-demand-an-apology/>.
- 6 The Just Society Report. “GROSSLY INDECENT Confronting the Legacy of State Sponsored Discrimination Against Canada’s LGBTQ2SI Communities.” Egale, 2017.
- 7 Website: LGBT Purge Class Action. <https://lgbtpurge.com/>.
- 8 It is unclear if this report has yet to be released, or is simply not publicly available.
- 9 “The Path to Dignity and Respect: The Canadian Armed Forces Strategy to Address Sexual Misconduct.” National Defence. <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/the-path-to-dignity-and-respect.html>.
- 10 An example of kind of training discussed: Canadian School of Public Service. “Positive Space Ambassador Training.” Government of Canada. <https://www.cspcs-efpc.gc.ca/Catalogue/courses-eng.aspx?code=W024>.
- 11 “Chief, Professional Conduct and Culture.” Department of National Defence, Government of Canada. <https://www.canada.ca/en/department-national-defence/corporate/organizational-structure/chief-professional-conduct-culture.html>.
- 12 “Launch of an Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces.” Department of National Defence, Government of Canada. <https://www.canada.ca/en/department-national-defence/news/2021/04/launch-of-an-independent-external-comprehensive-review-of-the-department-of-national-defence-and-the-canadian-armed-forces.html>.