



BRIEFING NOTE NOTE D'INFORMATION

November 1985

PARLIAMENTARY SUB-COMMITTEE ON EQUALITY ISSUES

ISSUE

- The Parliamentary Sub-Committee on Equality Issues tabled its Report "Equality for All" on October 25, 1985. The Government has 120 days from then 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 two substantive areas of RCMP personnel policy (retirement and sexual orientation) which have been brought into question by the coming-into-force, on April 17, 1985, of section 15 of the Canadian Charter of Rights and Freedoms.

MANDATORY RETIREMENT (AGE AND SERVICE LIMITATIONS)

- Mandatory retirement ages prescribed in the RCMP Regulations vary from 56 years for Corporals, Constables and Special Constables upwards to 62 years of age for the Commissioner. In addition, the RCMP Regulations provide for maximum periods of service for members of the Force of 35 years, although extensions can be made in exceptional circumstances. The previous Solicitor General agreed to extending service for officers, on request, to March 31, 1986 in anticipation of the Government deciding to change the maximum service requirements by that date; similarly, the Commissioner may extend the service of members on request.

SEXUAL ORIENTATION

- 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 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.

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- 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. While a draft Commissioner's Standing Order was drawn up to give force to this policy, you indicated to the Commissioner that it should be held in abeyance.

CURRENT STATUS

- The Equality Rights Report points out that a **mandatory retirement age** may be justified where it can be established that age is a bona fide occupational requirement; however, the Sub-Committee members believe "that the maximum term of service and rank-related retirement criteria, of the kind used in the RCMP, do not meet the test of bona fide occupational requirement."
- Senior officers of the RCMP have indicated that the Force is reconsidering its earlier proposal, aired publicly at a Sub-Committee hearing, to adopt a universal mandatory retirement age of 60. The absence of a firm policy in this area may leave the Force without a basis to determine when a member should retire.
- The Report concludes "that '**sexual orientation**' should be read into the general open-ended language of section 15 of the Charter as a constitutionally prohibited ground of discrimination". It is further recommended that the Canadian Human Rights Act be amended to add sexual orientation as a prohibited ground of discrimination.
- The Department of Justice has undertaken a series of interdepartmental consultations in anticipation of preparing a formal Government response to the Report recommendations. A Memorandum to Cabinet will be prepared by the Department of Justice in the near future on those recommendations pertaining to proposed amendments to the Canadian Human Rights Act. A consequence of Cabinet consideration of this issue may be the establishment of a Government position with regard to sexual orientation and employment in the RCMP and Department of National Defence.
- Within the Ministry, a special committee with representatives from each of the agencies and the Secretariat has been established to coordinate the departmental position with regard to the recommendations.