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MEMORANDUM  
DOSSIERS ADMINISTRATIFS

NOTE DE SERVICE

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I.A. Br./S.d.A.I.  
Received/Reçu

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TO  
A  
COMMISSIONER, Ottawa  
Attn: D/Commr. (Admin)

FROM  
DE  
G.O. "M" Division

SUBJECT  
OBJET  
Equality Provisions - Charter  
of Rights and Freedoms

86-06-19

REVIEWE  
REVISEUR

Received/Reçu  
85-10-03  
OFFICE OF THE - BUREAU DU  
D/Commr. (Admin.)  
S-Comm. (Admin.)

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OUR FILE/NOTRE RÉFÉRENCE
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YOUR FILE/VOTRE RÉFÉRENCE
DATE
85-09-27

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D.O.P.'s Office  
Bureau du D.-O.P.

The views as expressed in the "Aide Memoire" are in my opinion representative of the vast majority of members of the Force. Criteria restricting retention of declared homosexual members and hiring of known homosexual individuals are in fact the same, i.e. the reasons we can't hire a homosexual are the reasons we can't keep one. A question that is raised however, is what do we do if a member declares he/she is homosexual and asks for medical/psychological treatment to cure their ailment? If a firm policy is established prohibiting the hiring or retention of a homosexual on a bona-fide occupational impediment, can we extend medical treatment at public cost to that employee rather than effecting mandatory dismissal? If an employee requests medical assistance, are we not obliged to provide same and retain the individual as an employee much the same as we now do with alcoholics, etc. under our MAP program? We feel this area must be addressed and included in any policy covering sexual orientation problems and solutions.

2. In regard to the issues raised in the "Aide Memoire", we offer the following comments:

- a. Bona-fide Occupational/Operational Impediment: - the issues raised here are very valid in respect to search of persons by peace officers. The public would never accept physical detention and physical searching by a homosexual member. Similarly, a predominantly heterosexual society would not condone a homosexual peace officer participating in social leadership duties. In many small communities it is expected that members will actively participate with youth groups. Perhaps in large urban areas an individual's declared sexual orientation could go past unnoticed. In a small tight-knit community such is not possible.
- b. Discipline - there is little doubt that a homosexual detachment/unit Commander would have difficulty in disciplining heterosexual subordinates. Also, some deterioration towards respect and adherence to direction would surface. Such deterioration in discipline would adversely effect the quality and effectiveness of the member's enforcement. A standard of quality has become expected by the public and that quality would be reduced.

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COMMISSIONER, Ottawa  
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2. continued .....

- c. Morale - agreed. The public and the media tend to paint us all with the same brush. We are judged as a group, not as individuals.
- d. Public Acceptance - agreed. The homosexual community is setting itself aside in society and the majority of the general public are not prepared to accept these individuals in a peace officer role. Public opinion has been expressed previously in regards to gay school teachers, etc.
- e. Self Image - agreed. As mentioned under morale, members of the Force are judged as a group. Loss of public respect and a lowering of morale would assuredly effect a member's self image. These effects would detract from the performance of the member.
- f. Security - agreed. Promiscuous individuals <sup>known by police</sup> are and always will be at risk when holding security sensitive positions.
- g. Hierarchical - similar to issue #2. This could also be said of male supervisors and young female subordinates. A concern, but not as serious as other issues.
- h. Illegality - valid argument as long as present laws stand.
- i. Cohesiveness - this is certainly a fact. The separate lifestyle chosen by the homosexual community would also exist in the Force. This, plus present social attitudes of the general membership of the Force would certainly effect the unity of the Force.
- j. Majority Rights/Disapproval - the majority of the membership do not support homosexual activities. To place this element in a visibly supported role within the Force would offend the majority of the Force membership. Many members either from religious or family teachings would be unable to morally approve of a homosexual supervisor/subordinate.

3. For these reasons it is felt that the Force has a "bona-fide" occupational requirement to prevent knowingly employing homosexual persons. Section 14(a) of the Canadian Human Rights Act provides such protection. As an aside, the "Reasons for Policy" do overlap somewhat in their content. A consolidation of the "reasons" might result in their number being reduced but strengthened and get away from the impression that the Force is grasping at straws. ||



(A.J. TOEWS), C/Supt.,  
C.O. "M" Division.

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