

4. **EAITC Policy**

Our unit continued to be of assistance in respect of EAITC's formulation of policy on personnel matters. Legal issues in respect of the following were examined in 1991:

- sexual and other harassment in the workplace
- the posting abroad of homosexuals
- whether a mandatory retirement policy in respect of locally engaged staff infringes the Charter
- consideration of Societal Limitations and Conflict of Interest in respect of posting decisions
- area of competition in staffing/promotion
- employment abroad of spouses of foreign service officers

5. **General**

In 1991, our Unit was engaged to a greater extent in providing legal advice in personnel matters, possibly because of the more litigious nature of the bureaucracy, including Canada-based and locally engaged staff. For example, advice was given on:

- threatened legal action related to the alleged unfair application of the cash-out policy
- complaint by an employee, through his legal counsel, of religious discrimination and mental harassment
- interpretation of the terms of an agreement settling a harassment case
- final settlement of a complaint before the Human Rights Commission in respect of the posting of an individual
- nullification of an accepted offer to resign from the public service on the basis that the employee was mentally incapable at the time of making the offer
- legal consequences of requiring a reinstated employee to undergo an additional medical evaluation
- settlement of a potential action for discharge of an employee on the basis of incompetence
- what information is appropriate for consideration by a Promotion Board
- procedure and options with respect to the release of an employee

6. **Litigation**

Much of the advice was given in instances where legal proceedings had been commenced or where a court action might soon be instituted. With respect to cases now before the Courts, details may be obtained by reading the Litigation Report distributed by our Unit several times per year. Other cases include: