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Chair

Ms. Lysane Blanchette-Lamothe

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● (1100)

[Translation]

The Chair (Ms. Lysane Blanchette-Lamothé (Pierrefonds—Dollard, NDP)): Ladies, I call to order the 80th meeting of the Standing Committee on the Status of Women.

We are continuing our study of sexual harassment in the federal workplace.

[English]

Hon. Judy Sgro (York West, Lib.): I raise a point of order.

[Translation]

The Chair: Ms. Sgro, you have the floor.

[English]

Hon. Judy Sgro: Thank you very much, and my apologies to the witness. This will take just two or three minutes, and possibly we could add whatever amount of time this takes onto your time at the end since we have an open hour for the second hour.

I'd like to raise a point of order relating to the motion that I presented to committee at our last meeting. There was considerable confusion when the parliamentary secretary moved to adjourn the debate, and I felt that some clarity on my part would be in order.

I apologize to our witnesses, but this is an issue that I believe is of fundamental importance, that is jeopardizing the impartiality and the thoroughness of this study, and by extension, our responsibilities and constitutional duties as MPs. As a member of the committee and as my party's lead critic for the status of women, my motion would simply invite RCMP Staff Sergeant Caroline O'Farrell to testify before the committee as part of our study on sexual harassment in the federal jurisdiction.

As background for those who may not know, Staff Sergeant Caroline O'Farrell was one of the first women to become part of the musical ride. Unfortunately, on at least 100 occasions following her joining the musical ride, Staff Sergeant O'Farrell was subjected to harassment, assault, and workplace bullying. Many of these attacks were witnessed and even documented and recorded by fellow officers and those within the command structure of the RCMP.

Some of this is noted in the document that I provided to the clerk for circulation today and at our last meeting. The commissioner of the RCMP said that this case unfortunately was old news, and I find that very disappointing and even shocking to think that Canada's top cop would say that about a case involving so many violations. It speaks to the state, unfortunately, of this once great icon of Canadian culture and values.

● (1105)

The Chair: Madam Sgro, I'm sorry to interrupt. I just want to make sure I understand what your point of order is about. It's not a point of debate, so I wonder which rule you think has been breached. So if you could just tell me about that, you will be able to continue after. But so far, it's not a point of clarification and you said you wanted to clarify something. So I just—

Hon. Judy Sgro: Yes, I'm coming to that particular part of the point of order—

The Chair: I'm looking for it quite soon and then you will be able to continue.

Thank you.

Hon. Judy Sgro: Yes. When I first raised the issue, the parliamentary secretary immediately moved a motion to adjourn the debate, which placed my motion on the back burner. But I had said that I would raise it again. I think it's particularly important today, given the fact that the Subcommittee on Agenda and Procedure that we were supposed to have today has now been cancelled. So it actually deprives me of the opportunity to address the issues at the subcommittee level, and I have to raise the matter before the full committee now.

Before I move the motion, I wanted to provide the committee members with more information to help the parliamentary secretary and government members see just how serious the issue is. Accordingly, I'd like to provide copies of the Hansard, which I have provided to the clerk, from both July 14 and July 27. This was when the Liberal MP for Hamilton first asked for an independent investigation into the case of Staff Sergeant O'Farrell. So while I expect that my colleagues on the government side will want this matter dealt with in camera, I believe the issue is not simply an issue of committee business, nor is it a matter to be hidden behind closed doors. That's why I'm raising it as a point of order.

I would urge the members to consider this information and to govern their conduct accordingly. This case has lingered for 25 years, but we have a chance today to deal with this. The issue is not what's going on in the civil court. It's about what criminal activity went on then and unfortunately continues to go on today. I believe it is imperative that we, as committee members of the status of women and as parliamentarians, listen to the comments from Staff Sergeant O'Farrell as we do this study. It is important that she have this opportunity. How can we possibly do a study of this importance without having an opportunity to hear from someone who, 25 years ago, tried to get justice and didn't get it done and got it done from no government and has been asking for that to be done. It's not an issue of money. It's not a civil issue. It's about a criminal activity that went on and has never been pursued in a criminal court, which is probably where it should be.

Again, I'm asking that we deal with this issue now that we have this particular time and that we take whatever time we are taking from our current witnesses and add it on at the end of our meeting, since we have an open hour for the second hour.

Mrs. Susan Truppe (London North Centre, CPC): We have a witness....

Hon. Judy Sgro: Oh, we have one. What happened to our subcommittee?

[Translation]

The Chair: I am going to answer Ms. Sgro's question. She wants to know what happened at the subcommittee.

At the last meeting, we were supposed to have a witness, but she was not able to attend. So we invited her to appear during the second hour of this meeting.

The subcommittee meeting has not been completely canceled, it has just been postponed. We will have it during the first hour of the next meeting, this coming Thursday.

• (1110)

[English]

Hon. Judy Sgro: Alright, thank you.

[Translation]

The Chair: Ms. Sgro, I see that you have finished speaking. But I did not hear you make a point of order.

[English]

Hon. Judy Sgro: There's a motion on the floor and I would like us to deal with that motion before we deal with our witnesses.

[Translation]

The Chair: You want us to reconsider your motion, and that is your right.

[English]

Hon. Judy Sgro: Notwithstanding the decision of the committee on March 5, I would ask that Staff Sergeant Caroline O'Farrell, as my motion indicated last week, be invited to come to the committee.

[Translation]

The Chair: Ms. Sgro's proposal is to reconsider her motion. The clerk informs me that, in order to do that, the committee must vote to resume debate on the motion because the meeting was adjourned. So

that is the question that will be debated and voted on. Does the committee agree, yes or no, to resume debate on this motion at this time.

Actually, excuse me, but the clerk informs me that we cannot debate it. So we are going to vote on whether or not to resume debate on Ms. Sgro's motion at this time.

[English]

Hon. Judy Sgro: Can I have a recorded vote, please?

[Translation]

The Chair: Ms. Sgro is asking for a recorded vote. So I will let our clerk conduct the vote.

(Motion negated: nays 7; yeas 4)

The Chair: Since the motion was not agreed to, we will not resume debate on the motion at this time.

So I will move to the next item on the agenda.

Mrs. Truppe, you asked to speak. I am not sure if you want to raise a point of order, or if you just want to make a comment.

[English]

Mrs. Susan Truppe: Thank you, Madam Chair. I was just going to comment on the motion not to have anyone in the judicial system, which we voted before, and suggest that we take the vote. You've already done the vote, so that's good. Thank you.

[Translation]

The Chair: Thank you, Mrs. Truppe.

So we now go back to our agenda. Today, we have five witnesses with us.

Thank you for being part of our meeting today, ladies.

First, from the Women's Legal Education and Action Fund, we have Kim Stanton, Legal Director, Ainslie Benedict, a partner with Nelligan O'Brien Payne, LLP, and Alison McEwen.

Thank you for joining us.

Then, by videoconference, we will hear from two representatives of the Law Society of Upper Canada: Josée Bouchard, Equity Advisor, and Ekua Quansah, Associate Counsel, both from the Equity Initiatives Department.

So each group of witnesses will have a maximum of 10 minutes for their opening remarks. When the two groups have finished, we will move to a question-and-answer period.

We will start with the representatives from the Women's Legal Education and Action Fund.

Ladies, you have 10 minutes in total. The floor is yours.

[English]

Ms. Ainslie Benedict (Partner, Nelligan O'Brien Payne LLP, Women's Legal Education and Action Fund): Good morning, Madam Chair, and members of the committee. The Women's Legal Education and Action Fund appreciates the opportunity to appear this morning before this committee.

LEAF is a national organization dedicated to promoting substantive equality for women through legal action, research, and public education. LEAF has intervened in over 150 cases on substantive equality since its founding in 1985, and is a leading expert in the inequality and discrimination experienced by Canadian women. Central to LEAF's commitment to substantive equality is addressing the inequalities suffered by women who experience discrimination on multiple or intersecting grounds, such as poverty, aboriginal identity, disability, race, sexual orientation, and religion.

In the landmark case of *Janzen v. Platy Enterprises* in 1989, Chief Justice Dickson cited LEAF's factum in the unanimous decision of the court, declaring that sexual harassment is a form of sex discrimination because it denies women equality of opportunity in employment because of their sex. LEAF has continued to advocate on behalf of women who experience sexual harassment in the workplace.

Harassment on the job is a serious problem for Canadian women, and I know you've been hearing from many witnesses saying this. In the 2011 public service employee survey—I know other witnesses have quoted that survey as well—of the almost 200,000 respondents, 17%, or 33,000 people, indicated they had been a victim of harassment at least once in the previous two years. An additional 12% had experienced harassment at least twice over the course of the previous two years. Only 31% of the respondents felt their department or agency was working hard to create an environment that was free from harassment and trying to prevent it.

Unfortunately, that survey did not track any data for sexual harassment specifically, but LEAF submits, and I know from my experience working in this field, workplace harassment often does involve an element of discrimination based on gender.

Harassment has a serious negative effect on employees who are victims, but it also has an impact on employers. Employees who are harassed can suffer from all sorts of physical and psychological ailments—headaches, all sorts of stress-related difficulties, anxiety, post-traumatic stress disorder, and so on—ultimately forcing them to take sick leave, and as we see way too frequently, forcing them to leave the workplace altogether. This, of course, has a financial impact on the individual and can derail a career completely.

For an employer, the impacts are diminished morale throughout the workplace, high staff turnover, and huge loss of time as other employees are drawn into an investigation as witnesses, or simply as something going on in the department.

Current complaint avenues and channels are confusing for an individual. There's no clear place to go. We have legislation. We have the Canadian Human Rights Act that states employees are entitled to a workplace free from harassment. The Canada Labour Code requires employers to have anti-harassment policies in place and to do training. In October of 2012 the new Treasury Board policy on harassment was introduced. This was developed through consultation with all of the public service unions. On paper the policy looks very good. Unfortunately, it is going to have the same problems that have traditionally existed, and I'll describe what those are.

It's the application of the policy that is of concern. The new policy still relies on a person bringing a complaint forward. As this committee has heard, in many workplaces that's a very difficult thing to do. The institutional culture is also known to discourage that. That same lack of willingness or ability to report a complaint exists in many places, not only the notorious ones, however.

No matter how well written a policy may be, if it's triggered by an individual having to complain internally to her direct supervisor, who perhaps himself or herself is involved in the climate of harassment—may have been part of it, may have a relationship, be a friend, whatever, of the person who is being accused of harassment—it's going to be very uncomfortable for the complainant to bring forward a complaint of harassment and expect that it's going to be dealt with in a fair manner.

●(1115)

Even if the internal complaint process is triggered, and if the individual comes forward, there's often a feeling that there's little support or information given during the process about the steps being taken, or even about the outcome.

There are no real remedies at the end of the day, no perfect solutions. The ideal solution right now is that the complaint will be upheld, that some form of discipline will be upheld. What we see, though, is that the harasser frequently remains in the department, leaving the complainant still feeling vulnerable. It's not vindication; it doesn't make life easier for the most part.

We see the pattern again for the complainant—the prior harassment, the ongoing harassment, frequently leads to the health symptoms persisting and the individual leaving the workplace entirely, ending a career. Even where a toxic workplace has been identified, the available processes are still not going to ensure that harassment is addressed. In this way, the inequality is perpetuated.

There currently is one third-party model that an individual can use. It sounds like a solution but it's not. It's the Canadian human rights process. Unfortunately, it's cumbersome, awkward. It's a two-step process. First, a complaint has to go to the commission, but it's hugely understaffed. In 2011, there were two full-time and three part-time commissioners who reviewed 1,914 potential complaints and referred only 129 of them to the tribunal. So the commission acts as a gatekeeper and refers only a very small number of cases.

The commission also looks to see if there's another avenue of recourse for the complainant. If there is, that is where the complainant has to go. So this is not an effective avenue of recourse for individuals in the federal workplace. The tribunal itself is in very bad shape right now. It currently has an acting chair, one full-time member, and seven part-time members. In 2012, the tribunal released only 30 decisions.

How do we improve the system? The biggest difficulty is that the individual has to report within her environment, where there could have been decades of harassment. There needs to be some mechanism that would allow a woman to talk about her complaint; learn what the remedies and possible avenues are, as well as their pitfalls, timing, and possible repercussions; and get reassurance that her career is not going to end by filing a complaint. That really is the impediment right now.

We need a third-party, neutral avenue where complainants can go. I believe the next witness you will be hearing, the Law Society of Upper Canada, will be talking about a new direct-access model that has been developed in the legal area. It's not necessarily applicable here, but it's an interesting concept. It gives a freedom that currently does not exist under even this revamped Treasury Board policy.

• (1120)

The Chair: You still have one minute, Madam Benedict.

Ms. Ainslie Benedict: I'm just about there, thank you.

One additional point that LEAF would like to make is that, while the federal government for many years has had on paper a commitment to hiring and promoting minorities, and trying to create a workplace that reflects society at large, we are still very far from that goal. There has to be renewed emphasis on not just paying lip service to hiring and promoting minorities, of which women are one, but on trying to do something that ensures that when you look at the workplace it does reflect society, and that we are all working towards the goal of creating a workplace where harassment is not tolerated.

I think I can leave it there. I'm sure there will be questions after we've heard from the law society, following which Ms. Stanton and I will be pleased to take any questions the committee may have.

Thank you.

The Chair: Thank you very much, Madame Benedict.

We're now going to the Law Society of Upper Canada.

Madame Bouchard and Madame Quansah, you have a total of 10 minutes. The floor is yours.

• (1125)

[Translation]

Ms. Josée Bouchard (Equity Advisor, Equity Initiatives Department, Law Society of Upper Canada): Thank you, Madam Chair and members of the committee, for inviting us to participate in your meeting.

I also want to thank the representatives from the Women's Legal Education and Action Fund for the important information they presented on the impact of sexual harassment, especially on women. I will not repeat their presentation. Actually, I want to add to what they have said.

[English]

I will now switch to English, but I am happy to answer any questions in either French or English.

What I would like to do today is to talk to you a little bit about the Law Society of Upper Canada, what we do and what the equity initiatives department does. I would like to talk to you about a guide that we have developed on preventing harassment, discrimination, and violence in the workplace, and more importantly, talk to you about the model that the Legal Education Action Fund mentioned or referred to, which is our discrimination and harassment counsel, because it's a fairly innovative model. Although it has been in place since 1999, it has actually been quite effective.

The Law Society of Upper Canada is the regulator of the legal profession of both lawyers and paralegals. We have 44,400 lawyers

in Ontario and about 5,000 paralegals. The equity initiatives department was set up in 1997, or shortly thereafter, to try to promote equity and diversity in the legal profession. Part of the work we do is to develop model policies for the legal workforce and provide research for the legal workforce, so they can in turn promote equity and diversity.

In January 2012, as part of our mandate, we adopted a guide on preventing harassment, discrimination, and workplace violence. The guide basically provides templates or model policies for the legal profession. Law firms can use the guide and the template policies to adopt their own. We know that they have done so. The guide also provides procedures that could be set up in law firms to address harassment and discrimination.

Now we note that the Treasury Board has adopted a policy and procedures to address sexual harassment, and that is an extremely good first step. Our guide talks about other practices that could be implemented to try to address and prevent harassment in the workplace. For example, we think that the policies should apply not only to all employees but also to behaviour that is directed to employees by customers or clients. Because the responsibility of employers is to ensure that the workplace is respectful, it is important to also deal with behaviour that comes from the outside.

We also emphasize the fact that all supervisors, or anybody with supervisory authority, has a responsibility to address harassment or sexual harassment in the workplace, whether it be informally or formally. We also believe that there should be informal and formal processes in place to address sexual harassment, and those would include, as far as the formal processes go, having access to internal or external investigators or mediators.

We also believe that complainants should be reminded of external avenues of recourse, including the Canadian Human Rights Commission. I know that LEAF has mentioned the difficulties related to the Canadian Human Rights Commission. We do not disagree with LEAF, but we nevertheless think that complainants should be entitled to proceed with their complaints in multiple avenues. An employer's responsibility to address sexual harassment is not lessened by the fact that an employee would go elsewhere to try to address the issue.

It's also good practice to communicate the policies to all employees, but also to make sure that everybody receives an education program on harassment and discrimination.

I want to talk about our discrimination and harassment counsel program. It was set up in 1999, but it has been an extremely effective program for the legal profession. We believe that what is extremely effective with procedures related to sexual harassment is to ensure that complainants have multiple avenues of recourse. Internally you may have advisers who were appointed to provide confidential advice to employees.

•(1130)

In the case of the discrimination and harassment counsel program, it was set up as an independent program to provide advice to members of the public, lawyers, or paralegals who believe they have been subjected to harassment or discrimination by a lawyer or a paralegal.

The program really acts as an ombudsperson type of program. So the DHC, as we refer to the discrimination and harassment counsel, confidentially assists anybody who may have experienced discrimination or harassment by a lawyer or a paralegal. The services are offered free of charge to anybody in Ontario who may have suffered harassment or discrimination by a lawyer or a paralegal.

The program is actually funded by the law society. Its cost is about \$150,000 a year, and it operates separately and independently from the law society. So it is really a program that operates at arm's-length, and we do believe that if this weren't the case, the program would not be as effective.

The current DHC is Cynthia Petersen, and she is a very senior lawyer in Ontario, extremely well respected, and well versed in the area of equality and sexual harassment. She is also bilingual and provides services in French and English. We also have two alternate DHCs, Lynn Bevan and David Bennett, who offer the services when Cynthia is unavailable. They work part-time. They basically work from their offices and they invoice the law society on a monthly basis.

What do they do? Usually the discrimination and harassment counsel will identify issues. If someone approaches them, they'll identify issues. They'll clarify the issues with the person who has approached them, and they will provide options, either by filing a complaint with the law society under the rules of professional conduct, or going to the Human Rights Tribunal in the case of Ontario.

The DHC does not investigate complaints. However, the DHC has a mandate or the power to either mediate or resolve issues informally. We find that is one of the roles of the DHC that is particularly successful. A number of issues are dealt with confidentially by the DHC in an informal way. The DHC also provides education programs and assists law firms in developing their own procedures and policies, if required.

In closing, I will provide you with some statistical information we have from the discrimination and harassment counsel. She reports every six months to the law society. She basically reports data and the types of cases she receives. In 2012 she produced a nine-year report of data that ranged between January 2003 and December 2011. During that time she had received about 515 complaints against lawyers, three complaints against articling students, and since 2008—which is when the law society began regulating paralegals—she has received about six complaints against paralegals.

Of these complaints what is interesting is that about half, or more than half, have been made by women. So we know that this service is particularly important to women. About half of the complaints are about sex discrimination, and of the complaints about sex discrimination about half are about sexual harassment.

Sex discrimination is actually the most common complaint that the DHC program receives, and of those complaints about 87% of the sexual harassment or sexual discrimination complaints that she receives are made by women. A number of the complaints that are not made by women—

[Translation]

The Chair: Ms. Bouchard, you have 30 seconds left.

[English]

Ms. Josée Bouchard: —are made by men who are complaining about other men sexually harassing women.

That gives you a sense of the types of complaints she gets. She also gets a number of complaints on disability, race, sexual orientation, and the other grounds under the Human Rights Code.

We encourage organizations to expand their policies on sexual harassment to address those grounds. I thank you very much for listening to me.

•(1135)

The Chair: Thank you very much, Madame Bouchard.

We are now going to our first round of questions, starting with Madame O'Neill Gordon. You have seven minutes.

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Thank you, Madam Chair, and a special thanks to the witnesses who have joined us today.

We certainly have done a lot of work in this area and strongly feel that individuals should know that they have a respectful workplace, free of sexual harassment each day as they go to work.

This is directed first to the LEAF. Your organization intervenes in court cases, but you also provide access to educational tools and training for youth, some of which address the issue of sexual harassment in the workplace. When Canada Post appeared before us earlier in this study, they noted that after a major awareness campaign, they saw a rise in the number of workplace harassment claims, but not in actual incidents of harassment. This was followed by a gradual and continued decrease in the number of claims.

We learned two things from this example. First, the awareness campaigns can have a major impact on the reporting of sexual harassment in the workplace, and second, pure numbers do not always tell the full story, as higher numbers can indicate a willingness to resolve these issues through existing channels.

Could you comment on the impact of awareness campaigns on the reporting of incidents of harassment in the workplace?

Dr. Kim Stanton (Legal Director, Women's Legal Education and Action Fund): Thanks for the question.

I don't have statistical data for you on that. What I can tell you is that as an organization, our experience is that awareness campaigns, simply put, do tend to increase awareness, and particularly of the mechanisms that are available.

This gets back to a point that we made in the brief. Essentially, when people are aware of what the channels are that they can use to report, and when they realize that those channels are there, they also feel as though their complaint will be taken seriously and that it is worth reporting. Over time that tends to impact the culture of an organization, to show people that harassment is not acceptable within the organization. It really is helpful, I think, when the management of an organization brings in a training model like that. It shows from the top down that there is not going to be tolerance for harassment and that the culture needs to change within the organization if it's there.

Thank you.

Mrs. Tilly O'Neill Gordon: We saw with a lot of other witnesses that training was very important. I'm wondering, what about the impact of training? Have you been able to identify a relationship between training and a decrease in incidents in the workplace? If so, what is the best way to measure this?

Dr. Kim Stanton: This is the difficulty. I think you noted from our brief, and perhaps from other witnesses you've had before you, that there aren't good numbers anymore on the rates of sexual harassment in the various workplaces.

We have the study from Corrections Canada, I believe we cited, which did have people report specifically on sexual harassment, and that was helpful in terms of numbers. When you hear from the law society...they've been able to parse out the number of complaints with respect to sexual harassment. But, in general, we don't have quantitative data for you with respect to the amount, in the first place, of sexual harassment and/or the changes that occur in workplaces where training takes effect.

I'm sorry not to have those numbers for you. What I can tell you is that we certainly encourage organizations to implement training, because we do believe that, overall, it tends to decrease, over time, the culture of harassment in organizations.

Mrs. Tilly O'Neill Gordon: As you said earlier, this training gives them a means of knowing where to go and who to contact, and so that gives them much more confidence in knowing that these things are available for them.

• (1140)

Dr. Kim Stanton: Also, it's to know that the acts themselves are unacceptable from management's perspective, in the first place, which I think is very important. A number of the organizations that you've heard about so far have situations where people think, because there aren't incidents being reported, that there's no sexual harassment, when, in fact, the opposite may be true, because people are afraid to bring the complaints. Women, in particular, are afraid to bring the complaints because of a likely effect on their careers. They don't bring them.

So that's the conundrum.

Mrs. Tilly O'Neill Gordon: My next question is for the Law Society of Upper Canada. I was wondering if you maintain statistics on the number of complaints related to sexual harassment in your workplace.

Ms. Josée Bouchard: Do you mean in our internal workplace?

Mrs. Tilly O'Neill Gordon: Yes.

Ms. Josée Bouchard: We do. We have a workplace of about 500 employees and we get maybe one or two a year.

Mrs. Tilly O'Neill Gordon: That's a good record. What do you attribute that to?

Ms. Josée Bouchard: I'll repeat a little bit what LEAF has said, because we do mandatory education programs for all new employees and we do mandatory education programs for all managers. We make sure that they know they are responsible for immediately addressing harassment or discrimination when they know about it, either in a formal or informal way. So our managers tend to address issues very quickly and informally, which we find is the best way to deal with the situation.

One thing that I think is also important in our policy—and I encourage organizations to do this—is to have clauses that say that an employee who has been subjected to harassment or discrimination may be accommodated during a period of investigation, if there is an investigation. That shows a commitment to protecting the employee, either against retaliation or against a poisoned workplace environment. I think that's an important component of the policy, and also an important message to the employees.

The Chair: Thank you, Madame Bouchard.

Ms. Josée Bouchard: I think they believe that they will—

The Chair: Sorry to interrupt you once again, but your time has expired.

Thank you, Madame O'Neill Gordon.

Madame Mathysen, you now have seven minutes.

[Translation]

Ms. Irene Mathysen (London—Fanshawe, NDP): Thank you very much, Madam Chair.

[English]

Thank you very much to all of our witnesses here today. You bring important information. I think, despite the best of intentions, that it's very clear that workplace harassment is still very much a reality. It's part of a culture that doesn't seem to be abating.

My first question is to LEAF. You talked about paper promises for employment equity. It would seem that, in many ways, the federal government has abandoned employment equity, the idea of making the workplace more diverse and more accessible to a number of different groups. I'm wondering how that kind of affirmative action policy would help, in terms of the hiring policy, if we want to address harassment. How would it change the situation that we're currently facing?

Ms. Ainslie Benedict: On paper, the system is there. The forms are there. We have all seen them with the boxes we can tick off to self-identify over the whole spectrum. Once again, it's not just having the system in place. There has to be a commitment to doing that, and to making sure that people have an opportunity to move once they are in the door.

From an anecdotal perspective, I think that if we were talking 10 years ago it would be quite different from now. In the deputy minister and assistant deputy minister ranks there are more female faces, certainly, than you would have seen in the past. So at some level some women are making their way there, but the comments were broader than that. It's not just women. It's all the other minority groups. It's getting people into the public service, letting them get in the front door, and that's not the only step. That's where I'm saying that once there are minority groups kept at a certain level or not given many opportunities they need to progress, the discrimination takes place in an almost systemic way.

Ms. Stanton addressed this. I don't believe LEAF is proposing any specific quota system. Anything like that at all is just revisiting that concept that was introduced many years ago about looking at minorities, looking at the challenges that are faced, because they still do exist.

• (1145)

Dr. Kim Stanton: You asked how the policy would change a culture of sexual harassment if it were properly implemented. In general, as you see more women attaining leadership positions in organizations that also adopt the training models that have been discussed and the types of policies that both of our organizations today are talking about, you will, over time, see incidents of harassment decrease because they simply won't be tolerated anymore, and of course, because the power differential shifts in an organization when it is more representative of the workforce overall rather than representative of only one kind of group in management and only one kind of group at the worker level.

Thank you.

Ms. Irene Mathyssen: Okay, thank you very much.

This is a question for both LEAF and the law society. It has to do with a program in Ontario. I think there are some efforts to expand it. It's called Neighbours, Friends and Families. Essentially, it provides comprehensive education and training for employers and employees in an organization. The idea is to help employers understand that harassment and violence are a reality within a workplace, and it compels employers to provide counselling, directives for counselling, and safety training. The thought is that if an employee's experiencing violence outside the workplace that could very easily come into the workplace.

Are you aware of this particular directive? Does it fit in, in a logical way, with an anti-harassment policy? Harassment is a form of violence, and does it make sense to provide training on all kinds of levels with regard to how we as an employer and employees address it? Is that something you'd like to see the federal government adopt, and go beyond Ontario?

Ms. Ainslie Benedict: I'll jump in first, and then perhaps Ms. Bouchard would like to comment on this as well.

In the summer of 2010 the Ontario government introduced its workplace violence and harassment measures under the Occupational Health and Safety Act. There was a huge response, a huge increase in public awareness of harassment in the workplace. While that legislation was introduced specifically because of violence, the third occasion of an upset partner killing a former partner in a workplace had occurred in a hospital—there were three hospital

cases over about 14 years—and the government said they had to do something.

The legislation was a response to that. It said people cannot be aware of a problem and do nothing. We knew these people were very upset. We knew the woman's well-being was in jeopardy, that it was not a safe environment for her. Nobody did anything because of confidentiality, privacy. Nobody knew what to do, so they did nothing, and people ended up dead. So that was that legislation, the awareness of an employer's obligation to provide a safe and harassment-free workplace. It's harassment under the human rights legislation. The broader definition is captured federally as well now. It's any form of bullying, which is the word these days, and it's capturing all of that. The definitions of what is offensive and what is caught by the policy are very broad. Individuals are aware of it. Employers are aware of it.

The Chair: Sorry to interrupt you. Time has expired.

I'm now turning to Madame James.

Ms. Irene Mathyssen: Oh, I'm sorry, it goes very fast.

The Chair: Madame James, you now have seven minutes.

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Madam Chair, and welcome to our guests.

Hopefully, I'll get to the other witnesses, but my first questions will be directed to the law society.

In your remarks you talked about a report from 2012 that covered nine years. You mentioned there had been 550 complaints against lawyers, three against articling students, and six against paralegals. You went on to say more than half the complaints were made by women and half the complaints were on sex discrimination.

Can you expand on that to tell me whether sexual harassment incidents were also included under sex discrimination, and perhaps give an example of what a sex discrimination complaint would be versus one that you would consider to be sexual harassment?

• (1150)

Ms. Josée Bouchard: Yes, you're quite right that sex discrimination did include sexual harassment. About half the complaints on sexual discrimination were sexual harassment complaints. A sexual discrimination complaint would be, for example, someone who is pregnant in the workplace and is not provided with the same professional development opportunities as someone else because of pregnancy and the fact that the person will be off for maternity or parental leave.

The sexual harassment type of complaints that the discrimination and harassment counsel gets could be, for example, a lawyer asking a client to go out with him in return for pro bono services or an assistant to go out with him in return for workplace benefits. So sexual harassment can go from asking someone out repeatedly to sexual assault or groping, inappropriate sexual touching.

Ms. Roxanne James: Thank you.

Just offhand, if you have this information, out of all those that were reported, the 550, plus the *x* number and *x* number, how many of those were actually substantiated or deemed to have merit?

Ms. Josée Bouchard: The discrimination and harassment counsel does not investigate. She can informally deal with matters or mediate a situation, but she does not investigate. So I cannot tell you how many have been substantiated.

Ms. Roxanne James: Thank you.

Ms. Josée Bouchard: What she does is provide options.

Ms. Roxanne James: Thank you.

You actually mentioned an example of someone who might offer services, legal services for sexual services or sexual whatever, and I'm just referencing an article that was in the *Canadian Lawyer* magazine, and the title of the article was "Legal services are not to be bartered for sexual favours".

I just wanted to ask you a question. What do you do, what does the Law Society of Upper Canada do, with lawyers or paralegals or others who are convicted of sexual harassment? What is your role in that, and what kind of recourse do you take?

Ms. Josée Bouchard: The rules of professional conduct prohibit sexual harassment. A complainant could file a complaint with the Law Society under the rules of professional conduct, and those cases we investigate and the matter may come to discipline. Once the matter comes to discipline, if the matter is substantiated, there could be any type of impact or repercussion on the lawyer's career. So the lawyer may be suspended for a few months or disbarred, for example.

Ms. Roxanne James: In this particular case that was in that magazine, there was a quote there that went on to say, "we think sexual harassment should only rarely, if ever, result in a reprimand rather than a period of suspension".

In this particular case that I'm referencing, I believe that he only had a reprimand. There might have been a fine attached to that. But to me that particular incident seems pretty.... I don't know. Someone who is a lawyer and offers up that kind of a deal on the table, I just don't understand why a reprimand was used in this particular case.

I wonder if you could comment on that, please.

Ms. Josée Bouchard: Actually I can't really comment on a case that has been decided by a discipline panel. I'll tell you that a discipline panel sits with three adjudicators. An appeal panel may review the decision of the discipline panel and that would be a decision of five adjudicators.

Ms. Roxanne James: Someone who has been convicted of this particular instance, or this individual, how can a client, for example, I or anyone in this room who needs to seek the advice...? Hopefully I don't need to seek the advice of a lawyer or legal services. But how do we, the public, find out whether someone has been implicated or charged or convicted of such an offence? For me personally, I wouldn't want to go to a lawyer who has been charged with that.

Is there any way that I can find that out?

• (1155)

Ms. Josée Bouchard: Yes. The Law Society of Upper Canada has a registry of lawyers and paralegals. If you look for the name of that person, it's on our website. It is available to the public. It will tell you whether or not that person has been disciplined and the reasons for the order.

Ms. Roxanne James: Thank you.

How long does that information exist out there on your website or the registry? I'm just wondering, is it cleared? Is it after three years, five years, 10 years? Or is it there for eternity?

Ms. Josée Bouchard: I don't have that answer, but I can get it for you, if you wish.

Ms. Roxanne James: If I could have that information forwarded to the committee, I'd appreciate it.

Can I ask how much longer I have?

The Chair: You have one minute.

Ms. Roxanne James: Very quickly, I just want to direct my question over to our guests who are present.

My colleague Ms. O'Neill Gordon mentioned about training for youth. It's my understanding that you offer workshops for youth. Is that correct?

Dr. Kim Stanton: We have in the past. We don't have funding to do so currently. It's certainly something that we would love to do again, but we can't do presently.

Ms. Roxanne James: Thank you.

I had one more question. Actually just going back to the law society, you had mentioned that you do mediation through informal processes, and I just wanted to comment on that. I know my time is running out.

We've had a number of witnesses say that the earlier you get to an issue such as sexual harassment, ideally if you can deal with it informally, it's actually a better method to take than allowing it to escalate and having to go through formal processes. Would you agree with that statement?

Ms. Josée Bouchard: I agree with that statement. I have to say, though, that the DHC mediates only if the two parties consent. So I agree with that.

Ms. Roxanne James: Thank you.

Thank you, Madam Chair.

The Chair: Now, Madame Sgro, you have seven minutes.

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

Welcome to all of our witnesses.

To LEAF in particular, it's great to see you again. I have long been a big supporter of the work that you've done in my many years in political office. I have heard from you on different things.

I had been very focused with regard to concerns about the RCMP and the sexual harassment and intimidation that unfortunately are clearly smearing the reputation of an icon in Canada, an organization that we Canadians all admire and respect. We've been trying to work through some issues so that some changes can ultimately be made and so that people who choose that kind of career—and women in particular—can do so without being intimidated and being labelled troublemakers, and so on and so forth.

They have all the policies that you could ask for on paper, as does much of the federal service, but the actual carrying out of many of these complaints to the right bodies does not seem to be happening. It doesn't happen because they don't want to be labelled or transferred out. As for going to the Human Rights Tribunal, that just seems to me to be the wrong place to deal with these kinds of issues, especially in the federal workplace.

Now, in your brief, you talk about a third-party complaint process, which is something that I'm quite interested in. Could you elaborate a bit on how you think that might function in a positive way? What kinds of negative things would come out of this? I can only see positives, but I'm sure there must be some other issues. Can you elaborate a bit on that?

Ms. Ainslie Benedict: LEAF is not proposing a particular model, obviously. We're just identifying the issues that are there. But the positive things that could come out of it would be that the moment you remove that barrier to reporting, which is the "my career is over" barrier... Many people make a complaint knowing that they're making that decision. They say, "I can't stand this and my health is ruined anyway, so I'm going to finally come clear with this."

So having a mechanism, a third-party neutral model—not necessarily an adjudicative model but adjudication is usually the end of the line and certainly in formal processes—that can be accessed early, before so much damage has been done to an individual's health and career, that's going to be better. If there is such a process, there will be more awareness generally. There will be education. The climate will change and the climate has to change. The RCMP obviously is a huge example of that. I think that when you're on the front page of the paper over and over again, the climate will change.

I was heartened by the law society's comments in the statistics, if you read the brief, about male lawyers reporting other male lawyers' misconduct. That's in keeping with the comments I was making about the occupational health and safety requirement, where it's everybody's obligation to have a safe and harassment-free workplace. When women become free to speak out, to call people on the harassing behaviour, and when male colleagues are calling other male colleagues on the harassing behaviour, all of that, with some third-party independent place where the women can go in the first place to talk about their issues, is going to elevate the tone of everything. It's not going to allow these poisoned workplaces to go on year after year.

When we're talking about the 25-year history of the individual you were referring to before, that's a lot of people who were aware of the problem and didn't say anything. The more access to talking about it, the more education, and the more everybody is educated that this is not acceptable, that's what is going to change things.

• (1200)

Hon. Judy Sgro: It has a lot to do with that culture. In having a round table with some males in the RCMP and asking the question about where they were when some of these other activities were going on with their female colleagues, the attitudes and the responses back were, "Well, we know it's going on, but we just turn a blind eye because otherwise we'll become labelled in the same way."

It's just quite unbelievable when you're looking at men who are a fair size, who shouldn't be intimidated easily, and who just turn a blind eye. This goes back to your comment. It has to become unacceptable for absolutely anybody, whether you're a caretaker or a top commissioner, if you hear or see any of this going on. It's encouraging to know that the law society has taken some action.

We communicate to all of the people who work in the federal public service, regardless of where, that if they see or hear it, they have an obligation to report, but that doesn't seem to get enforced. How do we embolden people to stand up for other people who don't have the courage to stand up for themselves?

Ms. Ainslie Benedict: Because of the focus on this issue, you are going to have departments and agencies where, even if in their own minds, their thinking hasn't changed, what they are saying and the overall attitude has to change.

If it becomes acceptable for individuals who are observing something to have the courage to actually intervene and call somebody out, rather than running off and reporting it somewhere, the whole tone of the workplace changes. It gives women the courage to comment as well. Men are also victims of sexual harassment—there are lots of incidents of that. It's just lifting up the rock. It's making it something that is recognized as misconduct and not tolerated, not just something discouraged on paper.

The Chair: Thank you. Your time has expired.

Once again, in the name of the Standing Committee on the Status of Women, we wish to thank our five witnesses for coming in front of this committee. On that, I will suspend the committee to make sure that we can welcome the next witnesses and start back up.

Thank you very much. The meeting is suspended.

• (1200)

(Pause)

• (1205)

[Translation]

The Chair: We now resume the 80th meeting of the Standing Committee on the Status of Women.

Today, we have with us Lynn Bowes-Sperry, who is testifying before the committee as an individual. She is an associate professor of management in the College of Business, Western New England University.

[English]

Madame Bowes-Sperry, thank you for being with us today.

I will give you 10 minutes for your opening remarks. I will have to stop you after 10 minutes, and we'll go to our question-and-answer round.

Without further remarks, I give you the floor, Madame Bowes-Sperry.

Dr. Lynn Bowes-Sperry (Associate Professor of Management, College of Business, Western New England University, As an Individual): Thank you for inviting me to contribute to your study of sexual harassment in Canada's federally regulated workplaces.

I would like to start my testimony by echoing a point raised by a former witness, Mr. David Langtry of the Canadian Human Rights Commission, “You will never get a complete picture of the problem from the number of complaints that come forward.”

Research on reporting of sexual harassment identifies numerous responses to sexual harassment, including avoidance and denial, for example interpreting behaviour as a joke; social coping, for example discussing the behaviour with friends; confrontation negotiation, for example asking the harasser to stop; and finally, advocacy seeking, for example filing a formal report.

Findings indicate that whereas many targets engage in avoidance responses, few ever formally report their experiences. Such passive coping strategies may seem strange, given the negative consequences targets of harassment suffer, for example physical violation, psychological harm, lower job satisfaction and organizational commitment, and the deterioration of work relationships.

Research suggests that following a harassment incident, targets of sexual harassment juggle competing goals—their desire to end the harassment weighed against such objectives as avoiding reprisal by the harasser and maintaining their reputation and status in the work group. Furthermore, employees who believe their organization has a high tolerance for sexual harassment believe that reporting sexual harassment is risky, that complaints are unlikely to be taken seriously, and that there would be few consequences for perpetrators even if the harassment were reported.

Despite the tendency for targets of harassment to refrain from reporting their harassment, some targets do take formal action. Research indicates that various factors influence whether or not targets of harassment engage in advocacy seeking, such as formal reporting.

With regard to personal factors, targets with higher levels of education, previous experiences of sexual harassment, and lower occupational status, are more likely to engage in advocacy seeking. With regard to the sexually harassing behaviour per se, target reporting was found to be more likely when harassers are supervisors, when there are multiple harassers, and when the type of behaviour is sexual coercion, that is to say, where job conditions are made contingent upon compliance with requests of a sexual nature.

Based on the preceding information, it seems that efforts to end sexual harassment that rely primarily on target reporting are unlikely to be successful because most targets do not report their experiences. Therefore, we must look at alternative sources or methods for dealing with sexual harassment.

One method I have studied is observer intervention. Observers are individuals who see harassment occurring but are not directly involved in the incident. Especially in the case of hostile environment harassment, in which the work climate itself becomes poisoned, there often are individuals present who observe the harassment and who might take action to stop it or prevent future incidents.

In my research, my co-author and I conceptualize ways in which observers of sexual harassment can intervene in terms of a typology that includes two dimensions. One is immediacy of intervention,

where observers can respond during the unfolding incident of sexual harassment or after the incident has occurred. Two is level of involvement, where observers can respond in a way that maintains their anonymity or immerses them publicly in the event. Crossing these two dimensions results in four categories of intervention. In the interest of time, I will highlight only a few possible observer interventions.

• (1210)

Potentially useful responses from observers of sexual harassment include telling the harasser to stop the behaviour or reporting the harasser to management, interrupting the incident—for example, by removing the target from the emerging harassment—or simply providing support to the target of harassment after it has occurred.

In addition to developing a typology of observer intervention, we also developed a model of observer intervention in sexual harassment based on previous research on bystander intervention. Before observers intervene, they must first recognize that the situation requires action, determine that it is their responsibility to take some action, determine if they should take action now or later, and determine the level of involvement based on the perceived net costs of involvement.

I was very pleased to learn that observer intervention is encouraged of employees working for your Department of National Defence. According to a previous witness before this committee, Ms. Jacqueline Rigg of the Department of National Defence, the 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 to report as well.

In my dissertation, I found that observers were most likely to recognize conduct as sexual harassment and to express the intent to intervene when they perceived social consensus that the conduct was sexual harassment and believed that sexual harassment was an ethical issue. This suggests that organizational culture plays an important role in the phenomenon of sexual harassment. In organizations that educate all employees—not just managers—on sexual harassment, there is more likely to be social consensus regarding the types of actions that constitute sexual harassment and employees are more likely to see sexual harassment as an ethical issue rather than a social or personal issue. Studies suggest that organizational policies and actions influence observers' sense-making processes around sexual harassment. For example, observers—especially men—working in organizations with sexual harassment awareness training are more likely to label sex-related behaviour as sexual harassment than those in organizations without training.

Another former witness for this committee, Mr. Ross MacLeod of the Treasury Board Secretariat noted that from his perspective, culture is the key. He stated that culture underlies respect for people. Lack of respect underlies harassment. If you change the culture and create a respectful work environment, then we'll see change. That's very much the theme we're pursuing in dealing with departments on this issue.

Research on sexual harassment supports his testimony. A meta-analytic review of 41 studies indicates a robust relationship between organizational climate and sexual harassment. In two studies of women in the United States federal court system, results provided support for the co-occurrence of sexual harassment and workplace incivility, in that almost all women who experienced sexual harassment also experienced incivility. These studies highlight that sexual harassment occurs within a broader context of mistreatment and disrespect. Part of this broader context is ambient sexual harassment, which is similar to the concept of second-hand smoke in that members of a target's work group who are exposed indirectly to sexual harassment experience negative psychological and job-related consequences similar to those experienced by the target of sexual harassment.

This concludes my testimony. Once again, I would like to thank you for the opportunity to speak before this committee.

•(1215)

The Chair: Thank you very much, Madame Bowes-Sperry, very good timing.

We're now starting our question round with Madame Ambler. You have seven minutes.

Mrs. Stella Ambler (Mississauga South, CPC): Thank you, Madam Chair.

Thank you very much, professor, for being here and for giving us a very detail-packed presentation.

I wanted to ask about reporting in general, and specifically, I really appreciated your comments about culture and that this is a social issue in the workplace. If I could ask you in particular about men. I believe you mentioned that men with training are more likely to observe and report incidents of sexual harassment. Do men who haven't received the training fail to even notice sexual harassment if it's happening close by?

Dr. Lynn Bowes-Sperry: Actually, that study that I referenced talked about men working in organizations with sexual harassment awareness training being more likely to label sex-related behaviour as sexual harassment. That study did not focus on whether they're more likely to report it, but simply that they see a behaviour and they say, "yes, that's sexual harassment". Without the training, they might think it's goofing around, or something personal between the people.

•(1220)

Mrs. Stella Ambler: You also mentioned mistreatment and incivility. Do you think that there's a slippery slope of sexual harassment in the workplace? If it's not detected early, when it is simply incivility or some kind of mistreatment, "fun and games".... If this happens to an individual who's a little bit shy and doesn't really know what to think of it except that she feels a bit uncomfortable, she is not likely to report something that's just a co-worker being uncivilized.

Is that what you mean when you talk about the culture needing to change so that even the smallest incidents are seen as unacceptable, because these incidents can eventually lead to sexual harassment?

Dr. Lynn Bowes-Sperry: That is part of it. A lot of times it is passed off as just goofing around. What happens typically is that when a person is first harassed, they say, "What was that? Did that

person just say something to me like that?" It doesn't really register with them. They have a large sense-making process around it. Typically, they'll talk to their friends and say that this happened to them and what do they think about it. The first time it happens, it's likely not a big deal to the person. It's more of a curiosity. Then when it happens a couple more times, that's when they start to feel the negative consequences, rather than just thinking, "What the heck was that?"

I do think it's a slippery slope. I think the culture extends to words used, like "bitches". I don't want to be rude but it extends to situations where there's that kind of language denigrating women and it is tolerated. Another thing with culture is that if reports of harassment are shrugged off instead of being taken seriously, then people will not want to report it. If there's any backlash for reporting, that would be a really negative culture.

Mrs. Stella Ambler: How do we get observers to feel that it is their responsibility to report?

Dr. Lynn Bowes-Sperry: That's a really good question, and there's not an easy answer to that question. One thing is, when you focus on training, to make sure that they understand that it's not a personal issue. They need to understand that it's a social issue or a workplace issue. If you can make them think of it in ethical terms, that someone is being harmed or hurt, then that's even better.

How do you make them do it? Just training won't necessarily make someone do that; it just makes them aware of it. I think you need to have a policy in place. I think I read that at the Department of National Defence they actually say that observers are responsible for reporting or getting involved in something that they witness. I think taking that step beyond the training would also encourage people.

Mrs. Stella Ambler: How important is anonymity in getting observers to feel comfortable speaking up about an incident?

Dr. Lynn Bowes-Sperry: That's a good question. I think that if anonymity is possible, the person who's reporting feels better because there are no repercussions for them, no possible backlash. I think anonymity is important. I know that in the United States, a lot of times they cannot maintain anonymity. They have to reveal who the person involved is, and I think that can be difficult.

Mrs. Stella Ambler: Fair enough.

In general, would you say—and you touched on this in your remarks—that the formal dispute mechanisms are not as successful as informal early intervention mechanisms, in dealing with sexual harassment in the workplace?

•(1225)

The Chair: A 20-second answer, please, Madame Bowes-Sperry.

Dr. Lynn Bowes-Sperry: Yes, because a lot of—

Oh, are we done?

The Chair: No, sorry. You still have a few seconds for a very short answer, please.

Dr. Lynn Bowes-Sperry: Yes, I think that's true because people are more reluctant to go through formal reporting policies. It doesn't mean that some won't, but it discourages many people.

[Translation]

The Chair: Thank you very much, Ms. Ambler.

I now give the floor to Mrs. Day, who has seven minutes.

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Thank you, Madam Chair.

Thank you, Ms. Bowes-Sperry.

We have heard from a lot of witnesses. We are particularly astonished to still be hearing the same things. The situation is pathetic. Figures on sexual harassment are buried and combined with figures on harassment. So we have very little data on sexual harassment.

Groups, mainly made up of male employees, have appeared before us and have denied the situation, though they have been the subject of 3 to 6 complaints of harassment in a year. The complaints are often dealt with “secretly”, under a code of silence. Complaints are received internally and suppressed by the system itself. That is the conclusion I come to.

Have you heard about that kind of situation?

[English]

Dr. Lynn Bowes-Sperry: I haven't heard that directly but it wouldn't surprise me.

What I have heard is that sometimes when people report, it is not taken seriously and nothing is done about it. That then sends a negative message to other people who might want to report.

[Translation]

Mrs. Anne-Marie Day: But you are aware of the fact that people who undergo harassment then experience problems with anxiety, which increases the amount of sick leave they take and adversely affects their performance. They are often the ones who quit the job, not the harasser.

[English]

Dr. Lynn Bowes-Sperry: Yes, that is true. There are a lot of negative psychological and even physical elements that occur when someone is sexually harassed.

There is avoidance of the perpetrator. The person who is being harassed tries to avoid that person and if the person is someone they need to interact with to do their job effectively, it can affect their job performance as well. Often, it is the female who is the one who bears the burden of leaving the company or the organization.

[Translation]

Mrs. Anne-Marie Day: In the studies you published in 2006, you recommend that workplaces consider organizational factors like policies, procedures and practices for everyday use in order to create a climate in which discrimination will not be tolerated.

Working through the Treasury Board, we have put in place a series of actions and policies along those lines. Yet you could say that there is a gap between the desired outcomes of those policies and their real effect.

Have you observed things of that kind?

[English]

Dr. Lynn Bowes-Sperry: Yes.

[Translation]

Mrs. Anne-Marie Day: Could you tell us about it?

[English]

Dr. Lynn Bowes-Sperry: I don't have much to expand upon, other than the fact that often there are policies in place that, for whatever reason, are not followed or acted upon, and I don't know why. I don't know if it's reluctance on the part of the people who are handling the complaints, because maybe it involves one of their friends. It could be something like that, of a political nature.

I really can't comment further on that. I don't have knowledge in that area.

[Translation]

Mrs. Anne-Marie Day: Okay. What if we tightened the system with a zero tolerance policy? After one or two warnings, you would be gone. That might reduce the number of sexual harassment cases.

Do you feel that it is necessary to have different approaches in a workplace such as the RCMP, where, in a way, the members are guardians of justice and public protectors?

[English]

Dr. Lynn Bowes-Sperry: I'm not sure what you mean. Do you mean that because sometimes it's the citizens that are harassing them? Is that what you're saying? I'm not clear on that.

[Translation]

Mrs. Anne-Marie Day: I am talking about situations where the members of the RCMP themselves are responsible for the harassment.

Do you not believe that we should act differently in cases like that?

● (1230)

[English]

Dr. Lynn Bowes-Sperry: For some reason I'm not understanding the intent of the question.

[Translation]

Mrs. Anne-Marie Day: Fine. Let me ask you another question.

You have conducted research on the role of witnesses and on making ethical decisions. What can you tell us about ethical decision-making in a work environment like the RCMP?

[English]

Dr. Lynn Bowes-Sperry: It's really the way that a person who's a witness frames the incident that they witnessed if they think it has an ethical dimension to it. That's a dimension where it's labelled as wrong in a moral sense rather than just wrong because there's a policy against it. If they have a belief that the behaviour is harmful, that it's not a proper behaviour, or that it's a behaviour that causes harm to the other person, that is usually how they define it when talking about ethics. If the person sees harm coming from the behaviour, then it's classified as unethical behaviour.

[Translation]

Mrs. Anne-Marie Day: You have also stated that, as a way to putting a stop to sexual harassment, measures primarily based on reporting are very likely to fail because most victims do not report it. Instead, you are proposing a mechanism based on the involvement of witnesses. But, just like victims, witnesses are often afraid of accusing a colleague, because they fear reprisals from their employers.

In the case of the RCMP, a number of victims have stated that they suffered reprisals from their colleagues or their superiors. What do you see as the solution to avoiding reprisals in that kind of environment?

Did you not tell us about external observers just now?

[English]

The Chair: You have 10 seconds to answer, please, Madame Bowes-Sperry.

Dr. Lynn Bowes-Sperry: I don't know if this would be possible. Theoretically, if there was a different body investigating the complaints rather than the people who are within the organization, maybe some external force might be taken more seriously because they don't have those personal connections to the people who are doing the harassing.

The Chair: Thank you. Your time has expired.

Madam Young, you have seven minutes.

Ms. Wai Young (Vancouver South, CPC): Thank you so much for your testimony. It was actually quite brilliant. We've been needing this kind of information, because testimony from previous witnesses has raised a lot of questions, and today I want to thank you for being here and giving us some of those answers.

I think there is a lot of misinformation in this committee regarding what's happened before. Right now we're hearing from the public and from different federal departments—because obviously this study looks at sexual harassment in federal workplaces—that historic cases are now coming forward. We are very glad about that, because we don't want sexual harassment in the federal workplace, so it's good to know about this, but some of these cases stem from 10 or 15 years ago. I think there is some disconnect between what happened 15 years ago and the processes that took place then, and the current situation in the federal government.

I want to make that distinction. I think it's very important for you when we ask our questions, because otherwise things get a little confusing.

I wanted to let you know I'm really impressed by your work and your studies in this area. I wanted to ask you if you feel the federal government is on the right track on this.

Since we've come to government, we have identified, accepted, and determined to address this issue of having zero tolerance in the federal workplace. No person should go to work and feel sexually harassed or have to look at that. I think you stated very clearly that it provides a toxic work environment, which is very discouraging and leads to all kinds of stress and other work risks.

Second, we have to develop and implement policies and standards, and that's where I think as a federal government we're going to zero tolerance. Third, we must determine the outcomes we want. That is where I think some of your work is really important. You talked about mandatory training.

I'm just going to outline some of the steps our government has taken and ask you if you have further suggestions for additional steps we can take, because that's what this study is all about. We would welcome any further submissions you want to make to this committee, because we are taking this issue very seriously.

We have taken several steps. We have developed a Treasury Board policy that will cover all federal departments and crown corporations. Second, we have mandated sexual harassment and respectful workplace training. I think you talked about the importance of that. Third, we have incorporated and included management leadership to change the culture. We've heard from various big giant federal departments at which, when the management gets involved in this, the workplace culture does change. They are leaders and champions within their workplace. Fourth, there are optional methods for reporting. They have now also implemented formal and informal reporting. Some departments have specific sexual harassment advisers and units that deal with these complaints and processes. There are employee assistance programs as well for counselling and different other kinds of support, and of course there are legal supports as well.

In addition to that, I really liked your notion of making this not a personal issue. I think we need to somehow infuse that this is a social or work issue. Obviously the harassers have issues with women or power, and that's something we could perhaps look at a bit more. I really like the notion you mentioned about observers also being responsible for reporting.

We have also implemented penalties for sexual harassment. Notes can go on somebody's personnel file, and we are pushing for actual firings, although the unions are pushing back. They usually support the harasser, so I think that creates a difficult situation in the workplace.

So could we have comments from you on all of the above?

• (1235)

Dr. Lynn Bowes-Sperry: Okay. That was a lot.

I think the most important thing is having some kind of discipline in place. By discipline I mean disciplinary action taken against the harassers as you mentioned, whether it's a verbal warning or a termination.

Once they have been trained, there's really no excuse. If there's no training they can always say they didn't know, they didn't understand, they didn't realize that was harmful. But once the training has taken place there goes that excuse. So if you have the training for all the people who could potentially be doing the harassing—not just the managers, because sometimes they just train the people at the top and it doesn't trickle down. Everyone needs the training in my opinion. I think having zero tolerance is pretty much what needs to happen.

In terms of informal and—

Ms. Wai Young: Given that the federal government is the largest employer in all of Canada, it is a good thing that we mandated the training and mandated zero tolerance, don't you think?

Dr. Lynn Bowes-Sperry: To me, in my eyes, yes, because without those steps.... If you're trying to change a culture, it's not an easy thing to do. You mention that you need to have the managers and the people at the top on board. That's definitely true. But you need to have ways to reach the people who aren't at the top. Having policies and training are ways that.... If they know that they can get in trouble or be reprimanded for something, they're more likely to think twice.

Ms. Wai Young: Exactly.

Dr. Lynn Bowes-Sperry: If the union is supporting the harasser, though, that's a really bad situation. I think you'll have your work cut out negotiating. I don't know. Probably things have to occur through negotiation, if it's like how you deal with unions in the United States.

Ms. Wai Young: Because you've done studies on this and you're an expert in this area, what would you recommend to the federal government of Canada, then, in terms of additional steps we can take?

The Chair: A very short answer, Madame Bowes-Sperry, please.

Dr. Lynn Bowes-Sperry: In terms of additional steps, I honestly think you're doing everything that should be done. The only thing I can think of is finding some way for the reporting to be external to the organization, so that no politics are involved and it would be objective. I don't know if that's possible. That's the only thing I could add.

• (1240)

The Chair: Thank you, Madame Bowes-Sperry.

Now Madame Sgro, you have seven minutes.

Hon. Judy Sgro: Thank you very much for your information. It has been extremely interesting listening to you. Many of the things that you have said I have heard at round tables around the country, discussing the whole issue of sexual harassment or harassment in the workplace. As long as everybody turns a blind eye to it, it will continue, no matter what policies you put in place. So I appreciated many of the comments you made.

I'd like to expand a bit more on the issue of.... You talked about passive coping. Some of the issues that have come out recently here in Canada—lawsuits and so on—have come from women who have been in the workforce for a very long time and then, finally, can't handle it any more and then leave and launch a lawsuit. You mentioned passive coping. Is passive coping what many people do in the workforce? So as not to lose their jobs, they try to continue to cope with this kind of activity, which is clearly unacceptable, but they don't want to lodge a complaint.

Dr. Lynn Bowes-Sperry: Yes, I think so.

Also, for some people, they don't want to have to discuss what happened. It's awkward. It's embarrassing. There's a component to it sometimes where the person feels shame or guilt. It's something that people are uncomfortable talking about. If you're the victim or the target of the harassment, it might be easier to try to cope with it by talking to your friends or ignoring it, because that way it's not as awkward for you as having to discuss it.

There's one thing I would like to say that I forgot to mention earlier about the person that they're reporting to. There should always be the option of reporting to a woman, because if they have to report to a man, that is more of a disincentive for some people. They don't want to talk about this behaviour with a man. They'd rather talk about it with a woman.

Hon. Judy Sgro: The second issue is the external body. Right now, it's a question of complaining through a supervisor and then there's, of course, another level where you can go and report. Other than the Human Rights Tribunal here in Canada, there are not a lot of options for you. Could you tell me what you think an external reporting force would look like, where people who have these complaints could go and would not have to be worried about the intimidation, and so on, that happens?

Dr. Lynn Bowes-Sperry: It was more theoretical when I was talking about it. I haven't thought about the practicality of it. In fact, I think it probably would be difficult to do. I was thinking of something like.... I guess when you talked about the Human Rights Commission, it's probably similar to the Equal Employment Opportunity Commission that we have in the United States. There's that avenue.

I don't know. I was thinking if there could be people or committees.... It could be something like someone who works for the federal government but not the division where the harassment occurred.

Hon. Judy Sgro: I agree. I think those would be arm's-length individuals who don't work in the same environment, as far as the whole organization is concerned.

Over 20 years ago when the military was having lots of issues, they were similar to the RCMP in coming forward. More and more people were lodging complaints about sexual harassment in the military, which is an issue that I think you are currently trying to deal with yourselves in the U.S.

Dr. Lynn Bowes-Sperry: Yes, we are.

Hon. Judy Sgro: As a result of that work, DND introduced the observer intervention policy that you referred to. It's a real example of what probably needs to exist throughout the federal workplace for everyone, so that when you observe something you are obligated to report it.

Is the observer intervention policy that DND is using being used anywhere else in actual legal terms?

Dr. Lynn Bowes-Sperry: It may be, but I'm honestly not aware of what companies' policies are, for the most part.

Hon. Judy Sgro: Do you have any other suggestions that we haven't already covered off as to the kinds of policies that need to be there to guarantee, women especially, that respectful workplace?

• (1245)

Dr. Lynn Bowes-Sperry: No. When she was going through the four or five points I think that plan sounded exactly like what I would prescribe.

Hon. Judy Sgro: These issues continue to be very important to all of us. I know they're important to you in the work that you do. Have you done some specific work in Canada or has your work mostly been in the United States?

Dr. Lynn Bowes-Sperry: It has been exclusively in the United States.

Hon. Judy Sgro: Have you been able to share any of your knowledge with the military right now in the challenges they're facing in the United States?

Dr. Lynn Bowes-Sperry: No, I haven't been called on to do that.

Hon. Judy Sgro: I think they'd do well if they did.

Dr. Lynn Bowes-Sperry: Thank you.

Hon. Judy Sgro: Certainly the fact you mentioned about how few people lodge complaints—

The Chair: You have one more minute.

Hon. Judy Sgro: —and I think when we look at trying to judge it by the numbers, for everyone who lodges a complaint probably another 10 choose to be passive and not go forward. That's really sad, but it is an issue that we need to know does happen.

Thank you very much for your evidence today.

The Chair: Thank you, Madame Bowes-Sperry.

Thank you, Madame Sgro.

Madame Mathysen.

Ms. Irene Mathysen: Thank you, Madam Chair.

Before Madam Bowes-Sperry goes, I did want to put something on the record. I wouldn't want her to be misinformed.

Madam, in virtually all workplaces—

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

The Chair: Madame Mathysen, I have a question from Madame Bateman.

[Translation]

Ms. Joyce Bateman: Madam Chair, a point of clarification. Does Ms. Mathysen still have time to ask our witness questions?

The Chair: Thank you for your question, Ms. Bateman. Actually, I thought that Ms. Mathysen was raising a point of order.

Do you have a point of order, Ms. Mathysen?

[English]

Ms. Irene Mathysen: One point, Madam. In virtually all situations, anti-harassment policies have been brought forward and supported by unions so they can protect their members. I didn't want you to think we didn't do that here.

The Chair: Sorry, Madame Mathysen, this is not a point of order.

Thank you very much for being with us today, Madame Bowes-Sperry. We will let you go.

We are now moving to the last part of our orders of the day, which means committee business. I wanted to explain to the member why I decided to put committee business on the list.

[Translation]

Last week, Ms. Sgro introduced a motion to invite Caroline O'Farrell to appear before us as part of the study we are currently conducting. The government then moved to end debate on the motion, saying that it would be ready to resume debate on the following Tuesday.

Since it is Tuesday today, the committee may resume debate on the motion if it wishes. So now, I am trying to find out whether or not we want to do so.

Is there unanimous consent to resume debate on the motion?

[English]

Mrs. Susan Truppe: Did we vote on this? This is the one we just voted on, right?

The Chair: Exactly.

Mrs. Susan Truppe: Yes, so there's no point.

The Chair: We didn't vote on the motion. We voted earlier to not take up the debate at that specific moment. Now we are on the orders of the day and we are at the committee business point, so I'm looking to see if we want a debate that motion or not. The motion is still in front of us. As we are at our committee business point, I want to know if the committee is ready to debate that motion.

So far, we've voted that we don't want to debate that motion. I want to know if the committee is ready to debate that motion.

On my list, I have Madame Truppe.

Mrs. Susan Truppe: Thank you.

I would like to move that we go in camera. We have committee business. We're not in camera.

The Chair: We don't need to be in camera for committee business, but it is a non-debatable motion. If you really want to go in camera, this is the motion—

Mrs. Susan Truppe: Sure. We always have, for the last two years.

The Chair: If it's still your choice, we'll vote to see if we go in camera or not.

• (1250)

An hon. member: I'd like a recorded vote.

An hon. member: Yes, a recorded vote.

[*Translation*]

The Chair: Madam Clerk, we have a motion for a recorded vote on whether committee business shall continue in camera.

[*English*]

Mrs. Stella Ambler: Madam Chair, can I just point out that I believe—

The Chair: No, I'm sorry. We are in a vote.

Mrs. Stella Ambler: I think she has to ask the parliamentary secretary first. I know that you're going in alphabetical order, and I appreciate that. I'm always happy to vote, but I think—

The Chair: We will continue.

[*Translation*]

The motion is that the meeting continue in camera.

(Motion agreed to: yeas, 7; nays, 4)

The Chair: So we will continue in camera. I would ask those who have to leave the room to do so now.

[*Proceedings continue in camera*]

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