



**Royal Canadian
Mounted Police**

**Gendarmerie royale
du Canada**

The Commissioner

Le Commissaire

High Command: S/Section
S/Section de Direction "HQ"
87-16-16
REVIEWER
REVISEUR

APR 30 1986

The Honourable Perrin Beatty, P.C., M.P.
Solicitor General of Canada
Sir Wilfrid Laurier Building
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P8

Dear Mr. Beatty:

Further to our several discussions, and the concerns raised at the recent Policy Planning Conference by Commanding Officers, I remain concerned about the impact both internally and externally should the Force hire or retain known homosexuals. I made my position clear before the Equality Sub/Committee and I am satisfied that my views are a reflection of those of the vast majority of the Force. Should we adopt the position that the Force must recruit and retain homosexuals as peace officers, I believe there will be a direct and damaging affect on morale, discipline and self-esteem among our members, with an equally, regrettable affect on the public's perception and dealings with the Force. This predictable reaction will diminish the effectiveness of the Force in its peace officer duties and its image as a Canadian symbol.

I have carefully reviewed the Government's position on this issue as contained on page 13 of the paper "Toward Equality". I see some ambiguity in the Government's position which seems to suggest that it will be the Courts which will ultimately decide whether sexual orientation is encompassed by the guarantees in Section 15 of the Charter. In a later interview on Canada A.M., the Minister of Justice said that the law will be changed to reflect the Government's position, leaving some ambiguity as to whether this will be done through amendments to the Human Rights Act or some other means. Of importance is that he acknowledges that in a number of cases there may be a bona fide occupational requirement which justified such discrimination.

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The Force is in a very difficult position. At the present time the Human Rights Act does not include sexual orientation as a discriminatory practice. Therefore the Force is unable to present its case of a bona fide occupational requirement. Similarly, we have no defence under Section 1 of the Charter of Rights and Freedoms, since we do not have any law on which to make our case. This would require me to publish a Commissioner's Standing Order, for which I have been unable to receive your support. If we are unable to ~~make~~ ^{present} our case, regardless of the outcome, I sense very serious staff relations problems within the Force.

I cannot in all conscience, voluntarily alter the position the Force has taken on homosexuality for many years. Equally, I do not want you to have to direct me to take this position. Therefore I am requesting the opportunity to defend our position before the Courts. The Force will not go contrary to the law, therefore if the Courts find we are discriminating then we will amend our practices. I am sure this would be the view of members of the Force, irrespective of the consequences. This can be accomplished by the publication of a Commissioner's Standing Order which I have the authority to do by virtue of Section 21(2) of the R.C.M.P. Act. --

It is with this in mind that I wish to publish such a C.S.O. I do not believe that this puts me in conflict with the position of the Government, but rather allows the Force to defend its practices under the Charter or the Canadian Human Rights Act. I believe this is consistent with the views expressed by the Minister of Justice, and I would ask that serious consideration be given to this proposal, or alternately than amendments to the C.H.R.A. proceed without delay. The difficulty over this policy is not diminishing within the Force, and I anticipate heated discussions and reaction at the upcoming C.O./D.S.R.R. Conference, and throughout the Force, if we cannot find a way to have this issue adjudicated.

Yours sincerely,

Original Signed by
Original signé psr

R.H. Simmonds,
Commissioner.

COMMISSIONER'S PENNED NOTE:

"I must have one further discussion with you on this issue. Particularly I wish to discuss Reg. 74 of the R.C.M.P. Regs. as a possible vehicle to deal with cases that are presently confronting us, as well as for the future."

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