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**Chair**

**Ms. Marie-Claude Morin**



## Standing Committee on the Status of Women

Thursday, February 14, 2013

• (1105)

[Translation]

**The Chair (Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP)):** Good morning and welcome to the 59th meeting of the Standing Committee on the Status of Women.

Pursuant to Standing Order 108(2), we are continuing our study of sexual harassment in the federal workplace.

Joining us again today are Francine Boudreau and Anne-Marie Beauchemin, from the Union of Canadian Correctional Officers.

We will begin the question and answer period right away.

Ms. Truppe, you have seven minutes.

[English]

**Mrs. Susan Truppe (London North Centre, CPC):** Thank you, Madam Chair.

Welcome back, Anne-Marie and Francine. Thank you for coming back so we can have an opportunity to ask you some questions.

In the 2011 public service employee survey, question 60.d. asks respondents to indicate whether they had experienced harassment on the job from individuals for whom they had a custodial responsibility. The responses indicated that 50% of correctional service employees had experienced some harassment from this source in the last year. I was wondering if you could tell us a bit more about what it is like to pursue a career in that sector, which places you at a high risk for a number of things, including harassment or sexual harassment.

[Translation]

**Ms. Francine Boudreau (Correctional Officer, Union of Canadian Correctional Officers):** Could you please repeat your question?

[English]

**Mrs. Susan Truppe:** What is it like to pursue a career in that sector, which, based on your remarks in your last report, places you at a high risk for a number of things, like harassment or sexual harassment? What do you, as a female, expect when you're going into that position?

Then I'll get to the training part about that.

Do you expect it to be a higher-risk job? One of our last witnesses was from the military. She indicated that women going into the force expect it to be different from what it would be like if they were getting a job in a school, for example.

[Translation]

**Ms. Francine Boudreau:** Regarding our expectations, there have certainly been some improvements in Correctional Service over the years. Threats, such as death threats, have been made over time. Twenty-five years ago, those kinds of threats did not necessarily go through legal channels. The process was often piecemeal. However, over the years, the disciplinary system has been enhanced, making it possible to report those cases as offences. So disciplinary measures could be imposed so as to remedy the situation.

However, in the case of sexual harassment, the situation is difficult because the concept has become very trivialized. Over the past few years, harassment has been discussed, but it would be difficult to provide you with statistics on that because it's not a problem that is easy to report. That's why I think changing the disciplinary system could contribute to the reporting of those kinds of offences.

In 2013, even if we want to report a case of sexual harassment or an inmate's inappropriate sexual behaviour, the disciplinary system does not contain any provisions we can use.

People want to continue working for Correctional Service. As for us, we will make recommendations. For starters, improvements to the disciplinary system would be very appropriate. That way, legal action could be initiated through police involvement, for instance. The Criminal Code would help us establish a balance of power.

[English]

**Mrs. Susan Truppe:** Thank you.

In your last statement, you talked about an inmate deliberately exposing himself in regard to a particular woman.

Is that type of harassment very frequent? Have there been a lot of reports on that from women, or from women and men?

• (1110)

**Ms. Anne-Marie Beauchemin (Correctional Officer, Union of Canadian Correctional Officers):** Reports come in occasionally. Officers are reluctant to report such incidents because there is no recourse, or proper recourse, for charging an inmate.

**Mrs. Susan Truppe:** So there's recourse if it's a correctional officer, but there's no recourse if it's an inmate. Is that right?

**Ms. Anne-Marie Beauchemin:** What I mean to say is that if we do charge an inmate, there's nothing exactly on the charge sheet that is specifically for inappropriate behaviour—i.e., exposing themselves. Usually it's put under a minor charge on the sheet.

I'll read to you exactly what the charge sheet says:

...disrespectful toward a person in a manner that is likely to provoke them to be violent or toward a staff member in a manner that could undermine their authority or the authority of staff members in general.

That's basically what we have.

**Mrs. Susan Truppe:** That's for the inmate.

**Ms. Anne-Marie Beauchemin:** Yes. When we charge an inmate, that's what the charge would fall under. There's nothing specifically for masturbation or that sort of behaviour.

**Mrs. Susan Truppe:** Okay. Thank you.

Very quickly, since I only have one minute left, I was surprised when I read the stats that said, overall, 37% of men reported more than two incidents of harassment by inmates, while only 22% of women reported more than two. Women were also more likely to say that they'd never experienced harassment. It was 41%, I think, versus 35% of men.

Do you think there's some reason for the discrepancy? I actually thought it would have been the reverse.

**Ms. Anne-Marie Beauchemin:** Is this with regard to harassment between co-workers or for offenders?

**Mrs. Susan Truppe:** I think it's co-workers. But it could be offenders, actually; it doesn't specify. It was just harassment in the workplace.

**Ms. Anne-Marie Beauchemin:** I'm not familiar with it, so I can't answer that question.

**Mrs. Susan Truppe:** Okay.

**Ms. Anne-Marie Beauchemin:** I'm not sure why it would be one way and not the other.

**Mrs. Susan Truppe:** I was surprised, yes.

Thank you very much.

[*Translation*]

**The Chair:** Thank you, Ms. Truppe.

We now go to a representative of the official opposition. Ms. Hassainia, you have seven minutes.

**Mrs. Sana Hassainia (Verchères—Les Patriotes, NDP):** Thank you, Madam Chair.

Ladies, thank you for coming to meet with us.

Ms. Beauchemin, during your last presentation, you told us about a masturbation incident and a female correctional officer who temporarily left her job. You clearly indicated that the complaint process in the case of such incidents is needlessly long and leads to unnecessary trauma for correctional officers.

Following a long struggle with the management, the inmate was transferred to another penitentiary, right? That person was simply transferred, and not punished. No other measures were taken aside from the inmate's transfer.

**Ms. Anne-Marie Beauchemin:** I think the person was just transferred to another institution. I will inquire.

[*English*]

Karrie, was he charged?

**A voice:** He was charged...[*Inaudible—Editor*].

**Ms. Anne-Marie Beauchemin:** Okay.

[*Translation*]

Yes, charges were laid against him, but we still don't know whether a ruling has been made.

**Mrs. Sana Hassainia:** Do you think that punishment is adequate, given his actions?

**Ms. Anne-Marie Beauchemin:** No.

**Mrs. Sana Hassainia:** Did that woman suffer any retaliation once she resumed her duties at the penitentiary following the incident and the inmate's transfer? Have you heard about anything her colleagues, inmates or even the management may have done to her?

**Ms. Anne-Marie Beauchemin:** Not to my knowledge, as the support among colleagues is genuine. People really tend to support their colleagues in such cases.

**Mrs. Sana Hassainia:** What kind of support are we talking about?

**Ms. Anne-Marie Beauchemin:** We have the Employee Assistance Program.

[*English*]

She did receive.... You can get EAP support, and CISM.

[*Translation*]

They can also talk to a psychologist at work. In addition, they can seek those services outside the prison.

[*English*]

As far as colleagues go, there's a lot of moral support, with people encouraging officers to charge inmates in situations like this and to pursue a paper trail so that maybe an inmate can, further down the line, get proper treatment if he is considered or diagnosed a sexual deviant.

So that support is there as far as officers go, but employers, not as much. They don't see it as the criminal act that it is. When inmates masturbate in front of officers, our employer considers it more a part of their job. It's expected to be tolerated. But it shouldn't be. It's like any other job. We don't tolerate it anywhere else; it shouldn't be tolerated in the prison environment.

● (1115)

[*Translation*]

**Mrs. Sana Hassainia:** Is any recourse available in case of retaliation?

**Ms. Anne-Marie Beauchemin:** What do you mean?

**Mrs. Sana Hassainia:** Is any recourse available in case of retaliation in such situations?

**Ms. Francine Boudreau:** What kind of recourse?

**Mrs. Sana Hassainia:** Legal recourse or access to an office where the person could talk about what may happen to them once they return to work.

**Ms. Anne-Marie Beauchemin:** Are you talking about recourse available to officers when dealing with inmates?

[*English*]

She did charge him—she institutionally charged the offender. There hasn't been any resolution in the case yet. She could charge him with what we call a street charge—go to the penitentiary OPP squad and charge him on the outside, but it is very difficult when you street charge someone to prove intent.

[*Translation*]

**Mrs. Sana Hassainia:** Could you remind me when this incident happened?

**Ms. Anne-Marie Beauchemin:** It happened last year.

**Mrs. Sana Hassainia:** Okay.

In other words, a year has gone by, and there are still no results.

Do you think that timeframe is normal?

**Ms. Anne-Marie Beauchemin:** No.

**Ms. Francine Boudreau:** No.

There are a number of similar cases. Another case is awaiting trial. At the Kingston Penitentiary—where I work—an inmate would masturbate constantly. Several officers had submitted complaints and laid charges against the inmate, but an officer finally laid charges against him under the Criminal Code. Yet she has been awaiting the results for six months.

**Mrs. Sana Hassainia:** How long do you think it should reasonably take for a similar sexual harassment case to be dealt with?

**Ms. Anne-Marie Beauchemin:** It should be done as quickly as possible, so that the inmate can have more opportunities to benefit from rehabilitation programs, medication or treatments.

**Mrs. Sana Hassainia:** I have a question either one of you can answer.

Do you think the budget cuts announced in 2012 will affect the progress made or the assistance provided to victims of sexual harassment in the case of correctional officers?

**Ms. Francine Boudreau:** I couldn't tell you. There's really so much more work to be done with regard to that. It's very much a work in progress. However, I sincerely believe that the budget cuts could have a fairly significant impact.

**Mrs. Sana Hassainia:** Are there any changes you would like the management to make, so that members can have an environment free of sexual harassment?

**Ms. Francine Boudreau:** The Canada Labour Code is clear on that issue. Section 247.2 states that “every employee is entitled to employment free of sexual harassment.” That applies to everyone, including correctional officers. Unfortunately, people are often told, based on the same legislation, that those are normal conditions of employment. The issue stems from the difficulty of explaining what constitutes a normal condition of employment.

**Mrs. Sana Hassainia:** Is that a normal condition for women? As you said, as women, you are more subject to jeers, comments and harassment.

**Ms. Francine Boudreau:** That's not it. Many people consider that, if we work with inmates in a correctional facility—which is, in a way, their home—death threats and similar things are a normal occurrence. The same goes for sexual harassment. When we come across inappropriate sexual behaviour, we are asked what we expected when we joined Correctional Service, where we are right in their home.

It's as if the fact that those people are already serving a sentence in a prison made everyone forget their other offences, which are also absent from our reports. I don't understand that, in 2013, those offences are not in our reports. Yet that would enable us to do the right thing and create a balanced and healthy environment for everyone.

● (1120)

**The Chair:** I have to stop you there, Ms. Boudreau. Thank you.

I will now yield the floor to Ms. O'Neill Gordon.

You have seven minutes.

[*English*]

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

Thank you for coming back again.

I was happy to hear you say in one of your replies that things have improved since you have gone there, and that you're glad. It's very important that we all strive to have a work area that's free of sexual harassment, and free of harassment, period. We all know that's something we're striving for.

We're looking at the results that were sent in. The results we're looking at are on how inmates treated men in comparison to women in 2011. That would have been before the budget cuts were implemented. In 2011, while both women and men had experienced harassment once or twice at the same rate, men were far more likely than women to have experienced harassment more than twice. In the survey, it showed that, overall, 37% of men reported more than two incidents of harassment by inmates, while only 22% of women reported more than two incidents of harassment. Women were also more likely to say that they had never experienced harassment—41% of women—versus 35% of men who never did.

Do you think there is a reason for this discrepancy? Is there some reason the inmates act differently towards women? What do you see as the cause of this?

[*Translation*]

**Ms. Francine Boudreau:** If I have understood correctly, you said that things have improved over time.

When I joined Correctional Service Canada, 26 years ago, there was a total of 34 inmates. About 32 of them would masturbate on a daily basis. That was common practice. Back then, an attempt was being made to have women account for 10% of employees in federal penitentiaries. Over the years, an improvement has been made without going through legal channels. Today, no inmates masturbate. If any of them do, we make sure they change their attitude.

Could you please repeat your second question regarding the percentage of women?

[English]

**Mrs. Tilly O'Neill Gordon:** Do you think there is some reason for the difference that there are fewer women reporting harassment than men? Is it that women are less likely to be placed in an environment where harassment or repeat harassment is likely to occur in the first place? Are women more likely than men to either report or otherwise resolve incidents of harassment before they become repetitive? Is there a reason why there are fewer reports of that from women?

[Translation]

**Ms. Francine Boudreau:** That's because the matter has become very trivialized. I have an anecdote to share with you.

A psychologist at work held a training session for correctional officers. To help with her statistics, she asked for written comments to see whether there were any sexual offence problems. She also wanted all the employees to write a report when they come across such incidents. In all of her courses, correctional officers would always say that, if they had to report all such incidents, that would take up all their time. Those incidents are very trivialized. That's also the case when it comes to female correctional officers.

Women do inmate head counts and, for them, that's not a big deal. They just keep going. I am not talking about official head counts, but rather about head counts at night, when officers complete their rounds. It's very trivialized. A great deal of education needs to be provided. That's why the statistics are often unreliable. Women do not report those kinds of incidents. The statistics are unreliable.

• (1125)

[English]

**Mrs. Tilly O'Neill Gordon:** Does your union offer any additional training on sexual harassment to its members? Are you aware when you go in what you're going into? Is there any kind of training for you?

**Ms. Anne-Marie Beauchemin:** Prior to becoming a correctional officer, it used to be a 12-week program. I believe it's reduced now. I'm not quite sure of the amount of time they spend at the staff college. In that training there is a small part that deals with manipulation of inmates, how not to cross boundaries.

I, myself, provided a training session at the institution for officers and other staff a few years ago, and it was called boundaries training. But specifically, no, they don't discuss....

**Mrs. Tilly O'Neill Gordon:** Is the training different for men than for women, or is it all the same for both?

**Ms. Anne-Marie Beauchemin:** They're all the same, yes. Men and women take the training together.

**Mrs. Tilly O'Neill Gordon:** And that's before they go into the workplace?

**Ms. Anne-Marie Beauchemin:** Before they become correctional officers, yes.

**Mrs. Tilly O'Neill Gordon:** Is there anything offered along the way as you are working in the place and you really see what you need?

**Ms. Anne-Marie Beauchemin:** It sounds harsh, but basically you're thrown to the wolves. So you learn. It's a process. The union

is there to support you if you do have questions. Francine and I are both local representatives for the Status of Women, so we do have a lot of female officers that we will approach. When they are new to the institution, we'll introduce ourselves and help them and support them along the way, because there are many challenges and risks as female officers, and it's very different from our male counterparts.

**Mrs. Tilly O'Neill Gordon:** There certainly would be. I certainly appreciate the job you're doing.

Thank you.

[Translation]

**The Chair:** Thank you.

We now go to Ms. Sgro. You have seven minutes.

[English]

**Hon. Judy Sgro (York West, Lib.):** Thank you very much, Madam Chair.

And thank you to our witnesses for coming out again and taking the time to give us some insight into the kinds of challenges you face in a very difficult environment.

I'm going to try to separate my questions into two parts, because this is the federal workplace. Let's talk about the people with whom you work, not the inmates, initially.

You work in an environment of much bravado, I suspect, and that would have to be the way it is. Everybody who works for Corrections Canada in the prisons, with very tough people behind those bars, must think they're all pretty macho kind of people. I would think that would immediately set up an environment, when there are other women of equal rank, for a variety of inappropriate remarks and comments and so on. Logic tells me that, just because of who your other colleagues are.

What kind of exposure have you had? Or are you just tough enough from working in that environment that you simply roll with the punches, don't bother to lodge complaints against your fellow workers, and just shrug it off?

[Translation]

**Ms. Francine Boudreau:** I will speak for myself. It's out of the question for me to let myself be pushed around. That's clear.

When it comes to my colleagues, valued judgments are always at play. People wonder whether we had it coming, and that kind of thinking is widespread. Honestly, I have always fought against that. I don't need to be tough, but I do need justice. That's important. When something is not normal, it's not normal.

I am not sure I have actually answered your question.

[English]

**Hon. Judy Sgro:** Am I wrong to suggest that you'd probably take 10 incidents and it would be number 10 where you'd finally say that's enough? You wouldn't be lodging a complaint on the first incident of one of your co-workers making particular comments or touching? Your tolerance level, I would think, would be much higher than a lot of women in a lot of other jobs, just because you are working in a completely male environment, with the inmates and your co-workers.

•(1130)

**Ms. Anne-Marie Beauchemin:** It's probably slightly higher, but there is a line you don't cross, and a lot of the women correctional officers are very good at drawing that line with male officers. It's a younger generation coming in, and the male officers are very aware of the zero tolerance for sexual harassment and harassment in the workplace. So I think you have that sensitivity towards that.

As far as going forward and putting a complaint in against somebody, I'm not aware of any situations in our region, in Ontario, where this has occurred. The union talks to them, brings them to mediation, and if it goes any further than that...I'm not aware of any cases that have been brought forward. People tend to deal with that in the workplace.

**Hon. Judy Sgro:** I see that according to the statistics there are more men complaining than women complaining, and you kind of wonder if that's just part of that atmosphere of women not wanting to see that they have to lodge a complaint that they feel they can deal with themselves.

**Ms. Anne-Marie Beauchemin:** I think maybe some of those stats were for inmate behaviour—disrespect to an officer. There are a lot of charges. There are a lot more men who work in the service than women as well. The numbers are higher. And when you put a complaint in on an inmate for disrespect, that is harassment right there. When they call you names, you write up a report, you put “charge it” on it. So there may be more men who tend to do that than women.

**Hon. Judy Sgro:** Now if we talk about your having to deal with the inmates and the kind of exposure you have, different activities that go on in their living quarters, as you're trying to do your jobs.... You're surrounded inside and out by a lot of males. What kinds of charges are they going to get? They're already in jail, so what, they add 10 days on to their prison sentence? Big deal for them.

Incentives are usually offered. Would they not be for positive behaviour? And would that not include the kinds of activities that some of your colleagues have witnessed, as far as masturbation and various other activities that must go on within the cells?

**Ms. Anne-Marie Beauchemin:** There definitely needs to be a change in policy, because that's exactly it. The inmates, whenever they conduct themselves in an inappropriate way, don't see any recourse. There's no....

**Hon. Judy Sgro:** They can't go to jail because they're already in there.

**Ms. Anne-Marie Beauchemin:** They're already there. They'll tell you, “Go ahead and charge me”. So there needs to be more appropriate.... We need to reflect 2013, where there's zero tolerance for this sort of behaviour. And it's not there.

**Hon. Judy Sgro:** What kinds of recommendations would you like to see come out of this committee?

**Ms. Anne-Marie Beauchemin:** Changes on the offence, on the charge offence.

**Hon. Judy Sgro:** Right on that charge form?

**Ms. Anne-Marie Beauchemin:** Yes.

**Hon. Judy Sgro:** Maybe you can leave that for the committee.

**Ms. Anne-Marie Beauchemin:** Absolutely, yes. We need something that directly says “sexual harassment, inappropriate behaviour, inmates posting explicit pictures on their cell walls”. We need something that is more specific and in line with that.

**Hon. Judy Sgro:** There are certain laws prohibiting what an inmate can have in his cell, are there not?

**Ms. Anne-Marie Beauchemin:** Yes. There's a fire load. It depends on the institution what they can and cannot have in their cells.

**Hon. Judy Sgro:** So if you could, please leave us that document, and thank you for that suggestion.

[Translation]

**The Chair:** Thank you.

We now go to Ms. Young, who has five minutes.

[English]

**Ms. Wai Young (Vancouver South, CPC):** Thank you, Madam Chair.

Thank you again for being here. We wanted to call you back because of your extensive experience in a very difficult work environment, as my colleagues have already outlined.

I want to talk a little bit about training. We didn't have a chance previously to talk about this in depth. I want to just share with you that in the 2011 public service employees survey, 70% of female and 64% of male Correctional Services Canada employees who experienced harassment indicated that the source of this harassment is a co-worker.

I want to separate out the harassment from a co-worker from the harassment from an inmate and ask you how you are in your training. I mean, obviously you received some training before you started the job, and perhaps you received some training during the job—maybe you have to go for refresher courses or that sort of thing. How is that delivered to you in the course of both choosing your career as well as during your career?

•(1135)

[Translation]

**Ms. Francine Boudreau:** That's actually not discussed at all. It's something we don't talk about. We don't talk about harassment. That's one of our recommendations. We have had enough trivialization in that area. We want to shed light on this issue. We suggest that training be provided as soon as people leave college and that a component be dedicated only to harassment.

[English]

**Ms. Wai Young:** Let me be very clear. Are you saying that there is no training on sexual harassment or harassment in general? Perhaps it's because you joined the service 26 years ago and there was no training then? Are there courses now that are being offered, or are you saying that there are no courses being offered?

[Translation]

**Ms. Francine Boudreau:** There's nothing. When you become a correctional officer, you don't receive that kind of training in college or during your career. It's all handled on a case-by-case basis. Each time something like this happens, the case is handled as well as possible.

[English]

**Ms. Wai Young:** Ms. Beauchemin, would you agree with that?

**Ms. Anne-Marie Beauchemin:** Absolutely, yes.

**Ms. Wai Young:** Well, that's why we're doing the study, so it's so great that you guys are here.

Given that then, it must be quite a shock to start your first day, or whatever it happens to be, when this is not addressed at all. Would you say that's true?

Let me rephrase the question.

Given that this is not dealt with whatsoever in terms of training, would you agree with this statistic? Are you harassed more by your co-workers, or have you experienced more harassment from the inmates? Based on your experience, where would the percentages be?

[Translation]

**Ms. Francine Boudreau:** I cannot give you a percentage. The policy is clear when harassment comes from colleagues, but it is in a grey area when inmates are involved. It's difficult because we have to prove beyond a reasonable doubt that we did nothing to warrant that kind of harassment.

As for our co-workers, I am not saying that harassment doesn't happen. People can experience harassment in any occupation. In our case, policies are in place, and a process is being implemented. That's why I am saying that we think the statistics are unreliable.

[English]

**Ms. Wai Young:** Just to confirm, you did mention there is a policy if you're harassed by your co-workers, but there's no policy if you're harassed by the inmates?

[Translation]

**Ms. Francine Boudreau:** Implementing the policy is difficult. The key thing would be the ability to report offences, but we are lacking any kind of relevant terminology. Recently, a correctional officer was sexually harassed by an inmate. Finally, we were able to transfer the inmate. The officer was left with the consequences, but there was no case where we were unable to transfer the inmate who was guilty of sexual harassment.

**The Chair:** I have to stop you there because your time is up.

We are now going back to the official opposition with Ms. Ashton, who has five minutes.

**Ms. Niki Ashton (Churchill, NDP):** Ms. Beauchemin and Ms. Boudreau, thank you very much for coming back to meet with us. What you have to say is extremely important. I have a few questions for you.

We know that the conditions in our country's federal prisons are changing. The passing of Bill C-10 will result in greater pressure on

correctional systems. We have heard that one of the things prison employees are worried about is the tension that increases with the number of inmates because the prisons are not built to handle so many people.

I am wondering whether this bill and this pressure on the system will have an impact on sexual harassment and the tensions you are already experiencing. I'm talking about an impact not only on other incidents, but also on the hesitation or willingness to talk about those incidents.

• (1140)

**Ms. Francine Boudreau:** I think there will certainly be an impact. The number of inmates will increase. There will be more double bunking. All the ingredients that prevent our situation from improving are there. That's clear.

**Ms. Niki Ashton:** Do your employers provide any training on prevention? We discussed inmates, but is there any training provided to prevent harassment among the employees, and especially employees of the opposite sex?

**Ms. Francine Boudreau:** No.

**Ms. Niki Ashton:** None whatsoever.

**Ms. Francine Boudreau:** Exactly.

**Ms. Niki Ashton:** That's shocking. When we hear about the concern for prison employees' safety on the news, we usually hear men talking. So your information is shocking to all of us.

[English]

I hope that all members of the committee will realize the gender impact this legislation will have, which will worsen the experiences that women correctional workers are facing.

Do you know of women who are thinking of going into corrections, and are they raising issues? What do you tell them when they ask you if this is something they can see themselves doing?

**Ms. Anne-Marie Beauchemin:** When I speak to women who are thinking of going into corrections.... It's not for everybody; obviously there are different risks involved. I try to make them aware of things I may see, things I've encountered. You want to give them a good, realistic look at what it is like inside. It's a different world in there; things don't run the same as they do out on the street. There's a lot of awareness training, I suppose, when you talk to them. It takes a different personality to work in there. Everybody works differently in there, too, so you never know how a person is going to react on the inside either.

**Ms. Niki Ashton:** The pressures that you will now begin to see in the system as a result of bills like Bill C-10—do people wonder about that? Is it something that you talk about among your colleagues, and what it will mean for your safety, as women and as correctional workers?

[Translation]

**Ms. Francine Boudreau:** This is one of the first times we have appeared before you. Of course, we have talked about these issues in our workplace, and there is some openness. I hope that this openness will turn into understanding and that we will be able to better prepare our young recruits to deal with those types of situations. I keep coming back to training, which would be one way to do that. In addition, it would be a good idea for some of our recommendations to be implemented.

• (1145)

**The Chair:** Thank you.

We now go to the government party.

Ms. Ambler, the last five minutes are yours.

[English]

**Mrs. Stella Ambler (Mississauga South, CPC):** Thank you, Madam Chair, and thank you to both of you for returning to our committee. We appreciate that very much.

I'd like to follow up on the suggestion you made to Madam Sgro regarding the changes on the charge form. In particular, you mentioned that they should be more detailed and more specific. That's great. Do you have any suggestions on what the punishment would be for an inmate?

Let's say the form has changed, and there's an opportunity to check off a sexual harassment box and to write a detailed description of the harassment complaint. What would you like to see happen next? What would you suggest, other than, say, a transfer? A removal of privileges? I don't know how it works, but could you tell us?

[Translation]

**Ms. Francine Boudreau:** It all depends on how the complaint and the offence report are handled. Corrective measures increase in seriousness—first offence, second offence, minor court, major court. There are several levels when it comes to offence reports. It could be handled like any other report in cases such as threats. That would be handled in the same way.

[English]

**Mrs. Stella Ambler:** Could you give us an example of the kind of punishment? As we said, they're already in jail. Then they do something wrong again, so what is the punishment? What can we do?

**Ms. Anne-Marie Beauchemin:** It's an independent chairperson who makes that decision, obviously.

Some inmates, when they expose themselves to officers, are sent to segregation. From there they should be assessed by a psychological team, and there may be treatment to follow. It's not necessarily a punishment. I guess you can kind of see segregation that way, but charges should be put in. It's difficult to say what the charge is. That depends on the institution too, whether it is medium, minimum, or maximum security. It would all depend on where they are, because removal of privileges may not apply the same way in a minimum security institution as it does in a maximum one.

**Mrs. Stella Ambler:** You work at Kingston Penitentiary for men. In the union you are representing, what is the ratio of men to women in the position you are in, as correctional officer?

**Ms. Anne-Marie Beauchemin:** At Kingston Penitentiary we're almost 300 officers. At this point I don't know the exact numbers, but we're almost 50-50. We are almost half.

**Mrs. Stella Ambler:** Okay. I wouldn't have expected that.

**Ms. Anne-Marie Beauchemin:** When I started at Kingston Penitentiary 10 years ago, we were maybe 20 female officers.

**Mrs. Stella Ambler:** That's out of 300.

**Ms. Anne-Marie Beauchemin:** Yes. It has grown consistently.

**Mrs. Stella Ambler:** In female prisons, where the inmates are women, as a union representative, do you know if there is a similar number of complaints? What is the nature of those complaints as opposed to the nature of the complaints you might see, or the situations that you might find challenging, in your work environment?

[Translation]

**Ms. Francine Boudreau:** I cannot answer that question. I am not in a position to answer it.

• (1150)

[English]

**Ms. Anne-Marie Beauchemin:** I have spoken to the women's representative from Grand Valley Institution and there are incidents of inmates exposing themselves to male officers and to female officers. It happens the same in a male environment as well. Our male officers are subjected to that as well sometimes.

**Mrs. Stella Ambler:** I was wondering about that.

In some ways, when I hear your reports and the challenges you face, it sort of calls into question the practicality of a zero tolerance policy. It's something we all want, but I wonder whether that is possible in your work environment.

We've had representatives from the Canadian military here, and they talk about a warrior mentality, a warrior culture. It seems to me that it's possibly similar.

I see you nodding. I appreciate that.

Thank you again.

[Translation]

**The Chair:** That concludes the first part of our meeting.

Thank you very much for agreeing to appear before our committee again. This was a very thought-provoking exchange, and I think it will help us a great deal in our study.

Ms. Sgro has asked you to provide a brief and your recommendations. The clerk will contact you, and the documentation will be submitted to the committee.

[English]

**Ms. Anne-Marie Beauchemin:** If there are others who would like to receive a formal brief of our recommendations, we're willing to put something together as well and forward that on.

Thank you so much.

[Translation]

**The Chair:** Very well, thank you.

I will suspend the sitting for a few minutes, so that members can get something to eat and other witnesses can take their seats.

Thank you.

• (1150) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1155)

**The Chair:** We are continuing the meeting.

In the second part of this meeting, I want to welcome Robin Kers, who represents the Union of Solicitor General Employees.

Mr. Kers, we will immediately begin the question and answer period, since we already met with you last January.

Ms. Bateman, you have seven minutes.

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

[English]

Thank you so much, Mr. Kers, for coming back to help us out.

We previously had some colleagues come back, and my colleague, Madam Truppe, asked the individuals who were witnesses just prior to you what is the reasonable expectation when you start. Obviously if somebody starts a career...

You work with the RCMP, do you not, sir?

**Mr. Robin Kers (Labour Relations Officer, National Office, Union of Solicitor General Employees):** No, I don't.

**Ms. Joyce Bateman:** I'm sorry. My notes say you're the RCMP witness.

**Mr. Robin Kers:** As a labour relations officer with the Union of Solicitor General Employees, part of my mandate is to represent public servants in western and northern Canada working for the RCMP.

**Ms. Joyce Bateman:** So part of your mandate is to represent public servants in western and northern Canada who work with the RCMP.

**Mr. Robin Kers:** That's correct.

**Ms. Joyce Bateman:** So you do represent public servants who work for the RCMP.

**Mr. Robin Kers:** And a number of other departments.

**Ms. Joyce Bateman:** As well as other departments.

The question that was asked, which I guess is reasonable, was about how, if somebody starts a career as a kindergarten teacher, they have different workplace requirements from a person who works in the RCMP. In terms of the expectation, do you find when you're helping your staff that they feel their expectations of what was proposed in working with the RCMP are completely different?

**Mr. Robin Kers:** I would have to say that any female wishing to work for any department or government organization in Canada would have an expectation that they can do their jobs free of any form of harassment.

**Ms. Joyce Bateman:** That's applicable to the males as well.

**Mr. Robin Kers:** Yes, but we are dealing with the issue of the status of women and sexual harassment in the federal workplace, so my comments would be focused primarily on my understanding and my dealing with female members who we represent.

I can tell you, were my daughters to join the federal workplace, their expectation would be that they would be able to work, advance their career, and provide a valuable service to the citizens of Canada without having to constantly worry about a variety of forms of harassment.

**Ms. Joyce Bateman:** That's our hope too.

Just to clarify, sir, we are very clear, at least on this side of the table, that we don't want harassment, be it normal harassment or sexual harassment, for female employees in the public service or for male employees. That certainly is possible both ways, and we don't want that to ever happen. So both parties are part of this examination, without question.

In terms of the assistance, I'd like to find out how you train your employees to be aware. What do you invest in the training, and how do you prepare your employees so they can not only expect a workplace free of harassment, but contribute to the creation of a workplace free of harassment?

**Mr. Robin Kers:** Just to clarify, these people are not my employees. They are the members of the union that I happen to work for.

**Ms. Joyce Bateman:** They pay dues and you help them, don't you?

• (1200)

**Mr. Robin Kers:** But just to be clear, they're not my employees.

**Ms. Joyce Bateman:** What kind of training is there? They are all privileged to get training in the Public Service of Canada. What kind of training are they provided to not only protect them from harassment but to ensure that they contribute to a workplace that is free of harassment?

**Mr. Robin Kers:** I have to back up a step and tell you that the nature of my work is that I'm involved in national labour-management consultation and national policy health and safety consultation with a number of different departments, including the RCMP. As a consequence, my work with the department relates to consultation and development of policies, including harassment policies, violence in the workplace policies, and so on and so forth.

The influence that the bargaining agent or the unions have is in providing their input to the consultative process when dealing with the employer. The corollary influence at the work site, where we direct our presentation for our membership, is that we advise and counsel and ensure that in that particular work site people are receiving the training that the department suggests all employees should receive on the subject of harassment.

**Ms. Joyce Bateman:** In your view, is the training...?

[Translation]

Madam Chair, is my time up?

**The Chair:** You have one minute left.

**Ms. Joyce Bateman:** Thank you, Madam Chair.

[English]

In your view, do your charges receive adequate training as new employees?

**Mr. Robin Kers:** It depends upon the department, the region, and the location.

In fairness to all departments, they try to have current harassment policies and current training plans, but the reality is that with the fiscal restraints, I've found over the years when I was a public servant and find now as a bargaining agent representative that quite often the financial cost of training is a factor that's considered by departments, and I'm not entirely—

**Ms. Joyce Bateman:** Do you, sir, have an example of a department that you serve that has cut training on harassment in the last year? Do you have an example of this?

**Mr. Robin Kers:** I don't have an example of a department that has cut training costs—

**Ms. Joyce Bateman:** So is this is just hypothetical—conjecture?

**Mr. Robin Kers:** Well, no, the fact of the matter is that you don't have to cut; you can also not schedule.

**Ms. Joyce Bateman:** But you just told me, sir, that you don't have the facts to support the cuts.

**Mr. Robin Kers:** Well, I know that training is not being done on a sound basis.

[Translation]

**The Chair:** Ms. Bateman, I have to stop you there. You have gone over your time.

**Ms. Joyce Bateman:** Thank you, Madam Chair.

**The Chair:** Ms. Ashton, you have seven minutes.

[English]

**Ms. Niki Ashton:** Thank you very much, Mr. Kers, and thank you for joining us again. I want to note that what you brought forward in the last go-around as well, in your capacity, is very useful and very much appreciated by the committee.

In your previous testimony you mentioned that you believe the new Treasury Board policy on sexual harassment isn't strong enough. Could you go into more detail as to how that policy can be strengthened?

**Mr. Robin Kers:** There is no Treasury Board policy specific to sexual harassment; it's a generalized policy on dealing with harassment.

The concern we have, and I believe I mentioned it at the last sitting, is that the trend appears to be for Treasury Board to shrink its core policy and rely upon departments to develop their own policies. The concern we have, which was also mentioned by PSAC in their brief, is that, for example, this particular iteration of Treasury Board harassment policy has removed certain things—for example, the responsibilities of various parties.

Within its dealing with responsibilities of various parties, the old policy made it very clear to complainants that they had an entitlement to review a draft report into their harassment complaint

before it was finalized. It's been our experience with a number of departments, but more particularly with the RCMP, that this has been a failure, with the consequence that the report is incomplete, that the findings are as a consequence inaccurate, and that as a consequence there is no successful resolution of the complaints at hand. This subsequently leads to other processes available to public servants under various pieces of legislation.

• (1205)

**Ms. Niki Ashton:** I think it's very important to hear that kind of feedback, especially with the new policy. As you point out, it's not specific to sexual harassment, but if we're going to say that it actually responds to it and is a framework to prevent it, then it should be done properly. So that kind of feedback is very important.

There's no question that a lot of our discussion here around sexual harassment is serious for the women who go through these experiences, and also for others in the workplace—and really, as well, I would note, for their families.

I want to take a moment to recognize that today around the world people are recognizing the One Billion Rising movement against violence against women. Today in the House we're also focusing a great deal on what is perhaps the biggest level of abuse when it comes to gender: the gross level that is exercised against aboriginal women.

I would like to read a motion into the record for this committee to deal with when the time is fit. It is that:

Whereas the numbers of missing and murdered Aboriginal women and girls in Canada continue to rise;

Whereas there are serious allegations of ongoing failures to protect Aboriginal women and girls from violence and violent behaviours including reference to incidents by police officers against Aboriginal women in Northern British Columbia;

Whereas it is the mandate of the committee to guide Status of Women—

[Translation]

**The Chair:** Pardon me, Ms. Ashton. The interpreter is telling us that he doesn't have the motion and is having trouble following.

**Ms. Niki Ashton:** I will speak more slowly.

[English]

Whereas it is the mandate of the committee to guide Status of Women Canada, which has the ability to direct other government agencies and departments;

Be it resolved that, given the legal mandate of Status of Women Canada “to support action...that will lead to equality across Canada”, the Committee call on the Government of Canada to launch a national public inquiry into missing and murdered Aboriginal women and girls in Canada, including an examination of police misconduct against Aboriginal women.

Thank you very much. I'd ask how much time I have left.

[Translation]

**The Chair:** You have a minute and a half left.

[English]

**Ms. Niki Ashton:** Monsieur Kers, there is no question that in your capacity you interact with people on the ground who face a different reality from women, say, in the public service in the national capital region—women who have different avenues and sometimes don't feel they have avenues at all.

Can you speak to the trends and challenges that you hear from women on the ground who work for the RCMP as civilians, or for other departments, when it comes to coming forward about their experiences of sexual harassment?

**Mr. Robin Kers:** That's a pretty big question.

I would say that the first challenge for women would be a lack of confidence in current policies and procedures and the resources necessary for people to successfully raise their concerns. That would be the first challenge.

I guess the second challenge is that, like it or not, this is a male-dominated society and male perspectives have prevalence in Canada, and it's difficult for many women to properly pursue their complaints when a good part of the management cadre is male—and in the case of the RCMP, a lot of the investigators are male, and it is a male-dominated hierarchy.

That would be it. Those are the two primary challenges, I would say.

• (1210)

**Ms. Niki Ashton:** You've given us a lot to think about. Thank you very much.

[*Translation*]

**The Chair:** Are you finished?

**Ms. Niki Ashton:** Yes.

**The Chair:** Thank you.

We now go to the government party.

Ms. Truppe, you have seven minutes.

[*English*]

**Mrs. Susan Truppe:** Thank you, Madam Chair.

And thank you, Mr. Kers, for coming back again.

You were just mentioning some of the challenges: the lack of confidence maybe in policy procedures; that they maybe feel they can't get their concerns heard.

There were some results that were posted from the 2011 public service employees survey for the RCMP, and I notice that within the gender breakdown, the tendency was for women to respond more positively to questions—for example, about the effectiveness of their management, 57% versus 51% of men; feeling treated with respect, 81% for women, 76% for men. Women feel more supported in flexible work situations at 77% versus 72% for men, and they say they get the training required more often than men, 69% versus 64%. They also feel the department does a better job in helping them develop their careers—59% for women, 52% for men.

Women in the RCMP are far more likely to identify faith in their employer, management. They are even more likely to indicate that the union-management consultation process works and that supervisors respect their collective agreement. The list goes on. It sort of looks like a trend. Women in the RCMP seem to have more faith in the process than the men do, for whatever reason. They seem to like their job better for the most part, and they feel strongly that the employer is helping to support employee career development.

Most of the sexual harassment issues that you had mentioned previously involved women as the complainant, with the exception of one, I think, which was between two men.

If women have more faith in the system, management, and union support, do you think they would also more likely take advantage of opportunities to resolve the sexual harassment complaints in the workplace, or maybe they would have more confidence? You feel they didn't have confidence. Would this help them with maybe more confidence in procedures?

**Mr. Robin Kers:** A number of the statistics that you've outlined, while valuable and important in their own right, don't really deal specifically with the issue of how women feel about their managers and how their departments deal with harassment. I am not saying that every woman who works for the RCMP is unhappy, but our concern, our focus here, is dealing with those women who work for the RCMP who experience harassment and sexual harassment.

So, yes, there are women who work for the RCMP and have wonderful careers and they don't experience this, but there are too many who don't, and there are the women who have excellent working relationships with their supervisors and their careers are fostered and supported, but there are a lot of women who don't.

If you want to use the responses to those questions and statistics in this context, I think we would have to go back to a more refined questioning, such as that suggested by PSAC in its brief on the issue of sexual harassment. Then we might have a better comparator to use.

**Mrs. Susan Truppe:** I understand that there are certainly some people, obviously, who don't feel they are getting enough help and don't feel that the policy or procedure is working for them, but I just found it strange or odd that there seemed to be more happy women there than men, which totally surprised me.

What is your role when an allegation is raised relating to sexual harassment? At what point does the union become involved? If someone calls up right now and there's a sexual harassment complaint, what do you advise them to do?

**Mr. Robin Kers:** Well, it depends. Let's assume we're going to be talking about the RCMP and not other departments.

Any employee who has a concern about harassment has a number of different avenues available to them, and it's going to depend on what stage of the game and how serious.

For example, if it's euphemistically called a minor issue of harassment, the issue can be raised one on one with the individual concerned, it can be raised with a supervisor, informal conflict resolution can be sought, and so on and so forth. And the unions generally support informal conflict resolution if there's a well-developed policy and process within X department.

Should there be more serious or more numerous allegations of harassment where initial attempts to try to resolve them have failed, at that point in time an employee is faced with having to use one of a variety of means of redress.

In many environments they will come to the union right away and say, "We need your help. What's the best approach here?" In some other environments those environments are such where there's a fear of even coming to the union to discuss their concerns. I made a reference to that in the case of Donald Ray at my last sitting.

Let's say, for the sake of argument, someone comes to us with some allegations. We would obviously obtain more information to determine what's an appropriate course of action. Depending on the seriousness of the allegations and the department we're dealing with, in this case the RCMP, my personal inclination would be to say to a public servant, use the grievance process to resolve your harassment concerns rather than the internal complaint process, because at the present time we don't have confidence in the current process. And the grievance process gives people certain rights under other legislation that the internal complaint process doesn't.

• (1215)

**Mrs. Susan Truppe:** Okay. Thank you.

I was going to ask you about the grievance process. But just very quickly, when you mentioned...let's take, for example, a minor issue like a minor harassment issue, in your terms, what would be a minor harassment issue?

**Mr. Robin Kers:** All harassment is serious, but I guess when it comes to classification of minor versus serious, it leads more to what are appropriate measures to be taken, how extensive an investigation needs to be conducted, and what the severity is, potentially, of disciplinary measures down the road.

For example, if somebody came to me and said my colleague made a joke that could be interpreted as a racist joke, I would recommend in a situation like this that there be a one-on-one dialogue, potentially, with the assistance of an informal conflict resolution professional to try to resolve that issue at that stage.

However, if there was an incident where one employee made severely racist remarks on more than one occasion to another, then clearly a one-on-one dialogue, an informal conflict resolution, is not going to resolve the situation. That would require an elevated, more detailed process.

**Mrs. Susan Truppe:** Thank you very much.

[Translation]

**The Chair:** Thank you.

I will now yield the floor to Ms. Sgro, for seven minutes.

[English]

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

Mr. Kers, thank you very much for coming back to help us through this.

As we know from many of the claims and much of what has been public news in the newspaper, sexual harassment or harassment seems to be alive and well in the RCMP, and that's very regrettable because those kinds of things end up smearing everyone, and needless to say this is isolated to certain specific individuals. We must always keep that perspective in mind.

Examples like Donald Ray, though, just continue to feed into that dislike and disapproval of what is going on. If Donald Ray had been

fired, I would tend to think that would have sent a very different message to people in the service.

Do you have any other examples over and above Mr. Ray of the kind of frustration that continues in the service?

**Mr. Robin Kers:** Earlier, I provided the committee, and PSAC in its brief provided the committee, with a reference to the case of Ms. R. in British Columbia. In preparing for my appearance before this committee, I selected that one as a classic case of a public servant employed at the RCMP and the hoops, barriers, and hurdles they have to go through to deal with the issues. I also indicated in an earlier appearance that even we have difficulty having people come forward to deal with this issue because of the stigma.

Returning back to Donald Ray, for example, in our involvement in this file following a release of the decision into the review of his actions, we only have three out of seven women who are prepared to discuss this issue with the union, even though it's clear that our perspective is to try to seek healing and redress where appropriate and movement forward in that really heinous file.

There are problems in every government department when you raise issues of harassment, in particular, sexual harassment, but it's particularly difficult in the RCMP because of the nature of that type of organization. Organizations like National Defence and the RCMP have that rank hierarchy sort of process where public servants deal with people who have a level of authority and a view of their authority that is very different from the public service management cadre in other departments. It's a combination of the culture and environment, and in my view a lack of sufficient movement by successive governments to address this issue. It's not an environment where women are prepared to come forward.

We hear about this. We'll have conversations with people and we'll ask them to be more forthcoming so that we can deal with the issue with the employer. There's such an enormous level of fear, discomfort, and hurt that they're just not prepared to do it.

• (1220)

**Hon. Judy Sgro:** With Donald Ray, though, only three women would come forward out of seven.

**Mr. Robin Kers:** Only three out of seven have agreed to contact with us so far, yes. I'm hoping that the appearances before the Status of Women committee, an airing of concerns, and your respective perspectives may encourage people to be a little more comfortable in coming forward.

**Hon. Judy Sgro:** Certainly the only way that we're going to make a great institution like the RCMP as great and respected as we want them to be is to have all of them feeling confident that they can come out with their complaints and that there won't be the reprisals and the put-downs. Hopefully, through our work, we'll make the right recommendations in this report that will be helpful.

You mentioned Ms. R. Could you elaborate a bit? I don't believe the committee has the brief that you mentioned. Could you elaborate a bit about the case of Ms. R.?

**Mr. Robin Kers:** I believe I provided a case summary of that to the clerk, and she would be better prepared to answer that than myself.

**Hon. Judy Sgro:** Can the clerk distribute that to us?

[Translation]

**The Chair:** The document in question has been distributed to the committee.

[English]

**Hon. Judy Sgro:** Okay. Given the fact that we won't get that until after your testimony, could you generally comment on what the individual experienced?

**Mr. Robin Kers:** I can, but I would just preface that if this committee wants more direct testimony on that issue, I'm pleased to advise this committee that Ms. R. is prepared to appear before the Status of Women committee in camera and respond to your direct questions.

But in any case, Ms. R.—and of course I identify her this way for confidentiality reasons—is a detachment-level employee in British Columbia who experienced incidents of sexual harassment and brought them to the attention of her supervisors, who chose to deal with the matter via a code of conduct investigation rather than a sexual harassment investigation.

Quite frankly, that has always been the core of the problem for public servants, that it's not a problem dealing with public servant to public servant harassment complaints, and we don't have any mandate to speak about regular member to regular member complaints because we don't represent regular members. But the problem has always been, how do you deal with complaints where the respondent and the complainant are variously a public servant and a regular member?

In any case, the complaint was filed and an investigation was conducted. The member in question was, for want of a better term, disciplined in a very minor way, and then retaliated, leading to the filing of another complaint. This is the problem. It just got worse, and eventually Ms. R. became extremely ill. She was diagnosed with PTSD and had to go on workers compensation.

I know the RCMP came in and made their own presentation to this committee back in November, I noticed that their presentation deals very extensively with the costs of the after-effects of these types of issues. So you have a classic example here of where the improper handling of this file and the improper dealing by the RCMP with the respondent led to another complaint, led to illness, led to costs to the Province of B.C., led to costs to Canada, and led to costs to the RCMP, never mind all the personal costs to the individual.

Have I run out of time?

• (1225)

[Translation]

**The Chair:** I have to stop you there. Thank you.

We now move to Ms. O'Neill Gordon. You have five minutes.

[English]

**Mrs. Tilly O'Neill Gordon:** Thank you, Madam Chair,

Thank you for being here with us this morning.

You spoke about your role when an allegation is raised relating to sexual harassment. I was wondering, what do you do to assist a member of your union in the event of a sexual harassment

grievance? Do you provide legal assistance? Do you advise a member what type of claim or process to follow? What is your role in that area?

**Mr. Robin Kers:** First and foremost, our role is to ensure that we have all the facts before us, because without all the facts, it's inappropriate for us to suggest a course of action for that particular circumstance. Once we have the facts, the next logical step would be to fully inform our member of the various means available to deal with the particular issue, and depending upon the severity of the issue, the duration, the time, and the environment, we will make one or another recommendation, such as I mentioned in my earlier testimony.

So we will advise them of the pros and cons of doing things one way versus another. It depends on what process is chosen. For example, with the internal harassment complaint process, there is no right to representation under Treasury Board policy and guidelines, but under the grievance process, there is a right to representation. So depending on the process that is chosen, the employee may or may not proceed on their own on a harassment complaint with advice and guidance but no direct representation, or an employee may proceed with a grievance where the union representative will be present with the employee throughout the various levels of the process.

Again, depending on the nature of the issue, we may recommend a filing of a complaint under the Canadian Human Rights Act, which will be set aside until normal redress measures are utilized and finalized within a particular department, and again, depending on the nature of the incidents, we may recommend pursuing a complaint under regulation 20 of the Canada Labour Code, Part II - Occupational Health and Safety.

It depends on the circumstances. There are no unions that I know of that have a cookie-cutter formula for this. Every case is reviewed on the information available to us, the merit, and a number of other factors before advice is given.

**Mrs. Tilly O'Neill Gordon:** If a member chooses to pursue a human rights claim or to participate in informal methods of resolution, does the type of support provided differ from the other measures?

**Mr. Robin Kers:** I'm sorry, could you repeat that?

**Mrs. Tilly O'Neill Gordon:** If a member chooses to pursue a human rights claim or to participate in informal methods of resolution, does the type of support differ or is it all the same?

**Mr. Robin Kers:** Yes and no. First off, the informal conflict resolution process is in most departments. I should point out that the RCMP, for example, still does not have an informal conflict resolution program that's been approved, it still doesn't have a well-developed process, and it's in the process of hiring a number of ICMS practitioners. For an ICMS process, people who are new to that type of a process and are fearful or uncertain or uncomfortable have the option of asking for a union representative to attend with them, but that's more for accompaniment and comfort than classic representation.

In a complaint filed under the Canadian Human Rights Act, it's normally the Public Service Alliance of Canada that assists its members when there's a complaint before the Canadian Human Rights Commission. But the Canadian Human Rights Commission will not generally deal with a complaint filed unless it has assurances that all other reasonable methods of resolving the thing, based on internal department policies, have been utilized. It's something we advocate to people in case the internal mechanisms don't work in resolving the issue, and then they have that to rely on as a fallback position. But it's not considered as the first avenue to try to resolve these issues.

• (1230)

**Mrs. Tilly O'Neill Gordon:** Okay. Thank you for your great explanation.

[Translation]

**The Chair:** We now go to Ms. Ashton. You have five minutes.

[English]

**Ms. Niki Ashton:** Thank you very much.

Mr. Kers, when we last heard from you, you mentioned how—and we've heard from various people—Bill C-42 will not make a significant difference. I'm wondering if you could speak to that and to this idea of how we could improve it—if Bill C-42 is improvable. And what kind of legislation truly needs to be brought forward, in your mind?

**Mr. Robin Kers:** I'm a little concerned that my comments on Bill C-42 have been taken out of context. First, you have to stipulate that USGE and PSAC do not represent the regular members of the RCMP.

As to what potential impact Bill C-42 may have on the resolution of regular member to regular member complaints, it's not my position to comment. My comment was intended to be a reflection of our view as to whether or not the change to Bill C-42 will improve the situation of public servants.

The concern that we've always had, and I've mentioned it before, is we're not satisfied with the way harassment complaints have been dealt with when the complainant is a public servant and the respondent is a regular member. So the failing in Bill C-42, as far as I'm concerned, is that it's largely devoted to addressing the much publicized issue of harassment between member and member and the need for the commissioner to have a capacity to deal with that issue in a more direct manner.

Insofar as it affects the public servants, the problem with the change to Bill C-42 is that it essentially gives the commissioner and the RCMP the right to bypass or not have applicability of the Treasury Board policies and directives in investigations where a regular member is one of the parties. The problem with that, of course, is that it's not a problem if both parties are regular members, but it's a problem when the other party or the complainant is a public servant.

The RCMP proposes to create a new form of investigation under what's called a commissioner standing order. The problem with that process is it's going to apply to any harassment complaint that involves a regular member. Again, I go back to this: what if the complainant is a public servant? We see that as problematic because

public servants involved in that complaint would be put under a process that is really more designed for dealing with member to member.

The other problem we have is that we're not entirely satisfied that a commissioner standing order has the legality under law to apply to public servants. I raised that issue internally at an RCMP harassment working group committee yesterday, and they'll provide their legal opinion in due course.

Our view is that the RCMP has to recognize the need for a separate complaint process when the complainant is a public servant and the respondent is a regular member. It can't rely on the new process that they're developing because public servants have certain rights and benefits and privileges under Treasury Board policy that they wouldn't necessarily have under a commissioner standing order.

Just for your information, in response to a query from Ms. Sgro at the earlier sitting, I have provided today a complete list of recommendations in response to the request for a list of recommendation vis-à-vis the RCMP. You will have that once translation is done, I presume.

I could go over it orally if you wish, but it's up to you.

• (1235)

**Ms. Niki Ashton:** I think we're good to look at it.

[Translation]

**The Chair:** The document will be provided to the committee once it has been translated.

[English]

**Ms. Niki Ashton:** Thank you for sharing it with us.

You mentioned a working group. How long has this working group been going on for?

**Mr. Robin Kers:** Essentially, the RCMP, recognizing that the changes to Bill C-42 would affect a variety of different issues and elements, created a number of different working groups, one of which is the harassment working group. So it's a working group that's composed of several bargaining agent representatives, the remainder, of course, being RCMP managers' representatives with varying specialties and involvement.

As you'll note from the list of recommendations that I've provided, one of our concerns is that we have provided feedback in the past to the RCMP over the last three or four years, because there's been a long, convoluted process of reviewing the internal harassment policy and looking to see what improvements needed to be made. The concern we have is that there may not be sufficient weight given to our input into that committee.

[Translation]

**The Chair:** Thank you.

We now have three minutes left.

Ms. Ambler, those three minutes are yours.

[English]

**Mrs. Stella Ambler:** Thank you very much, Madam Chair, and thank you, Mr. Kers, for being here today.

My questions are with regard to training. In particular, what is your organization's level of involvement with the joint learning program?

**Mr. Robin Kers:** The joint learning program is a Public Service Alliance of Canada initiative, not a component initiative. That said, all components at varying times will have certain levels of involvement, by either contributing to the writing of training programs or facilitating training programs, depending on their availability.

**Mrs. Stella Ambler:** I'm sorry, what's a component issue?

**Mr. Robin Kers:** The Public Service Alliance of Canada is the actual bargaining agent, but it's composed of 18 components, one of which is ours, which is the Union of Solicitor General Employees. But the agreement is between PSAC and Treasury Board. It's not between the components and Treasury Board.

**Mrs. Stella Ambler:** You'd say you don't have much involvement at all with the joint learning program?

**Mr. Robin Kers:** I'm saying that the JLP is a program and function of the PSAC. Our contribution as a component would be when assistance is required or requested in the design of a particular training program or when there's a need for facilitators for a particular training session. That would be our involvement as a component.

**Mrs. Stella Ambler:** Not in the development of it per se, but your employees would use it?

**Mr. Robin Kers:** Use it?

**Mrs. Stella Ambler:** They would be trained using this method.

**Mr. Robin Kers:** The concept behind JLP is that it provides training jointly to management and employees, so to the extent that budget, timing, resources, size of the room, etc., permit, there will be, in theory, roughly an equal number of managers and employees on any JLP-delivered session.

**Mrs. Stella Ambler:** Does the Union of Solicitor General Employees encourage their employees to participate in anti-

harassment training? Do you recommend providers? How do you encourage employees to make use of these available resources?

**Mr. Robin Kers:** Once again, just for clarity for the record, we're not referring to our employees, but the employees of the federal government who we represent.

We certainly encourage all of our membership across the country to take advantage of any training, be it harassment or be it any subject that's being offered by the federal government or that department. We certainly don't discourage people from taking harassment training.

**Mrs. Stella Ambler:** Or encouraging people to take a half a day off in order to attend the training, let's say. Would that be an encouragement, or letters and flyers and e-mail—that kind of encouragement?

● (1240)

**Mr. Robin Kers:** In consultation at a local level and a regional level and a national level with various departments, we take part, to the extent that we're permitted, in developing and encouraging employees to take whatever training is available.

[*Translation*]

**The Chair:** That concludes the second part of this meeting.

Thank you very much, Mr. Kers, for agreeing to appear before our committee again. It was very interesting.

**Mr. Robin Kers:** You're welcome. It was a pleasure.

**The Chair:** Thank you.

We will now continue the meeting in camera to deal with committee business.

I will suspend the sitting for two minutes.

[*Proceedings continue in camera*]

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