

TO
ASOLICITOR GENERAL
FOR APPROVALFROM
DE

DEPUTY SOLICITOR GENERAL

SUBJECT
OBJETCORRESPONDENCE FROM CLAYTON C. RUBY REGARDING EMPLOYMENT OF
HOMOSEXUALS IN RCMP

SECURITY - CLASSIFICATION - DE SÉCURITÉ

OUR FILE/NOTRE RÉFÉRENCE

7196-22

YOUR FILE/VOTRE RÉFÉRENCE

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DATE

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Mr. Clayton Ruby of Toronto wrote to you on April 17, 1984 (facing) following publication of a letter of his in the "Globe and Mail" (Tab A) in which he denounced the RCMP position that "it will not knowingly hire gay Canadians because "most policemen are uncomfortable working with them"." He indicated in his letter to the editor that he would inform the newspaper of your views on this question once he had heard from you on it.

The RCMP provided you with a suggested reply to Mr. Ruby (Tab B) on June 18, 1984. Apparently, not entirely satisfied with this letter, the Force has submitted a further suggested reply (Tab C) for your consideration.

BACKGROUND

The Commissioner of the RCMP stated publicly on April 12, 1984 before the House of Commons Standing Committee on Justice and Legal Affairs (Tab D) that the Force does not knowingly recruit homosexuals. He made his statements after questioning by Mr. Svend Robinson, M.P. about whether there was Force hiring policy solely about sexual orientation, where security and reliability factors were not at issue. The Commissioner's statements were reported in the Globe and Mail on April 13, 1984 (Tab E).

CONSIDERATIONS

1. From the two suggested replies submitted for your consideration and from his remarks to the Standing Committee, the Commissioner's position against knowingly hiring homosexuals appears to be based on internal management considerations and upon expectations of the communities served by the Force.

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Internal Management

The Commissioner has asserted that most members would not be comfortable working with a homosexual. It seems that the Commissioner is persuaded that the marked lifestyle differences associated with homosexual orientation is sufficiently at odds with the values of the mainstream of Force members that it could create disruption and tension which could directly affect operational efficiency. Further, it could pose risk for the homosexual himself.

Community Expectations

The Force believes it is perceived in a certain manner by the Canadian public. Specifically, in many of the rural, conservative communities policed by the RCMP, homosexuality as an alternate lifestyle is not accepted. The Commissioner appears to believe that the Force should not knowingly engage homosexuals lest it disrupt the public's expectations of the RCMP and social values in conservative areas of the country.

2. Section 51(1) of the RCMP Regulations (Tab F) enables the Commissioner to prescribe qualifications for appointment to the Force. As a matter of corporate policy, the Commissioner has stated that he would not knowingly hire a homosexual. This position does not seem to have been communicated by him to the Force through any documented official channel.
3. As part of the Force's recruitment process, candidates are intensively screened in a series of interviews in order to determine whether they meet security and personal suitability requirements. One of the personal suitability criteria that is examined is sexual orientation and in this way the Force does not knowingly hire homosexuals.
4. Officials of the Department of National Defence have indicated that the Canadian Forces' policy is not to recruit or retain homosexuals. They cite the unique demands of the military (e.g. enforced close proximity of individuals) as a rationale for excluding homosexuals. To "condone" homosexual behaviour would, it is argued, have a detrimental effect on relationships, morale and operational efficiency in the Armed Forces (Tab G).
5. RCMP recruitment policy is vested in the authority and discretion of the Commissioner. It would appear that until fully tested in the courts the ban on homosexuals as a bona fide condition of employment can be defended under the Canadian Human Rights Act and the Canadian Charter of Rights and Freedoms.

COMMENTS

The Force's suggested replies tend to debate the issue of homosexuality rather than concentrating on the overall suitability requirements that must be met as pre-conditions to Force employment. In addition, the proposed replies connect you directly with the Commissioner's position. I believe both comments should be avoided and another reply has been prepared.



Fred E. Gibson

Attachments

Tab A - Clayton Ruby's letter to the "Globe and Mail"
Tab B - Force's first suggested reply
Tab C - Force's second suggested reply
Tab D - Proceedings of Justice and Legal Affairs Committee,
April 12, 1984.
Tab E - Globe and Mail Article, April 13, 1984.
Tab F - Section 51(1) RCMP Regulations
Tab G - DND Recruitment Policy re Homosexuals
Secretariat proposed reply
Letter of transmittal to Commissioner