

**NATIONAL
POLICE
FEDERATION**



**FEDERATION
DE LA POLICE
NATIONALE**

MEMBERS' RIGHTS AND RESPONSIBILITIES

QUICK REFERENCE HANDBOOK

**Conduct Proceedings:
Interim Administrative Measures
Temporary Reassignment
Suspension
Stoppage of Pay and Allowances**

**The mission of the National Police Federation is
to provide strong, professional, fair and progressive representation
to promote and enhance the rights of RCMP members.**

**The National Police Federation
encourages all members to be aware of their
rights and responsibilities in conduct proceedings.**

***The information in this handbook does not constitute legal advice.
Members who become involved in a conduct process are advised to
immediately consult a lawyer or representative.***

TEMPORARY REASSIGNMENT DURING A CONDUCT PROCESS

A conduct authority may temporarily reassign a subject member to other duties during the conduct process. The subject member must be served with the Order of Temporary Reassignment (Conduct Policy, s. 5.2.1, 5.3).

RIGHTS OF APPEAL

The subject member may appeal a conduct authority's decision to temporarily reassign them to other duties during a conduct process (*Conduct CSOs*, s. 32(1)(a); Conduct Policy, s. 5.3.8).

The subject member may also appeal any decision, act or omission that led to the decision to temporarily reassign them (*Conduct CSOs*, s. 32(2)).

Procedures for Appealing: *Grievances and Appeals CSOs*, s. 37 to 50.

SUSPENSION DURING A CONDUCT PROCESS

A subject member may be suspended with pay if they have contravened, are found contravening, or are suspected of contravening any provision of the *Code of Conduct* or of a federal or provincial statute (*RCMP Act*, s. 12; Conduct Policy, s. 5.4.1.1).

The Suspension Decision Process

- 1. If a conduct hearing has been initiated**, a suspension will be ordered (Conduct Policy, s. 5.4.1.3).
- 2. If a conduct hearing has not been initiated**, the conduct authority has discretion and must consider:
 - if the subject member can be temporarily reassigned (Conduct Policy, s. 5.3.2); and
 - if not suspending the subject member would seriously jeopardize the RCMP's integrity or operations (Conduct Policy, s. 5.4.1.2).

Right to Reasons for the Suspension and a Written Order

The conduct authority must inform the subject member of the reasons for the suspension (this may be done verbally) and have the subject member served with the written Order of Suspension **within 48 hours** of being verbally informed (Conduct Policy, s. 5.4.2.1).

Responsibilities While Suspended

A suspended subject member must (Conduct Policy, s. 5.4.2.2):

- surrender their RCMP identification card; badge; and all RCMP-issued firearms, intervention, and other equipment;
- comply with the other directions contained in the Order of Suspension; and
- adhere to the *Code of Conduct*.

Rights of Appeal

The subject member may appeal the suspension decision (*Conduct CSOs*, s. 32(1)(b)).

The subject member may also appeal any decision, act or omission that led to the decision to suspend (*Conduct CSOs*, s. 32(2)).

Procedures for Appealing: Grievances and Appeals CSOs, s. 37 to 50.

Right to Have the Conduct Authority Continuously Review and Reconsider the Suspension and Submit a Rationale Every 90 Days (Conduct Policy, s. 5.4.2.1.5 and 5.4.2.3.1)

Reinstatement Rights

A suspended subject member **must be reinstated**, retroactive to the date of the original suspension from duty (*RCMP Regs*, s. 23; Conduct Policy, s. 5.4.2.1), **if**:

- the subject member is not the subject of another conduct proceeding, nor the subject of a charge for a statutory offence;

and either:

- there is a finding that the subject member did not contravene the *Code of Conduct*; **or**
- there is a finding that the subject member did contravene the *Code of Conduct* and a conduct measure (other than an order for resignation or dismissal) has been imposed.

STOPPAGE OF PAY AND ALLOWANCES DURING A CONDUCT PROCESS

A subject member's pay and allowances may be stopped during a conduct process **only if all three of the following criteria are met** (*RCMP Act*, s. 22(2)(b); Conduct Policy, s. 5.2 and 5.5; *Conduct CSOs*, s. 2(1)(c)):

1. the member has been **suspended** from duty under section 12 of the *RCMP Act*;
2. there are **exceptional circumstances** where the **subject member is clearly involved** in the contravention; **and**
3. the alleged conduct has a **highly detrimental impact on either**:
 - the **integrity or the operations of the RCMP**; or
 - the **subject member's ability to perform their duties**.

Right to Notice of Intent to Order the Stoppage of Pay and Allowances

If the conduct authority forms the opinion that the above three criteria are met and intends to direct a stoppage, the subject member must be served with a Notice of Intent, which must include (Conduct Policy, s. 5.5.2.1):

- the grounds for ordering the stoppage, including any supporting documentation; and
- notification that the subject member may, **within seven days after being served**, present written submissions.

Right to Make Written Submissions (Conduct Policy, s. 5.5.2)

Right to Written Notice of a Stoppage (Conduct Policy, s. 5.5.2)

Rights of Appeal

The subject member may appeal the order directing the stoppage of their pay and allowances for an alleged *Code of Conduct* contravention (*Conduct CSOs*, s. 32(1)(c)).

The subject member may also appeal any decision, act or omission that led to the decision to stop their pay and allowances (*Conduct CSOs*, s. 32(2)).

Procedures for Appealing: Grievances and Appeals CSOs, s. 37 to 50.

Right to Regular Review of the Stoppage Justification

While pay and allowances are stopped, the conduct authority has a continuing onus to explain to the Designated Officer why the stoppage of pay and allowances is still required (Conduct Policy, s. 5.5.3).

Right to Engage in Secondary Employment During Stoppage (Conduct Policy, s. 5.5.2; Conflict of Interest Policy, s. 12)

If Retained, Right to Retroactive Reinstatement of Pay and Allowances

A subject member's pay and allowances **must be reinstated**, retroactive to the date on which the subject member was served with the Order to Stop Pay and Allowances, **when either** (Conduct Policy, s. 5.5.2 and 5.4.2):

- there is a finding that the subject member *did not* contravene the *Code of Conduct*; **or**
- there is a finding that the subject member *did* contravene the *Code of Conduct* and a conduct measure (other than an order for resignation or dismissal) has been imposed.

ABBREVIATIONS AND REFERENCES

<i>Code of Conduct</i>	<i>Code of Conduct of the Royal Canadian Mounted Police</i> , Schedule to the <i>Royal Canadian Mounted Police Regulations, 2014</i> . (online: https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-281/page-6.html#h-30)
<i>Conduct CSOs</i>	<i>Commissioner's Standing Orders (Conduct)</i> , SOR/2014-291. (online: https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-291/index.html)
Conduct Policy	Conduct – AM ch. XII.1 (Jan. 22, 2019) (available on the RCMP Infoweb)
Conflict of Interest Policy	Conflict of Interest – AM ch. XVII.1 (Nov. 28, 2014) (available on the RCMP Infoweb)
<i>Grievances and Appeals CSOs</i>	<i>Commissioner's Standing Orders (Grievances and Appeals)</i> , SOR/2014-289. (online: https://laws.justice.gc.ca/eng/regulations/SOR-2014-289/page-1.html)
<i>RCMP Act</i>	<i>Royal Canadian Mounted Police Act</i> , RSC 1985, c R-10, as amended on November 28, 2014 by the <i>Enhancing Royal Canadian Mounted Police Accountability Act</i> , SC 2013, c 18. (online: https://laws-lois.justice.gc.ca/eng/acts/R-10/index.html)
<i>RCMP Regs</i>	<i>Royal Canadian Mounted Police Regulations, 2014</i> , SOR/2014-281. (online: https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-281/index.html)