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Ms. Marie-Claude Morin

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• (0850)

[Translation]

The Chair (Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP)): Good morning everyone. I see we have a quorum, so we'll get started.

Welcome to the 49th meeting of the Standing Committee on the Status of Women. Today, pursuant to Standing Order 108(2), we are continuing our study of sexual harassment in the federal workplace.

We have with us this morning, from the Royal Canadian Mounted Police, Assistant Commissioner Sharon Woodburn, Director General of Workforce Programs and Services, and Superintendent Michael O'Rielly, Director of the Legislative Reform Initiative.

Good morning and welcome. Thank you for joining us today. Your input will certainly make for a more in-depth study by the committee.

Without further ado, I turn the floor over to you. You have 10 minutes for your presentation, and then we will move on to questions and answers.

You may go ahead.

[English]

C/Supt Sharon Woodburn (Director General, Workforce Programs and Services, Royal Canadian Mounted Police): Good morning, Madam Chair, members of the committee, ladies and gentlemen. Thank you so much for this opportunity to come before the committee to contribute to your study of sexual harassment in workplaces in the federal jurisdiction.

Here with me today is Superintendent Michael O'Rielly, who is leading the legislative reform initiative for the RCMP. He will be able to answer any questions relating to Bill C-42.

The work of the RCMP has a profound impact on all Canadians. The RCMP's mandate is multi-faceted, and every employee within the force contributes their skills and expertise to deliver quality policing services. All employees of the RCMP are responsible for enhancing and maintaining the health and strength of the organization. The commissioner and senior management have committed to an "every employee engaged" approach, whereby expectations of conduct relating back to our core values are discussed with each RCMP employee and agreed to.

[Translation]

Men and women are recruited into the RCMP with the expectation that they will become part of a world-class policing organization.

Employees of the RCMP expect that their colleagues, no matter their position or role, will do their very best to maintain and further this image, in how they deal with the public and each other.

[English]

The RCMP is privileged to enjoy high levels of public approval and support, and the vast majority of the women and men carry out their duties every day in a professional and diligent manner. However, over the past few years, concerns regarding harassment, accountability, and existing human resource management practices have been raised. In this regard, we are not meeting the high expectations of Canadians.

[Translation]

I would like to take this opportunity to describe some of the efforts we are making to show accountability and establish a work environment with zero tolerance for inappropriate behaviour, such as harassment.

[English]

The RCMP is taking steps to effect organizational change that will address two key factors: numerative inequality, or the difference between the number of men and women in the workplace; and normative standards, or those aspects of organizational culture that can contribute to harassment.

According to Statistics Canada, the representation of women within policing services across Canada has increased from 17.3% in 2005 to 19.6% in 2011. The representation of female regular members within the RCMP has kept pace with this increase, rising from 18.1% to 20.1% over the same period. In spite of this, these rates remain below the labour market availability for women who are interested in a career in policing, which was estimated to be 27% in the 2006 census. This means there is room to have more women in policing.

The commissioner has announced an increase in the recruiting benchmark for women from 30% to 35% to have a more equitable level of representation of female police officers in all ranks throughout the RCMP. We are committed to achieving a more equitable gender balance to help create a better, more respectful workplace.

I will now talk about the normative factors. The RCMP must develop the means to change behaviours, to set new standards and expectations, and to hold all employees accountable for their behaviours.

[Translation]

The results of the Public Service Employee Survey, in both 2008 and 2011, indicate that about 30% of RCMP respondents reported being harassed in the past two years. This percentage is essentially the same as those found throughout the core public administration.

[English]

Since 2005 there have been 1,102 complaints of harassment filed in the RCMP. This is an average of 150 complaints a year. Of these, 57% refer to interpersonal department; 36% are identified as abuse of authority; 4% relate to discrimination, as defined under the Canadian Human Rights Act; and 3% relate to sexual harassment.

What this tells us is that harassment continues to be reported at a consistent rate in the RCMP. This is unacceptable. The steps we are committed to taking to overcome this issue include focusing on a more respectful workplace, improving training practices, and establishing procedures and processes to prevent, investigate, and resolve harassment complaints.

[Translation]

Part of changing our culture is the identification and handling of harassing behaviour at the onset. Some unacceptable actions are more obvious than others, and some forms are more insidious.

Any definition of harassing behaviour, sexual or otherwise, will always be subjective to a certain extent. The challenge is to clearly define what is considered to be unacceptable conduct and to know when to intervene.

[English]

By identifying such behaviours, expectations can be established that action will be taken to point out and stop improper conduct immediately. The RCMP is identifying and developing a continuum of what is considered to be disrespectful and harassing conduct to better hold employees, especially supervisors and managers, accountable for taking action.

Establishing the responsibilities of supervisors and managers is also vital to achieving this. The commissioner or senior manager, such as commanding officers, cannot oversee the daily interactions of every employee. We put this trust in our many managers and supervisors. We must also give those managers and supervisors the training and tools to prevent and effectively handle conflict in the workplace and any inappropriate behaviour they see at an early stage.

The RCMP has had mandatory online harassment awareness and prevention training for all employees since 2005. This was a step in the right direction in raising awareness; however, we recognize the need to do more.

We are also enhancing leadership development focusing on core components, such as how to manage workplace relations, how to identify and address conflict and harassment, and how to build and maintain respectful workplaces.

The RCMP is implementing a respectful workplace program that sets out expectations for all employees of what supports respectful and harassment-free workplaces. The program also outlines how to recognize when these expectations are not being met, how to engage

in early intervention, and how to rebuild relationships. The program is built on the Treasury Board policy on the prevention and resolution of harassment in the workplace and supplemented by the RCMP Act; however, the two processes do not align in purpose, process, or outcome.

● (0855)

[Translation]

Bill C-42, the Enhancing Royal Canadian Mounted Police Accountability Act, if passed, would provide the RCMP with a number of tools in the areas of conduct, grievances and discipline.

The proposed legislation will provide the commissioner with the authority to deal with harassment directly, by establishing streamlined procedures for the investigation and resolution of harassment complaints.

[English]

I would like to thank the committee for inviting us here today and for undertaking this study. Our intention is to continue making changes through the actions that I have outlined today. Our goal is to become a primary contributor to the creation of safe, healthy, and respectful workplaces in the federal public service.

Thank you.

My colleague and I would be pleased to provide further information in response to any questions.

[Translation]

The Chair: Thank you very much.

We will now move right into questions.

Ms. Truppe, you have seven minutes.

[English]

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

I'd like to thank you both for coming. I know everyone here has been looking forward to your visit, and I'm sure everyone has a lot of great questions for you.

You mentioned just a few minutes ago that the RCMP had taken some steps to increase accountability and transparency within the RCMP. Could you just reiterate again what they were and the steps they would be taking, and have you noticed any impacts so far?

C/Supt Sharon Woodburn: There are a bunch of different steps related to different aspects of trying to get to the respectful workplace and transparency. Obviously, there are the policies. We are updating all of our policies, and we are working with Treasury Board to do that. We're also building some guides right now for employees so that they understand what harassment is, what a respectful workplace is. The guides are also for the human resource personnel who work with them. We're looking at service standards for timelines and such.

In the area of leadership, that's been very important. The commissioner's Every Employee Engaged initiative, which he started in July, directly applies to your question, I think. He met with all of his senior leaders across the force and explained what he expected from us. He also explained five points that he wanted to emphasize, one of which was directly related to a respectful workplace, but also supervision, accountability, transparency, discipline, and those sorts of things. He followed that up with a video message to all employees in the RCMP.

I forget the second part of your question.

Mrs. Susan Truppe: Just if you noticed any impacts so far. Maybe it's a little too early.

C/Supt Sharon Woodburn: It's probably too early to see impacts, but I do know that the topic itself really seems to come to the forefront. We're very much talking about these things, which is a good thing, I think.

Mrs. Susan Truppe: Great. Thank you.

The Minister of Public Safety, in consultation with Commissioner Paulson, referred the matter of sexual harassment complaints to the Commission for Public Complaints Against the RCMP. Can you advise the committee of the progress of this investigation and when we might expect a report?

C/Supt Sharon Woodburn: I'm not sure on the exact date of the report. I know that we gave full cooperation and opened up all of our files, of course. They were even in our building for a while reading the files, but I'm not sure of the exact date.

Mrs. Susan Truppe: Do you know how many submissions related to sexual harassment in the workplace have been received by the Commission for Public Complaints Against the RCMP so far, or would you have that data?

● (0900)

C/Supt Sharon Woodburn: No, I don't have that data.

Mrs. Susan Truppe: What sorts of policy and procedural recommendations is the Commission for Public Complaints Against the RCMP empowered to make? Policy recommendations? Training recommendations? Are there other recommendations? Do they have carte blanche?

C/Supt Sharon Woodburn: Given that it's a recommendation, I'm not sure there is a limit on it, but I don't know the specifics of that, I'm sorry.

Mrs. Susan Truppe: That's okay.

In your remarks you mentioned that the RCMP has had mandatory online harassment awareness and prevention training for all employees since 2005. How is this monitored? If it's mandatory, how do we know everybody is doing that?

C/Supt Sharon Woodburn: It's monitored from the policy centre. That's part of the central oversight. I know that the statistic as of last week was that 94% of all employees had taken that course.

Mrs. Susan Truppe: Then you also mentioned that they would be establishing procedures and processes to prevent, investigate, and resolve harassment complaints. Have they been established?

C/Supt Sharon Woodburn: For the most part, the procedures... Our policy has been in existence since 2005, so we already have

procedures and policies. We are amending those; they're evolving. Little bits are changed as the policy goes along, but we're looking at a more substantial change presently to match the Treasury Board policy that just came out.

Mrs. Susan Truppe: Will a harassment policy that directly includes sexual harassment be implemented? Are they going to have one specifically for sexual harassment?

C/Supt Sharon Woodburn: No, not at this point. It's within the definition of harassment, but there isn't a separate policy for sexual harassment.

Mrs. Susan Truppe: Also in your remarks you mentioned that the commissioner had announced an increase in the recruiting benchmark for women from 30% to 35%, to have a more equitable level of representation of female police officers throughout the RCMP. How are they doing this? How are they going to bring that benchmark up from 30% to 35%?

C/Supt Sharon Woodburn: The proactive portion of recruiting has the ability to focus on certain segments of society, and in this case it depends on where you are located. There are many different initiatives going on to bring up the rate of women applying to the RCMP, things such as women-only exam sessions or women-only physical testing or information sessions—your imagination is the limit really for those types of things.

Mrs. Susan Truppe: Are they having a different type of recruiting seminar for women who might be interested?

C/Supt Sharon Woodburn: Yes, that's right. They would have recruiting information sessions. That's one of our first stages. They would be targeted for women only, for instance. I'm not sure exactly how the information would differ, but it would be specific to the women in the audience.

Mrs. Susan Truppe: Do you think the changes brought forth in Bill C-42 would allow the RCMP to address the issues of harassment within the RCMP?

C/Supt Sharon Woodburn: I will have to address that to my colleague.

Supt Michael O'Rielly (Director, Legislative Reform Initiative, Royal Canadian Mounted Police): Absolutely. One of the barriers we face right now is the structural difference between applying the processes for investigation and resolution of a harassment complaint where a member is a respondent under the Treasury Board policy or applying part IV of the RCMP Act. They are two very different processes. Bill C-42 would provide the opportunity to overcome that barrier.

[Translation]

The Chair: Thank you, Mr. O'Rielly.

We now go to the other side.

Ms. Ashton, you have seven minutes.

Ms. Niki Ashton (Churchill, NDP): Thank you kindly.

Thank you to our witnesses.

[English]

To be frank, the driver behind this study began with wanting to look into the egregious experiences brought forward by women in the RCMP. It was extended more broadly to sexual harassment in the federal workforce. But as we know, the stories brought forward by women RCMP members have gripped Canadians, and they have also had a general impact on how they view our national police force.

We've had few occasions to discuss what is going on, and unfortunately, today, we're not hearing from rank-and-file women members who would have experiences to share that reflect the harassment and discrimination they have faced. Certainly for us in the NDP, that is an omission, especially when our role as a committee is to bring forward recommendations on how things can be improved within the RCMP and, more broadly, in federal workforces.

On the public safety committee I also had the chance to work on Bill C-42. I just want to pause on that for a moment to say that I was shocked to know that Bill C-42 doesn't use the word "harassment" anywhere in the entire document, which I think to anybody is an indication of the.... I mean, if you don't actually name the problem, is it the elephant in the room? I know there's a reference to "incidents", but certainly the words—"sexual harassment" particularly—that have been at the top of mind for so many Canadians aren't actually mentioned in Bill C-42.

The NDP initially said that we would support it, based on what we believed to be a true intent to modernize the RCMP and to deal with critical issues like sexual harassment. Unfortunately, we saw that it was lacking, and the amendments we put forward were not passed. Whether it was adding specifically to the RCMP Act mandatory harassment training for RCMP members, ensuring a fully independent civilian review body to investigate complaints against the RCMP, adding a provision to create a national civilian investigative body that would avoid police investigating police, and creating a more balanced human resource policy by removing some of the more draconian powers proposed for the RCMP commissioner, and by strengthening the External Review Committee in cases involving possible dismissal from the force—all of these amendments were not passed. We believe, therefore, that Bill C-42 is inadequate in dealing with a host of gaps, but, very predominantly, sexual harassment in the RCMP.

We've been made aware of the intention of dealing with sexual harassment, which is encouraging, but intention isn't enough. It's not as though these allegations came up in the last couple of years; they've been going on for a long time, and talk is not enough. We have also heard about the disincentive to women, and men as well, in joining the RCMP as a result of these allegations of harassment.

When we hear about intention—and certainly we believe training is important, but one of the recurring themes is of the culture in the workplace. Commissioner Paulson referred to it as well when he first came to speak with us a number of months ago. We've heard from other witnesses that when you have a highly hierarchical organization—like the RCMP, but others as well—and you don't have women in positions of power or women represented in an equitable manner, that creates a culture far more prone to harassment.

We've heard about the target to hire 35% more women, and you spoke a bit about how you're planning to do that. What is the timeline, and how solid is that target? We'd like to see 50% so that the RCMP actually reflects our population.

• (0905)

What are your solid timelines and goals, so we know when to look forward to that result?

C/Supt Sharon Woodburn: There is no end date to the benchmark, so there's no timeline for it. It's for the next few years. The intention is to keep going, and pushing, and doing what we can to get there.

I can tell you we are definitely headed in the right direction. I'm looking at some statistics from 2009, where we had 18% women enrolled in Depot. It progresses through the years. In 2011 and 2012, we had 27%. This year, up until September, we had 24% already. It's definitely increasing and coming up. The goal is to keep going. Maybe it will be readjusted, I'm not sure, but we want as many as possible.

• (0910)

Ms. Niki Ashton: How about putting women in positions of power, whether it's managerial or other levels? This would ensure that the organization, rank and file and up the ladder, reflects the population of women in Canada.

C/Supt Sharon Woodburn: The statistics will show the women in the force—20% give or take, depending on what level you're at—and then it drops off a bit. Then it starts to build up again in senior management.

The feeder pool is what will get us there. That's part of the importance of the 35%—to build that base. Each promotion has requirements, and you have to have experience. The more we have in the feeder pool, the more we'll have in the upper levels.

I can tell you it's hopeful. It's looking good. Last year at this time we had two assistant commissioners of my rank. This year we have four, with one in the works, so it will be five within weeks.

Ms. Niki Ashton: Do you do exit surveys when RCMP members leave to find out why they are leaving?

C/Supt Sharon Woodburn: They are done. I can't give you a statistic on it. They are offered. It's part of our process to offer those to people.

Ms. Niki Ashton: Do you know if there is any question...?

[Translation]

The Chair: Unfortunately, I must stop you there, as your time is up.

We now go to the other side.

Ms. O'Neill Gordon, you have seven minutes.

[English]

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Thank you, Madam Chair, and welcome to our witnesses. We're happy to have you with us this morning. Thank you for appearing with us today. Your presentation will definitely give us a much clearer understanding of the role of the RCMP in dealing with grievances of sexual harassment in the workplace.

I want to congratulate you. You mention in your report that the RCMP has had mandatory online harassment awareness and prevention training for all employees since 2005. We congratulate you for taking a step in the right direction. It is very important in raising this awareness among the employees.

What changes are proposed that deal specifically with sexual harassment in the workforce?

C/Supt Sharon Woodburn: The changes that deal with sexual harassment are based on the policies. We're updating. We're building guides. This will be the first time we have used the guides. We're basing them on the Treasury Board guides. They will give examples to help people identify what is and what isn't sexual harassment. The guides will pose a bunch of questions so they can look at their own behaviour.

The other portion of new or emphasized things is the training. The policy centre is working with training to embed pieces about a respectful workplace and harassment into almost a full continuum. It's very comprehensive. It would start at Depot. That's not new. Then it will go into the field-coaching program. They have recently embedded training into our supervisory development program and our management development program. They are working right now with the officer development program. That's a whole continuum of training during one's career.

The hiring initiatives and the leadership shown through the central oversight is a positive step. As to administration of harassment, we've just gone onto electronic case management, so we'll be able to better track our trends as well as the cases themselves.

Mrs. Tilly O'Neill Gordon: Would you say, then, that there is much improvement in the atmosphere and the rapport in the workplace in the RCMP?

C/Supt Sharon Woodburn: I represent the RCMP, but I can't speak for every single person. I would say that we're definitely headed in the right direction. We have a lot of initiatives going on, all targeted to making the workplace respectful for everybody. It's everybody's right to work in an area like that, and that's what we've committed to.

• (0915)

Mrs. Tilly O'Neill Gordon: It's a very important issue and one we are studying a lot and are very concerned about, as everyone is.

The committee is aware that the RCMP chose to participate in the public service employee survey. I'm wondering if you have any insight into whether Bill C-42 would be effective in addressing this differential in harassment? If not, what other steps will be taken to address it? Will we need other steps besides Bill C-42, and what steps would you be looking at?

C/Supt Sharon Woodburn: I think a little bit of everything will help address the issue, not one law or one policy. I mentioned some in my last response.

Maybe I'll allow Superintendent O'Rielly to comment on Bill C-42.

Supt Michael O'Rielly: The best way to approach it, and the way we've been approaching it since probably 2008-09, is through a systems approach. As Assistant Commissioner Woodburn says, it's not one thing that will be the magic bullet to overcome these challenges. C-42 will definitely help, because it will provide the opportunity to overcome, as I was describing before, this structural challenge we have right now. The Treasury Board policy on the prevention of harassment in the workplace is designed to rebuild relationships and help relationships recover within the workplace. There is also an anticipation that if harassment is found, there is a consequence, and oftentimes that's discipline.

However, within the RCMP Act there is only one way to attain or reach the goal of determining whether misconduct has occurred, and that's through part IV of the RCMP Act, which is the discipline system. That's a very different process, a very different target, with a very different intention. It is really focused on determining guilt. It is very adversarial, whereas the Treasury Board policy is much more focused on early resolution and on the accountability of managers and supervisors. It is also focused on bystanders, if I may use the term, getting involved and putting a stop to inappropriate, uncivil behaviour when it happens, rather than letting it build.

The whole systems approach really comes down to needing to make sure that we set expectations, establish responsibilities, and hold people accountable for whether they are taking the action they need to take in response to what we identify as inappropriate behaviour.

Assistant Commissioner Woodburn referred in her opening remarks to the concept of a continuum of respectful behaviours. What we find, and what you will find in the literature as well, is that there is this hesitancy among some people to take action if they're not quite sure that it's inappropriate or not. That hesitancy is what can lead to delay. It can ultimately lead to the frustration of people who feel that, first, they can't report because it won't be taken seriously, because it is not taken seriously at the time, and second, there is an expectation that we're not really sure where it's going to end up and whether it will become discipline or harassment.

To cross the bridge, there is no clear crosswalk. We have to figure it out as we go along. C-42 will help us address that one chunk: the investigation. But the TB policy, especially the new one, will help us address the resolution.

[Translation]

The Chair: Forgive me, Mr. O'Rielly, but I must stop you there. Thank you for understanding.

It is now over to Ms. Sgro.

You may go ahead for seven minutes.

[English]

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

Madam, before you start counting my time, could I just ask the clerk—I have been away for a bit—have you received the summary report on gender-based harassment and respectful workplace consultation that was done April 17, 2012? Has the committee received that? Not yet? Okay. I will send a copy of the report over for distribution to the committee. I think it will be very informative.

Now you can start the clock. Thank you very much. Our time is always very precious around here.

Thank you very much for coming. I appreciate the kind intentions and all of the good words, but I have to tell you I clearly remain very unconvinced that there will be much change. I also will assure you that many of us on this committee are going to monitor that to the extent we are able to ensure that the right legislation is in place and that we do everything possible to ensure that women are attracted to the service, and that once they are there, they feel fully comfortable. There's a whole lot more required than what is currently there.

Ms. Woodburn, would you recommend to your daughter that she join the RCMP in its current form?

• (0920)

C/Supt Sharon Woodburn: I don't have a daughter.

Hon. Judy Sgro: Suppose that you did.

C/Supt Sharon Woodburn: Supposing I did, I most certainly would, yes. I have had a very positive career. I would pass it on. Obviously any child makes their own decision.

Hon. Judy Sgro: Mr. O'Rielly, I will ask you the same question. Would you recommend this as a career to your daughter?

Supt Michael O'Rielly: That's a tough one, Madam Chair. The lifestyle of the RCMP is not something my daughter would be attracted to at any rate. However, if either she or my son were to come forward, I would support them entirely. They would in fact be the third generation to join. At this point, as I said, based on her personality, I don't think that would be something she would be interested in.

Hon. Judy Sgro: The change requires far more than just leadership. It's a question of changing the management style, the culture, and the attitudes people have. We know the RCMP is not alone, of course, in these issues. All of the processes that are touted about all of the different ways in which you can do it—clearly, they haven't been adequate. No one wants to make these kinds of complaints. They know they are career-limiting. No matter how many laws we put in place, they are very career-limiting for anybody who starts to go forward.

I assume you both have a copy of the report I referenced earlier. It was done in B.C. by "E" Division. So you are well aware of the comments that are in here from the survey of existing members that was done. What they are asking for in here, what they are recommending, is the establishment of a confidential place to seek information and advice. There need to be awareness sessions, harassment prevention, and then an enhanced complaint and support process. There also needs to be true confidentiality so that women can come forward with these kinds of complaints and not feel they are going to be victims.

Could I get your comments on this report?

C/Supt Sharon Woodburn: I have read the report. I do know our policy centre is working closely with "E" Division to follow what they have been doing since the report. There has been a lot of good work started, possibly because of this report, but maybe even earlier than that, because of the negative publicity and things brought to light. I know the commanding officer of B.C. took that very seriously, took it to heart, and he is definitely working on improving things there with some actions.

Hon. Judy Sgro: That is in one division and one area. Clearly, the comments are that the old boys' club is alive and well. Again, it's not from 2011. This is a report just put out in April 2012 by someone who is lauded as being a very progressive deputy commissioner, who clearly really cares about this issue and who has taken this kind of initiative to interview over 400 people who have come forward with these complaints. I would suggest that's just the tip of the iceberg. Many people will have experienced it but have decided not to put their careers in jeopardy by going forward on it.

Exactly what would they need to do to change that, other than to get up to 50% in numbers and maybe get better control, which would give women the attitude that they can break out of this old boys' club or get rid of the old boys' club? Maybe we can make it a women's club. Maybe it's time for a whole new attitude. How do we get there? I am not hearing about anything being done, whether through Bill C-42 or otherwise, that gives me any kind of confidence. There are lots of great words but little really serious action.

C/Supt Sharon Woodburn: As I said, I have read the report, and like you, I was disheartened by some of those comments. It's not pleasant to imagine somebody feeling that way in their workplace.

I don't know the sum of the comments and how many positive ones didn't make the report either, but I have to say that I agree not one thing will tackle this issue. The perspective of the RCMP is that there's a more holistic approach to this. When I say we're updating our policy, that's just one portion of it. That goes along with leadership demonstrated by the commissioner and by every senior manager. That goes along with other training: the new training and reinforcing the old training. That goes along with the critical mass of women, and these are just my words.

You alluded to an old girls' club. I don't know your exact wording, but a critical mass will get us there. I don't know what that number is exactly, but I do know that would be a room where everybody feels comfortable in the meeting, and that the power and balance is not necessarily with the man who is the most senior at the table, because in the future I don't think that will be. Based on everything we're doing, I think we will see a more balanced workplace and therefore a more respectful one.

• (0925)

Hon. Judy Sgro: Do you have confidence in the processes we're talking about?

C/Supt Sharon Woodburn: Yes, I have confidence. I understand the processes. I've worked with them. Perhaps what we need to do is explain them better so that other people have confidence in them as well.

[Translation]

The Chair: Thank you, Ms. Woodburn.

We will now begin our second round of questions.

Ms. Bateman, you have five minutes.

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Thank you very much.

[English]

Thank you so much to both of you for being here. I appreciate not only that you're here, but that you are both empowering your daughters to make their own decisions. Certainly I would be in exactly the same position, and it would be at my peril that I would think any other way. But you're dealing with somebody's daughters, and that's very important. I really want to understand better exactly what you're doing.

Bill C-42 has some changes. You've both made references to C-42, to the fact that Treasury Board currently governs all employees of the federal public service, and yet there is a juxtaposition of that responsibility with part IV of the RCMP Act. Could you take a few minutes to enlighten me and the committee on exactly how that fits, and how it's going to work?

Supt Michael O'Rielly: Probably the easiest way to describe it—and I'll give a rough sketch—is that if an incident occurs and it is not addressed immediately, it is allowed to fester, the person who is the target of the inappropriate behaviour looks around for an opportunity to bring this to someone to have something done about it.

Under the Treasury Board policy, the expectation is that you'll be able to enter into an early resolution process. Efforts will be made to try to bring the parties together, if appropriate. There are different dispute resolution processes to address balances, power balances and issues like that. But the expectation is that you will be able to conduct an entire process focused on the harassing behaviour and come to a determination of whether harassment has occurred, and determine what steps need to be taken to rebuild the workplace relations to address the relationship between the parties, if it's recoverable at all.

There's a lot of good work that can be done along the harassment continuum within the Treasury Board policy, including at the end of it, if it is found that...where a manager within the core public administration is in a position to say, "I see what has happened here and I will now issue discipline, if I feel it's appropriate."

In the RCMP world we can only go so far with that. We can attempt to engage in early resolution if it's a harassment complaint. However, as soon as it appears—and that's the test under the act, "appears"—to the person in command or in the chain of command of the respondent in a complaint that there is a violation of the code of conduct, then they initiate an investigation. They could rely on the harassment investigation that was done under the Treasury Board policy, but the challenge there is that the statements may not have been taken in such a way to allow it to feed into an adversarial process, a very court-like process. That is ultimately one of the outcomes of our conduct system, our discipline system. Once it's into the discipline world, it's no longer dealing with relationships. It's no longer trying to address the issues that are in the workplace. It's no longer focused on how we can assist the complainant, how we can deal with the inappropriate behaviour of the respondent. It becomes very much a matter of what evidence I need to gather in order to

prove there was a violation or a contravention of the code of conduct.

As soon as we get into that, again, it's very court-based. There are certain rights that a member who is subject to the discipline system can access. There are certain limitations on what can be done within the code of conduct process. You can't engage in early resolution, for example, once that's engaged.

The other piece is that under the Treasury Board policy there is a requirement to provide the complainant with access to a draft report in order to make sure that in their eyes everything has been done that needs to be done. But if it's done under the code of conduct, we don't have that right, because the process is designed, as I said, to prove or disprove a contravention of the code of conduct.

Therefore, these two processes do not line up and come out at the same place. The harassment process starts, but at some point it stops, and then part IV picks it up and runs with it. As soon as that is done, you're not looking at the same issue any more. You're not looking at harassment; you're looking at the code of conduct.

The other challenge is that the outcomes are very different. The ability of the complainant to play a role in influencing that outcome is minimized, outside of being a witness. They are two very different processes with two very different intentions.

● (0930)

[Translation]

The Chair: Unfortunately, I have to cut you off.

Supt Michael O'Rielly: Sorry.

The Chair: I apologize. That was very interesting. Thank you.

It is now over to Ms. Day.

You have five minutes.

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

I want to thank our witnesses for joining us today.

I have two daughters, and I'm not so sure I would encourage them to join the RCMP or a public force like the army where the male-female power balance is off and equitable representation in all ranks is lacking. But I am certain that things will improve going forward.

My colleague Ms. Ashton asked you if members leaving the force were surveyed to learn more about their reasons for leaving.

First, are you able to say whether those surveys include questions on sexual harassment specifically? Second, does the survey include a clear description of the behaviour?

[English]

C/Supt Sharon Woodburn: It's not a survey per se; it's an interview when people are leaving. We call it an exit interview. It's open-ended. There are no set questions. Therefore, there are none about sexual harassment per se. However, when exit interviews are done, it would be open-ended, and any information could come forward. If that were relevant, I assume there would be questions asked. If sexual harassment came forward as an issue for the person leaving, then there would be follow-up questions in that regard.

[Translation]

Mrs. Anne-Marie Day: So the exit interview doesn't have specific questions on sexual harassment. Nor does it include a clear description of the behaviour.

[English]

C/Supt Sharon Woodburn: No, it's because the interview is more open-ended; it's a free-flowing interview, so it wouldn't be a prescribed set of questions. I'm confident that if somebody raised the issue of sexual harassment, they would not just say thank you and move on. It would be a precursor to asking more questions about that and to digging in deeper to find out what went on.

[Translation]

Mrs. Anne-Marie Day: The preventive measures you have planned target a number of objectives: to focus on a respectful workplace, to improve training practices, to establish procedures to prevent harassment, and so forth.

Will one of your objectives be to gather better information on people who leave the force, to see if the facts line up? Sometimes you're too afraid to say anything when you're on the job, but when you leave the organization, you're able to speak up and say you experienced sexual harassment when you were hired or while you were working.

Will you include questions of that nature in the exit interview?

• (0935)

[English]

C/Supt Sharon Woodburn: I think it's a very valid point that people will be open when they're leaving and that we might get some of our best information from that. We're not planning to add a question about that. I think we would more likely be focusing on having those interviews done as opposed to prescribing them.

I'm just starting now to assign someone to look at reasons why people are leaving the recruiting process, for instance. I know that at Depot they definitely do 100% interviews on why people leave Depot.

[Translation]

Mrs. Anne-Marie Day: According to your document, your approach is also based on prevention. But will you implement more serious corrective measures, along the lines of a zero tolerance policy or a three strikes and you're out system? When sexual harassment occurs, will the perpetrator be forced to stop under your system?

[English]

C/Supt Sharon Woodburn: I don't think we're going to three strikes or any specific set of circumstances like that. It is zero tolerance. It will be zero tolerance. That is our commitment to have zero tolerance.

The discipline itself as it's set out right now would go to an adjudication board, in which case the sanction would take place, and that's where you would see what you're referring to, I think, as the three strikes and you're out, or the end result, I guess. That's where you would see that set of discipline for it.

[Translation]

The Chair: Unfortunately, I must cut you off. I apologize, but Ms. Day's time is up.

We have two or three minutes left before our time with this panel of witnesses is over. Ms. Ambler, you may have the remaining time.

[English]

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

And thank you very much to both of you for being here today and for your presentation on this very important issue.

I think the whole reason we're here is because we're all very concerned about what's going on and we want to find out more from you.

You mentioned statistics in your presentation, specifically that the average number of complaints was at 150 a year, and of that, about 3% were identified as sexual harassment, so that equals about three or four. Are there other types of more recent statistics that you keep specifically on the new policies and programs?

C/Supt Sharon Woodburn: We have just in the last year gone to the central management oversight of harassment. Part of that was to take all of the harassment cases and input them into the electronic system. Unfortunately, that was just tombstone data, so I don't think our statistics are so helpful for what you're looking for.

We have started since January 1 to enter more of the output of those complaints.

Mrs. Stella Ambler: Thank you.

I have a quick question regarding a point that was made earlier on the use of the word "incident" versus "sexual harassment" specifically as terminology in Bill C-42. Will that terminology in any way hinder you in being able to deal with sexual harassment cases?

C/Supt Sharon Woodburn: Not at all.

But I'll turn that over to my colleague.

Supt Michael O'Rielly: Actually, the reference to harassment is under what would become the new human resource management authorities for the commissioner. It spells out that the commissioner may establish a process for the investigation and resolution of, as it says, harassment "disputes".

• (0940)

Mrs. Stella Ambler: Sexual harassment would absolutely be included in that.

Supt Michael O'Rielly: Yes.

Mrs. Stella Ambler: Absolutely.

Supt Michael O'Rielly: Yes, absolutely.

Mrs. Stella Ambler: Okay. Thanks. I just wanted to make sure that no one was in any way concerned about the wording used in Bill C-42.

You mentioned also—

[Translation]

The Chair: Pardon me, Ms. Ambler, but I must stop you there. That is all the time we have for this panel of witnesses. Today, we have five minutes less for each panel, since we have committee business to deal with at the end of the meeting.

Thank you ever so much for joining us today. Your remarks were very helpful.

I will now suspend the meeting, just long enough for our next panel of witnesses to take their places.

- _____ (Pause) _____
-

The Chair: We will now resume the meeting, if you don't mind.

I want to welcome our second panel of witnesses. Joining us from the Royal Canadian Mounted Police External Review Committee are Catherine Ebbs, the committee's chair, and David Paradiso, its executive director and senior counsel.

You will have 10 minutes for your presentation, and then we will move on to questions and answers.

Without further ado, I turn the floor over to you.

[English]

Ms. Catherine Ebbs (Chair, Royal Canadian Mounted Police External Review Committee): Thank you, Madam Chair.

As you've just said, my name is Catherine Ebbs. I've been chair of the External Review Committee since 2005, and I'm happy to have with me Mr. David Paradiso, who's our executive director and senior counsel.

I have a very brief opening statement of about five minutes.

- (0945)

[Translation]

Madam Chair, distinguished members of the committee, thank you for the opportunity to appear before you today.

I am delighted to be able to explain the RCMP External Review Committee's mandate, the scope of its powers, and the rationale for its existence and responsibilities.

[English]

The RCMP External Review Committee, or ERC, was created in 1986 to provide RCMP management and regular and civilian members with an independent, arm's-length labour relations tribunal. For almost 25 years the ERC has provided the RCMP with an objective and neutral service. We also offer the general public a unique window into the labour dispute mechanisms of the RCMP. Because the RCMP is the only non-unionized police force in Canada, the ERC's independence from the internal processes is essential to assuring that grievances and disciplinary rulings are examined in a fair and completely neutral manner.

[Translation]

Our committee plays an important role in maintaining the public's confidence in the RCMP, ensuring that the force respects the act and individuals' rights in labour relations.

Our committee is mandated to review grievances, disciplinary measures, and discharge and demotion cases referred to it by the RCMP. Following its review, the committee makes recommendations to the RCMP commissioner.

[English]

We conduct a full, impartial review. In all grievance, discipline, discharge, and demotion matters referred to it, the ERC bases its review on the record before it. This includes all of the original documents, submissions of the parties, and the decision made. In this respect, we operate somewhat like a court of appeal, as we only conduct our review on the record of evidence; however, unlike a court of appeal, our reports are not rulings, only recommendations. Our word is not law. We prepare recommendations and findings that are given to the parties, as well as to the Commissioner of the RCMP. The law requires that the commissioner consider our recommendations, but is not bound by law to accept them. The RCMP commissioner has the final say in all cases. Historically, the RCMP commissioner's acceptance rate of ERC recommendations is in the range of approximately 85%. If the commissioner decides not to follow them, the commissioner is required to explain in writing the reasons why our recommendations were not followed.

[Translation]

It is my understanding that the Standing Committee on the Status of Women is mainly interested in the perspectives of various experts on the roles and challenges of female RCMP members and public service employees.

Cases of harassment in the workplace, be it sexual or otherwise, are a major concern for all of us.

[English]

In its 25-year history, 99 cases related to harassment have been referred to the ERC for review. These 99 cases deal with such subjects as alleged abuse of authority, on-the-job pranks, peer-to-peer bullying, as well as sexual harassment. I would like to stress that it is the ERC's view that workplace harassment of any kind must be dealt with in a manner that is both timely and fair. Those with the responsibility of dealing with complaints need to be fully trained, and there needs to be consistency in how complaints are managed across all regions of the country.

We believe the focus should be on prevention, early detection, and intervention as a way of limiting all harassment.

[Translation]

Thank you. I would now be pleased to answer your questions.

The Chair: Thank you kindly for your remarks, Ms. Ebbs.

We will now move on to questions.

You have the floor, Ms. Ambler, for seven minutes.

- (0950)

[English]

Mrs. Stella Ambler: Thank you, Madam Chair.

Thank you to both of you for being here today, and for your brief presentation. That gives us more time for questions, which we very much appreciate.

I just want to talk about numbers and statistics, which is where I left off in the last hour. You mentioned that 30 cases are referred to the review committee every year and you address about 25 of them.

I'm sorry, you didn't mention that. Sorry, I'm reading my own notes here.

I think you may have mentioned that at committee.

Ms. Catherine Ebbs: Yes.

Mrs. Stella Ambler: I was reading that in the committee notes.

Can you please tell me what happens to those five, and why they wouldn't be looked at?

Ms. Catherine Ebbs: We were talking about the number of cases, which can go up and down in any given year; it's not static. But on average, that is what the figures would be. So that would mean that in any given year we would receive 30, and in any given year we would work on and finish our recommendations on 25. But we're not talking about the same cases, because at the beginning of the year we would have cases that are still waiting that haven't been dealt with.

Mrs. Stella Ambler: Oh, I see. I have it. It's not that some fall off the grid or don't get looked at.

Ms. Catherine Ebbs: We review every case that's referred to us.

Mrs. Stella Ambler: I heard you say that all complaints are investigated, and I couldn't figure out the math, but now I get it. Thank you.

Ms. Catherine Ebbs: The only time we wouldn't review a case is if the member withdrew, asked us not to review it. That would be the only reason.

Mrs. Stella Ambler: Thank you.

I'm also trying to reconcile the zero tolerance policy with the continuum. The previous panel, also RCMP, mentioned the continuum of harassment. Is this something you are aware of? It's a new concept to help people who might be hesitant in bringing forward complaints. Is this ringing a bell at all?

Ms. Catherine Ebbs: As you know, the ERC is completely independent from the RCMP, and I don't know....

Mrs. Stella Ambler: That's okay.

What I want to ask specifically, then, is do you keep statistics? What would be the result of one of the review committee's decisions? What happens? Does the commissioner prepare a report, make recommendations? What happens at the end of the process?

• (0955)

Ms. Catherine Ebbs: If we use, as an example, a harassment-related case, that case would have gone through a process internally before we saw it, and there would have been a decision made internally at the first level. We are involved at the appeal level.

If either party decided to bring it to the next level, then we would get the case. We would review it. We'd prepare a report and we'd provide findings and recommendations to the Commissioner of the RCMP. Then once the file reached the commissioner's desk, he

would make a final decision. And as I said, the law is very clear that he must consider the ERC recommendation, and if he doesn't accept it, he has to explain why.

That's the end of the process, except if a member were to bring it to the court for judicial review.

Mrs. Stella Ambler: Okay, so that's the one more step they could possibly take after the review.

Could you describe what a recommendation looks like, what type of recommendation is usual? What sorts of recommendations can the review commission make? Would they ever include training recommendations?

Ms. Catherine Ebbs: Generally speaking, the recommendation in each case relates to what we feel the commissioner should decide. After our review, the vast majority of our recommendations to the commissioner on a harassment grievance would be, for example, that he allow the grievance or that he deny the grievance, and then we would give our reasons why. A discipline case would be similar. We would recommend that he allow or refuse the appeal. The bulk of our recommendations are very specific to the case we're reviewing.

There are occasions where we have made recommendations that go beyond the case. For example, there are cases where we have found that in certain types of subjects.... I don't think we've done this in harassment cases, but in other types of cases we might say that the policy is very difficult to understand, and we would recommend that the commissioner order a review of that policy to see if it could be improved. They are those kinds of recommendations.

Mrs. Stella Ambler: Okay. That's good to know.

Of the cases that you see in a year or over a period of time, do you keep statistics specifically on the types of cases that you see and how many are sexual harassment cases? Also, have you personally dealt with very many sexual harassment cases?

The Chair: You have 30 seconds.

Ms. Catherine Ebbs: Okay.

I can just say briefly that in my time, in the seven years, I have dealt with next to no sexual harassment cases. I will ask Mr. Paradiso.

Mr. David Paradiso (Executive Director and Senior Counsel, Royal Canadian Mounted Police External Review Committee): We don't specifically keep statistics on sexual harassment grievances. We do have harassment grievances, which is why we came up with our 99 number over the last 25 years.

Mrs. Stella Ambler: The last—

[Translation]

The Chair: I have to cut you off there, Ms. Ambler.

[English]

Mrs. Stella Ambler: Okay. Thank you.

[Translation]

The Chair: Your time is up. Thank you.

We now go to the other side.

Ms. Ashton, you have seven minutes.

[English]

Ms. Niki Ashton: Thank you.

Thank you for your testimony.

We've heard, obviously, that there's a court case regarding sexual harassment experienced by rank-and-file women members in the RCMP, yet you've mentioned that very few cases have come to your attention. Why do you think that's the case?

Ms. Catherine Ebbs: I don't know the reason, but I can think of some possible answers. As I said, we are at an appeal level of the process, so it could be that there are complaints made that are dealt with at the first level and aren't taken to appeal. That could be one reason why we don't see as many.

Then, of course, we know there's the situation where there are some people who feel that they've been harassed, but they don't even make the complaint. I think it's very unfortunate that they think that. The result is that the case will never get to us, obviously.

Ms. Niki Ashton: Yes, and that's an interesting point. Obviously, a number of women see the courts as being a place where they can take these very serious allegations forward.

Have you seen any trends around sexual harassment? You spoke of the 99 cases. Have you seen any trends over time with respect to those cases, whatever they may be, whether it's the kind or...? Is there any difference over time within these last 25 years when it comes to sexual harassment complaints, or appeals, which is what you deal with?

Ms. Catherine Ebbs: There have been so few that I would hesitate to talk about trends.

In relation to harassment cases in general, even there I wouldn't want to say that I can see the whole picture just by the cases that come to us, because we have a very unique window. But in the cases that have come to us, I think we've seen things happen that give us ideas, as I said in the presentation, about principles that we think are really important in any system that's going to deal with harassment effectively.

I think training is a very big component, as is early resolution. Because we are at the appeal level, we see cases that have been in the system for quite a while. Just in reading the files, I see the toll that takes on all the parties—the person who complained and the person who's alleged to have harassed—and even on the work environment of those people. I think that is a key element: to ensure that harassment issues are dealt with effectively right at the outset. I think that's key.

•(1000)

Ms. Niki Ashton: A number of witnesses have pointed out that workplace culture, and especially the culture that exists in hierarchical workplaces where few women are represented at all levels, makes for situations that are more prone to harassment, sexual harassment in particular. Do any of your recommendations focus on changing workplace culture within the RCMP?

Ms. Catherine Ebbs: Not any of our recommendations specifically. I understand there is a consensus that the culture within the RCMP needs to change. I think this provides an excellent

opportunity for improvements to be made in the labour relations processes. I see a big link between a healthy and respectful workplace and effective, timely, and fair labour relations processes.

Ms. Niki Ashton: Looking at the work you do and getting a sense of the challenges that members are facing in the RCMP, do you think it's important that the RCMP has effective exit surveys and an understanding of the data on harassment, if there is harassment that the members are facing, and what kind of harassment that might be?

Ms. Catherine Ebbs: That sounds to me like an excellent idea. It could provide some significant information that would point them to places where they need to do extra work.

[Translation]

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

The Chair: Two minutes.

[English]

Ms. Niki Ashton: I want to turn to Bill C-42. As I noted earlier, we in the NDP will not be supporting it in third reading, because the gaps are still extensive and we're concerned about the fact that harassment isn't mentioned in the legislation.

I want to ask about C-42's impact on your work. C-42 would require the External Review Committee to establish time limits within which grievances and appeals would be dealt with. Will the legislation result in shorter times, or will it simply make the current timeframes public and subject to an annual report to the Minister of Public Safety?

Ms. Catherine Ebbs: I accept that just establishing timeframes doesn't necessarily mean that an agency is going to meet them. We work with desired timeframes now, so this would just be a matter of publishing them in our annual report. At the present time, we don't meet those timeframes. They're a goal that we hope to attain, but we don't meet them.

Ms. Niki Ashton: So if C-42 were to pass, it would not be binding?

Ms. Catherine Ebbs: I don't believe so. I think the requirement would be that those timeframes be made public, and that there might be an explanation if they're not met or why they're not met. That's my understanding.

Ms. Niki Ashton: That speaks to some of the broader concerns we have about the adequacy of the legislation.

Can you advise the committee how long the grievances and appeals you're working with take on average, and if sexual harassment cases take more or less time than others?

[Translation]

The Chair: Please keep your answer very short.

[English]

Mr. David Paradiso: We don't have an average. I could state that the harassment cases are more time-consuming and painstaking than most ordinary grievances.

[Translation]

The Chair: I must stop you there, Ms. Ashton.

Ms. Young now has seven minutes.

[English]

Ms. Wai Young (Vancouver South, CPC): Thank you so much for being here today and for sharing your experiences with us.

I have a couple of comments, and questions obviously.

In the cases you have dealt with, would you say that in 100% of them the grievor is a woman?

•(1005)

Ms. Catherine Ebbs: No, not at all.

Ms. Wai Young: Could you give me a percentage? What would it be?

Ms. Catherine Ebbs: I don't know if we have the percentages here, but we could certainly provide them if we don't. We receive many harassment grievances filed by men.

Ms. Wai Young: I see.

Ms. Catherine Ebbs: Most of those, I would think, would come under the subject of abuse of authority.

Ms. Wai Young: So it would be fair to say that not all people who get sexually harassed or harassed at work are women—men also get harassed. Is that what your experience has been?

Ms. Catherine Ebbs: My answer was not related to sexual harassment. I don't know if I can answer that based on what I've seen. I don't think I would know that answer.

Ms. Wai Young: Thank you for that.

I also wanted to ask you, have you had incidents where it was the same harasser? For example, you can have one person be a harasser at the workforce who may spawn 30 different incidents because other people will complain against them, obviously. So it occurs to me that we are counting the incidents, which is a good thing to do, but are we also keeping track of maybe vexatious harassers? Have you had incidents where people have come back and you realized it was the same person—I don't want to say whether the person is male or female because you said there had been both—who has an ongoing chronic predisposition to harass?

Ms. Catherine Ebbs: Yes, we have definitely seen examples of that, that there was one harasser and a number of people involved.

Ms. Wai Young: Are there different mechanisms, or different consequences? Earlier on we heard from the RCMP about conduct issues that we can put these people through, or do they just kind of go through the same thing 30 times or whatever and then they may get a letter in their file or some such thing, as an outcome?

Ms. Catherine Ebbs: The example I'm thinking about that the ERC dealt with was on a discipline matter. The actions of this alleged harasser led to a disciplinary hearing because it was seen as disgraceful conduct.

Ms. Wai Young: In your experience, how often has a disciplinary hearing resulted in somebody being let go?

Ms. Catherine Ebbs: The cases that we get are often orders to resign or to be dismissed, but in terms of global statistics, I think you would have to get those from the RCMP.

Ms. Wai Young: In your experience with the cases that you do get, how many people are then let go or are ordered to resign? By the time they get to your appeal process, I'm assuming that's a fairly

serious place to be, because you're the final appeal mechanism. Am I correct about that?

Ms. Catherine Ebbs: We are part of the final appeal mechanism because we make the recommendation. It's the commissioner who makes the final decision.

When you were talking about discipline matters, the appeal could have been presented not only by the member who was being disciplined, but also by the appropriate officer who started the whole investigation. So we get both.

In terms of numbers, I think that's something we could provide more detail on. We don't really have those numbers here.

Ms. Wai Young: Does it suffice to say that by the time it gets to your review committee it is very serious and it does result in some fairly serious action?

Ms. Catherine Ebbs: Yes, because right now the way the system works within the RCMP, if an officer believes there is misconduct, they have a choice right at the outset, depending on what the misconduct is, to go an informal route or a formal route. Once it starts on the formal route, that means it's more serious, and then it gets to a full hearing, and then there's the decision that's made, which can go up to dismissal and an order to resign. Once it goes the formal route, that is an indication that it's being treated very seriously.

•(1010)

Ms. Wai Young: Now given your extensive experience—because you did say that you've been on the review committee for many years, and you have obviously trained as a lawyer and all of that—would you say that we have a system that has a fairly high standard, given what you're telling us right now?

Ms. Catherine Ebbs: A system for...?

Ms. Wai Young: For dealing with harassment and addressing these issues.

Ms. Catherine Ebbs: The system right now is really governed, as was mentioned before, by the Treasury Board policy on harassment. The RCMP has their own policy that kind of builds on the Treasury Board policy. There are a lot of elements in there that are very positive.

Ms. Wai Young: Would you say Bill C-42 will help?

Ms. Catherine Ebbs: To the extent that Bill C-42 will assist the commissioner when he is revising these policies and making them even more timely, more fair, it will be of assistance.

Ms. Wai Young: Thank you very much for your time.

Do I have any more time?

The Chair: Ten seconds.

Ms. Wai Young: I'm going to ask Mr. Paradiso to add any of his thoughts. Would you agree with what Ms. Ebbs said?

Mr. David Paradiso: I agree with what the chair has said.

Ms. Wai Young: Thank you.

[Translation]

The Chair: Thank you.

It is now Ms. Sgro's turn. Go ahead for seven minutes.

[English]

Hon. Judy Sgro: Thank you very much.

Welcome to both of you. Thank you for the work that you attempt to do. Clearly, a lot of people don't have the confidence levels to get up and just walk away, and they don't even bother to appeal.

I wanted to read a couple of quotes from three different members that were in the report I referenced earlier, which I hope the committee will have shortly.

One of them is from one of the RCMP officers interviewed:

I would never report harassment. I have seen what happens to those who have and their life was made hell by those in [the] management positions who have used their authority to intimidate.

The second one:

We wear a bullet proof vest to protect ourselves from the bad guys out there, but really we need to be wearing the vest to protect ourselves from the bad guys inside our own organization.

The third one reads—and again these are different people:

The women I know that have encountered difficulty were strong, independent and confident. These women were pushed out of jobs when they had expertise and interest and had to start over at an advanced point in their careers at jobs they did not choose. This is a serious and very real problem [in the RCMP], going well beyond an unwelcome joke. It is uglier than most people think.

You've no doubt been reading newspapers and hearing reports of a variety of comments and so on, in particular about harassment, specifically sexual harassment of women, which is why we're really looking at this issue from the Status of Women's perspective.

In the work you're doing at your senior level of appeal, what was your feeling when you were hearing these comments, knowing what you deal with at your level? And how few get to you? Did you question why you weren't getting more complaints, even though you're at an appeal process?

Ms. Catherine Ebbs: First, I find it very unfortunate that there are situations where people feel they have no recourse. They have issues and complaints and they don't feel the recourse is going to work for them. I think that is very unfortunate. Hopefully, with the work that is being done to make the process of handling these complaints more efficient and more fair, that will build more confidence for people who are in similar situations.

Hon. Judy Sgro: On the different recommendations that you have made to the commissioner, you said 85% of them were accepted by him. Were those 85% basically concurring with what it was the RCMP wanted to achieve, or were they of a different opinion than what the force was recommending?

• (1015)

Ms. Catherine Ebbs: They were both. We don't always agree with the decision that was made at the first level, if that's what I understand you're referring to.

Hon. Judy Sgro: Do you have any way of monitoring what kind of action happens as a result of your recommendation?

Ms. Catherine Ebbs: We don't get formal notice of what happens. When we present findings and recommendations to the commissioner, we receive the commissioner's full decision when he makes it. So we know exactly what the outcome of that decision was.

Hon. Judy Sgro: Do you feel a level of intimidation from the RCMP if you go contrary to their recommendations?

Ms. Catherine Ebbs: No, absolutely not. I think in the 25 years of the committee our independence has been respected. I don't feel that at all.

Hon. Judy Sgro: How many people work with you and Mr. Paradiso?

Ms. Catherine Ebbs: We are very small. I am the chair and the only one who has authority to make the findings and recommendations. I'm supported by Mr. Paradiso and four full-time staff. We are six in total.

Hon. Judy Sgro: You have six full-time staff in total and you handle 30 appeals a year on average? How long does it take for you to go through that process, relative to the seriousness of the appeal?

Ms. Catherine Ebbs: It can vary quite a bit because we have different types of cases—grievances, discipline matters. It can take anywhere from a couple of weeks to months, depending on the complexity of the case.

Hon. Judy Sgro: Are most of them that you receive at your level dismissal appeals?

Ms. Catherine Ebbs: Most of our caseload would be grievances. Those grievances can deal with a number of matters. We have harassment grievances, as we were talking about, grievances about monetary issues, like relocation, isolated post, travel stoppage, suspension without pay. We deal with a lot of different subjects. Then we have the discipline cases, but the majority are grievances.

Hon. Judy Sgro: Have you been asked about making some recommendations to the commissioner as to how you might see streamlining some of the multitude of processes and levels? Just listening to everything this morning about all the different levels, and it's here and it's there.... Just give up and go—that's exactly what I think most people feel, and many of the women I have spoken to, in particular the women, develop that attitude. It's just, "Forget it". There's no way you're going to continue.

Have you been asked to make some recommendations as to how the appeal process might be streamlined to better help some of the individuals who want to come forward?

Ms. Catherine Ebbs: Yes, we have been consulted, and we have been told that we will be consulted in the ongoing process to develop better processes.

Hon. Judy Sgro: Have you recently been consulted to do this?

Ms. Catherine Ebbs: Yes, but the ERC has consulted and has been consulted on other initiatives in the past as well.

Hon. Judy Sgro: Thank you.

[Translation]

The Chair: Thank you.

We now go to the other side, with Mr. Aspin.

This is the beginning of a new round, so you have five minutes.
[English]

Mr. Jay Aspin (Nipissing—Timiskaming, CPC): Thank you, Chair.

Welcome to you both, and thank you for giving us input on such an important subject.

I'm curious about the ERC, the External Review Committee. You mentioned you have two members, plus a legal team of four members.

Ms. Catherine Ebbs: No. I am the only one who has the authority to make the findings and recommendations. There is only one member, and I'm supported by five public servants.

Mr. Jay Aspin: Would you give us a bit of history as to how long this has been in existence and how you were appointed?

Ms. Catherine Ebbs: The ERC has existed for 25 years. It came out of a study that was done by Justice René Marin in the seventies about the internal work environment within the RCMP. He recommended some pretty big changes to the internal structures, as well as the creation of the ERC, the External Review Committee, and our sister agency, the committee that deals with public complaints.

In the 25 years we have fulfilled that function, I believe I am the fourth chair, and, as I said, I was appointed in 2005.

I began with the committee in 2003 as legal counsel.

• (1020)

Mr. Jay Aspin: You mentioned that the Treasury Board guidelines offer an alternative method of dealing with incidents of sexual harassment when both parties can engage in resolution and the complainant has more control over the process. Do you think this type of process will encourage women to deal with incidents at an earlier stage?

Ms. Catherine Ebbs: I think any change that will promote or assist parties to find a resolution at the earliest possible stage will be extremely helpful and will definitely increase the confidence level for the people who might be thinking of using it.

Mr. Jay Aspin: You mentioned the grievance procedure. I'd just like to get a finer appreciation of the grievance procedure you go through.

Can you give us what options are available after a decision has been taken by the committee and the commissioner has made a ruling?

Ms. Catherine Ebbs: To use harassment grievances as an example, the recommendation could be from the ERC that...

First of all, the grievance could have been presented either by the person who made the complaint at the outset, where the finding was that the allegation of harassment was not established, or by the person who was found to have harassed. It could come from either party. Our recommendation to the commissioner, after our review, would be to either allow the grievance or deny the grievance—keep the decision as it was at the outset.

In our review, we looked at what was decided, but we also looked at how it was decided. We looked at the process to see if it was fair.

For example, if in a harassment grievance we found that the process wasn't followed, we would recommend to the commissioner that he accept our finding, and in that case he would send the matter back to be dealt with properly. That would be an example of an outcome.

Mr. Jay Aspin: I have one more quick question, if I may, Chair.

Could you give us an idea of how this body is appointed?

Ms. Catherine Ebbs: I am a Governor in Council appointment. There was a selection process. The post was advertised. I was interviewed.

Actually, in my first appointment, I also appeared before a parliamentary committee after it was recommended that I be appointed.

[Translation]

The Chair: Back to the other side.

Ms. Hassainia, you may go ahead for five minutes.

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

First off, thank you for your presentation.

Second, Ms. Ebbs, you referred to the importance of reaching a resolution in a harassment case fairly quickly. Could you tell us what kind of process you have in mind and who would be responsible for administering it?

Ms. Catherine Ebbs: The policy of the Treasury Board Secretariat includes certain processes. The parties can access a type of mediation mechanism. That is an informal resolution measure. Throughout a process like that, I would say, in harassment cases, it is always preferable for the parties to have the support of an expert, a facilitator, or someone with those kinds of skills. I believe this strategy can genuinely work and benefit both parties in all types of disputes.

As for attempting to resolve the dispute as quickly as possible, as I see it, that is paramount. The goal is to have processes that not only work well, but also have the acceptance of members. That is the way to achieve a healthier and fairer workplace.

• (1025)

Mrs. Sana Hassainia: Thank you.

Earlier, you had some recommendations for training that members should take to prevent harassment, sexual harassment specifically. Could you comment on the type of workplace training you would recommend?

Ms. Catherine Ebbs: Of course, though it is a bit outside my area of expertise. I listened to the answer given by the people at the RCMP. According to them, harassment training, possibly even mandatory training, is a major component of their initiative. As for the delivery methods, I don't know enough to answer that part of the question adequately.

Mrs. Sana Hassainia: Someone asked a question earlier, but unfortunately we ran out of time before we could get the answer.

Would you be able to provide us with information on the response time in cases involving sexual harassment grievances? Do you have that information? Is it tracked?

Ms. Catherine Ebbs: No, I can't give you an answer because we see so few sexual harassment cases. I don't have an answer for you.

In more general terms, I can say that harassment grievance cases usually take longer than others because of the complexity of the facts. Often, the points raised are also more complex.

Mrs. Sana Hassainia: You can't discuss it now because you don't have the figures? Do you have them somewhere? Could you provide them to us later?

Ms. Catherine Ebbs: I will ask Mr. Paradiso to take that.
[English]

Mr. David Paradiso: We can attempt to find them. The difficulty is in isolating those sexual harassment cases, because we don't identify them specifically. We don't track them, so we have to go over our cases and then identify how long they've taken.

[Translation]

Mrs. Sana Hassainia: Very well.

Unless I am mistaken, the committee reviews grievances and makes recommendations to the commissioner. But the commissioner is not required to consider them. So what is the point of making recommendations? Is there no other way to ensure follow-through?

Ms. Catherine Ebbs: Under the current system, our role is to submit recommendations to the commissioner. However, the RCMP External Review Committee's history has shown us that our recommendations have the potential to influence the way the RCMP approaches certain issues. That is something we have observed.

Whether it's a recommendation or a binding decision, what matters is that the external review process be well-respected and sound. That is the underlying principle.

The Chair: Thank you, Ms. Ebbs.

We have one last five-minute chunk for questions. We will wrap up with Ms. Young, or is it Ms. Bateman?

I think you are going to share the five minutes.

Ms. Joyce Bateman: Yes, we would like to split the time, if you don't mind.

The Chair: No problem.

[English]

Ms. Joyce Bateman: I will just take part of the time because we both wanted to have the chance to ask you a question.

You clearly have a lot of experience in this, and I'm delighted to hear that you're going to be consulted on a variety of levels as people re-examine their approach.

The comment was made earlier, and I forget which one of our colleagues spoke to the difference of management and leadership. It has always been my experience that a good manager is a leader, and this really is a leadership issue, in my view.

Could you speak to that? Do you have some views that you would like to share with your key clients?

•(1030)

Ms. Catherine Ebbs: I would only say, as a personal opinion, that with an initiative like this, where the force is trying to improve the

systems that are in place, to develop strategies to even prevent the problem before it starts—

Ms. Joyce Bateman: Exactly, with the training—

Ms. Catherine Ebbs:—leadership is key, and the fact that the commissioner has made this one of his priorities can't but help to move that initiative along.

Ms. Joyce Bateman: I appreciate that. The training they have initiated for all of their staff is part and parcel of that leadership component, I imagine?

Ms. Catherine Ebbs: Yes, I would think so.

[Translation]

Ms. Joyce Bateman: I now turn it over to my colleague, Ms. Young.

Ms. Wai Young: Thank you very much.

[English]

Thank you, Joyce.

I was particularly impressed that because you are an independent review committee, you have an ability to step back a little bit and see not just what the RCMP is possibly going through, because it is part of the federal civil service, but perhaps to have some views about the overall system. I was particularly impressed by your objective and experienced view on this.

I want to ask you some final questions and reconfirm what I thought I heard today, because we heard some things earlier and some right now. What I thought I heard was that the reason you don't collect separate statistics for sexual harassment per se is because the cases that come to you are so few.

Would you like to confirm that?

Mr. David Paradiso: We've just simply never tracked sexual harassment cases separately from other harassment. But we have a good idea that they are very, very few.

Ms. Wai Young: Secondly, it appeared, based on your testimony, that you are listened to, that you have influence, and that when you make recommendations, the RCMP does embrace them or does try to implement them. Would you say that this is true?

Ms. Catherine Ebbs: Yes, we do have examples, quite numerous examples, of that.

Ms. Wai Young: Would you say that, of course, we would strive for zero tolerance? In your view, after 25 years of experience, is that truly possible, given human behaviour and all of that?

Ms. Catherine Ebbs: I think that whether or not it is actually possible, that's got to be our target.

Ms. Wai Young: Yes, absolutely, I think we all agree with that in this room.

Given that, and the different appeal systems—and we've heard about the Treasury Board guidelines and what the RCMP have to go through—would you say, because we ended up here in the last place, that Bill C-42 will have an impact?

Given the lead in management and the importance the commissioner has put on this, obviously, and the fact that earlier on we had people who said there's no magic bullet, there's no one solution that's going to make all this go away or solve all these problems, we have to do a number of different things, because there is an existing, very complex system that we have to improve on in various aspects, whether it be training, whether it be leadership, etc.

What are your thoughts, given that you have a bit more time now, on Bill C-42 and how it will help the system?

The Chair: Very, very quickly.

Ms. Catherine Ebbs: Okay, very quickly. The momentum is there, and we just have to make sure this momentum carries through to some really positive results.

[*Translation*]

The Chair: Thank you, Ms. Young. Unfortunately, you're out of time.

That concludes today's meeting. I would ask the committee members not to leave the room, as we are going to spend 10 minutes on committee business.

Thank you kindly for agreeing to meet with us and taking the time to be here today. Your input was very helpful.

In one minute, we will move in camera.

[*Proceedings continue in camera*]

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