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Ms. Marie-Claude Morin

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•(0850)

[Translation]

The Chair (Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP)): If we may, we will begin the meeting. We have some very busy people with us this morning.

Ms. Sgro, you have the floor.

[English]

Hon. Judy Sgro (York West, Lib.): Madam Chair, before we start with our witnesses, some time ago, I gave notice of a motion to the committee, which I'd like to move now. It reads:

That, pursuant to Standing Order 108(2), the Standing Committee on the Status of Women undertake an immediate and comprehensive study of the mandate assigned to the Status of Women Canada, and that this study include a focus on strengthening the function of Status of Women Canada as a federal think-tank and problem resolution mechanism, and issues involving Canada's Aboriginal population and the unique challenges faced by new Canadians

[Translation]

The Chair: Ms. Sgro has moved a motion.

Ms. Truppe, you have the floor.

[English]

Mrs. Susan Truppe (London North Centre, CPC): I would like to move that we go in camera for committee business.

[Translation]

The Chair: Ms. Truppe is proposing that we sit in camera if we are dealing with committee business.

I would just like to say one thing. We have witnesses with us today who have had to travel and who are very busy. Committee business is scheduled for the end of the meeting. In that case, Ms. Sgro, would you agree to have the motion dealt with at that time, particularly given that our meeting is being televised?

[English]

Hon. Judy Sgro: That's certainly fine with me. The parliamentary secretary did move to go in camera, and there is usually no debate allowed on that issue, but otherwise, that is fine with me.

Mrs. Susan Truppe: That's fine with us, too.

[Translation]

The Chair: Thank you.

Good morning, everyone. Welcome to the 51st meeting of the Standing Committee on the Status of Women. Pursuant to Standing Order 108(2), we are continuing our study on sexual harassment in the federal workplace.

Today we will be hearing from House of Commons employees. With us is Audrey O'Brien, who is the Clerk of the House of Commons. Welcome, Ms. O'Brien. We will also be hearing from Kathryn Butler Malette, who is the Chief Human Resources Officer. Good morning, Ms. Malette. We will also be hearing from Sonia L'Heureux, from the Library of Parliament. Good morning, Ms. L'Heureux. And we will also be hearing from Lynn Potter, who is the Director General of Corporate Services.

I would like to thank all of you for accepting our invitation. We will be spending an hour with you. You will have 10 minutes to make your presentation, and then there will be a question period.

We can begin with you, Ms. O'Brien, if that is okay with you.

Ms. Audrey O'Brien (Clerk of the House of Commons, House of Commons): That is fine, Madam Chair. Thank you.

Good morning, everyone.

[English]

I am here today in my capacity as Clerk of the House of Commons and head of House administration, with my colleague Kathryn Butler Malette, who is the chief human resources officer at the House of Commons and is responsible for managing all of our human resources policies and programs.

[Translation]

I was pleased to receive your invitation to speak on the topic of sexual harassment in the federal workplace, not least of all so that I can clarify the status of employees at the House and perhaps dispel some common misconceptions about how we are set up.

[English]

At the outset, it's important to note that there are two types of employees at the House of Commons. The first category includes staff who work for members of Parliament, either in MPs' offices here in Ottawa or in the constituencies, as well as staff who work for house officers, that is to say, the House leaders or the whips, and in the research offices of the various parties.

[Translation]

Secondly, there is the staff of the House of Commons Administration for which I am ultimately responsible as Clerk.

[English]

Let's look first at the staff of members and house officers.

Each MP or house officer is the employer of his or her employees. As a result, each member is responsible for monitoring and managing his or her workplace environment. Each party has its own way of operating with regard to staff of caucus members, and usually the whip of the party is responsible for general oversight of these arrangements. Neither I nor the House administration has a role in managing this staff.

Now let's look at the House administration context, that is to say, the permanent staff of the House of Commons who survive from one parliament to another regardless of what party configuration has been elected.

[*Translation*]

As the Clerk, I am entirely responsible for employees in the House Administration, some 1,800 full-time employees who work in a variety of functions to support the institution. I must make another important distinction: the House of Commons Administration is separate from the federal public service and is not subject to Treasury Board policies.

[*English*]

Our roles and responsibilities as an employer derive from the Parliamentary Employment and Staff Relations Act. The Board of Internal Economy, chaired by the Speaker, finds its mandate in the Parliament of Canada Act. The board is the governing body of the House, and like any board of directors, sets policies and budgets that broadly determine the terms and conditions of the work environment for the administration.

The Parliament of Canada Act provides that the Clerk is the secretary of the Board of Internal Economy and as such, reporting to the Speaker, has the overall responsibility for carrying out the directives of the board. While we are not subject to the Treasury Board, we follow best practices in public administration. Thus, while we often develop policies similar to those of the Treasury Board, we modify them as required so as to tailor them to respond to the unique needs of the parliamentary environment.

[*Translation*]

The House Administration works very hard to promote a corporate culture of dignity and respect, where harassment of any kind is not tolerated. Through mandatory information sessions held for all employees regarding workplace conflict, the House Administration educates its employees on what constitutes harassment and what avenues of resolution are available to them.

[*English*]

Should it be the case that there is evidence of harassment, we will intervene through formal and/or informal routes. There exist many possible resolution methods for an employee who feels that he or she was subject to harassment, sexual harassment being only one kind of difficulty that might arise.

First, there is prevention and resolution of harassment in the workplace policy for the House administration, which was approved by the Board of Internal Economy in June 2001. Our harassment policy outlines mechanisms for preventing harassment, addressing allegations, and resolving harassment complaints. If an employee chooses to file a complaint under the policy, the complaint is handled

through the director of employee relations and human resources services.

Second, all collective agreements at the House administration include provisions that protect employees from harassment. The same applies to the working conditions for unrepresented employees. If a unionized employee chooses to file a grievance under the collective agreement, it follows the normal grievance process.

These two avenues are formal means of resolution, but there's also the option of an informal route that we have found to be very effective. I'm especially proud of the House administration's information conflict management program, which is called Finding Solutions Together, or FST.

• (0855)

[*Translation*]

In designing the program, we relied heavily on employee input, both from our unionized and unrepresented employees.

If sexual harassment is suspected, it is possible for someone to first seek advice through the Finding Solutions Together program. They can also seek resolution through FST.

[*English*]

Here again, employees retain the option of subsequently filing a formal complaint or grievance if they are not satisfied with the outcome from the FST process, or they can decide not to pursue the matter further, should they accept the resolution through FST.

We've noticed that most issues remotely related to harassment, which I should point out are rare, and sexual harassment rarer, first go through FST. As a result, we have had only one allegation of sexual harassment filed at the House since 2006. The case in question became a form of complaint that, following investigation by an outside expert, was deemed to be unfounded. We are nevertheless careful not to be complacent about the issue, and we are aware of our legal obligations to take action upon being informed of a complaint and to intervene in such cases. The House administration is always looking to improve its policies and processes.

[*Translation*]

That is why we are aiming to update and streamline our existing harassment policy to ensure that it is in line with current best practices in human resources management. We expect that this new policy will be in place by 2013, and it is currently being reviewed. As we are currently reviewing our policy, we will be very interested in the findings of this Committee's study on the matter.

[*English*]

I would like to thank you again for the opportunity to appear before you today. My colleague, Kathryn, and I would be happy to answer any questions you may have in due course.

[*Translation*]

The Chair: Thank you very much, Ms. O'Brien.

We will now move on to the testimony of Sonia L'Heureux, from the Library of Parliament.

You have the floor.

[English]

Ms. Sonia L'Heureux (Parliamentary Librarian, Library of Parliament): *Merci, madame la présidente.*

Good morning, and thank you for inviting me to appear before you today on behalf of the Library of Parliament related to your study on sexual harassment in the federal workplace.

[Translation]

I am accompanied by Lynn Potter, Director General of Corporate Services. In that capacity, she is responsible for providing leadership in managing Library internal services, including the HR Directorate.

Let me start by saying a little about the governance structure of the Library of Parliament.

The direction and control of the Library of Parliament is vested in the Speaker of the Senate and the Speaker of the House of Commons, assisted, during each session, by a joint committee appointed by the two Houses. Like the House of Commons, the Library is separate from the federal public service and not subject to Treasury Board policies.

[English]

Instead, the library is bound by the Parliamentary Employment and Staff Relations Act, known as PESRA, that governs the terms and conditions of employment of its staff. Our workforce of about 350 employees includes a range of subject matter experts. Our employees, for example, provide reference and analysis service to parliamentarians, their staff, parliamentary committee associations and delegations, and to senior Senate and House of Commons officials. They cover the broad spectrum from economists to lawyers to different scientists and social policy experts, as well as librarians.

Two thirds of our staff are women. Similarly, women represent 60% of the library's management cadre. We are committed to providing a work environment in which all persons are treated with respect and dignity, and where employees are expected to treat others in the same way. Employees are not expected to tolerate offensive behaviour in the course of their work, whether it be in person, over the phone, or any other circumstance. The library is a relatively small organization in which access to management at all levels is relatively easy to achieve. There is less hierarchy and fewer protocols compared with large government departments. As such, senior management at the library has a depth of knowledge and experience with our front-line worker realities and pressures they work under.

[Translation]

When difficulties arise, they are communicated and addressed as quickly as possible in a constructive and collaborative manner. Informal conflict resolution is encouraged and used where possible and appropriate.

Over the course of the past five years, the Library has received four allegations of harassment, three of which were abuse of authority and one was personal harassment. There were no cases identified as sexual harassment.

● (0900)

[English]

In March 2011, the library introduced a new policy on the prevention and resolution of harassment in the workplace, replacing an earlier policy that has been in place since 1993. The new policy is based on the principles of confidentiality, consistency, fairness, timeliness, and prevention. It was developed in relation to other federal public sector models, as well as similar policies in place in the Senate, the House of Commons, and private sector approaches to prevent harassment.

Our new policy incorporates many of the progressive best practice models in place that are grounded on prevention and resolution of harassment in the workplace. Our belief is that the best way to address workplace harassment is to prevent it from happening in the first place.

The definition of harassment in our policy includes abuse of authority, bad faith, discrimination, and sexual harassment.

[Translation]

Every employee has a part to play in fostering a respectful workplace. To support the understanding and application of the policy, the Library of Parliament provides mandatory training sessions in order to help employees better understand what constitutes harassment, including sexual harassment, educate staff on the role we each play in ensuring a respectful workplace, and promote how best to prevent or successfully resolve situations involving harassment.

[English]

Given the important role managers have in the prevention and resolution of harassment in the workplace, customized training for managers includes an assessment tool for determining instances of harassment—and if you're interested we can make copies available to you—an overview of examples of best practices for managers, possible scenarios in the workplace, and a quick reference *aide-memoire* highlighting management responsibility. Union presence in employee training sessions on this policy is also encouraged and will occur during every session with new employees. Also, all of this information is available to our employees through our Intranet site.

[Translation]

Each allegation of harassment is serious and our policy provides for measures to address both the informal and formal resolution of issues. In the informal procedure, early resolution is encouraged and managers must make every effort to resolve the issue between the parties as quickly as possible.

There are various forms of early resolution. Discussions between management and union representatives are encouraged, as are problem resolution mechanisms such as counseling, coaching, facilitation and mediation to help prevent the situation from escalating.

[English]

Under a memorandum of understanding signed in October between the Library of Parliament and the House of Commons, library employees now have access to the House's Finding Solutions Together, which provides access to a conflict resolution expert to discuss issues such as conflicts with peers, managers, as well as workplace issues that deal with harassment in any of its forms and stressful situations employees may encounter.

Library collective agreements include an article that recognizes the right of employees to work in an environment free from sexual harassment, and states that sexual harassment and abuse of authority will not be tolerated in the workplace. As such, library employees who believe they have been treated in an improper and offensive manner always retain the right to file a formal harassment complaint.

The complaint is subjected to an internal review. An investigation by an impartial and experienced person from within or outside the library is undertaken as required. The findings and recommendations are reviewed by myself, as the Parliamentary Librarian, to determine any corrective measures or disciplinary actions to be taken.

[Translation]

It is important to note that even if the complaint is unfounded, the Library will undertake to apply resolution initiatives to correct the situation that led to the complaint. Conflict does happen in the workplace. However, employees can expect they will be treated without fear of embarrassment or reprisal whether allegations are founded or not. As formal processes can take a toll on the individuals immediately involved as well as colleagues around them, restorative measures such as counselling or team-building are examples of approaches that may be taken to support the return to a positive work environment.

[English]

In September of this year, the library also introduced a new values and ethics code, replacing a former policy on conflict of interest. The code provides a set of guidelines that also support appropriate behaviour and decision-making for all employees at the library. In this sense, the code complements provisions in place under the prevention and resolution of harassment policy.

Again, a similar approach to training and awareness of the code's provisions is under way with employees across the library.

● (0905)

[Translation]

I am sensitive to the fact that policies alone are not enough. How management approaches problems of conflict in its broadest sense can make the difference between a productive, healthy and respectful workplace and one that is not. I believe that the Library has successfully established positive working relationships and practices that facilitate informal communication and ongoing dialogue. We work to maintain these relationships on an ongoing basis.

[English]

In 2011, the library introduced a practice to systematically capture exit interview data from departing employees. There is no indication from this data that employees leave the library due to concern or

experience related to harassment. The library received positive scores with regard to the organizational culture, fairness of policies and procedures, and management treatment of employees as fair and respectful.

[Translation]

Our strategic Human Resources Plan now includes the review and tracking of our policies every two years so our practices remain in step with evolving workplace needs and best practices. We also monitor the application of our policies and procedures with union representatives.

[English]

In addition to a union-management committee which was referenced earlier, we have a health and safety committee, which is another venue for managers and union representatives to voice concerns on topics of particular interest to our workplace. These measures and opportunities for dialogue, in addition to building awareness through training and use of our electronic portals, reflect our commitment to preventing and addressing instances of harassment in our workplace.

I would like to thank you for the opportunity to update you on the Library of Parliament's effort to ensure a workplace free of harassment.

[Translation]

Lynn and I are happy to answer any questions members might have.

The Chair: Thank you very much.

We will now move on to the question period. I will start with the committee members representing the government party.

Mrs. Truppe, you have seven minutes.

[English]

Mrs. Susan Truppe: Thank you, Madam Chair.

I'd like to welcome our guests. We were looking forward to having you here at this important study, and I have some questions for each of you.

I'd like to start with Madam O'Brien, but perhaps both of you could answer this question.

I read somewhere that the act allows for the expunging of recorded infringement after two years if there are no further offences. My understanding is that if someone facing a harassment charge is found guilty, the record is not only expunged but also all evidence and documents pertaining to the claim are shredded. No one, after two years, would know the person did anything wrong, if he or she were going to another department.

Could you each explain the reasoning for that?

Ms. Audrey O'Brien: If I understand you correctly, Madam Truppe, you're talking about the Canadian Human Rights Act.

Mrs. Susan Truppe: I'm not sure where I read it. I'm not sure if it's that act. It had to do with someone's being charged with sexual harassment and the record being expunged and the information shredded after two years. Maybe that does not apply to your—

Ms. Audrey O'Brien: No, it doesn't. It may be part of the Treasury Board's policies on dealing with cases. We don't follow that particular directive.

Perhaps I could have my colleague explain how we deal with it.

Mrs. Susan Truppe: Perfect. Thank you.

Mrs. Kathryn Butler Malette (Chief Human Resources Officer, Human Resources, Corporate Planning and Communications, House of Commons): In the case of an employee who was found to have been engaged in sexual harassment and who was disciplined, the disciplinary file is one element that we look at and that we retain for a length of time, depending on the disciplinary record of the employee. If the employee is discipline-free for a certain period of time, then you can't rely on that previous event, but it doesn't mean it's taken off the file.

The collective agreements and the working conditions guide us in how information is retained related to disciplinary action.

Mrs. Susan Truppe: Okay, thank you.

When the person who is the complainant or respondent in a sexual harassment complaint isn't an employee of the House administration, the policy notes that appropriate steps will be taken. I was wondering if you could clarify what steps they would be. For example, I'm thinking of someone who is an employee here and they are found guilty of sexually harassing someone who is not an employee, maybe someone who is a volunteer here or is visiting here. It says appropriate steps would be taken.

Is there some type of guideline for what the appropriate steps would be? This person would end up leaving the House, and they would not be here anymore to continue with their complaint.

Ms. Audrey O'Brien: As I understood the first part of your question, I think that was referring to a case where you have a House administration employee who is harassed by someone who is not a House administration employee, so it's the reverse.

• (0910)

Mrs. Susan Truppe: The reverse, yes.

Ms. Audrey O'Brien: What we would do there depends on who that person is. If, for example, it's someone phoning in for information and becoming abusive, then usually you would deal with that by the person who's answering the phone and subject to that abuse turning the matter over to his or her manager to deal with it, if it's just a citizen, if you will.

If it is, for example, a case where it's maybe a staff member of an MP or a senator who is harassing, then in that case what would happen is that ordinarily it would be brought to my attention. I would bring it to the attention of—let's keep it within the House of Commons—the member in question to say that this had been raised as a concern, so that they at least would be aware of the situation. We would then look into it.

First of all, I have to say this is rare, but when it happens, members are very cooperative and anxious, of course, to get to the

bottom of it. Then we take whatever steps are appropriate. It depends on where this harassment has taken place. Is the interaction between that administration employee and the member's employee, keeping that same example, a frequent interaction? In that case there has to be some kind of resolution worked out, because they're going to have to deal with each other on a frequent basis. If it's an infrequent thing or if it's a one-off where you have someone who has just lost their temper and said various intemperate things, then we can work on an apology or something of that sort.

It's really a question of bringing it to the attention of the employer, in the case of the MP, and then working out from the situation in question how best to handle it.

Mrs. Susan Truppe: Right.

As I understand you, there are different methods depending on the type of harassment, whether it's a phone call, whether it's infrequent or frequent. What about if it was sexual harassment, for example? Would there be charges laid against the employee?

Ms. Audrey O'Brien: Again, particularly in a highly charged atmosphere as this often gets to be here in a legislative environment, one of the things we are very careful about is that if someone has been upset and has raised concerns, first of all, we want to make sure that it is actually harassment that we're dealing with and not something else. In any event, we take it very seriously.

If there were an allegation of sexual harassment, then again the same basic steps would be taken. If it's somebody who isn't from the administration, I would contact the employer, and the whip of the party might have to be involved as well. I'd ask if it happened on the premises here in the work environment or was it something that happened outside in whatever context.

The other thing about this is that we realize once an allegation is made you can't unring the bell. Very often what happens is people are sufficiently upset and they may not know how to articulate what they're upset about. I think initially it requires listening very carefully to the complaint and the person who is upset.

[Translation]

The Chair: Unfortunately, I have to interrupt you because Mrs. Truppe's time is up. Thank you.

We will now move on to Ms. Ashton. You have seven minutes.

Ms. Niki Ashton (Churchill, NDP): Good morning. I would like to thank our witnesses for being with us here today.

[English]

One of the interesting recurring themes that has come up in the presentations made by various witnesses has been the importance of culture, both in creating a space where sexual harassment doesn't take place, but also culture in the context of a workplace being prone to sexual harassment.

A couple of our witnesses pointed out that when we're talking about culture and looking at the proportion of women working in a certain space, that is very critical, but also very important is the presence of women in decision-making positions in a workplace.

I'll direct this specific point to you, Ms. O'Brien. I understand that you are the first woman to hold the position that you do, as Clerk of the House of Commons. Clearly, it's a very well-respected position and a position that holds a great deal of clout in this universe.

We know that you worked in this space prior to having that position. I'm wondering if you might be able to share some thoughts about how you see that importance of culture, not just in the context of your position, but does it make a difference to have women in decision-making positions, whether it's in terms of human resources or finance or whatever it might be? In the context of the House of Commons, is it important to have women in those kinds of decision-making positions? What kind of workplace culture might that create, perhaps compared to a workplace culture that existed some years ago, for example?

• (0915)

Ms. Audrey O'Brien: Through you, Madam Chairman, thank you to Ms. Ashton.

Yes, I am privileged to be the first woman Clerk of the House of Commons. I was very pleased to accept that appointment. I'm the perfect person to ask this question of because I have been around for so long. I first started at the House in the mid-seventies. I will spare you a step-by-step journey through my career.

One of the things that has really struck me is how much the workplace has changed in the last 15 years. In the mid-seventies when I first came here, it really was very much antediluvian. It wasn't as if I was coming from a particularly progressive workplace. but it was very much a kind of feudal situation that existed at the House. That of course was before Madam Sauvé and the changes in administration and so forth that took place later on. In fact I left the House. I was here for about 18 months and then I left. I came back in 1980 to find the place really much changed.

Certainly since 1980, which I realize is in the mists of time for many people, there has been very dramatic change in the way the culture operates. Within the last 15 years, I think the changes we see in society generally have certainly permeated the culture here. I was really very touched and truthfully surprised at how many women working here came up to me after I was appointed as Clerk to say how happy they were to see a woman in that position. I had thought that it had largely gone unnoticed to tell you the truth. I was thrilled. One of the things that concerns me is the number of table officers, which at one time had been 50% women, has now diminished so that there are more men than women. That was through people moving on and so forth, but I think it's very important that we keep an eye on that.

It does make a difference, not because women are the repository of all good, but I think if people recognize themselves in the management cadre, right away you have a greater likelihood that they are more inclined to trust. Then it's up to us to prove worthy of that trust. It has made a great difference.

Certainly the greater number of women who were elected in the last election has made a great deal of difference. One of the things we strive for, for instance, even in the page program, is to have an even number of boys and girls. I say boys and girls; they would be appalled at my ageism. They're young men and young women.

Actually it's young men who are proving to be more elusive at this rate, but I do think it is important.

The culture is much more tolerant than it was. One of the things that I have found is.... A friend of mine once gave me this little adage as I was ranting about something or other, that you should never attribute to malice what you can explain by stupidity.

One of the things that happens in a lot of cases and one of the reasons I think our informal conflict resolution process works well is that if you can get conflicts at a point before they have hardened into positions and everybody has a stake in winning, you have a much better likelihood of people coming to a resolution.

That said, it doesn't take away the fact that you have to have absolutely no tolerance for harassment in any form. Once that is understood, I think you find behaviours changing. I am very proud of the workforce that we have. One of the things, as Sonia was mentioning about the library, is that we are bigger than the library at the House of Commons, but I think that because we are close enough to the front lines, everybody sort of knows what's going on so that we really keep a close eye on things.

• (0920)

Ms. Niki Ashton: Thank you very much.

[Translation]

The Chair: Your time is up. Thank you very much.

We will now move on to Mrs. O'Neill Gordon, who will have seven minutes.

[English]

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Thank you, Madam Chair.

I want to thank the witnesses for being here with us today.

I noticed as well last night, Ms. O'Brien, that you are the first lady to hold this position, and I want to offer words of congratulation. We all know that you do a great job. It's an interesting job, no doubt, but it certainly can be demanding as well.

I also want to note that I like the idea of the FST and working together, because this process helps everybody become aware and become part of it. I like what you just said about the many changes you have seen. It certainly must have been an interesting role from when you came until now. You've seen many changes. I believe we are headed in the right direction with this policy of allowing no harassment at all. With that attitude, I'm sure we're headed in the right direction.

It takes leaders like you who play an important role to set the tone and the expectations from the very beginning. That's where it all starts, with your leader and what they expect of you, because then they know where they stand.

With regard to the harassment prevention program, how often are the training sessions offered and how is their effectiveness measured?

Ms. Audrey O'Brien: Perhaps I'll ask my colleague, Kathryn, to speak to that.

Mrs. Kathryn Butler Malette: Finding Solutions Together is a very active program that came out of the idea of the integrated conflict management system that exists in the federal public service. We took it and made it into something homegrown here at the House of Commons.

It's very much aligned to our policy of absolutely zero tolerance for harassment in the workplace. There is no tolerance whatsoever. Any issues that arise—and I can't say there are many at all—are thoroughly looked into, because an allegation of harassment is often a perception of the person. You can't just dismiss it; you have to examine what that perception is.

When Finding Solutions Together got under way, in both instances we hired a labour lawyer with many years of experience in labour relations to run the program. A big part of the program, which you asked about in your question, is training. We, like the library, have obligatory training for our managers, for our employees, for unions. Everybody goes through that training, all shifts. Each year we have almost a blast of training of staff, and new staff are trained as well. They learn about the components of the policy. They understand what harassment means and what perception means and how managers need to be alert to the signs and the comments and the complaints of staff, to take action right away.

Our coordinator in Finding Solutions Together has tremendous experience and deals with a lot of issues, conflict issues mostly. Conflict is a normal thing in a workplace; it's a normal thing in life. She deals with a lot of those issues, often involving the union, if the employee is in agreement, to see whether they can work out a solution.

The statistics we keep are related to whether we think a number of grievances are affected in a good way and whether they are diminishing by virtue of the program, as well as by our number of formal complaints. Certainly the number of formal complaints is next to zero, and the grievances have diminished as well.

• (0925)

Mrs. Tilly O'Neill Gordon: The other question is, when you speak of alternative methods of resolution, what precisely do you mean, and what options are available for them?

Ms. Audrey O'Brien: I was talking about the fact that there is a formal process for lodging a grievance, but then there are informal processes, the main one of which is Finding Solutions Together.

Very often as well, one of the things the training sessions try to do is alert managers to their responsibility to keep a very close, observant eye on what's going on in their environment, so that if they see that there is a likely conflict brewing between employees, they try to intervene at a very early stage. I think this kind of proactive taking of responsibility by managers is one of the big successes we've had.

Again, it's a case of awareness training, because people might use language that's offensive to other people without recognizing it; they might tell jokes that are offensive and not realize that this isn't 1946, that kind of thing. It really is trying to sensitize people in an environment, so that they will act in some sense, outside the parameters of the policy, just to do the right thing.

Mrs. Tilly O'Neill Gordon: Yes. Having worked in the workforce before, I realize that what may be offensive to me may not be offensive to someone else or vice versa.

Ms. Audrey O'Brien: Exactly.

Mrs. Tilly O'Neill Gordon: People have to be aware of that.

Ms. Audrey O'Brien: I think Kathryn has something to add on alternatives.

Mrs. Kathryn Butler Malette: Just to add to what Madam O'Brien said, we do offer mediation. The coordinator will offer, in many instances, mediation between—let's say it's two employees, let's say it's an employee and a manager. Often just putting those elements on the table, with a mediator to encourage that open discussion, dispels the conflict. It clarifies positions, or comments, or whatever.

As I say, we don't have many instances of harassment so mainly it's conflict resolution, which of course could lead to other things, but we find the mediation that we do internally very effective.

Mrs. Tilly O'Neill Gordon: Yes. It's because you get to it soon enough that it probably counts as a means of prevention.

What about the library? Do you want to say anything or make a comment?

Ms. Sonia L'Heureux: We adopt similar approaches. I think the dialogue and the awareness are what we favour. When you have conflicts between individuals, you have to talk about them to understand where the conflicts come from and how it's being perceived.

In terms of our methods, we do support facilitation, mediation, but also trying to understand what is the root cause of the conflict. Sometimes it's in the workplace and sometimes it is not. Our employees may be subject to pressures that are not related to the workplace but that come out in the workplace. Understanding where it comes from is helpful.

[Translation]

The Chair: Unfortunately, I have to interrupt you. Thank you very much.

We will now move on to Ms. Sgro. You have seven minutes.

[English]

Hon. Judy Sgro: Thank you very much, Madam Chair.

Welcome to all of you, again, especially Ms. O'Brien. We've worked for a very long time together.

How many people are you actually responsible for, Ms. O'Brien? How many do you oversee?

Ms. Audrey O'Brien: There are about 1,800 full-time employees, and with contracting and term employees....

Mrs. Kathryn Butler Malette: There are probably 2,000 or more.

Ms. Audrey O'Brien: Maybe a little over 2,000—2,200 in all.

Hon. Judy Sgro: About 2,200. How many complaints have been brought to your attention through different processes in the last five years, let's say?

Ms. Audrey O'Brien: In the last five years there have been no cases that have had to come up to my....

Hon. Judy Sgro: They would have been resolved at the FST, Finding Solutions Together.

Ms. Audrey O'Brien: Yes, or the human resources level.

Hon. Judy Sgro: Can you tell me how many, in approximately the last five years, have been brought to your attention to be resolved through the FST or any other way?

Mrs. Kathryn Butler Malette: Do you mean sexual harassment or...?

Hon. Judy Sgro: Harassment.

Mrs. Kathryn Butler Malette: Harassment. I can think of only one since I've been here. The matter was thoroughly investigated. The union was involved, and it turned out that it really wasn't harassment; it was other things.

But there are conflicts all the time that we deal with that don't come to my level but are resolved through FST.

Hon. Judy Sgro: I certainly think the speedy resolution of the issue is the way to deal with an awful lot of these things, right at the very beginning, when something is flagged, not having to leave it to go through alternate managers. I think much of the problem that we've been hearing about is the process issue, where people just didn't feel there was an opportunity for a speedy resolution of the complaint or issue and that continued to brew and become bigger and bigger.

On the issue of the regular mandatory training sessions that you referred to, how often is regular mandatory training? What does that mean, actually? Is that once a year, every two years, as far as the training sessions for managers and people at that level are concerned?

• (0930)

Ms. Audrey O'Brien: When the policy was first introduced, there was a mandatory training program for all managers, and that went through the House, and then for all employees.

Kathryn, perhaps you can explain the regular.... Certainly any time any new employees are hired, as part of their orientation program there is the component of the no tolerance for harassment and the fact that the policy exists and so forth.

Kathryn, could you...?

Mrs. Kathryn Butler Malette: Yes. We've gone through a full blitz of training in the last couple of years. The training in conflict resolution and understanding conflict is part of our regular training calendar. On an ongoing basis the Finding Solutions coordinator will organize training sessions just to refresh, if you want. Those are on a quarterly basis, depending on her time. She's very busy with her work and doing mediations and whatever, but training is a big part of her role.

Hon. Judy Sgro: It would be very easy for people who are in a job for a significant amount of time to kind of forget about things like harassment and what that really is. I really like the idea of your

having regular mandatory training rather than a program once every 10 years. I think it's a reminder that certain behaviours are unacceptable in the workplace, whether we're talking about men or women. It's a fairness issue for everyone.

On the issue to do with staff for members of Parliament, I think in the years I've been here I've seen a bit of a change in certain ways in how MPs treat their staff, but I have also seen young women in particular—and possibly young men, I want to be fair on everything.

I'm speaking in particular about a young woman who was clearly being abused while she was working for a member of Parliament. There's nothing much short of it. She worked extremely long hours. She was yelled at, treated disrespectfully in all senses, and was reluctant to go anywhere to lodge a complaint. She didn't want to lose her job. Ultimately she left because there was no other way of dealing with the issue, but that was too bad because she did not want to have to leave.

When I suggested to her that she might speak to others, i.e., whips and people in a higher position, she was very reluctant to do it and ultimately just quit. I thought that was a shame because it was not fair, and she should have had an opportunity to stay in the job, but it didn't work out.

I suspect there are a lot of people who work for MPs who are not coming forward, because we expect an awful lot of people who work for us. Is there ever a meeting done with the staff of members of Parliament outlining opportunities for them to lodge complaints without having to be in fear of losing their jobs?

Ms. Audrey O'Brien: The short answer is no. We don't have any role to play in making the staff of members aware of what their rights might be and how to operate if they have a conflict, or a harassment situation, or what they view as an abuse of power situation.

What we do is, after an election when there's an orientation of new members, we make a point of explaining to members, many of whom have not been in a position where they employ people before, to tell them that they are now an employer and they have responsibilities in that respect. We go through the framework they need to operate in, generally speaking.

I confess that I think for many members who come in after an election it is a huge leap to actually run an office and manage a group of people here and in the constituency. Very often they are terrifically vulnerable to whoever they hire as their chief of staff. You end up in situations, which as you say, are sometimes very unfortunate.

• (0935)

Hon. Judy Sgro: Has there been any interest or any request to create an opportunity to meet with MPs' staff to outline to them the kind of behaviours they should tolerate and not tolerate, or anything along those lines?

Ms. Audrey O'Brien: I should say—

The Chair: Very quickly.

Ms. Audrey O'Brien: Yes. I should say quickly that I think all of the parties and all of the whips are very anxious to avoid these kinds of situations, but I don't think any of them view us, the administration, as part of a solution to that. I think they view themselves as handling it in their own party in their own way.

Hon. Judy Sgro: There is no formal mechanism.

Ms. Audrey O'Brien: No there isn't.

[Translation]

The Chair: I am sorry, Ms. Sgro, but your time is up. Thank you.

We will now move on to the second round of questions.

Ms. Bateman, you have five minutes.

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Thank you, Madam Chair.

I would like to thank all our witnesses.

I was very interested in your comment about the leadership you have shown.

[English]

Expunge is one word I don't know *en français*. I think that's wonderful that you do not expunge after two years the record of somebody who has harassed. Perhaps for the record that is something we could make sure this committee hears loud and clear. Perhaps that could be a formal part of our report that could change Treasury Board, because you were so very kind to say we learn from Treasury Board's rulings. I think there's an example of where Treasury Board could learn from you. I think that's an improvement.

I just want to ask a couple of questions.

[Translation]

Thank you for the quotation.

[English]

You mentioned that someone said to never attribute to malice what you can explain by stupidity.

Are the language instructors we are privileged to have employees of the House of Commons?

Ms. Audrey O'Brien: Yes, they are.

Ms. Joyce Bateman: They are. In a situation in which someone who is a member of the House of Commons staff, whether in the language area or another one of the many service areas, which we appreciate, with respect to the commentary about abuse of power—and Madame L'Heureux mentioned it as well in her remarks—sometimes harassment starts through an abuse of power situation. We often look for male to female, but it can be the reverse just as easily. We should be cognizant of both.

When somebody feels, among your 2,200 employees or 1,800 full-time employees, that they are being abused, for whatever reason, whether it's racism or whether it's that someone doesn't like how they look, how does that employee come forward? Much as Madam Sgro said, sometimes people are just afraid to. I think they have a more long-term reality than ministerial and MPs' staff have, so there's more at risk for that individual.

How do they come forward without tarnishing their ability to continue to work?

Ms. Audrey O'Brien: You're talking about a situation, let's say, in which, if I understand you correctly, you might have an MP and a—

Ms. Joyce Bateman: No, I'm talking about a situation in which somebody, say, in the language training area is being regarded very well by all of their... Their client service ethic is *exemplaire*, and their direct supervisor may not appreciate that.

Ms. Audrey O'Brien: Right.

This is part of what makes my job the best job in Canada, as far as I'm concerned. It's these kinds of complexities and nuances.

One of the things that we as managers and I as Clerk have to be very careful of is the notion that there are various people involved in the administration who provide direct service to members. They may provide absolutely brilliant service to members and be recognized for that and do it in an exemplary fashion.

That does not necessarily make them exemplary employees. This is a hypothetical comment, but you might have a person who views themselves as an individual providing an individual service and is very proud of it and so forth, but does not operate very well in the work environment with other team members—say, with other teachers—and is disrespectful to the supervisor, and feels that they can set aside any kind of directive—

Ms. Joyce Bateman: What if the supervisor is disrespectful to that person?

Ms. Audrey O'Brien: Ah, well then, that's—

Ms. Joyce Bateman: —because it's a matter of which comes first, the chicken or the egg?

Ms. Audrey O'Brien: Exactly.

If the person has any cause to be upset or to feel that the supervisor is disrespectful to them, they can certainly go to human resources, to the FST program—

● (0940)

[Translation]

The Chair: Unfortunately, I have to interrupt you, Ms. O'Brien. The five minutes go by quickly, don't they?

[English]

Ms. Audrey O'Brien: *Oh, mon Dieu!* I talk too much; that's the terrible thing about me.

[Translation]

The Chair: But it was very interesting.

We have three minutes left to complete this round of questions.

Mrs. Hassainia, I will give you the three minutes.

Mrs. Sana Hassainia (Verchères—Les Patriotes, NDP): Thank you, Madam Chair. I will be sharing my time with my colleague.

First, I would like to thank our guests for their testimony this morning.

I would like to ask Ms. L'Heureux a question about the document concerning the procedure for filing a harassment-related complaint and the guide for determining what constitutes harassment. In the column headed "What Does not Generally Constitute Harassment" it says: "A single or isolated incident such as an inappropriate remark or abrupt manner."

Ms. L'Heureux, could you give me your opinion about that definition?

Ms. Sonia L'Heureux: We will consider the type of remark in a particular context in our training programs. We will examine scenarios and look at how these remarks may be made. Is it a remark directed to an individual with a particular intention? Is it something said thoughtlessly? How will it be interpreted? This would not necessarily be harassment. It has to be seen in context. A remark that is made does not necessarily amount to harassment. It has to be considered in context.

Mrs. Sana Hassainia: Thank you.

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): I am going to move right along to the next question.

Ms. O'Brien, I am very proud to hear the answer you gave Ms. Ashton about the organizational culture and how it has progressed since the 1960s. I also congratulate you for staying all this time because you must really have had some difficult times.

There are about 1,800 full-time employees and 300 temporary employees. I would like to talk about the organizational culture. Can the fact that there are a number of women managers have an impact on the fact that there are so few complaints? Is it easier to solve problems with more women in management positions?

Ms. Audrey O'Brien: It is hard to say what the reasons why we have seen an improvement are. Certainly having women in management positions makes a difference. As I told Ms. Ashton earlier, it means that employees are able to recognize themselves in the management cadre. That is important.

As well, you can tell from my white hair that I am one of the employees with the most seniority. As the generations succeed each other at the House, people bring new behaviours that are perhaps more respectful than before. I would not want to say that it is just the fact that there are women in management positions that makes the difference, but it is one of the factors.

While I am here, I would like to point out that my colleague Sonia L'Heureux is the first female librarian. All of her predecessors were men.

● (0945)

Ms. Sonia L'Heureux: Thank you.

Ms. Audrey O'Brien: We are gradually getting there.

The Chair: Thank you very much.

This concludes our discussion. Thank you for taking the time to come and meet with us. It was very interesting.

I am now going to suspend the meeting for a few minutes to allow the other witnesses to take their places and so that people can get a coffee or a glass of water.

Thank you.

Ms. Audrey O'Brien: Thank you very much, Madam Chair.

The Chair: Thank you.

The meeting is suspended.

● (0945)

(Pause)

● (0950)

The Chair: Let us resume our meeting, if we want to have as much time as possible.

Good morning again, everyone. Once again, we have representatives of the Department of National Defence with us as we continue our study on sexual harassment in the federal workplace. We are very grateful to you for coming back to the committee, given that we were interrupted last week.

Since you already gave your presentation last week, this week we are just going to ask questions so we can make good use of the time we have. If I may, I am going to introduce our witnesses again. We have with us Susan Harrison, Jacqueline Rigg, Karol Wenek, Cdr Tony Crewe and LCol Mark Gendron, not Gordon as I said last week.

If it is agreeable, we will move on to questions right away. We will start with Ms. Ambler, from the government party.

You have seven minutes.

[English]

Mrs. Stella Ambler (Mississauga South, CPC): Thank you, Madam Chair. Thank you for returning to our panel and our study on sexual harassment in the workplace.

Ms. Rigg, in your remarks last week you mentioned the zero tolerance policy and theme which we are hearing from most of the presenters to our committee. I think we can all agree that this is a very positive thing. When we're talking about harassment of any kind, zero tolerance has to be the starting point.

I'm wondering what this mean in practice. We're also talking about the culture in the workplace. In fact, our previous panel brought this up, the point being that different workplaces have different cultures. The environment is different. I would say that in the military the environment is going to be, quite obviously, different from what it would be for people in an office setting, for example.

Can you tell me how the zero tolerance theme plays out in the defence department with staff who work in this particular milieu?

Ms. Jacqueline Rigg (Director General, Civilian Human Resources Management Operations, Assistant Deputy Minister (Human Resources Civilian), Department of National Defence): Sure. Thank you, Madam Chair.

The strong stance we take against harassment is supported by many things within our organization. Our emphasis always is on prevention. We do extensive training on prevention with all of our employees, as well as our managers. Also, in order to do that our policy and guidelines indicate it's not even just the responsibility of the person who feels they're being abused, but it's also the responsibility of anybody else who observes this type of behaviour. They have a responsibility as well to report, to talk to that person, and to encourage them as well to report.

You're right when you speak about the atmosphere and culture of an organization. In an organization where 70% of our civilian staff are managed by military, we're very aware that there's a need to be ever present. We do poster campaigns. We do information sessions. We make sure that all employees are aware of what we consider appropriate and inappropriate behaviour. In terms of our training sessions, they are mandatory. There's one for supervisors, and one for employees as well.

The culture change starts with the leadership, in terms of their non-acceptance of anything that seems to be off-colour or incorrect. We do early action, even on items that may not be so sure. We try to do correction with our staff before something becomes an issue. That's why we have responsible officers who look at organizations. There's one per unit. There's a responsible officer and a harassment adviser per unit. They actually keep an eye on those situations, to try to ensure everybody's educated and aware of our stand on harassment.

• (0955)

Mrs. Stella Ambler: Thank you very much.

Mr. Wenek, as the chief of military personnel, would you say you follow the same process, in terms of leadership training, so that the culture and the environment of the military is taken into consideration when implementing a zero tolerance policy?

Mr. Karol Wenek (Director General Military Personnel, Chief Military Personnel, Department of National Defence): Yes, Madam Chair, I think that one of the principal issues as well is that military members and commanders have a positive duty to deal with any issues that come before them. They cannot let issues slide. Their failure to comply with that directive could be treated under the code of service discipline, and they could be subject to disciplinary measures for such failure.

In fact, when General Baril was chief of the defence staff in the late 1990s and shortly after the *Maclean's* story broke on sexual assault and harassment in the Canadian Forces, he sent out a very strongly worded letter to all commanders advising them of their responsibilities. He opened a 1-800 line for women who felt that their complaints were not being adequately addressed.

He did receive a number of complaints from women. I believe there was one circumstance in which one of the complainants said that the commanding officer did not follow up seriously on the complaint. He had an invitation to appear in front of the chief of the defence staff and as a result of the interview, he was relieved of his duties. When the senior leadership intervenes in that way and takes a strong stand, it sends a strong exemplary message to the rest of the chain that we are taking it seriously.

Mrs. Stella Ambler: Was this as a result of a 1-800 call?

Mr. Karol Wenek: It was a result of a complaint coming to his attention. It might have come through a letter or some other form, but his office was open to receive those complaints directly.

Mrs. Stella Ambler: Do you think that anonymity is important in encouraging complainants to speak out?

Mr. Karol Wenek: Well, it can't be anonymous because the respondent has a right to know the nature of the complaint and who

is making the complaint. There is a balance of responsibilities that has to be observed here.

Mrs. Stella Ambler: Of course.

Ms. Rigg, you mentioned that women are overrepresented in the management group made up of executives in the civilian services. I assume that means over 50% of the employees.

Ms. Jacqueline Rigg: I think it means over, but I'll double-check with my colleague, Susan Harrison. I believe it means over our targeted allotments for EE, employment equity.

Mrs. Stella Ambler: Oh, okay.

[Translation]

The Chair: I have to interrupt you, Ms. Ambler. Unfortunately, your time is up.

[English]

Mrs. Stella Ambler: Okay.

[Translation]

The Chair: Thank you.

We will now move on to Ms. Ashton, who will have seven minutes.

[English]

Ms. Niki Ashton: Thank you very much for returning to answer more of our questions.

Mr. Wenek, I want to pick up on the story that you shared just a moment ago, particularly the aspect of the disciplinary action. As you noted, the complete relief of duties took place as a result of this complaint. How important do you think that was in sending a strong message to the members of the forces?

Mr. Karol Wenek: Well, Madam Chair, I think that those kind of exemplary disciplinary proceedings are important in that they signal a shift in the culture. Whereas previously that kind of behaviour might have been accepted, it indicated that it was clearly no longer acceptable.

In fact, that's part of the basic lesson that is drilled into new members of the armed forces, that they have a responsibility to correct or report, as appropriate, any observed harassment, and that they have a duty to take action if they have the authority to do so, as well as encourage others to take action if they feel that they require that form of support.

It's all those kinds of things that contribute to a change in the behavioural norms within an organization.

• (1000)

Ms. Niki Ashton: Obviously, the RCMP and Department of National Defence are different organizations that face different and unique life-threatening situations on a day-to-day basis. Mr. Wenek, or others among our visitors, I'm wondering if you have any recommendations based on the work that DND has done that you might share with an organization like the RCMP, given the similarities—obviously there are differences—in the kind of work they do.

Mr. Karol Wenek: Madam Chair, I think one of the biggest assets a formally hierarchical organization, such as the Canadian Forces, has is its ability to regulate the behaviour of its members, which is reinforced by the code of service discipline. I'm not entirely familiar with what the RCMP have or whether they have something similar, but it gives institutional leaders really all the authority they need to change behaviour in whatever direction they choose. Without this, it may be difficult in some circumstances to achieve the required change, but I think it has to be a foundational piece.

Ms. Niki Ashton: You spoke in your last presentation about the importance of alternative dispute resolution mechanisms. Would you say it would be an important avenue to pursue?

Mr. Karol Wenek: I believe it is. Our experience has shown that it's been very successful for us. It also preserves or assists in preserving the teamwork and cohesion necessary to the function of that kind of organization. The idea is to use discipline and punishment when necessary, but to the extent possible to use less formal means that preserve the working nature of the organization and preserve the social relations as well.

[Translation]

Ms. Niki Ashton: How much time do I have left, Madam Chair?

The Chair: You have three minutes left.

Ms. Niki Ashton: Very good.

[English]

Because this is actually a gap in what we heard from the RCMP, I am wondering about the absence of an interest in alternative dispute resolution mechanisms. Something we've heard from various organizations is that it's an effective way of dealing with harassment and with setting a tone that makes clear that harassment is unacceptable.

Could you elaborate a little and maybe give us an example of an alternative dispute resolution that is often used and indicate why you believe it works well?

Mr. Karol Wenek: I may defer that question to Commander Crewe, since he has a little more familiarity with that process.

Cdr Tony Crewe (Director Human Rights and Diversity, Assistant Chief Military Personnel, Department of National Defence): Thank you.

In the ADR process, as we mentioned before, it's always the intent to try to resolve at the lowest level. When a member comes in to a dispute resolution centre and seeks these services, one of the first things that will be asked is whether the member has approached the chain of command with the issue. If the answer is no, they'll discuss why not and perhaps steer the member back to the supervisor. If there is an issue with the supervisor, then that supervisor has a boss and it should be routed that way.

The ADR practitioners have a few different methods at their disposal. They will act as a neutral third party and get both sides of the issue together. If there's more than one person on each side, they'll try to get them all together to discuss it and try to resolve the issue before it becomes formal, before it becomes a grievance or a human rights complaint, so that, as Mr. Wenek said, we can try to keep the workplace social fabric from being torn apart by the issue.

• (1005)

Ms. Niki Ashton: Thank you for sharing that.

Mr. Wenek, you referred to the *Maclean's* article and the attention that was given to sexual harassment. How long did it take for the military to act to address those very serious issues?

Mr. Karol Wenek: I think the initial changes, Madam Chair, occurred within the year. I think the story came out in early 1998, and before the end of 1998 this hotline was set up.

The CDS had issued directives to look at our policy and procedures. We moved very quickly on this. I think that's an important issue as well for signalling change. You can't take a long time to address it. You have to develop a few critical objectives, set some realistic but urgent timelines for them, and then move very quickly to implement those changes.

Ms. Niki Ashton: Thank you.

[Translation]

The Chair: Thank you.

We will now move on to Mr. Aspin. You have seven minutes.

[English]

Mr. Jay Aspin (Nipissing—Timiskaming, CPC): Thanks, Madam Chair.

Welcome to the witnesses, and thank you again for returning to answer our questions.

Mr. Wenek, you mentioned the Five Eyes. We have been made aware that a recent international comparison of women in armed forces portrayed the Canadian Forces as among the leaders in integration of women.

To what do you attribute this relative success in integrating women within the Canadian Forces?

Mr. Karol Wenek: It's a very difficult question, Madam Chair, but I'll attempt to give an answer.

I think it's not just on the integration of women that Canada is perceived to be ahead of the issue. I think in a number of areas of social change, such as the acceptance of homosexuals into the military and other social policy issues, the Canadian military has usually been close to the front of the pack on these issues.

While I would certainly like to say this was due to the initiative of the leadership that would be to misrepresent the issue, I think the major factor in the Canadian Forces achieving this kind of leadership role has been the influence of the law on social change. In that respect, I think the work that Parliament does in terms of establishing laws for fair employment practices is critical. I think the leadership then does its duty and complies with what the country and the law expects them to do. In that respect, I think the charter, the Canadian Human Rights Act, and the Employment Equity Act, have been key drivers of social changes in the Canadian military.

Mr. Jay Aspin: Thank you.

What role, if any, do you believe the standard for harassment and racism prevention training has played in achieving this success?

Mr. Karol Wenek: Madam Chair, I'll answer the first part of the question, then I'll ask Commander Crewe to flesh it out with a bit more detail. I think what the training did was establish very quickly a common frame of reference for all members of the Canadian Forces and departmental employees as well in that this was obligatory training for all members serving at the time. In other words, we weren't going to do this in a phased approach and wait five, six, seven years as new people came through the system to be exposed to this.

In other words, we'd do a sweeping across the board change by making everybody take the training within a certain period of time. Then everybody would be on the same page. Everybody would know what the norms are. Then we would let a different process, routinize—if I can use that word—this training, as new members joined the organization. I think it did play an important role.

Tony, I'll ask you to add to that.

Cdr Tony Crewe: All I can do is echo that it's setting out the awareness so that every single member is aware of what the policy states, what is acceptable, and going through some examples of issues that may have come up or that could come up so that there is some sort of idea of what's reasonable, and what's not reasonable. Then it's embedding that very same training into every basic course and every level of leadership training within the military since then, so that new people are getting the same information and leaders are refreshed as they go through their promotions and through the ranks.

•(1010)

Mr. Jay Aspin: Okay, thank you.

The committee understands that the ombudsman's office may make recommendations to appropriate officials within the department or the forces. Can you advise the committee on whether any of these have addressed sexual harassment?

Mr. Karol Wenek: Madam Chair, I'm not aware of any systemic policy issues. I know the ombudsman has addressed individual complaints and serves as an important neutral third party in assisting us to resolve some of these complaints. I'll ask Tony if he's aware of any policy recommendations.

Cdr Tony Crewe: I'm not aware of any either, Madam Chair. We'd have to defer to the ombudsman, who isn't here today, if he has any history of anything that we're not aware of.

Mr. Jay Aspin: Thank you.

[*Translation*]

The Chair: You have two minutes left.

[*English*]

Mr. Jay Aspin: I just have a further question, gentlemen and ladies.

The committee has heard from experts that the preferred approach to preventing and solving sexual harassment issues in the workplace is to rely as much as possible on alternate dispute resolution, ADR, mechanisms, rather than the more formal grievance and complaints processes. Has the ADR mechanism been widely used within the Canadian Forces?

Cdr Tony Crewe: Yes, it has. Since its inception, it has become fairly widely used.

I was just out in the Edmonton area speaking to the army chain of command out there about our integrated conflict management process that we're going through. The army chain of command has fairly well embraced it, to the point where they try to send about 25% of all deploying members on a dispute resolution course prior to deploying. That's not aimed at dispute resolution with the enemy or other international forces that come in, but at dealing with their own folks in a deployed setting.

It has been fairly widely accepted. I can't say that it has been 100% accepted across the board, but there has been good acceptance.

Mr. Karol Wenek: I would add that conflict resolution is a fundamental leadership and management skill. There are all kinds of conflicts that arise in the workplace, so we see this as an essential basic skill that all leaders must have.

[*Translation*]

The Chair: Thank you, Mr. Wenek.

Ms. Ashton, your time is up. Thank you.

We will now move on to Ms. Sgro, who will have seven minutes.

[*English*]

Hon. Judy Sgro: Thank you very much, Madam Chair.

Welcome to our witnesses. Thank you for coming back.

We all have a few more questions, and we're very pleased to see the kinds of improvements in the armed forces that have come as a result of upheaval that you've all had to face over the years. Significant change has happened, and you're now being referenced as a model for others, so congratulations for the turnaround.

The issue, though, is that I can see all of this working very well within the confines of offices and so on, but when you're in combat zones, I would think that it's a whole different world. As much as you may have all kinds of statements about what's acceptable and what isn't, when you're out in the combat zone areas, which is what most of your service members sign up for, I would suggest, how do you deal with that?

That has to be a much more challenging environment to stay on top of and to ensure that the kinds of things that go on are appropriate in those kinds of atmospheres. How do you deal with those areas?

Mr. Karol Wenek: Madam Chair, I will provide a general answer, and then I'll defer to my colleagues, who may have had some experience in that kind of environment. I would say that simply because we go into operations or a combat environment doesn't mean that we set aside the rules and regulations that govern the operation of the Canadian Forces.

That's an additional lesson, I think, that we learned in the last 20 years or so, and it's being reinforced with additional training in the law of armed conflict and how we conduct ourselves in operations. Those are mutually supporting orders, directives. Again, they are intended to ensure that the same standards apply at home and abroad, notwithstanding that stresses and pressures might be ratcheted up severalfold.

With that as the sort of general answer, that we apply the same rules and regulations at home and abroad, I'll ask my colleagues if there is anything they can add from their perspectives, either on operations or other dealings.

● (1015)

Cdr Tony Crewe: Further to the training that I just mentioned, there was pre-deployment training that some of the staff got before going on deployment to Afghanistan. The comments that were received when troops returned from Afghanistan were that the supervisors who had taken the training were very grateful that they had received the training because, in their words, had they not had that level of training in dealing with their own personnel prior to departure, it would not have allowed them to have achieved their mission as successfully.

When you're in a theatre of operations, the troops have to be able to depend on each other and trust that each one of them is going to do the job they are tasked to do. They must have that reliability, and the supervisors have to be able to make sure that there are no interpersonal tensions. As I said, the comments we got back were that it was very useful training for the supervisors to take for dealing with their own personnel in theatre.

LCol Mark Gendron (Director of Law Military Personnel, Office of the Judge Advocate General, Department of National Defence): I would say, having deployed on two tours of Bosnia and nine and a half months in Afghanistan, that the regulations, particularly the Queen's regulations and orders and the code of service discipline, continue to apply, and the expectation is that they will continue to be applied by the chain of command.

I would also assert that this gives, at one end of the spectrum, the resources necessary to a commander to effect discipline. On the administrative side, there are always administrative entities and structures in place that allow for resolution.

I might assert that formal ADR processes are not always conducive, but certainly the expectations in terms of what is applied—sexual harassment guidelines, all of those things—remain extant and are necessary for effective discipline on any deployment.

Hon. Judy Sgro: Is there still a statement that says when you're in combat you're not allowed to get into a relationship? I think there was something in the newspaper about two years ago about a commander having a relationship with one of his subordinates. I'm talking about a mutual relationship. There was discussion about what the rules were.

LCol Mark Gendron: Without getting into the details of any given case—

Hon. Judy Sgro: Yes, of course.

LCol Mark Gendron: —which would not be appropriate, I would assert that every mission has its series of task force standing orders, which have often the regulations or the direction regarding relationships. There are also general provisions outlined within the DAODs as well as the QR&Os. It's very fact driven and it's very circumstantial. My understanding is that those task force standing orders in Afghanistan in particular are still in place.

Hon. Judy Sgro: It sounds like all of the policies and everything are put in place; it's just that this is human behaviour, and we always

have to accept that we are humans. You can put down all the rules—we've been hearing about all kinds of great policies and rules and regulations—but it is human behaviour that is there, without question.

I think a change in the culture, which is what I think we're talking about in the RCMP, is about leadership in so many different areas of establishing what is acceptable and what isn't. I'm pleased to know that you're working on trying to ensure that happens, always recognizing that we are human and that none of us is perfect, any more than any of your men and women who work in your service are.

I had some questions for the ombudsman last week, but we left him, and now he isn't here this week. If I could, I'll ask you. My understanding is he had some recommendations that he felt would strengthen Bill C-15. Is anyone aware of what some of those recommendations might be that would strengthen Bill C-15?

● (1020)

The Chair: Very quickly, please.

Hon. Judy Sgro: Maybe someone could inquire and come back to the committee with some suggestions.

[Translation]

The Chair: I am sorry, Ms. Sgro, but your time is up.

[English]

Hon. Judy Sgro: Thank you.

[Translation]

The Chair: We will now move on to Ms. James.

Ms. James, you have five minutes.

[English]

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Madam Chair.

To our witnesses, welcome back.

I'm actually going to follow up on a question that Ms. Sgro asked you regarding personal relationships. I noticed in your speaking notes words from the last meeting. You talked about “a policy regulating personal relationships and fraternization”. When I hear the word “regulating”, does that mean it's allowed or disallowed, and is it rank specific? Could you define the difference between what you mean by “fraternization” and “a personal relationship”? I think I know the latter, but what does “fraternization” really encompass?

Mr. Karol Wenek: Yes, Madam Chair.

In fact, I'll quote directly from the policy. The policy is our defence administrative order and directive 5019-1: “Personal Relationships and Fraternization”. Fraternization is defined as follows: “Any relationship between a C[anadian] F[orces] member and a person from an enemy or belligerent force, or a CF member and a local inhabitant within a theatre of operations where CF members are deployed”. It's not internal relationships. A personal relationship is defined as follows: “An emotional, romantic, sexual or family relationship, including marriage or a common-law partnership or civil union, between two C[anadian] F[orces] members, or a CF member and a DND employee or contractor, or member of an allied force”.

Basically what the policy acknowledges is the right of individuals to form personal relationships in the workplace. We don't dispute that. But there are certain operating circumstances in which that might compromise fairness in the workplace. It might compromise the integrity of the chain of command. In those circumstances, we're saying that people who want to enter into that kind of relationship have to declare it so appropriate measures can be taken to ensure that neither of those issues is adversely affected.

For example, we disallow personal relationships between trainers and trainees. It's too easy for a person in a position of authority to exploit, for example, a new recruit and take advantage of him or her in some way. There are no personal relationships permitted in that kind of circumstance.

Similarly, in a theatre of operations, the commander has to determine to what extent—and this is the operational commander—he or she will allow the expression of personal relationships within that theatre of operations. In other words, if there's a risk of compromising the mission and fairness to other members of the organization, his or her judgment will prevail.

Would you like to add to that, Mark?

LCol Mark Gendron: No.

Ms. Roxanne James: Actually, I'll go on with another question.

You acknowledge that relationships on an even level are acceptable. When it involves a higher rank, and someone is a subordinate to that person, is that disallowed?

Mr. Karol Wenek: Well, it depends. If they're in the same chain of command, it's disallowed. For example, you could have people in a personal relationship at a military base but working in different subunits, so there's not necessarily any conflict of interest there.

Ms. Roxanne James: I know there's a very low...based on the percentages of complaints or sexual harassment complaints or harassment in total.... But do you not see that when personal relationships break up, fall apart, or go south, is that not opening the door to the greater possibility of a sexual harassment type of situation? If so, have there actually been any complaints associated with that as the leading cause of a complaint coming in?

Mr. Karol Wenek: Madam Chair, I think the risk is always there. As to how that plays out, maybe Tony can add something on that.

Cdr Tony Crewe: That would be up to the responsible officer to determine. When a situational assessment is done on the complaint to see if it meets the grounds to carry it forward as a complaint, certainly those aspects will come into consideration. Is it a valid complaint, or is it a retaliatory complaint "because you broke up with me" and that sort of thing? It's all going to be situational and case by case.

Certainly, as mentioned, we're human, so that sort of issue may come up in a complaint situation, but we certainly don't track it on that basis.

• (1025)

Ms. Roxanne James: I have a quick question, because I think my time is running out.

The Chair: Very quickly.

Ms. Roxanne James: When we talk about resolution through alternative dispute resolution, one of the options is self-help. Could you explain what self-help means?

Cdr Tony Crewe: That's the process of trying to refer the member back to the chain of command, to get the member to take himself or herself through in speaking with the supervisor. There are some reference materials that the member is steered to.

Rather than act as the neutral third party and broker discussions, they try to get the member to have that face-to-face discussion with the supervisor.

[*Translation*]

The Chair: Thank you.

We will now move on to Mrs. Hassainia. You have five minutes.

Mrs. Sana Hassainia: Thank you, Madam Chair.

I would like to thank our witnesses for agreeing to come back to meet with us.

From the last meetings, we understand that part of the improvement in the culture involved an increase in the number of women. What changes are essential in order to provide a safe environment? What measures are you going to take to continue to increase the number of women in the Canadian Forces?

[*English*]

Mr. Karol Wenek: Madam Chair, we have had several initiatives in place for many years to encourage women to join the Canadian Forces. Our recruiting organization engages in a number of outreach activities with professional groups, with women's associations, with school organizations, and has special events specifically targeting women as potential candidates for service in the forces. That's probably the biggest activity in terms of recruiting and outreach.

Internally, we try to ensure all of our policies are equitable. We make special measures, as appropriate, to accommodate women's service in the military. For example, we have a policy on maternity leave that is quite generous in its benefits and ensures they are not penalized as a result of absence for maternal or other family-related responsibilities. In some cases, we introduce special measures to ensure women have equal access to professional development programs and courses.

[*Translation*]

Mrs. Sana Hassainia: Thank you.

The RCMP and National Defence are organizations that face different situations every day. Would one of you have any general recommendations to make to the RCMP that you would like to share with us?

[*English*]

Mr. Karol Wenek: Madam Chair, I think I will refrain from that due to not being sufficiently conversant with the circumstances of the RCMP's problems. We would certainly welcome any request for information they wish to put to us.

[*Translation*]

Mrs. Sana Hassainia: I have one last question.

How much time do I have left?

The Chair: You have two minutes left.

Mrs. Sana Hassainia: The committee understands that the Canadian Forces use administrative grievance processes and disciplinary actions to resolve sexual harassment problems.

Could you explain what interaction there is with that military procedure when there are sexual harassment complaints? Who decides what procedure will be used? Does the fact that there are multiple mechanisms present special challenges in resolving problems relating to sexual harassment?

[*English*]

Cdr Tony Crewe: Madam Chair, in the case of a Canadian Forces member filing a grievance where there is harassment involved, the grievance process would refer the member to use the formal harassment complaint process.

Our grievance process is designed to cover off situations where there is no other policy directly applicable. We would probably put the grievance in abeyance once the results of the harassment complaint process are known, to then determine to what extent that decision would impact on the grievance itself. The grievance process is not used for harassment complaints.

[*Translation*]

Mrs. Sana Hassainia: Thank you.

The committee has heard from experts who said that the preferred approach for preventing and resolving sexual harassment problems in the workplace was to use alternative dispute resolution as much as possible rather than the usual grievance and complaint resolution procedures.

Has there been extensive use of an ADR mechanism within the Canadian Forces, and if so, does that mechanism impinge on the existing disciplinary procedures, or does it supplement it?

[*English*]

Mr. Karol Wenek: Madam Chair, we have used ADR very extensively. You can look at individual responses across a spectrum of perceived social costs and benefits. In other words, when you engage in a grievance, you are entering into a kind of quasi-adversarial process, and you can escalate that if you wish and you can launch a lawsuit, I suppose. There is this spectrum, as I mentioned, of social costs and benefits.

For the member to engage in an adversarial process, that means they are putting at stake their acceptance in the organization and possibly their commitment to the organization as well. In other words, what is it going to cost the member to engage in that kind of process versus one that probably has an expectation or possibility of preserving social acceptance within the workgroup and being able to maintain one's commitment to the organization as well? We see that as beneficial on both sides, for the institution and for the member.

● (1030)

[*Translation*]

The Chair: Thank you very much, Mr. Wenek.

This concludes our discussion today. I would like to thank you again for accepting our second invitation. Thank you very much for the information you have provided this morning. It was much appreciated.

I am going to suspend the meeting for a minute so we can go in camera to discuss committee business.

[*Proceedings continue in camera*]

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