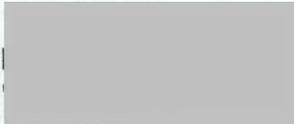


s.19(1)

Inuvik, N.T., 94-10-14.

To: Insp. A.D. Macintyre
O i/c Administration and Personnel
"G" Division.

Fr:



Re: Grievance level 1
Denial of Spousal Benefits

Please find attached a grievance submitted to you for adjudication at level 1.



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HISTORY OF THE CASE

2.

regimental number [REDACTED] is a member of the Royal Canadian Mounted Police and has been employed as a Peace Officer since the [REDACTED]. She is currently posted at Inuvik detachment in the Northwest Territories.

On the 13 of april 1992, [REDACTED] submitted form A-78 "Changes in dependents, marital status, cohabitation and name" a copy of which is attached to this document as APPENDIX "A". This form was processed with accordance to R.C.M.P. policies and changes to [REDACTED]'s administrative, personal, security and medical files were entered on the 29 of September 1992. From that day on, [REDACTED]'s files showed her status as being "married". This status at this time was duly accepted by the R.C.M.P. knowing full well that [REDACTED] was living in a same sex relationship.

On the 18 of june 1993 [REDACTED] requested a staffing interview fro the purpose of a possible transfer. Staffing and Personnel "A" division accommodated [REDACTED] and Sgt Arbour conducted the interview. [REDACTED] inquired about the possibilities of a transfer to the Northwest Territories. As a result of the interview, [REDACTED]'s parade document was amended and now showed "G" division as preferred posting. A copy of the interview report is attached to the document as APPENDIX "B". Note that on the first page of this report under the heading of "Significant Personal Information", [REDACTED]'s status is marked as married.

On the 05 of january 1994 [REDACTED] and her spouse [REDACTED] were requested to attend the office of Sgt Arbour of staffing and personnel for a joint interview as per R.C.M.P. policy. [REDACTED] took a day off of work to attend to this interview. A copy of the staffing report is attached to this document as APPENDIX "C".

On the 09 of march 1994 [REDACTED] and her spouse [REDACTED] attended the office of the force psychologist Doctor ROY-CYR, as requested by the Health Services Officer Doctor Hunt. [REDACTED] once again had to take a day off from work to attend this interview and cooperated fully throughout the interview. Both the member and her spouse were advised by Dr Roy-Cyr that this was a routine interview to assess the psychological health of the couple and that this procedure was in accordance to R.C.M.P. guidelines. The interview consisted of the member being interviewed on her own. Then the member's spouse gets interviewed alone and then the couple gets interviewed together. A copy of the interview report is attached to this document as APPENDIX "D". Note that the report states at the very bottom, "psychologically fit for Northern Posting" "Assessment for Northern Posting, G Division of member and spouse.

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3.

On the 25 of march 1994 [REDACTED] was once again re - interviewed by staffing's Sgt Arbour in order to clear up a few discrepancies. This report is also attached to this document as APPENDIX "E". The report once again mentions the fact that a spouse is involved in this possible transfer.

Further to all these interviews conducted with the member and her spouse, [REDACTED] was then required to obtain a medical examination in accordance with force standard to show that she was not at the time suffering from any ailment that might require specialized medical treatment or prolonged hospitalization. The member's spouse complied with this request from the Health Services Officer Dr Hunt and such can be verified on the member's medical file.

Finally, on the 24 of june 1994 the transfer orders came out. At this point [REDACTED] sold her house, made arrangements for people to take care of other properties. The member's spouse sold her car and quit her job. This was all done with the member being under the impression that her spouse was included due to all the interviews they had to go through jointly. A copy of the transfer orders is attached to this document as APPENDIX "F". Note that the person [REDACTED] is replacing is Cst Martel, he was living in Inuvik alone and was residing in a house.

On the 08 of August 1994 ten days before the possession date of the house, [REDACTED] was advised that she and her spouse are not eligible for spousal benefits. This meant that [REDACTED] would have to assess all the expenses incurred for the transfer of her spouse. [REDACTED] was further advised that once in Inuvik, they would be residing in a two bedroom apartment as opposed to a row house which is what all the other R.C.M.P. couples at the detachment presently live in. At this point, [REDACTED] was also advised that the amount of weight authorized for personal effects transferred to the posting would be that of a single member, 900 kg as opposed to a couple which is double the amount, anything above that would have to be paid by [REDACTED] and her spouse at the rate of 1.25 dollars per pound. This last point was then changed when [REDACTED] and Chief Superintendent Rivard came to an understanding that this was unacceptable and [REDACTED] and her spouse were allowed to transfer the amount that they had packed which was 1545 kg. Find attached to this document APPENDIX "G" a facsimile signed by Insp. Buss of "G" division Administration and Personnel detailing his decision.

On the 08 of August 1994 [REDACTED] filled out and submitted form 3081 "Grievance Presentation" and immediately submitted it to her administration and Personnel office.

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4.

On the 05 of September 1994 [REDACTED] and her spouse packed up their new truck, loaded the two dogs and started driving towards Inuvik.

On the 15 of September, the couple arrived in Inuvik at which point they were guided towards an apartment building and showed their new living accommodations. The couple voiced their disagreement and later moved in. The next night, the couple went for a drive around town and stopped in front of the residences of all the other members at the detachment only to find out that all the other members lived in housing. The next day, the couple spoke to the officer commanding of the detachment Insp. S. McLeod and voiced their disagreement.

On the 19 of september 1994 [REDACTED] was served with the documentation she had earlier requested on form 3081. This meant that from this date she had thirty days to submit a written grievance.

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GRIEVANCE

In his decision, Inspector Buss states that the force has granted an approval for [REDACTED] to live with her partner from a security point of view. See paragraph 2 of APPENDIX "G".

The error in fact is that [REDACTED] does not require approval from the R.C.M.P. to live with anyone she pleases to and that the only reason she submitted form A-78 was for a change of status to be granted. According to R.C.M.P. policies if only for the purpose of sharing expenses, form A-78 is not required. This therefore shows the exact reasoning for form A-78 which is to indicate a change of status, and if the status was not to be accepted then the form should not have been accepted by the administrative office and the changes should not have been made on the member's file.

Inspector Buss further states that his decision is based on Treasury Board policy and that this policy is one which is made externally and is beyond the control of the R.C.M.P. and it does not allow any latitude for any alternate decision making. See paragraph 2 of APPENDIX "G".

The griever brings forth the following. There is another government law which supersedes any other laws or regulations in this country and that this law does not allow for any latitude in alternate decision making and that therefore the R.C.M.P. must abide by this law. This law is the Canadian Human Rights Act. The act states that, discrimination means making a distinction between certain individuals or groups based on a prohibited ground. Under the Canadian Human Rights Act it is against the law for any employer or provider of service that falls within federal jurisdiction to make unlawful distinctions based on the following grounds:

- race
- national or ethnic origin
- colour
- religion
- age
- sex (including pregnancy and childbirth)
- marital status
- family status
- pardoned conviction
- physical or mental disabilities (including dependence on alcohol or drugs)
- sexual orientation.

The problem is that by denying [REDACTED] the benefits that she is entitled to, Inspector Buss is in fact making an unlawful distinction based on the prohibited ground of sexual orientation and that because of this, his decision must be reversed.

6.

CORRECTIVE MEASURES SOUGHT

[REDACTED] is seeking compensation for the loss benefits that she has incurred since the 11 of July 1994.

She also seeks all spousal benefits extended to any member of the Royal Canadian Mounted Police and his/her spouse.

[REDACTED] further seeks for the R.C.M.P. to write their own policy in regards to same sex couples and abide by these policies keeping in mind the Canadian Human Rights Act.

