

January 30, 1987

MEMORANDUM FOR PAUL M. TELLIER

From: Ray Protti, Assistant Secretary to the  
Cabinet (Social Development) [REDACTED]


Implementation of Toward Equality  
by the RCMP and the Armed Forces

Background

- The Parliamentary Committee on Equality Rights tabled its report Equality for All on October 25, 1985. It recommended that the Canadian Human Rights Act (CHRA) be amended to add sexual orientation as a prohibited ground of discrimination and that the Canadian Armed Forces and the RCMP bring their employment practices into conformity with the CHRA as amended. It also recommended that all trades and occupations be open to women in the Armed Forces.
- The Government responded to the Report in Toward Equality tabled in March 1986. It took the position that no one should be excluded from employment opportunities for reasons that are irrelevant to their capacity and ability to do the job. Concerning women in the Armed Forces, the government indicated its commitment to expanding the role of women in the Armed Forces, "in a manner consistent with the requirement of the Armed Forces to be operationally effective in the interests of national security" (see attached excerpts from Toward Equality).
- Mr. Hnatyshyn is scheduled to appear as a witness before the Standing Committee on Human Rights on February 4. He is likely to be questioned on the government's implementation of Toward Equality.
- on February 11, Mr. Hnatyshyn will bring to CCSD proposed amendments to the CHRA that will include the addition of sexual orientation as a ground of discrimination.

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DND Follow-Up to Toward Equality

- An internal task force was established by DND following the tabling of Toward Equality to study Charter of Rights issues.
- The task force presented its recommendations to the Chief of the Defence Staff (CDS) in December 1986. In turn, the CDS presented recommendations to the Minister earlier this week:
  - that homosexuals not be permitted to enrol in the Canadian Forces; and
  - that women not be permitted to enter the combat occupations or, if such a policy was not deemed acceptable, that final decisions be held pending the results of a full field trial of women in designated combat units. -
- Mr. Beatty generally accepts the first recommendation but not the second. He has directed the CDS to be prepared to open all occupations to women, except perhaps service in submarines and our older destroyers. In parallel, gender-free standards are to be adopted and trials conducted. In time, if the experience demonstrates that the decision was a wrong one, the decision will be reviewed.
- Mr. Beatty's position on women is consistent with Toward Equality. His position on homosexuals would only be consistent with Toward Equality and the amended CHRA 
- Mr. Beatty is planning to give a speech on women in combat at the University of Toronto Law School on February 5, where he will describe his likely intentions concerning women in combat. He does not intend to speak on homosexuality.
- There have been discussions between Mr. Beatty and Mr. Hnatyshyn, and Mr. Beatty has also informally briefed the defence caucus, who support his views. Mr. Beatty is apparently very confident that his 'no' to gays and 'yes' to women in combat will be well-received.

RCMP Follow-Up to Toward Equality

- Nothing in RCMP policy and rules prevents the hiring and employment of homosexuals. Because of that, there was no official follow-up to Toward Equality. However, the vast majority of members are apparently opposed to the integration of homosexuals in their ranks and this position seems to be shared by the Commissioner. Mr. Simmonds, however, has not commented publicly on the issue since Toward Equality was released. The issue for the RCMP is therefore not to change the rules but ensure that the rules are applied in a way that does not result indirectly in discrimination.
- There is presently a case before the Federal Court brought by a homosexual member arguing he was coerced into resigning from the RCMP as a result of harassment from management. The facts of this case took place before the tabling of Toward Equality.
- The Ministry of the Solicitor General (MSG) has been working on a paper on how the RCMP should deal with this case. The paper has not yet been considered by Mr. Kelleher.

Conclusion

- We have no problem with Mr. Beatty speaking on February 5 on the issue of women in the Armed Forces. However, there clearly should be no discussion of the issue of homosexuality prior to Cabinet consideration of amendments to the CHRA.
- Mr. Beatty's position on homosexuality in the Armed Forces will require very careful consideration. Should it be sustained, it would place the federal government in the potentially invidious position of arguing that homosexuals who wish to work in schools or in the RCMP, for example, should not be the object of discrimination, but they will be if they choose to work in the Armed Forces.

L. Lafontaine/G. Reay/mj