



TO  
A

DEPUTY SOLICITOR GENERAL

FROM  
DE

DIRECTOR GENERAL  
POLICE AND LAW ENFORCEMENT POLICY

SUBJECT  
OBJET

IMPLEMENTATION OF SEXUAL ORIENTATION POLICY WITHIN THE RCMP

SECURITY - CLASSIFICATION - DE SÉCURITÉ
<u>CONFIDENTIAL</u>
OUR FILE — N / RÉFÉRENCE
YOUR FILE — V / RÉFÉRENCE
DATE 8.5.86

Following on your discussion with Owen Davey, we have prepared a memorandum for the Solicitor General, a Ministerial Directive on sexual orientation, and a letter to be sent to Commissioner Simmonds which anticipates some form of RCMP non-compliance with the Government's policy.

Having closely monitored proceedings at both the CO/DSRR Conference and the Standing Committee on Justice and Solicitor General, I did not find the mood or intent reflected in the Commissioner's letter of April 30 to have been evident in the events of May 7, 1986. I have attempted to capture this conclusion in the following account of the Conference and the Standing Committee meeting as a basis for determining an appropriate response to the Commissioner's letter.

CO/DSRR CONFERENCE

The Solicitor General stated his understanding and personal support of the RCMP position but firmly and consistently maintained that the prohibition of sexual orientation as a form of discrimination was clear Government policy. He stated that there is no room for discretion on the part of the Force insofar as the specific issue of sexual orientation is concerned. That said, the Minister clearly alluded to the administrative discretion that remained with the Force in selecting recruits on the basis of a wide range of factors that together establish suitability. While the Minister acknowledged that the Government's policy poses some difficult administrative issues, he stated his firm belief that they could be accommodated by the RCMP and that the impact of the sexual orientation policy will not result in a greater incidence of homosexuality in the Force.

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The mood of the meeting was courteous and by my reading positive. There were no direct comments, indirect utterances or other indications that the Solicitor General's remarks were badly received. Further, the Minister took great pains to indicate that the members, the Commanding Officers, and the Commissioner had made their views known with great clarity. He emphasized that it was an informed, conscious decision on his part and that of his colleagues and that they were accountable for that decision, not the senior management of the Force. There were no indications that the Commissioner was under any discomfiture with the exchange and his limited personal interventions were reasoned and balanced.

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STANDING COMMITTEE ON JUSTICE AND SOLICITOR GENERAL

The matter of sexual orientation was raised by Mr. Robinson only in the very last minutes of the meeting when he asked what steps the Commissioner had taken to ensure that the Government's policy was being implemented with respect to homosexuals not being discriminated against in the Force. The Minister responded that he was having discussions with the Commissioner on that issue. Mr. Robinson then asked if written policy would be forthcoming and the Minister simply repeated that he and the Commissioner were still meeting on the subject. The matter was dropped and the meeting concluded with both the Minister and the Commissioner seeming to be in good spirits.

Comment

In my judgement the letter to the Minister, was drafted in anticipation of a crisis for the Commissioner being precipitated in the course of the CO/DSRR Conference. No crisis seems to have developed and I take it from the Minister's responses to Mr. Robinson's questions that the letter is still being "discussed". Therefore, I think that the situation should be permitted to develop further before it would be appropriate to decide upon the nature of the Solicitor General's response to Commissioner Simmonds' letter. Nevertheless, attached to this memorandum is a letter which assumed Commissioner Simmonds' full implementation of the sexual orientation policy in addition to the enclosed package for the Minister which assumes the worst case situation of non-compliance.



R.W. Christensen

Attach.