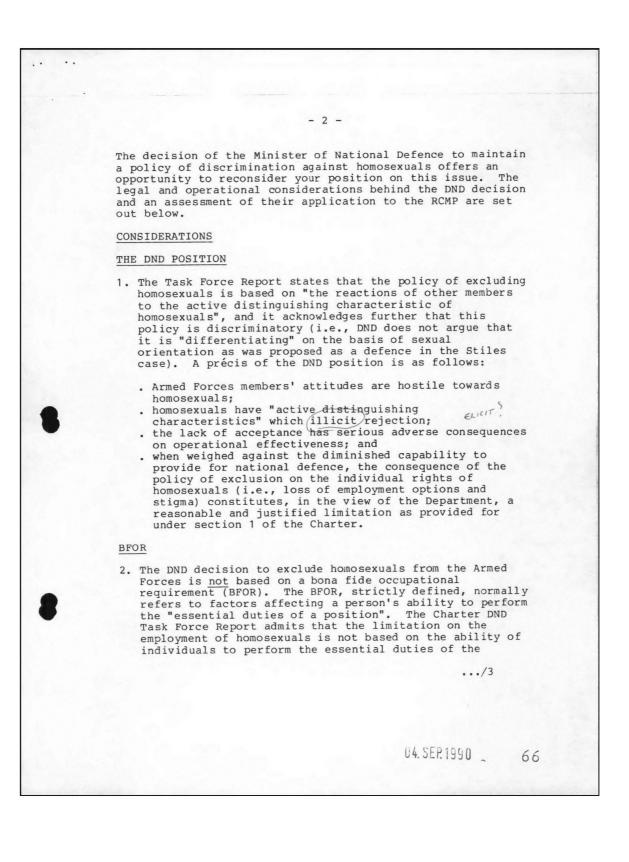
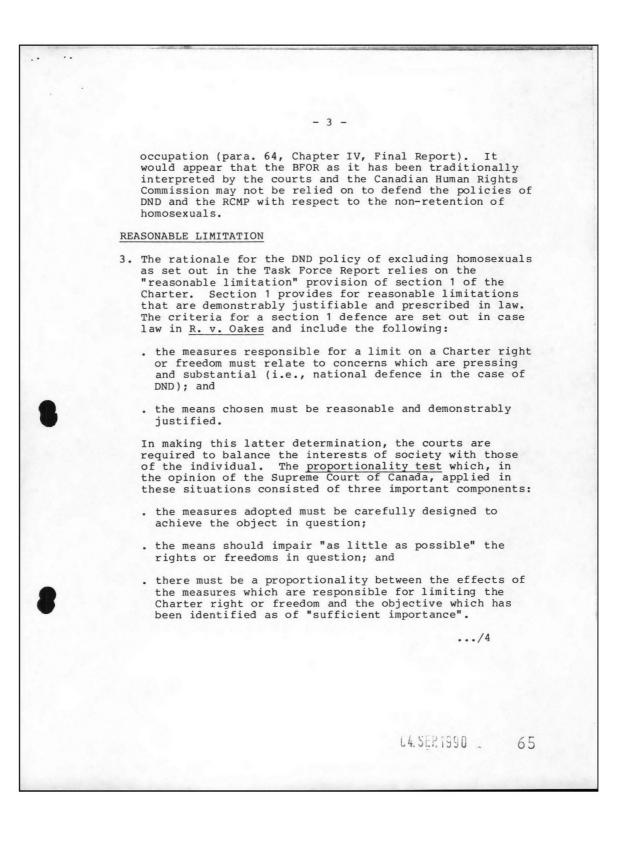


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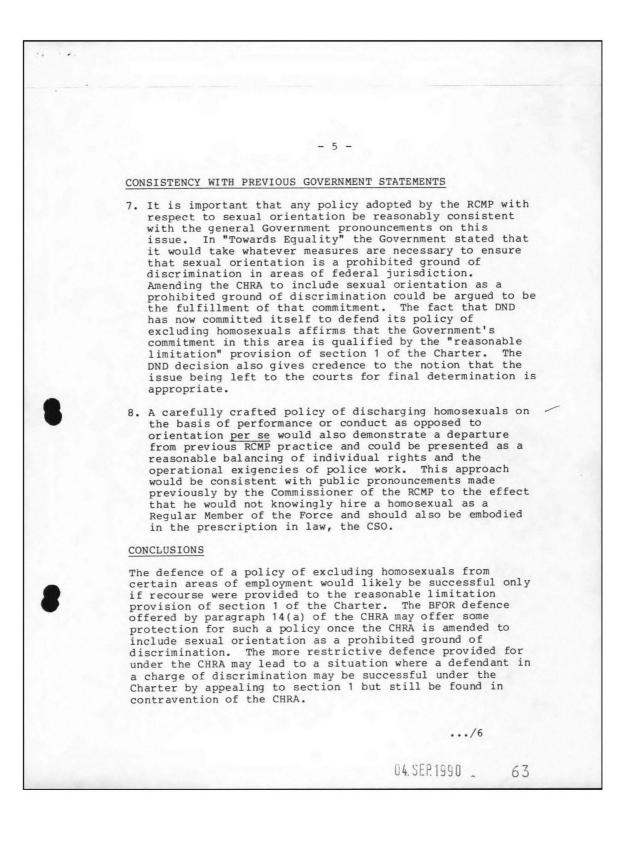


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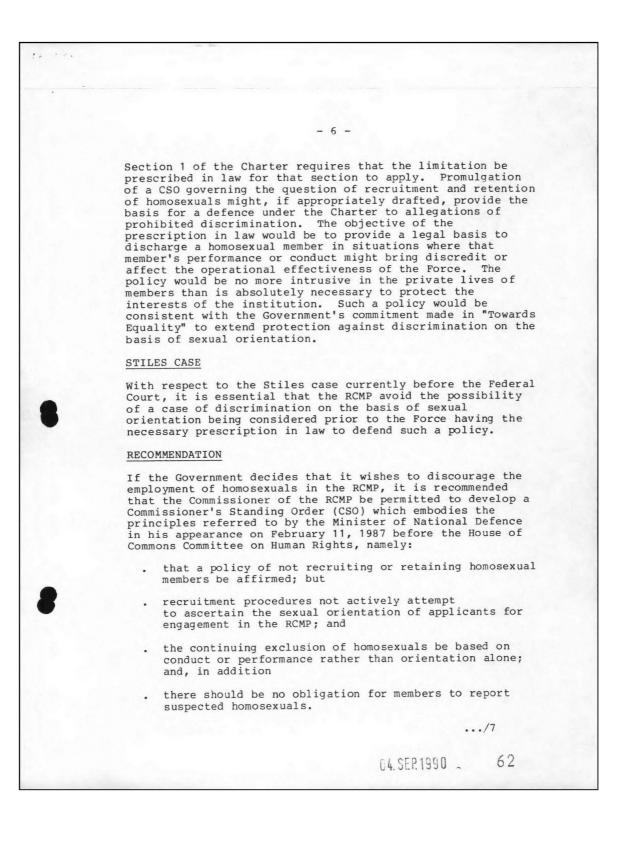
4 -RETENTION/RECRUITMENT 4. With respect to the application of the DND policy of not retaining homosexuals, the Chief of Defence Staff stated before the Committee that "unacceptable behaviour" would be the criterion for discharging a serving member from the Armed Forces. On the subject of recruitment, General Manson indicated that a prospective recruit who identified herself/himself as a homosexual would be denied entry to the Armed Forces under this policy but no effort would normally be made to identify the sexual orientation of a new recruit. RELEVANCE TO RCMP 5. The RCMP, in order to impose a similar limitation on the recruitment or retention of homosexuals under section 1 of the Charter would have to demonstrate that the working circumstances in the Force are similarly demanding as those found in the Armed Force. Mr. Beatty pointed out that the professions in the Armed Forces "dictate not only the conditions under which they work, but also the conditions under which they live for 24 hours a day for weeks or months on end". He believes that DND is fundamentally different from other professions with unique problems. The RCMP would also have to demonstrate that the law enforcement objective of the Force is equally important as the national defence objective of the Armed Forces in order to claim a reasonable limitation with the same level of justification. 6. In any case, the most compelling argument the RCMP could present to defend a policy of excluding homosexuals from the Force would, like DND, rely on the impact of hostile attitudes towards homosexuals on the operational effectiveness of the Force as a whole. To make this argument in defence of a policy of exclusion, the Force would have to have recourse to section 1 of the Charter and would require a prescription in law of its policy towards homosexuals. .../5 64 04.SEP.1990 _

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· · · · · - 7 -Finally, notwithstanding the outcome of the defence appeal which is to be heard on February 25 on the Stiles case, it is recommended that the Commissioner be directed to pursue all feasible options for achieving a settlement out of court. John C. Tait Attachments Tab A - Page 13, Towards Equality Tab B - Memorandum, February 13, 1987 C4. SEP. 1990 61

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