

August 1985

PARLIAMENTARY SUB-COMMITTEE ON EQUALITY ISSUES

ISSUE

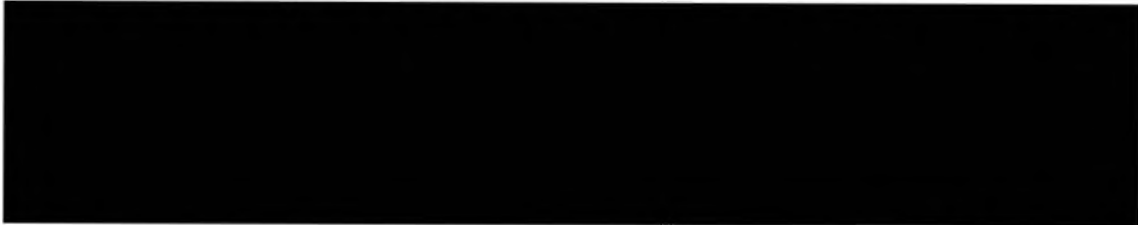
The Parliamentary Sub-Committee on Equality Issues has been directed to table a report on its findings by October 15, 1985. Once it has been tabled, the Government will have 120 days to respond to the specific recommendations contained in the report. Of immediate concern is the development of appropriate and defensible policy positions with regard to the three substantive areas of RCMP personnel policy outlined below which have been brought into question by the coming into force, on April 17, 1985, of the equality provisions (section 15) of the Canadian Charter of Rights and Freedoms.

MANDATORY RETIREMENT AGES

Section 79 of the RCMP Regulations prescribe retirement ages for members of the Force based on rank. Mandatory retirement ages vary from 56 years for Corporals, Constables and Special Constables upwards to 62 years of age for the Commissioner.

The apparent discriminatory aspect of this provision may be summarized by referring to the comment of the Chief Commissioner of the Canadian Human Rights Commission. He states:

"The Commission has asked me to draw to your attention, however, their disquiet about the regulations which establish different ages of retirement depending upon the rank achieved by a member of the Force. These regulations would appear on the face to be discriminatory, in that they terminate a person's employment on the basis of age rather than on the basis of ability, and further, that they arbitrarily set different ages for different ranks." (October 20, 1982)



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A position paper prepared by the RCMP on Mandatory Retirement proposed that the Force adopt age 60 as the mandatory retirement age for all ranks. [REDACTED]

MAXIMUM SERVICE LIMITATION

- Generally speaking, section 80 of the RCMP Regulations provides for maximum periods of service for members of the Force of 35 years, although extensions can be made in exceptional circumstances.

- Officers governed by either the RCMP Superannuation Act or the RCMP Pension Continuation Act are limited to 35 years of service in the RCMP while other members governed by the RCMP Superannuation Act are limited to the later of 25 years service in the Force or 35 years of pensionable service. (The only exceptions to the 35-year rule are the very few other members governed by the RCMP Pension Continuation Act, who are limited to 29 years service.)

The Commissioner of the RCMP has been concerned, for some time, about this limitation on service. He contends that section 80 results in the premature loss by the Force of many officers who have been forced to retire on reaching 35 years of service even though they may not have reached their respective maximum ages of retirement.


[REDACTED]

In the same paper on Mandatory Retirement prepared by the Force, it was recommended that section 80 of the RCMP Regulations be revoked and RCMP retirement policies be based on age alone.


As the maximum service limitation is the primary factor affecting the retirement of senior officers in the Force, considerable apprehension remains on the part of non-commissioned members as to the effect on promotional opportunities and attrition rates in the Force should section 80 be revoked.

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SEXUAL ORIENTATION

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- The Commissioner has stated before the Standing Committee on Justice and Legal Affairs that he "would not knowingly hire" a homosexual as a regular member of the Force because "there are few members of any police organization that are comfortable at this moment in our history with people of that persuasion in our midst".
 - The Commissioner believes that the marked lifestyle differences associated with homosexual orientation is sufficiently at odds with the values of the mainstream of Force members that the presence of a homosexual member could create disruption and tension which could directly affect operational efficiency.
 - The Commissioner also believes that in many of the rural, conservative communities policed by the RCMP, homosexuality is not accepted. The retention of a known homosexual member in such communities would disrupt the public's expectation of the RCMP and possibly reduce the effectiveness of the Force.
 - At this time, there is no formal policy which prohibits the recruitment of homosexuals into the Force or which requires that homosexual members, when identified, be discharged from the Force.

CURRENT STATUS

- The Commissioner of the RCMP appeared before the Sub-Committee on Equality Issues on May 1, 1985. At that time, he tabled the above-mentioned Position Paper on Mandatory Retirement as well as a paper outlining the rationale for the Force's policy on homosexuality.
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The Secretariat's Senior Policy Advisory Committee (SPAC) has undertaken to coordinate a common appreciation and parallel development of operational policies in areas that will be affected by the recommendations of the Parliamentary Sub-Committee on Equality Issues.

EXPECTED OUTCOME

Accordingly, it is likely that the recommendations of the Sub-Committee on Equality Issues will support these measures.

Strong representations to the Committee have been made to this effect by the Canadian Human Rights Commissioner. Also, members of the Sub-Committee (notably, Svend Robinson) have been critical in the past of RCMP policy towards homosexuals. It is possible, therefore, that the Sub-Committee may single out the RCMP for specific recommendation with regard to its policies towards homosexuals. If that is the case, you will have to be fully prepared to defend RCMP policies and practices or change them. Guidance on the handling of this issue can be expected from the Senior Policy Advisory Committee.

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