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Ms. Marie-Claude Morin

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• (1100)

[Translation]

The Chair (Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP)): Good morning and welcome to the 57th meeting of the Standing Committee on the Status of Women. Pursuant to Standing Order 108(2), we are continuing our study of sexual harassment in the federal workplace.

In the first hour, we will be hearing from witnesses from the Office of the Conflict of Interest and Ethics Commissioner. In the second hour, witnesses from both the United Steelworkers and the Canadian Auto Workers will join the meeting by videoconference.

Without further ado, let me introduce our first guests. They are Mary Dawson and Denise Benoit, from the Office of the Conflict of Interest and Ethics Commissioner.

Welcome to you both. First, you have 10 minutes for your presentation. Then we will move to a question and answer period. When you have one minute left, I will let you know so that I do not have to interrupt you in the middle of a sentence.

The floor is yours.

Ms. Mary Dawson (Conflict of Interest and Ethics Commissioner, Office of the Conflict of Interest and Ethics Commissioner): Thank you, Madam Chair.

I would like to thank the committee for inviting me to appear before you today as part of its study on sexual harassment in the federal workplace. I recognize the importance of preventing and dealing with sexual harassment situations, among other types of harassment, and I commend the committee for its work.

As you have already mentioned, with me this morning is Denise Benoit, Director of Corporate Management.

[English]

To provide some context, I am going to start with some background information about the Office of the Conflict of Interest and Ethics Commissioner. Then I will review the policies we have put in place to prevent and deal with harassment, including sexual harassment. I have provided the committee with copies of those policies. I will also outline the legal framework within which my office operates. I will end my opening statement with a brief look ahead.

My office was created under the Federal Accountability Act. The part that relates to my office, the Conflict of Interest Act, came into effect in July 2007, the same time that I was appointed Conflict of

Interest and Ethics Commissioner. My office replaced the office of the Ethics Commissioner, one of its several predecessors.

Along with the Senate, the House of Commons, and the Library of Parliament, my office is part of the parliamentary infrastructure. The commissioner is an officer of Parliament who is appointed under the Parliament of Canada Act, so my office is totally separate from the public service and is not subject to Treasury Board policies. We are a small organization with a staff of 50.

During the more than five years that I have been commissioner, there has been no formal complaint of harassment in my office. There was one formal complaint submitted in July 2007, the very month I was appointed, the very week I was appointed, and it was quickly and successfully resolved. That case highlighted for me the need to strengthen my office's ability to prevent and deal with harassment and thus served as an impetus for developing an effective policy framework in this important area. Since that time we've received no harassment complaints, whether formal or informal.

Although, as I have noted, my office and its employees are not subject to Treasury Board policies, in developing the framework we drew on best practices used in the public service, as well as those used in the House of Commons administration.

As I mentioned, my office has its own terms and conditions of employment. Given that employees are non-unionized, that document performs a function similar to that of a collective agreement in a unionized workplace. Our terms and conditions of employment became effective in 2004 under the previous jurisdiction, with the establishment of the former office of the Ethics Commissioner and were revised in 2009 and again last year to reflect our current structure and work environment. They clearly recognize the right of employees to work in an environment free from any form of harassment and state unequivocally that harassment and abuse of authority will not be tolerated.

Our terms and conditions of employment also empower employees who believe that they have been harassed to seek redress through the procedures established in our "Policy on Prevention and Resolution of Harassment in the Workplace". That policy reiterates employees' right to work in an environment free of harassment and articulates their right to be treated with respect and dignity, as well as their duty to treat others the same way.

It sets out a working definition of harassment, supported by concrete examples of what generally constitutes harassment, including sexual harassment and abuse of authority. It addresses prevention by providing for training. When the policy was introduced in 2010, we undertook an office-wide training session. As well, copies of the policy are given to anyone who joins the office.

The policy establishes confidential informal and formal resolution processes that employees who believe they have been harassed can follow and provides for mediation.

Steps in the informal process range from self-regulation, obtained by addressing the matter directly with the alleged harasser, to resolution through an expert resource.

● (1105)

The formal process, which is triggered by a written complaint, is coordinated by the director of corporate management, and may include conducting an investigation. Mediation by a neutral party can be used at any time in either the informal or formal resolution processes.

The policy also identifies various corrective and disciplinary actions ranging from oral reprimands to dismissal. Such actions may be taken not only against harassers, but also against managers who are aware of harassment but fail to act, anyone who hinders the resolution of a complaint through threats, intimidation or retaliation, and anyone who files a frivolous complaint.

The policy on prevention and resolution of harassment in the workplace is supported by the policy on discipline and its related guidelines, which took effect in March 2011, and the delegation of human resources management authorities.

Last April, after an extensive consultation process, my office issued a code of values and standards of conduct that all employees are required to read and sign when they join the office and again each year. In addition to underscoring the key values of the office, the code sets out expectations for behaviours in all activities performed by the organization.

To support our values, we went beyond general statements and identified behaviours that are specifically encouraged and those that are specifically prohibited. In support of the value of respect for people, the code recognizes employees' duty to help create and maintain a workplace that is free from harassment and discrimination and specifically prohibits behaviours related to the harassment of an employee with actions or words.

My office also has in place several non-policy tools that, I believe, may also contribute to preventing and resolving harassment issues. The joint labour relations committee manages labour management issues and undertakes employee consultation. Along with our human resources team, it has played an important role in policy development within our office. We also have an electronic suggestion box that employees can use to raise issues and concerns anonymously. We always answer those, incidentally, electronically as well.

We recognize the importance of providing adequate resources to implement our policy framework, and are prepared to do so to

resolve any cases of harassment that may occur. As I have noted, there are various processes that employees who believe they have been harassed can follow.

While we will try to resolve harassment cases through internal mechanisms first, we will contract with someone from the outside if needed. The employees involved must have confidence that they're being treated impartially and fairly, and because we are a small organization we may sometimes have to engage external assistance in order to give them that assurance.

I'm confident of the effectiveness of the policy framework that my office has developed for preventing and resolving harassment, including sexual harassment. However, employees also have recourse to several other mechanisms. Employees of my office are unrepresented. Terms and conditions of employment establish the work conditions affecting them.

Under the Parliamentary Employment and Staff Relations Act, employees can use the internal grievance process if they are not satisfied with the resolution of a harassment complaint. This type of grievance cannot be referred for adjudication to the Public Service Staff Relations Board. If employees are not satisfied with the results of the internal grievance procedures, and their harassment complaint is based on one of 11 identified grounds, they may go before the Canadian Human Rights Commission.

While I believe my office's policy framework is appropriate—

● (1110)

The Chair: You have one minute.

Ms. Mary Dawson: —and effective and we have had no complaints of harassment in over five years, I recognize that we must remain vigilant. A lack of complaints is not a foolproof indicator that there are not any challenges. I understand people can be afraid to complain because of the perception they could face career repercussions.

[*Translation*]

Rather than just relying on the lack of complaints, I believe it is important to dig deeper and solicit employees' views about whether the office is a healthy workplace. To that end, we are planning to conduct an employee satisfaction survey in the next few months, and it will include questions about harassment. The survey will be conducted by an outside firm, which will ensure all responses are completely anonymous, so employees will feel comfortable answering honestly.

We are also looking at more training options related to harassment prevention and resolution.

Madam Chair, I will now be happy to answer the committee's questions.

The Chair: Thank you, Ms. Dawson. That was very interesting.

We now move to the question and answer period.

Ms. Truppe, you have seven minutes.

[English]

Mrs. Susan Truppe (London North Centre, CPC): Thank you, Madam Dawson and Madam Benoit, for coming today. We certainly have enjoyed hearing about everything you do to prevent sexual harassment in the workplace.

We have some questions. You gave us a lot of information with statistics and everything else. You have a harassment policy but not a sexual harassment policy. Is that correct?

Ms. Mary Dawson: Asexual harassment is covered by the harassment policy. Do we explicitly mention sexual harassment?

Ms. Denise Benoit (Director, Corporate Management, Office of the Conflict of Interest and Ethics Commissioner): It is defined. When we define harassment, sexual harassment is included, of course. It covers both types of harassment complaints.

Mrs. Susan Truppe: If you are harassed in any way, including sexual harassment, that all falls under that category.

Ms. Denise Benoit: Absolutely, that's right.

Mrs. Susan Truppe: You said you haven't had much since you took over the position, but do you have, or were there, statistics before you started? Are there any statistics that would show how much harassment there has been, if any, or sexual harassment explicitly?

Ms. Mary Dawson: There are not to my knowledge.

Mrs. Susan Truppe: Will the survey you're going to do be the first in terms of statistics?

Ms. Mary Dawson: Yes, and it's generally a satisfaction survey. It's not specifically focused on harassment or sexual harassment.

Ms. Denise Benoit: Exactly. It would cover—

Ms. Mary Dawson: It would solicit anything like that if there was a problem.

Mrs. Susan Truppe: What would they be satisfied or not satisfied with?

Ms. Mary Dawson: It would be the general working conditions in the office and the behaviour, I guess, of their colleagues and that sort of thing.

Mrs. Susan Truppe: Would there be a separate area, say, one question that would ask whether someone had ever been sexually harassed, as opposed to just being harassed?

Ms. Mary Dawson: That survey is just in development at the moment.

Denise, do you know?

• (1115)

Ms. Denise Benoit: It would be very similar to the one that is done in the public service every three or four years. There's a section on discrimination, and there's a section on harassment. There are a few questions, some general questions, because harassment can be done internally or it can come from outside. We want to make sure that we understand the type of situations that could be happening, if there are any.

Mrs. Susan Truppe: Right. It could be from external sources as well, on the phone and in person—

Ms. Denise Benoit: Exactly.

Mrs. Susan Truppe: —so it would cover all of that. Okay, that's good.

You had also mentioned that because your office is so small you might use external assistance. Did you say you had used it in the past, or is it just on board in case you do need it?

Ms. Mary Dawson: We could use it, but in fact the one situation that I had within a week of when I came into the office, we did get some external assistance for.

Mrs. Susan Truppe: What do they do differently?

Ms. Mary Dawson: They're just people who specialize in dealing with issues.

Mrs. Susan Truppe: Can you explain the format? You said that in 2010 you developed office-wide training and you have a policy in place. I think you said everyone who is new is given the policy to read. Is there training as well, or is it just that they must read the policy? If it's just the policy, how do you follow up to make sure it's been read?

Ms. Mary Dawson: We had someone come in to do a session with us when that policy was distributed. Of course, we consulted on that policy with the joint labour management committee in our office as well before we finalized that policy. We had a session on harassment when we put that policy out.

Mrs. Susan Truppe: Was that in 2010?

Ms. Denise Benoit: Yes.

Mrs. Susan Truppe: If someone was hired in 2011 or 2012, they weren't involved in the training so they'd get the policy in print, I assume, or in an e-mail electronically. Is there any method to follow up to ensure that they've read it and they understand what their rights are or what they should or shouldn't be doing?

Ms. Mary Dawson: We've had very little experience with new employees because we're not losing them.

Mrs. Susan Truppe: That's a positive sign.

Ms. Mary Dawson: Certainly they would be given the policy and it would be explained to them. We have not had a specific training session since 2010.

How many employees have we hired? Not very many.

Ms. Denise Benoit: We had one person who left in the last two years. We have staffed new positions. You're making a very valid point that we probably should go beyond.... All our policies are on the intranet, our internal website, and they do meet with HR when they're first employed. But you're right, I think we should probably go beyond and make sure that we can answer any of their questions.

Mrs. Susan Truppe: We're used to dealing with the larger groups, as I said, that we've had in here, so a lot of them have different follow-up.

Could you take me through this? They have this policy and if they're harassed by someone at the same level they are versus being harassed by someone who is, say, a supervisor, what would be the difference? What would be in the policy that would tell them what to do?

Ms. Mary Dawson: I think the policy says that a first line of attack would be to speak to the harasser. If they don't want to do that, the next line would be to speak to their manager, and on up the chain as necessary.

Denise, did you want to add anything to that?

Ms. Denise Benoit: Exactly. Of course, if the manager is the harasser, then they can come to me as the director of corporate management. Again, because we're so small, they have easy access to our HR service. They can come very informally to speak with our HR analyst or adviser.

Under the policy, the process is the same. But as you mentioned, if it is the manager who is doing the harassment, there's one step that would be skipped. They would come to me directly.

Mrs. Susan Truppe: We have just a few seconds left.

You talked about the office having several tools for harassment. Did you say a labour committee, HR, and an anonymous electronic box? Did I get that right?

Ms. Denise Benoit: Exactly.

Mrs. Susan Truppe: Those are the three things that you have.

Has anyone ever suggested anything regarding sexual harassment in your electronic box?

Ms. Denise Benoit: No.

Mrs. Susan Truppe: Okay, that's great.

Thank you very much.

[Translation]

The Chair: Thank you, Ms. Truppe.

I now turn to the official opposition. Mrs. Hassainia, you have seven minutes.

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

First of all, ladies, thank you for joining us and for your excellent presentation.

You have a very complete and well defined policy on prevention and resolution of harassment in the workplace. My congratulations on that. Do you keep statistics on harassment cases in general or on different types of harassment, like sexual harassment or abuse of authority?

• (1120)

[English]

Ms. Mary Dawson: As I said, we've only had one instance, an informal complaint, so we know that.

[Translation]

Mrs. Sana Hassainia: You have received no calls or questions about harassment, even if they are not followed up by complaints?

[English]

Ms. Mary Dawson: No.

[Translation]

Mrs. Sana Hassainia: Thank you.

Your policy on prevention and resolution of harassment in the workplace is very detailed. If I understood correctly, you said a little earlier that sexual harassment is included and well defined in the policy. Are you able to distribute written material and provide training for your employees on sexual harassment? Are the training and the policy available to members of Parliament?

[English]

Ms. Mary Dawson: Yes. I believe we've tabled the policy with you, and they're available on our website.

On our internal website...why don't you answer that, Denise?

Ms. Denise Benoit: The policy itself is posted on our internal website.

[Translation]

if I understand your question correctly, you would like to know if training on sexual harassment is specifically provided.

No, because I have to tell you that we have not yet felt the need to do so. Training was provided when the policy came into effect. Since that time, we have not really felt the need to provide that specific training.

We often work with the House of Commons and the Library of Parliament on initiatives like training. As you said, we do not have to wait until the need arises. We could do it a little more proactively. Yes, of course, we could see what training already exists in this area.

Mrs. Sana Hassainia: Apart from what is on the intranet, do you distribute anything on paper? Is it just through the intranet?

Ms. Denise Benoit: When employees are hired, we give them a paper copy. When the training was given, a document was also distributed to the participants, as I recall.

As you mentioned, the policy is very detailed. Behaviours are listed. They are indicators. It does not mean that they are real situations, but it helps us to train employees for those kinds of situations.

Mrs. Sana Hassainia: Thank you.

In your document on harassment in the workplace, you mention the importance of resolving harassment complaints in a reasonable time. What is a reasonable time?

Ms. Denise Benoit: I have no case to use as an example for you because we have not had one yet. The key is to react quickly and act informally. Since our office is very small, we have to react immediately in order to maintain a positive work climate and to make sure that cases are resolved right away.

[English]

Ms. Mary Dawson: With regard to the one case I did have, I acted immediately, the next day. It was quite surprising to be in the job for two or three days and to get a harassment complaint, but we dealt with it immediately.

[Translation]

Mrs. Sana Hassainia: In the incident you mentioned, you acted the next day. But how much time did you need to solve the conflict completely?

[English]

Ms. Mary Dawson: It was perhaps a month or two. We actually took some measures to get some training, some help for this individual, and that went on for a bit longer. But the complaint itself was dealt with within a matter of a week or two.

[Translation]

Mrs. Sana Hassainia: Does that person still work with you?

[English]

Ms. Mary Dawson: No.

[Translation]

Mrs. Sana Hassainia: Okay. Thank you.

Your documents on resolving harassment conflicts mention that retaliation is strictly prohibited. Do you have a policy that sets out the consequences should retaliation occur? Do you establish ways of avoiding it?

Ms. Denise Benoit: We probably do that through observation. The discipline policy would handle something like that because it would be the kind of behaviour that would not be tolerated. If I am not mistaken, it is even covered in our code of values and standards of conduct.

Mrs. Sana Hassainia: Confidentiality is the key to allowing an employee to register a complaint safely. In your documents on harassment, do those involved have to keep information confidential and what would be the consequences if someone did not obey the confidentiality rule?

[English]

Ms. Mary Dawson: I'm not sure. Confidentiality in what context?

[Translation]

Mrs. Sana Hassainia: With information about a complaint.

● (1125)

[English]

Ms. Mary Dawson: I'm not clear—

[Translation]

Ms. Denise Benoit: In that case, the same policies would apply. Our office gathers and processes a great deal of personal information. Our human resources department is made up of two advisers and myself. Our office is very small and our practice from the outset has been that confidentiality is critical. We do not need a policy on that and employees would be informed about the need to keep information confidential in order to keep the working atmosphere positive.

Mrs. Sana Hassainia: You said that you have about 45 people working in a range of areas from compliance to corporate management to investigations, legal services, communications and parliamentary relations. Could any of those 45 employees be considered an expert in harassment matters, or human rights in general?

Ms. Denise Benoit: No.

Mrs. Sana Hassainia: Are you thinking of adding that kind of expertise to your resources?

Ms. Denise Benoit: At the moment, we use Public Works' shared services in order to be able to provide human resources services. So

we would have easy access to their services. I had a discussion with them yesterday to confirm that it is actually the case. We have that service at our fingertips.

Mrs. Sana Hassainia: Thank you.

Thank you, Madam Chair.

The Chair: Have you finished?

Mrs. Sana Hassainia: Yes.

The Chair: Thank you.

We now move to Ms. O'Neill Gordon, for seven minutes.

[English]

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Madam Chair, I'm going to be sharing my time with Roxanne James, my colleague.

Thank you for taking time from your busy schedule to be with us this morning. I certainly appreciate your presentation and congratulate you on the fact of there being no complaints for five years.

I always say when things like that happen, there's a reason. It's either camaraderie or leadership or how things are handled. If you wanted to point to a few factors that you feel are important, that make your workplace such a safe and happy place, I'd say, what would be some of the factors you would point to?

Ms. Mary Dawson: I'd like to say good leadership.

Mrs. Tilly O'Neill Gordon: You're allowed to say that.

Ms. Mary Dawson: I think I'm lucky. I have a very good staff and a very congenial staff. We just don't happen to have anybody who's caused problems in the office.

Mrs. Tilly O'Neill Gordon: Do you have a comment, Denise?

Ms. Denise Benoit: I think also that because we're so small, it's very informal.

I was mentioning earlier that we have three levels in the hierarchy in our organization. It's a really flat organization, so it's easy to approach and to deal with people in different groups and at different levels. I think that helps because there's always open communication.

We also try to organize events. We have an annual staff retreat where we always make sure to include in our group discussions a topic that deals with wellness at the office.

When we developed our code of values and standards of conduct, it was done in collaboration with the employees. They came up with all the behaviours. They didn't come from management.

I think it gives them an opportunity to have that dialogue on a regular basis. Although we should be doing more training on this specific issue, we can still have discussions related to the issue in a more informal way.

Mrs. Tilly O'Neill Gordon: It probably wouldn't have come into effect in your situation, but you mentioned too that supervisors are really expected to notify and take care. If they don't act on reports and concerns, how do you deal with this? What measures are taken to make sure supervisors do their job, that sort of deal?

Ms. Mary Dawson: If we were aware that a supervisor was not doing the job, I would speak to the supervisor about it. We do take this seriously. As I say, we don't have a lot of experience in dealing with problems because the problems have not arisen.

Mrs. Tilly O'Neill Gordon: Did you have something to add, Denise?

Ms. Denise Benoit: The management group meets on a weekly basis, and because we're so small, we know everything that's going on, of course, on the two floors. If there was to be an issue, we'd probably get involved informally. It wouldn't go unnoticed. It gets discussed.

Mrs. Tilly O'Neill Gordon: The fact, like you say, that it is a small group does make it that much easier, but still the importance is there. It's something you still pay attention to. I was in a small school one time, and it made quite a difference when you moved into another staff. I know where you're coming from, and we can probably all reason with that.

• (1130)

Ms. Mary Dawson: It's probably not irrelevant that this is an office that deals with ethical issues, too. We're tuned into those issues.

Mrs. Tilly O'Neill Gordon: All the time, yes....

Thank you. I'll pass it on to Roxanne.

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

You're not governed by the Treasury Board, so did you come up with the code of conduct and policy yourself?

Ms. Mary Dawson: Yes.

Ms. Roxanne James: Did I hear you say that you engaged the employees as well to help participate? In your opening remarks, Ms. Dawson, you indicated that it actually includes concrete examples of sexual harassment. This is the first time I've heard that with any of our witnesses. I tend to hear that sexual harassment is defined more as something that someone ought to have known would offend someone else. I've kind of stuck to those types of questions because it's up to interpretation of what may or may not offend.

I'm just wondering if you could indicate to the committee concrete examples that you clearly define in your code of ethics.

Ms. Mary Dawson: I'm going to pass that to Denise, if I could.

Ms. Denise Benoit: When we covered the value of respect for people in our code of conduct and standards of ethics, we were general and we provide general statements, but when we covered the behaviours that would be prohibited at the office, one is specific in that it says that no employees will feel harassed by either words or actions of others. We didn't go into specific examples of what those would be.

What we're saying is that any behaviour that would make someone feel uncomfortable would not be tolerated.

Ms. Roxanne James: Okay, so there aren't specific concrete examples such as touching, a type of verbal phrase, or anything like that.

Again, it still leads to interpretation. I know that you're a small office of 50 employees. I heard you say that only one person has left in two years. Obviously when you're working with the same people over a number of years, if there's been no sexual harassment or harassment of any nature, it's not likely to start all of a sudden, out of the blue, two or three years later.

Do you think that because it's a small department and you're the same employees year after year that's partly the reason it works so well? It's a small department, so it's hard for statistics to say anything.

Ms. Denise Benoit: It's the culture. The same people stay and the culture remains pretty much the same. If there's nothing that changes the culture of the organization, it should pretty much remain the same way.

If I could clarify, although the code isn't specific about behaviour, our policy is. When we talk about examples of harassment, we do mention inappropriate touching. That's covered under our policy.

Ms. Roxanne James: Very quickly, you said that you're looking into more options for harassment resolution. I've heard something similar to that. I'm always looking to come up with alternatives or something.

Ms. Mary Dawson: I think I said that there are a number of different ways of dealing with harassment, and I gave a couple of examples.

Ms. Roxanne James: So you're not—

Ms. Mary Dawson: We're not looking for any more.

Ms. Roxanne James: Okay, so you feel that you've hit the nail on the head with how you deal with it.

Ms. Mary Dawson: Well, I'm hoping.

Ms. Roxanne James: Thank you very much.

Do I have any time at all? It's gone.

Thank you.

[*Translation*]

The Chair: Thank you.

We now move to Ms. Sgro, for seven minutes.

[*English*]

Hon. Judy Sgro (York West, Lib.): Thank you very much, Madam Chair, and welcome to the witnesses. We've talked, so it's nice to actually see you in person. It's nice that you've accepted our invitation.

Even though you're a small department, it sounds like you're setting examples for some of the others. Ms. Dawson, you're head of this particular area. We also had our Clerk in. Between both females, frankly, you give us a lot of assurance that you're trying to stay ahead of these issues rather than having to respond to them.

What's the breakdown of your staff between male and female?

Ms. Mary Dawson: It's about 70% female, 30% male.

Ms. Denise Benoit: Just to be exact, we have 39 women and 11 men in our organization of 50.

Hon. Judy Sgro: Who holds the management positions?

Ms. Mary Dawson: That would be five women and two men.

Hon. Judy Sgro: That's good. It's nice to see women in there more often than not.

Often it seems that a culture will infiltrate and get established in various departments that have problems. You've been very active. You've done a review of your policies, and you're looking at them again. You can only deal with hypothetical questions in much of this, because you haven't had any of these complaints to deal with, versus some of the others.

This is a bit off from the sexual harassment complaints, but are you currently dealing with a lot of complaints from an ethical perspective?

• (1135)

Ms. Mary Dawson: Outside the...you mean not in my office, but...

Hon. Judy Sgro: No, outside—

Ms. Mary Dawson: We're dealing with lots of them outside my office.

Hon. Judy Sgro: Clearly, for sexual harassment, you seem to very much have that whole thing under control.

Ms. Mary Dawson: Yes.

As Denise was saying, at our annual retreat we usually have some topic that's related to this. We have good discussions about it.

But no, we're aware of it, and people are tuned in to these issues. We discuss them at different opportunities. As I say, it's allied to our day job anyway, at least the function of the office, so it's not foreign to our way of thinking.

Hon. Judy Sgro: Have you ever had any staff from outside go to you to complain about unethical behaviour of a member of Parliament?

Ms. Mary Dawson: People aside from my staff?

Hon. Judy Sgro: Yes.

Ms. Mary Dawson: Sure. Lots.

Hon. Judy Sgro: Could you talk a little bit about that?

Ms. Mary Dawson: Oh, gosh, I get all level of complaints.

A lot of people who don't have a particular position, just regular Canadians, raise lots of issues with us about MPs' behaviours and things, sure. Most of those are not covered by our act, but if they are, I will look into it.

I have two ways of looking into conflict of interest and ethical issues. One is by request by an MP or a senator, but the other way is self-initiated. I do take any information I get, whether it's in the media or through calls from the general public, and we do take a look at it. Often it doesn't relate to our mandate, but sometimes it does.

Hon. Judy Sgro: Can you give us some examples of the kinds of complaints from the general public that you're trying to handle at

your office? Can you elaborate so that we have some examples of the kinds of complaints you would receive against MPs or senators?

Ms. Mary Dawson: Well, we might get a complaint that an MP had some sort of a personal interest in something that he had taken some action on. If it's within our jurisdiction, then a typical one we would get is a complaint from an MP against another MP. Many of the issues like that...

Our whole act, or not our whole act but most of our act—

Hon. Judy Sgro: Primarily.

Ms. Mary Dawson: —yes, is about the interface between your public duties and your private interests.

Those would be the areas in which people would raise issues with us. We've had all manner of issues raised with us that have nothing to do with our jurisdiction. Quite often we refer them to, for example, the Privacy Commissioner, or to a provincial body or something.

We get a whole panoply of information.

Hon. Judy Sgro: Has your overall workload increased a lot in the last several years?

Ms. Mary Dawson: I think it's been relatively steady. I haven't noticed a big increase or decrease.

Hon. Judy Sgro: It's consistent.

Ms. Mary Dawson: Fairly steady, yes.

Hon. Judy Sgro: Approximately how many inquiries or complaints would you get in a week against a fellow MP you have to deal with, whether you refer it, answer it, or whatever?

Ms. Mary Dawson: From an MP or from the outside?

Hon. Judy Sgro: Both.

Ms. Mary Dawson: I think it's somewhere in the order of about 10 or 12 a month that we get from the outside, and not necessarily against an MP. It could be a public office holder or someone else. Quite often it's complaints against ministers, because they're more heavily in the public eye. From MPs, I would say it's maybe four or five a year.

Hon. Judy Sgro: When there's an issue raised in the House that ultimately gets referred to you to investigate, what's the average timeline that it takes for—I'll call it a routine kind of thing rather than something that's much higher—you to resolve that issue?

• (1140)

Ms. Mary Dawson: Sometimes we conclude that an investigation is necessary. We call it an examination under the act and an inquiry under the code. That can take varying lengths of time. Usually it takes up to a year, eight months or something, because one has to be very careful to get the facts accurate, and frequently there's legal representation that slows the process down significantly.

We deal informally with a lot, too. We get a complaint of one sort or another, either from outside or from within the House, and we always take a look at it. Generally, we call up the person complained against and say, "Look, this has come in, what do you have to say?" We'll hear what they have to say. We may do a little bit of other inquiry, and then we decide whether it's something that we ought to formally look into or not. Then we communicate back with the person who has complained as well.

Hon. Judy Sgro: Thank you very much.

[Translation]

The Chair: I have to interrupt you because we have gone a little over the time allowed for this period of questions.

I just want to remind members of the committee that, at the moment, we are conducting a study on sexual harassment in the federal work place and not on the behaviour of members of Parliament towards their constituents. I just wanted to clarify that a little bit.

Now we move to Ms. Ambler, for five minutes.

[English]

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

Thank you very much to both of you for being here today to talk about your departments.

Just to be clear, and I appreciate the chair's intervention just now, the 10 to 12 complaints and the questions asked by my colleague across the way, they're not harassment complaints in any way.

Ms. Mary Dawson: No. I kind of went on to my own domain there a little bit. I apologize.

Mrs. Stella Ambler: Right. I just wanted to make sure because we're always asking about statistics and numbers. To be clear, your department's had one overall, not 10 to 12.

Ms. Mary Dawson: That's right.

Mrs. Stella Ambler: I just wanted to make that clear. Thank you.

I want to continue along the lines that Ms. James was talking about with regard to the examples and your code. You mentioned something with regard to touching being inappropriate. I'm wondering, to use an old word, what level of fraternization is accepted in the department at the commission? Is dating prohibited among employees?

Ms. Mary Dawson: It's not specifically prohibited. I can't imagine—

Mrs. Stella Ambler: Sometimes it's a fine line. People often meet at work. I would think that if a couple begins dating, because they met in the workplace, everyone accepts that as quite normal and a great place to meet a future mate. But, obviously, it could also be a problem if the attention from one employee is unwanted from the other. That's why I was wondering if your code mentions dating.

Ms. Mary Dawson: No, we've never had an issue like that come up. With 70% women, there's not that many different sexes there anyway.

Mrs. Stella Ambler: Right.

Ms. Denise Benoit: If I may add, although it's not prohibited, if it were to happen, of course—

Mrs. Stella Ambler: I was going to use the *Seinfeld* line, but I decided not to.

Ms. Denise Benoit: We would look at the reporting relationship between the two individuals, because, of course—

Mrs. Stella Ambler: That makes a difference, doesn't it?

Ms. Denise Benoit: —one could have authority over the other. So there would need to be some change made to the employment of someone at the place.

Ms. Mary Dawson: It's just not something that's ever come up.

Mrs. Stella Ambler: Fair enough.

I liked your reference to the informal, collegial atmosphere, and specifically, you believe that the relatively flat staff organizational structure has something to do with the fact that you just don't come up against many of these issues or problems. How would a larger workplace extrapolate that friendly, collegial atmosphere with a flat organizational structure? When you have a thousand employees, you can't have only three levels of reporting. By definition, you just can't have that informal, friendly atmosphere.

• (1145)

Ms. Mary Dawson: No, you'd have to rely on the various units within your organization to behave in that way.

Mrs. Stella Ambler: I also wanted to mention the survey you're going to be doing. I think Ms. Truppe asked a few questions about it.

This is less of a question than a piece of information that I hope you'll find useful when you do your survey. I wanted you to know that when public service witnesses came to speak to us about their survey—and it's a very comprehensive survey and it has hundreds of thousands of responses, so it gave us a lot of good information—for all the questions they asked and all the response they received, they didn't actually specify sexual harassment in their harassment questions, and they told us that they would next time.

I just offer that as a piece of advice. Take it for what it's worth and what you're paying for it. That is what they told us. I wanted to relay that to you.

I have a quick question with regard to your policy on punishment, if there were to be a case. You mentioned that it could be an oral reprimand or it could go as far as dismissal, depending on the severity of the case. I'm wondering if the reprimand would be put on the person's employment record.

Ms. Mary Dawson: It would be for a period of time. We follow the practice of leaving it on the record for about two years from the time of the last administrative activity on the file.

Mrs. Stella Ambler: Thank you so much.

[Translation]

The Chair: I am going to have to interrupt you.

We now move to Ms. Ashton, for five minutes. Hers will probably be the last questions.

[English]

Ms. Niki Ashton (Churchill, NDP): Thank you very much for joining us, Ms. Dawson and Ms. Benoit.

You shared some very interesting information with us.

I wanted to start off with your mandate. Your title is Conflict of Interest and Ethics Commissioner. I think we all know that the conflict of interest part is linked to the Conflict of Interest Act. There's a clear understanding of what that is. In terms of ethics, I wonder how you define that and how that very broad term defines the scope of your work.

Ms. Mary Dawson: I said early on in my time as commissioner that "ethics" appears in the title of the act but it doesn't appear in any of the specific provisions of the act, so all of the provisions that I administer do not require me to interpret the word "ethics".

I think different people have different ideas of what the term "ethics" comprises, and I think that's about all I can say.

Ms. Niki Ashton: Maybe I could go back to something that was quite humorous, the way you put it. Yours is a workplace that essentially polices ethics, and that may in fact create an environment where people do not engage in unethical behaviour, including harassment, which is ironic. There's an irony that doesn't apply to all workplaces. As you know, we're also looking at the RCMP, which is an institution that is supposed to look at safety, and yet there have been some egregious experiences of sexual harassment of women within the force.

To go back to that broad scope, and to go back to the work you often do with MPs or ministers or complaints against them, one of the challenges we've gleaned from senior officers of Parliament is the black hole when it comes to sexual harassment on Parliament Hill, with staff, and even between MPs. I'm proud to be part of a team that has many young women MPs, and there are some pretty horrific stories that some of us tell each other, and generally, I think, as women too. But there isn't actually a framework. Within our own party we have a collective agreement for staff, but that doesn't cover MPs. Certainly there's a real black hole when it comes to MPs from different parties interacting and harassment that takes place at that point.

Could you see that as being part of an investigation of a lack of ethics, or unethical behaviour in Parliament? Is there a discussion right now to include that kind of investigation in the work you do?

• (1150)

Ms. Mary Dawson: I think that generally, anything that happens on the Hill, for example, would be under the Board of Internal Economy, and my act expressly carves out their jurisdiction from my jurisdiction. It's interesting because, of all the many types of issues that are raised with me, I really can't remember a case where sexual harassment has been raised with my office. It probably would have been raised with the Clerk or the Speaker, but under the Board of Internal Economy.

Ms. Niki Ashton: We did have the board here and obviously it's all in Hansard. Of course, as you know, in other workplaces people are very reluctant to come forward with what they experience and because of the public nature of this work as well. There's a real vulnerability there.

We do see a real lack of leadership when it comes to setting forth a clear indication that we need to be dealing with this stuff, that we're not immune by any means. If we're not, as parliamentarians, giving a lead in dealing with something like sexual harassment in the

workplace, why would we expect others to take it as seriously as it ought to be taken? I'll leave that thought there.

Maybe just connecting to what you were saying, Madam Benoit, you referenced that you have access to a shared service. I was wondering if you could elaborate on what that shared service is.

Ms. Denise Benoit: Absolutely. For the time being, we use it mostly for compensation. They offer a wide range of services. We've gone to them for some advice on interpretation even of our own collective agreement, because we wanted to make sure that we were making the correct interpretation. They also offer services in labour relations. If we wanted to expand the level of services that we receive, we could actually go to them. It's a service specifically for smaller organizations. It perfectly fits our organization.

[Translation]

The Chair: Unfortunately, I am going to have to stop you there.

This ends the first part of our meeting. It was very interesting. Thank you for taking the trouble to come to share your experience with us.

I am going to suspend the meeting for a few minutes so that our technicians can set up the video conference that we are going to have next.

• (1150) _____ (Pause) _____

• (1155)

The Chair: Now let's continue the meeting.

Welcome to Paula Turtle, from the United Steelworkers and to Vinay Sharma from the Canadian Auto Workers.

Welcome and thank you for accepting our invitation to appear.

We will start with Ms. Turtle's testimony and then move to Mr. Sharma's.

You have ten minutes. When you only have one minute left, I will let you know.

Ms. Turtle, the floor is yours.

[English]

Ms. Paula Turtle (Canadian Counsel, United Steelworkers): Thank you very much.

My name is Paula Turtle, and I am Canadian counsel to the United Steelworkers. I am here on behalf of Ken Neumann, the Canadian national director of the Steelworkers. We thank you for the invitation to speak before this committee today.

The United Steelworkers represents about 230,000 members across Canada in every geographic and economic jurisdiction. In the federal sector, we represent about 12,000 members in transportation, banking, nuclear, and other industries. Right now, about 20% of the Steelworkers' members are women, but the union is growing. We expect that our growth will continue to be fuelled by the addition of female-dominated bargaining units in a number of industries, including the university sector where we now represent several thousand members, mostly women.

The union's growth and diversity is fuelled by female activists within our union who are committed to ensuring that issues of importance to all workers, including women, are advanced and addressed. Our union has established successful anti-harassment programs and initiatives in many of the workplaces we represent. Before I say more about these programs, it's important to remember what prompted these actions by the Steelworkers at a time when our membership base was much less diverse than it is now.

In the early 1980s, women in workplaces across Canada were enduring harassment and discrimination on the job. They did not speak up. Many of them felt they could not speak up. But gradually, some brave women and their unions began to speak up and to fight back, and they said that sexual harassment is harmful to women and it must end.

Workplace harassment is more than just harmful and corrosive behaviour between individual workers that causes harm to its victims. It also generates conflict in workplaces, which almost invariably affects others by its poisoning effect.

The Steelworkers developed anti-harassment policies, which modified the traditional grievance procedure model, in order to effectively address harassment in workplaces. We developed mechanisms whose goals were to ensure that harassment does not occur, but if it does occur, to ensure that women who are the victims of harassment have a safe and effective way of reporting it and having it addressed. Some of our harassment policies, which have been negotiated into collective agreements, contain broad and expansive definitions of harassment. We think that having a clear and expansive scope of prohibited conduct is important, because it sends a message to employers and to workers that harassment will not be tolerated in any form. The policies also establish confidential and fair means of ensuring that incidents of harassment will be dealt with effectively and promptly.

However, we've learned that developing policies that respond to harassment incidents is not enough. We've also developed a proactive approach to eliminating harassment from workplaces by providing anti-harassment workplace training by union members for employees and management at workplaces. The training program provides important guidance to workers and to managers to enable both workplace parties to understand why harassment occurs, why it is harmful, and most importantly how to ensure it does not occur in the future. It's important to the success of this program that the training is presented to management and workers together. This ensures that both workplace parties benefit from the very important educative function of the program.

A third and important element of the Steelworkers' approach to harassment is to investigate and mediate incidents of harassment between union members in the workplace early and effectively so that harassment ends before it can escalate into more harmful workplace conflict. In our experience, early intervention in workplace conflict also presents the union with an opportunity to engage in valuable education and teaching opportunities to ensure that harassment does not recur. We have a long history of successful interventions in this regard.

We've established mechanisms to successfully address and eliminate harassment in many workplaces, including many in the

male-dominated industrial sector. We can confidently claim that our harassment programs and interventions have resolved many disputes that would otherwise have escalated. But harassment can't be effectively addressed in all workplaces in Canada without changes to the laws that govern workplaces.

We're a powerful union with many members and many resources. Our ability to develop and advance anti-harassment training and language is attributable to the solidarity of our membership base, and the fact that the union's elected leadership has chosen to make it a priority.

● (1200)

Even with the power of a strong and well-resourced union behind it, our programs do not exist in all workplaces, however. That's because they have to be negotiated, and employers do not always agree. Eradication of harassment in workplaces must not depend on a union's ability to negotiate it. We submit that the laws that govern federal workplaces must be changed to make it clear that harassment and violence will not be tolerated in any workplace in Canada, whether the employer agrees to collective agreement language or not, or whether the workplace has a union or not.

We know that the Canada Labour Code does contain some provisions to deal with harassment, but we submit that they would be improved if they included the following:

First, every workplace, union and non-union, must have a human rights committee to deal with all forms of harassment in the workplace, including sexual harassment. The committee structure could be modelled on health and safety committees under part II of the code. They should consist of equal numbers of management and worker or union representatives. They would deal with issues of harassment at the workplace level.

Second, we submit that an essential element of the establishment of these committees would be to ensure that the employees, management, and members of the committees are properly educated and trained so that they can be as effective as possible.

Finally, we submit in this respect that the definition of sexual harassment should be broadened and expanded to echo a more descriptive definition, such as the following, taken from a Steelworkers collective agreement. I'll read from the agreement:

Sexual Harassment is any unsolicited and unwelcome conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation or might be perceived as placing a condition of a sexual nature on conditions of employment, including any opportunity for training or promotion.

Sexual Harassment may include but is not limited to: suggestive remarks, jokes, innuendos, or taunting in a sexual context; unwanted touching; leering; compromising invitations; displaying of pornographic or other offensive or derogatory pictures or material of a sexual nature; sexually degrading words used to describe a person or a group; derogatory or degrading words regarding gender or sexual orientation, or directed towards members of one sex or one's sexual orientation; sexual assault.

We also submit that the issue of workplace harassment cannot be addressed without addressing workplace violence, including workplace violence connected to domestic violence. Workplace violence may be separate from but may also arise from a source outside of the workplace. Bill 168 in Ontario amended the Occupational Health and Safety Act to require employers to develop, implement, and maintain workplace policies to protect workers from workplace harassment and violence, including workplace harassment and violence which may be related to domestic violence.

The Canada Labour Code establishes duties of workplace parties to deal with workplace violence and harassment, including the development of policies. However, we submit that the code's provisions are deficient because they do not go far enough to impose clear and specific duties on employers. For example, the code requires employers to develop the policies to deal with workplace violence and harassment, but importantly does not address the issue of domestic violence and its impact on the workplace. Employers are required to take reasonable precautions to protect the safety of employees. However, we submit that given the stigma associated with domestic violence, especially if the victim and aggressor are colleagues, provisions that relate specifically to domestic violence are required.

• (1205)

The Chair: You have one minute.

Ms. Paula Turtle: Thank you.

The Steelworkers submits that workplace violence and harassment can only be effectively and meaningfully addressed where this and other specific statutory duties are established, including a requirement that every employer should be required by law to prepare workplace harassment and violence policies that address domestic violence and its impact on the workplace. We submit that the Canada Labour Code should be amended to ensure that the protections contained in it are expanded and made more effective. We submit that stronger and more inclusive enforcement mechanisms are needed.

The United Steelworkers thanks this committee for the opportunity to make submissions on this very important issue of concern to our union and all Canadians.

[Translation]

The Chair: Thank you, Ms. Turtle.

Before we move to questions and answers, I will give the floor to Mr. Sharma. You have ten minutes for your presentation. Then we will move to the question and answer period.

The floor is yours.

[English]

Mr. Vinay Sharma (Director of Human Rights, Canadian Auto Workers): Madam Chair and honourable committee members, good morning. Thank you for your time.

CAW welcomes the opportunity to come before the committee today to highlight our work in combatting sexual harassment in the workplace.

CAW is the largest private sector union in Canada. We represent 200,000 members in all sectors of the economy, of which 34% are women. We represent approximately 35,000 workers who are federally regulated in various sectors, such as air, truck, and rail transportation.

In the federal sector sexual harassment complaints are dealt with either via the harassment language in the collective agreement or the grievance process. The Canadian Human Rights Commission process is very slow and our members view it as ineffective. CAW has a long-standing commitment to working towards the creation of a society in which discriminatory attitudes and practices are eliminated and all persons are treated with dignity and respect.

Human rights struggles have historically been part of the union since the early days of organizing. The CAW constitution has required mandatory human rights committees and women's committees since the 1960s. We offer annual women's and human rights conferences for our members. The role of the national human rights department and the women's department is to ensure that equality issues are a top priority within the CAW. In 1988 the CAW national executive board adopted an anti-harassment policy to confront all forms of harassment with an effective procedure for swift resolution of complaints.

The catalyst for increasing our efforts to end workplace harassment and violence against women came as a result of the tragic events that took place on December 6, 1989, when a lone gunman entered École Polytechnique, separated the women from the men, and systematically murdered 14 engineering students. Fourteen students were shot dead solely because they were women. This day would become indelibly imprinted on the minds of the nation who struggled to comprehend the worst gender-based massacre in Canadian history. In the wake of what is now known as the Montreal massacre, there was a lot of dialogue taking place both inside and outside the labour movement. Activists were demanding that governments, employers, and society address gender-based violence and engage as they never had before. In response, CAW activists and leadership gathered to discuss what role the union could play to assist our members facing violence in their personal lives, at home, or in the workplace.

From these discussions, the women's advocate program was born, a program that would see the creation of a workplace leadership position to assist women facing violence in their lives. In 1993 the women's advocate program became a bargaining priority during negotiations with General Motors, Ford, and Chrysler, and our union successfully negotiated our first women's advocates, 27 in total. It soon became evident that in workplaces where women's advocates were negotiated, women who connected with these advocates found that they were not alone. It provided their right to be free from violence, and they were provided with the support and community resources they needed to leave a violent relationship. Their jobs were protected when they needed time off work to find safety. Women who found support through their workplace women's advocate often went on to live a life free from violence.

Since those negotiations in 1993, women's advocates have remained a bargaining priority within the CAW. Today we have 262 women's advocates across the country in every sector of the union, including health care, transportation, fisheries, education, gaming, hospitality, retail, and manufacturing. Not only has bargaining a women's advocate program been a priority during negotiations, but negotiating employer-paid training funds has as well. The CAW women's department offers a 40-hour basic training program to all new advocates, as well as a three-day annual update to assist the advocate in her new role.

•(1210)

While the actual number of advocates and their training is important, the success of the women's advocate program will be measured not solely by our gains at the bargaining table, but also and more significantly by the hundreds of CAW women who have been supported, believed, validated, and empowered.

The women's advocate program has received recognition from outside organizations working in the area of gender-based violence as well.

Barb MacQuarrie, community director of the Centre for Research and Education on Violence against Women and Children, at the University of Western Ontario said:

programs like the CAW's Women's Advocate [program] raise awareness about violence and better allow women a way out of violent situations....[The Women's Advocate program] is a model program which should be implemented in all workplaces across the country.

Belinda Leach, associate professor at the department of sociology and anthropology, University of Guelph, said:

Women's participation in the labour force has...been recognized as essential to the promotion of equality. Our research suggests that dedicated union women's advocates promote workplace equity at the same time that they assist individual women.

The International Labour Organization has also recognized the CAW women's advocate program as a program that needs to be present in workplaces around the world.

Julie White, director of the CAW's women's department, has been invited to the 2013 session of the United Nations Commission on the Status of Women where the theme is the elimination and prevention of all forms of violence against women and girls. The CAW will share with women leaders and activists from around the world our experiences, our challenges, our bargaining strategies, and our successes. This will be a proud moment for our union, a moment that without the courage, determination, and commitment of the hundreds of CAW women's advocates, would not have been possible.

In our ongoing efforts to create safer workplaces and safer communities, from its inception in 1993 the CAW women's advocate program has helped to save the lives of women and their children in communities across Canada, something the CAW is truly proud of. We have continued to build upon its early successes to achieve the amazing program it has become today, a highly respected program that is unique to the CAW.

A women's advocate is a specially trained workplace representative who assists women with concerns, such as workplace harassment, intimate violence, and abuse. The women's advocate

is not a counsellor but rather provides support for women accessing community and workplace resources. The women's advocate program is an excellent example of a successful joint union-management initiative that helps create respectful, healthy, and safe workplaces.

In addition, we have negotiated harassment policies in about 89% of our collective agreements. We work to put in place workable policies and procedures to enforce the employer's duty to provide a safe and harassment-free workplace.

CAW negotiates a joint anti-harassment process and joint workplace human rights training for all workers, which assists members in the fight against harassment and discrimination and helps build respectful workplaces. Employers who initially hesitate to negotiate this process find it very useful once it's established. The joint process not only helps the employer's bottom line, but also builds great workplace culture and safer communities.

I don't know for sure if the committee has the chart that I provided. The flow chart basically outlines how this process works. I will just refer to it and go on that.

A joint anti-harassment committee is established. If a woman or a man—any worker—believes they have been discriminated against, or if they have harassment issues, they can contact their union representative or supervisor and try to deal with the issue informally.

•(1215)

If they're satisfied with the result, the process ends right there, but at the same time, they may not be satisfied or they may want to go to a formal process, which would be a written complaint and apply to the joint anti-harassment committee.

The committee will determine any preliminary issues. They will appoint one representative from both the employer and the union as soon as possible, but no later than five days.

[Translation]

The Chair: I am sorry, Mr. Sharma, but your time is up. Can you wrap up very quickly, please? Then we will move to the question and answer period.

[English]

Mr. Vinay Sharma: Yes, I will.

How to create a workplace culture free of harassment means that we don't deal with complaints only, we also take a proactive approach. The CAW clearly understands that the women's advocate and joint process can't solve all of the issues that are the root cause of the issues.

With this in mind, we ask the federal government to commit to a national action plan that involves territorial, provincial, and aboriginal governments. a national plan that includes legislation, as well as specific resources, strategies, and timelines that have measurable results and display real progress.

Thank you.

[Translation]

The Chair: Thank you.

Now we move to questions.

Ms. Bateman, you have seven minutes.

• (1220)

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

I have a number of questions, but since I have been a member of your committee for a long time, I would like to share a part of my time with our colleague Ms. Crockatt, who, as you know, has recently joined our team.

[English]

By the way, thank you both so very much for coming and speaking with us. This is so very helpful. Both of the presentations, Ms. Turtle and Mr. Sharma, are very helpful and very much appreciated.

I want to speak, first of all, to the fact that I very much appreciated Mr. Sharma's commentary on women but we are here—and I know all of my colleagues feel very strongly about this—to ensure there is no harassment in the workplace, and this does not preclude men. In fact, we are equally seized with the reality that we don't want a man to be subjected to any kind of harassment in the workplace. That has happened in the past.

We're equal opportunity here; we're both sides of the coin. It's so easy to exclude men from even the concept of sexual harassment. I am personally aware of a situation where that is exactly what happened, so we have to be equally vigilant for all genders.

I'm very gratified to hear the inclusion work that you're doing. Certainly, the Conservative government has done a lot of inclusion work ensuring that women have been able to be participants in non-traditional employment opportunities, so it's very gratifying to hear.

Ms. Turtle, could you speak to the fact that your policies are available to both men and women? I'm sure they are, but could you just confirm that?

Ms. Paula Turtle: Our policies are intended to apply and do operate to eradicate harassment on all prohibited grounds, including gender, race, sexual orientation. They don't apply only to women. Our experience happens to be that the majority of harassment incidents, when they do occur in workplaces, involve harassment against women, but our policies are not intended to exclude other victims of harassment from seeking remedy.

Ms. Joyce Bateman: That's great to hear.

Moving to Mr. Sharma, you mentioned that 89% of your collective agreements have a harassment clause. What happened to the other 11%? Is this just creeping in?

Perhaps Ms. Turtle would be the one to speak to this first, because this is 2013 and this has been an issue for a long time. Collective agreements get renewed. How did this happen?

Ms. Paula Turtle: As I indicated in my remarks, we have harassment language in the majority of our collective agreements but not in all of them, because in order to include a provision in a collective agreement when it is processed, the employer has to agree, and employers don't always agree. Sometimes employers will say we don't need collective agreement language because there are human rights codes in the various jurisdictions.

As Mr. Sharma said, and our members in many jurisdictions experience the same thing, human rights processes can be quite slow and therefore not effective in dealing with harassment. As I said in my remarks—

Ms. Joyce Bateman: Ms. Turtle, I want to pursue something you just said because, frankly, the Government of Canada is an employer that is very keen to eradicate harassment and has taken very responsible steps to do so, including the surveys, the policies, etc., that we have discussed at this committee.

We are advised that in developing its values, ethics, and harassment work the government has widely consulted with unions. Were you consulted? I know you are not working for the federal government directly, but did you have a voice in this process?

• (1225)

Ms. Paula Turtle: As I said in my remarks, we represent about 12,000 members in the federal sector. I can't comment right now on whether our union was consulted, but I can tell you that in the course of preparing my remarks, I did some research and learned that the union has encountered serious harassment incidents in some of our federal workplaces, which we have been able to resolve in many cases through the intervention of the union at early stages of those harassment incidents.

Ms. Joyce Bateman: Okay, that's wonderful to hear.

I am now passing the floor to Madam Crockatt.

Ms. Joan Crockatt (Calgary Centre, CPC): Wonderful, thank you very much.

We really appreciate your being here. Any and all insight that we can gather is great. As a new MP, I'm just starting to get a bit of a picture. It's coming together, the more witnesses that we hear, so I very much appreciate your being here to share your experience with us.

The Steelworkers have 12,000 members. What is the incidence of sexual harassment that you're dealing with among your 12,000 members? On an annual basis, say, how many complaints do you have?

Ms. Paula Turtle: Just to be clear, we have about 12,000 members in the federal sector.

I didn't quantify the number of complaints because, quite frankly, we hope that through our education and early intervention and mediation we are able to avoid situations escalating to where they come to the point of a complaint.

I can tell you that we have provided workplace training in workplaces with about 50,000 members altogether. That's not just in the federal jurisdiction but also in provincial jurisdictions.

Quite frankly, we hope that our success in educating and training, and intervening in the early stages has resulted in a reduction in the number of complaints, but we can only do that in circumstances where we have collective agreement language or the agreement of the employer, which is why we're submitting before this panel that it is important to have these kinds of processes—

[Translation]

The Chair: I am going to have to stop you there, Ms. Turtle. Your time is up. Thank you.

We now move to Ms. Ashton, for seven minutes.

[English]

Ms. Niki Ashton: Thank you very much, Ms. Turtle and Mr. Sharma, for joining us today.

Unfortunately, I only have seven minutes to ask questions on behalf of the official opposition, the NDP. I have a few questions I'd like to go through and I'd ask that you share some of the more specific answers you might have and provide us with some written information for the committee to continue its work.

Regarding the data, Ms. Turtle, you mentioned the 12,000 workers United Steelworkers represents in the federal sector. I would like to hear from both you and Mr. Sharma if you have data, as in numbers, on how many of the workers United Steelworkers and CAW represent in the federal sector who have experienced sexual harassment. Is this data available, and if so, do you know the numbers now, or is this something you could provide us with later?

Ms. Paula Turtle: I can certainly try to provide you with as much information as we can.

One of the difficulties is, you've raised the question, Ms. Ashton, in terms of workers who have experienced sexual harassment. We hope that all of those circumstances come to our attention, but they don't always. I'm happy to try to quantify and report to you the number of incidents we've become aware of. I suspect, unfortunately, that it's not necessarily equivalent to the number of incidents that have actually occurred.

Mr. Vinay Sharma: I would give a similar kind of answer, but I would add that a lot of these issues are informally dealt with when they come up and, hence, there are no records kept of them. The numbers that we may try to provide you with will not be really accurate.

• (1230)

Ms. Niki Ashton: If there is an opportunity to glean even some numbers.... Obviously, you're echoing something we've heard from many other witnesses, that people are very reluctant to come forward in many cases. We understand that is the frame, but if there are any numbers that might be available, we'd certainly appreciate it if you could share them with our committee.

Let's quickly move on to leadership, or perhaps lack of leadership.

Ms. Turtle and Mr. Sharma, you both indicated very succinctly what you see needs to be done around changes to the law that governs federal workplaces. That's really what our committee is here to do, give recommendations of things the federal government can do. Of course, we'd like to see the Status of Women department take a lead role in this.

Are you seeing any leadership or movement on this from your standpoint? Is there an effort? Clearly you're calling for it, but are you hearing back from people that there is an interest in looking at changing the laws that govern federal workplaces to include a clear

provision on putting an end to sexual harassment and violence in the workplace?

Perhaps Mr. Sharma and then Ms. Turtle could answer.

Mr. Vinay Sharma: I am not actually seeing anything. I'm hearing a lot of talk, but I haven't seen any other effort that would substantiate that. I think if we had a little bit more time, I'd be able to explain the joint process that we have in the private workplaces where we have members. The employers really do take it seriously once they are part of this process, and it works very well. That's the reason you will see very few numbers, if any in some cases and you will see some in some other cases. On the legal part of it, the legislation part of it, there's a whole lot of talk, but I have not heard anything substantial.

Ms. Niki Ashton: Thank you.

Ms. Turtle.

Ms. Paula Turtle: Our experience is similar to the CAW's. Our activists are constantly urging better action on this kind of thing from all levels of government. Like the CAW's experience, we have found that employers, once we have a joint committee in a workplace or a harassment committee, actually agree with us that it is an effective way, first of all, of educating the workforce so that there is a respectful workplace and problems tend not to arise, and second, of dealing with issues if they do arise so they don't escalate into serious problems. That's good for employers and good for workers.

Ms. Niki Ashton: Great, thank you very much for that feedback.

Finally we've heard from other witnesses about the environment we're in where there are some severe cuts happening in federal workplaces and how that creates stress and obviously an even greater amount of reluctance from people to come forward. PSAC brought this forward.

I'm wondering if that's something that you're seeing. What is the impact of these job cuts or looming job cuts in terms of the dynamics in the workplace, including sexual harassment?

Ms. Turtle.

Ms. Paula Turtle: Our experience is always the case that, when workplaces and workers are under pressure due to workplace cuts, employer demands, and those kinds of things, it increases the pressure on workers, and therefore contributes to an environment where workers feel less comfortable and less secure coming forward to advance their rights. It is a problem.

Ms. Niki Ashton: Thank you very much.

Mr. Sharma.

Mr. Vinay Sharma: I would echo the comments of Ms. Turtle. We have experienced this in every workplace whenever there are job security issues because of the economy, because of job cuts. It is always highlighted that there are more equality issues as well, and people are trying to stay more silent so they won't be highlighted as the ones who will be cut from their work.

Ms. Niki Ashton: Thank you very much for the succinct recommendations you brought forward. We would certainly welcome any data you could share with us, as I mentioned earlier. I want to recognize the groundbreaking work both your unions have done, whether it's through the women's advocate program or the women of steel program. We're looking at models here for workplaces that truly empower women and put an end to sexual harassment and violence and create a better workplace for everyone. Thank you for sharing the successes that you've worked hard to realize and we look forward to keeping in touch.

• (1235)

[*Translation*]

The Chair: Thank you, Ms. Ashton.

Now we move to Ms. Young. You have seven minutes.

[*English*]

Ms. Wai Young (Vancouver South, CPC): I'm going to share my time with Madam Crockatt because she wants to finish asking some questions.

Ms. Joan Crockatt: Thank you very much.

Madam Turtle and Mr. Sharma, thank you very much for coming. I know it can sometimes be a little bit difficult to appear before a committee.

I just wanted to ask a little more about the successes of your program. This is one of the key things that we're trying to determine. How big is the issue? We want to make sure it's dealt with effectively. We want to hear the successes that people have had.

I had other people before this committee actually do an assessment of what's happening in their workplaces and come up with numbers for us.

You have 262 women's advocates and they're dealing with sexual harassment. We've heard from the post office that they only had one case, and if so these are things to celebrate. It's nothing to be embarrassed about if you think the numbers are low, but we would really like to know. I'm sure you've quantified it. How many cases have you had?

Mr. Vinay Sharma: As I said earlier, we will definitely try to give you as many numbers as possible from not only the women's activist, but as our policy encompasses, all the other peripheral grounds, even bullying in many cases. We will try to get you all the numbers we can.

Ms. Joan Crockatt: Okay. Could I ask you the same thing, Madam Turtle?

You mentioned to us that you have found an effective way of educating the workplace and problems tend not to arise. I'm just wondering what kind of quantification you can give us. Have these communications programs and awareness programs worked? How do you assess that?

Ms. Paula Turtle: We know that the programs haven't eradicated harassment completely because we have incidents that occur. We have staff members in our national office and trained people at our district level and activists at the local level inside the workplace who

from time to time are engaged in addressing disputes and resolving them.

We know that our proactive efforts to educate and resolve disputes early on are not 100% effective because those people are involved in dealing with harassment from time to time. However, we also believe very strongly that our education efforts and our early intervention efforts have reduced the incidences of harassment below what they would otherwise be. It's obviously not possible—

Ms. Joan Crockatt: Surely you have some way of quantifying that if you can make that statement to us, though. I'm not trying to put you overly on the spot, but one of the things we need to know is how big the problem is. We are here to listen.

Ms. Paula Turtle: I'm happy to do my best to quantify that. I don't have the numbers with me now, but I can tell you that the Steelworkers have worked very hard for many years to eradicate harassment. We haven't succeeded in that objective because we still have incidents of harassment, but we do believe that our efforts in every workplace to educate, train and address situations early have been effective.

Ms. Joan Crockatt: Madam Chair, I will turn my time back to MP Young.

Ms. Wai Young: Thank you again for being here today. It was very informative.

Because you have so much information to provide to us, I was wondering if I could ask you a few global questions. If we don't get your answers today, as my colleague, Ms. Crockatt was saying, you could supply the clerk and us with that information in written form sometime before the study is over. Would that be possible?

Ms. Paula Turtle: We're happy to do our best.

Ms. Wai Young: That would be great.

My question is around these numbers, of course, which are troubling because we don't have them. My question is also around a public service employee survey that previous witnesses from the Public Service Alliance mentioned. In the survey employees said there was a high incidence that when they were harassed, they were actually harassed by a co-worker. Given that scenario and the fact that they're both union members and that you're representing both sides, how does the union handle that? What processes do you work through with them, given that you're in this bit of a conflict situation representing both sides?

I'd like to also hear something about the fact that in the information that we received, and which I read, you were saying that you want to maintain the workplace, you want to maintain those workers in the workplace, and that you would prefer, of course, to do training in other things rather than let these workers go, etc., but at what point in time does that happen, or should that happen? We certainly heard from witnesses earlier that it should happen more. How do you, as a union, deal with this very difficult and sensitive situation?

• (1240)

Ms. Paula Turtle: Shall I go first?

Ms. Wai Young: Sure.

Ms. Paula Turtle: Okay.

As I indicated in my submission, the union does—

The Chair: You have one minute.

Ms. Paula Turtle: Sure.

You raised conflict. In fact, if there is an instance of worker harassment, we try to intervene early to resolve the issue in a way that is mutually satisfactory to both parties and in a way that results in education not just to the parties to the harassment but to the whole workplace. In those circumstances, potentially there is no conflict.

Ms. Wai Young: Given the short timeframe, may I just interject, because the survey did indicate that fully 50% of the workers say it's worker-to-worker conflict. We're not just talking about isolated one-off cases here.

Maybe we can speak to Mr. Sharma, then, because we've only got 30 seconds left, and get his perspective on this.

The Chair: Very quickly.

Mr. Vinay Sharma: Yes.

In cases where it is a co-worker, we follow the same procedure. Both sides are represented. Once an investigation is done, if it is a formal one and there are no grey areas, in some cases, yes, there is some sort of discipline. Our key mandate is to build the workplace culture. If you just have a crime and punishment kind of remedy, it does not build the respectable workplace culture and these things can keep on happening with different folks at different times.

We definitely try to build that culture and also ensure that if there is discipline in some cases, it is reasonable.

[Translation]

The Chair: Mr. Sharma, unfortunately, I have to interrupt you.

Ms. Sgro, you have the floor for seven minutes.

[English]

Hon. Judy Sgro: Thank you both very much for being here and helping us with the study that we're doing.

First on the issue of the women's advocate, and Mr. Sharma was the one who spoke most about it, I applaud the initiative. I think it's quite interesting to have someone specifically for those issues. The 252 that you have, are they all in very large companies that have taken up that challenge to have a women's advocate?

Mr. Vinay Sharma: No, they're not. Quite a few of them are in large companies, but they're also in very small workplaces. It's bargained in the sense that if they are large workplaces, they are either full time or they get more time to do this job as part of their normal work, but in smaller workplaces they get less time. Also, depending on how many women are in that workplace, they may have more time.

Hon. Judy Sgro: These are existing employees that take on this role as a volunteer.

Mr. Vinay Sharma: Yes, and then they are specifically trained. The employer actually pays for the training. It's a joint training. The employer also provides a liaison, who is female, who works with them. They work together closely. In many cases there are men who

have issues. They go to them as well, and they would help them if they do.

Hon. Judy Sgro: Yes, that would be an equal issue. How do you in your position know how many complaints there have been through the various women's advocates in other areas of launching a complaint? How does that circle get up to you so that you would be able to say you've had 15 issues raised and resolved in the last year?

• (1245)

Mr. Vinay Sharma: Within the CAW we have what we call the national human rights department, which is the department that I work in. We also have the national women's department. My colleague Julie White, who couldn't be here today, heads that. She works closely with all of the women's advocates and she keeps all of that information. That's why I have said that we could probably provide you with that information at a later date.

Hon. Judy Sgro: On the joint anti-harassment committee process chart that you supplied to us, there are a fair amount of steps. Are there timelines as well associated with these charts? You wanted to elaborate a bit on it as well, so I will give you that opportunity to do that now.

Mr. Vinay Sharma: Okay, sure. The timelines are as soon as a written complaint comes into the committee, they need to deal with it quickly; in most cases, we say within five working days. They will appoint the parties to do the investigation. The investigation has to be done as quickly as possible and resolved within 10 working days in most cases. There could be some issues where there is more involved, and with mutual agreement of the committee, they could extend those timelines. Timelines are a key factor. People's memories fade over time and they hear other things, and they change their view or outlook, and that could reflect in their witnesses and so on. We definitely want to make sure that it's dealt with as quickly as possible and not be so bureaucratic. Even though you see a lot of steps, if you really follow it, there are not that many. It's a very good floor and it works almost every time. There are very rare cases that after this process somebody is not satisfied and they go to the human rights tribunal or the commission.

Hon. Judy Sgro: I might want to suggest since you are so active with your five days and your ten days that you should have a timeline for what you would consider to be the end of the process to resolve the issue. I just think it might continue on because timing is critically important in dealing with these issues.

I want to ask you again about what happens at the end of the day when an individual has clearly broken the kind of agreement you had with your employees as to a sexual harassment charge. What does it take to get dismissed? You mentioned to Ms. Young earlier that you want to resolve it, which is great. We all want to see these things resolved. When they are not getting resolved, then what? Is the employee dismissed?

Mr. Vinay Sharma: The employer has the responsibility to provide a harassment-free and safe workplace. Once an investigation has concluded, the conclusion goes to the human resources manager of the workplace. It's up to them to see what kind of remedy, punishment, discipline, or so on they are going to give. What our union's chairperson in that workplace will do is look at whether it is according to the collective agreement, and also to the preemptive ground that was breached in whatever way. We don't say there should be no punishment. If it's a clear case and there are no grey areas, there are definitely punishments. We have cases where people have been suspended for three months without pay, or depending on the severity of it, for more or less. Definitely, we as the union will stand with the person who has been victimized rather than the person who is doing it. We definitely look at that. Punishment is not always the solution, but in some cases it has to happen.

Hon. Judy Sgro: Will you get back to us with the numbers from Ms. White as to the amount of complaints lodged from a sexual harassment perspective? Will you get those numbers back to the committee, please?

Mr. Vinay Sharma: Yes.

Hon. Judy Sgro: Okay, thank you.

Thank you very much.

Ms. Wai Young: May I ask an additional question?

The Chair: Yes.

Ms. Wai Young: Also, could you add in the figures in terms of how many were dismissed and how many were resolved? That would be interesting.

Hon. Judy Sgro: As far as the disbursement of the total complaints that have been laid...

Mr. Sharma, is that okay? Can you get that back to the committee?

Mr. Vinay Sharma: I will try to get the best possible numbers that I can gather on all of those.

Hon. Judy Sgro: That's great. Thank you.

[*Translation*]

The Chair: Mr. Sharma, the committee clerk will be in touch with you to get those figures.

This ends the meeting with our second group of guests, because we have to keep the final 10 minutes for committee business.

Mr. Sharma and Ms. Turtle, thank you very much for appearing before us today. Have a good day.

I am going to suspend the meeting for one minute to give us time to move in camera.

Thank you.

[*Proceedings continue in camera*]

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