



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on the Status of Women

FEWO



NUMBER 062



1st SESSION



41st PARLIAMENT

EVIDENCE

Tuesday, March 5, 2013



Chair

Ms. Marie-Claude Morin

Standing Committee on the Status of Women

Tuesday, March 5, 2013

• (1100)

[Translation]

The Chair (Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP)): Good morning. Welcome to the 62nd meeting of the Standing Committee on the Status of Women. Pursuant to Standing Order 108(2), we are continuing our study on sexual harassment in the federal workplace.

In the first part of the meeting, we are going to hear from two people representing the Canadian Broadcasting Corporation. They are Hubert T. Lacroix, the President and Chief Executive Officer, and Monique Marcotte, the interim Executive Director of Human Resources. I am not going to read out her entire title, because it is rather long. But I think you get the idea.

You have 10 minutes for your presentation. I will tell you when you have one minute left. We will then move to a question-and-answer period.

You may begin right away. We are listening.

[English]

Mr. Hubert T. Lacroix (President and Chief Executive Officer, Canadian Broadcasting Corporation): Madam Chairman, bonjour.

Members of the committee, good morning.

Thank you for allowing Monique and me to appear before you today and to participate in your study on sexual harassment in the federal workplace.

Let me start with a quote, if I can:

CBC/Radio-Canada considers all forms of discrimination, including discriminatory and sexual harassment, to be unacceptable; will not tolerate its occurrence; and will make every reasonable effort to ensure that no employee is subjected to it.

That commitment actually comes from our corporation's policy on anti-discrimination and harassment, which is posted on our website. You have a copy before you.

[Translation]

The policy defines discrimination and discriminatory harassment and gives examples. It sets out mechanisms for redress including disciplinary action. It establishes confidentiality provisions and tells employees how to get action on complaints or concerns.

Together with our policies on the prevention of workplace violence and our policy on discipline, which you also have before you, our corporation strives to ensure that all CBC/Radio-Canada

employees are treated with dignity and respect. Should this not happen, we deal with it as quickly as possible.

CBC/Radio-Canada currently has 8,599 employees across Canada, 4,597 men and 4,002 women. Over the past three years, the corporation has received, in all of the 48 cities across Canada and the territories where we have a presence, a total of three complaints of sexual harassment. In one case, an employee received a written reprimand. In the second, an employee received a written reprimand and was ordered to take sensitivity training. In the third case, the employee was suspended for two days and also ordered to take sensitivity training.

As far as I'm concerned, one complaint is one too many, and we continue to strive to improve our record.

In 2007, all employees, as well as their managers across the organization, were required to complete "Respect in the Workplace" training. That included the President and Chief Executive Officer. This training was a joint program developed and offered by the unions and management. Right now, we are running an online training session against violence in the workplace, which every employee is required to complete. Once again, that includes the President and Chief Executive Officer.

[English]

Today, across the entire corporation, we do not have a single outstanding complaint of sexual harassment. I am proud of our continuing efforts to ensure that people who work at CBC/Radio-Canada can thrive in an environment that is free from harassment of any kind.

Given our record, you might wonder why you have been seeing stories in Quebecor newspapers, the *Sun* and *Le Journal de Montréal*, and also on the television network Sun TV, suggesting that CBC/Radio-Canada is a hotbed of sexual harassment. Quebecor Media based its story on an access to information request that it made, and that asked for, and I quote:

Provide copies of all documents, including e-mails, complaints, memos, internal reports etc., regarding reports of harassment or inappropriate behaviour involving CBC employees since January 1, 2010. Please limit the search to the Toronto and Ottawa operations of CBC.

We provided this information. There's a copy right here in front of me of 1,454 pages, mostly e-mails between human resources staff, working to resolve human resources issues. Most of those details are blacked out because they contain personal information. That's the law. Quebecor's Brian Lilley used that as an excuse for speculation and innuendo. Here I quote from a QMI story that ran in *Le Journal de Montréal* on January 31.

•(1105)

[Translation]

It says "CBC/Radio-Canada provided a pile of documents relating to 1,454 cases processed between January 1, 2010 and halfway through 2012, limited to the Toronto and Ottawa offices".

[English]

Lilley further linked the CBC to sexual harassment at the RCMP, and linked us also to the recent revelations of sexual abuse at the BBC, the now famous Jimmy Savile story.

He insists that he's just doing his job, holding us to account.

Well, if that were true, you would think he might have asked us a single question before he launched his attack.

If he had, we could have told him the facts: of the two locations he requested, Toronto and Ottawa, over the time period he requested, since January 1, 2010, we have had one complaint of sexual harassment, which we addressed.

Sexual harassment in the federal workplace is a serious issue. It deserves to be treated as a serious issue.

Last fall David Suzuki, CBC host of *The Nature of Things*, was invited by Montreal's John Abbott College to speak to students. Another access for information request, for all the documents about this visit, followed.

Then, a few weeks ago, Quebecor was at it again. Sun TV's Ezra Levant used the documents to make this outrageous claim: that David Suzuki was, and I'm quoting, "procuring girls to be his escorts".

You have copies of his stories and transcripts of his program in front of you.

Once again, untrue. Once again, the Quebecor employee didn't check with the college, with David Suzuki, or anyone else who would actually tell him that his allegations were false.

After his first story, John Abbott College made a response, a copy of which you also have in front of you. I'd like to read one section:

There was no rider in Dr. Suzuki's contract specifying the gender or dress code of those assisting him throughout the day. The negative comments and innuendos made are demeaning to those students and to the College....The College is committed to providing our students with an expansive view of society to assist them on their path to becoming critical thinkers. It is a shame that along the way, they are also witnesses to the falsification of information considered to be acceptable practice by news professionals.

[Translation]

Now, I don't expect Sun Media's agenda to change. But I believe it is important to call them out when they are deliberately misleading Canadians, when they're taking a serious issue like sexual harassment and turning it into a weapon for their own interests. I am sure I am not the first person to feel unfairly treated by a reporter. There are probably some people who have been unhappy with their treatment by CBC/Radio-Canada, maybe even in this room. They're thinking "Welcome to my world, Lacroix". Fair enough.

But let me point out a few differences between CBC/Radio-Canada and Québecor Médias. CBC/Radio-Canada has journalistic

standards. Our guide, *Journalistic Standards and Practices*, sets out how our journalists are to do their jobs. In fact, the guide is used as a model for journalistic organizations around the world. We also have two ombudsmen who investigate complaints of unfair coverage and issue a public report.

Should there be a debate about public broadcasting? Absolutely. There should be a debate about CBC/Radio-Canada, about what services we provide, about how we respond to incidents of harassment or violence in the workplace. But, to be useful, the debate must be based on something other than attacks by media competitor.

I thank you for your time. Yours is an important study. Monique and I would be pleased to take your questions.

The Chair: Thank you. That was very interesting.

We now immediately move to the question-and-answer period.

Mrs. Truppe, you have seven minutes.

•(1110)

[English]

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

Thank you for being here today. I'm glad to hear that...sexual harassment in the federal workplace is a serious issue, so I appreciate that.

Just so I'm understanding, in your report you indicated that the people who are attacking you asked for copies of everything, and then you gave them copies of everything. But I guess I'm not clear on where they're getting the data that they're accusing you of having so much more of than what you're saying you have. Where is this data coming from that they're getting, even though...?

Like, what made them ask you to provide those 1,500 pages, for example?

Mr. Hubert T. Lacroix: As you know, CBC/Radio-Canada is subject to access to information. Any kind of request made by a requester is sent to us. We analyze the request, and as you know, the mechanism of the act says that we have to respond when it's a question of general administration, which this was. We were very proud to provide them with the 1,000 and whatever pages, and they decided to write it up in that way. We provided those pages to them.

Mrs. Susan Truppe: So you provided the pages, but are they saying they found information in those pages that would be relevant to sexual harassment?

Mr. Hubert T. Lacroix: I'll ask Monique to tell you exactly what was in those pages.

Mrs. Susan Truppe: I'm just wondering where they found this information.

Mr. Hubert T. Lacroix: Your guess is as good as mine.

Mrs. Susan Truppe: The stats are so different. They're way off compared to what you're saying.

Mrs. Monique Marcotte (Interim Executive Director, English Services Human Resources; Executive Director, Strategic Planning and Human Resources Corporate Groups, People and Culture, Canadian Broadcasting Corporation): I've gone through the 1,454 pages in detail. First of all the request was for incidents of sexual harassment or inappropriate behaviour. We interpreted inappropriate behaviour to mean any disciplinable offence. Within those 1,400 plus pages there are 62 complaints of which 23 are informal. Eight were withdrawn, and the remaining 31 were formal. Within those 31 there was one incident of sexual harassment.

Mrs. Susan Truppe: Thank you.

How do you collect your data? How do you get your data?

Mrs. Monique Marcotte: Each of our human resources bureaus is responsible for ensuring that we keep records regardless of whether there is a formal complaint related to sexual harassment or another matter. All formal complaints we keep on file. We have just started to track the trends regarding the nature of incidents or complaints. We also keep informal records for informal complaints, because we do obviously have informal complaints that an employee might bring forward. Those we generally destroy if the complaint is withdrawn or the employees settle the matter between themselves.

Mrs. Susan Truppe: I guess I'm just trying to understand. How is the training provided to the women, for example, at the CBC. Is there an area? Is there a harassment coordinator? What's the series of events that happen if someone has a complaint?

Mrs. Monique Marcotte: Once we become aware of a complaint, whether it's anecdotally or through a third party or even directly, there are a number of ways an employee can access or can advise.... They can go through human resources, and we have bureaus in all of the major centres in Canada. They can also advise through their union, whether through a union representative or a member of their executive or their national union office, or they can advise their manager. If their manager is the subject of the complaint, obviously it wouldn't be appropriate to advise their manager, in which case they would either advise the manager of the manager or they would come through one of the other venues. Once we become aware, we meet immediately with the employee and we discuss the nature of the behaviour. We discuss their options with them, whether it is an informal complaint, which is generally a type of mediated complaint, or a formal complaint, which begins a formal investigation process.

Mrs. Susan Truppe: Thank you.

You said there was one case of sexual harassment. Is that right?

Mrs. Monique Marcotte: Within the documents provided under the ATIP request, there was one. Since January 1, 2010 within the organization we have had three formal complaints of sexual harassment.

• (1115)

Mrs. Susan Truppe: What's the difference between formal and informal? Would informal be by someone who doesn't want to take it to the next level?

Mrs. Monique Marcotte: We will always discuss with them what their options are. For an informal complaint, generally we mediate with the employee. It's not a formal process.

A formal complaint kicks in when a written complaint is filed with human resources. Then we do a triage with senior management in the human resources department as to who will conduct the investigation. Human resources will not conduct investigations for our own client groups. For example, I support corporate clients. I would not conduct an investigation with my clients, because I'm familiar with a lot of the managers and the employees. We try to ensure that we have an objective party who can conduct the investigation. At times if required we will bring in third party investigators. Sometimes it's because of the complexity or the location.

The Chair: You have one more minute.

Mrs. Monique Marcotte: In terms of the types of complaints that we manage, they can be sexual harassment, misuse of a corporate card, or lack of respect in the workplace. Something that we're very focused on is lack of respect. Really, it runs really the gamut of human behaviour.

Mrs. Susan Truppe: But you differentiate between harassment and sexual harassment, right?

Mrs. Monique Marcotte: Yes, we do.

Mrs. Susan Truppe: We've had witnesses in the last few months, and not everybody differentiates between them. They might have a number of harassment complaints, but there may be none or a high level of sexual harassment.

Mrs. Monique Marcotte: So we have had eight complaints of harassment within those three years that I spoke of earlier, three of which were sexual harassment. The remainder were more in the area of personal harassment, which actually falls under our prevention of workplace violence policy.

Mrs. Susan Truppe: Then just very quickly, is there any type of survey that you take with your employees so that you know if it's harassment or sexual harassment? Is that separated as well?

Mrs. Monique Marcotte: We've recently conducted two surveys, one in 2010, and we did what we'd call a mini-survey or a pulse survey in 2012. We didn't have per se specific questions on harassment, but we did have questions on respect in the workplace. In 2010, 54% of the employees responded that they felt that they had experienced respect in the workplace regardless of their title. In 2012 we checked on that, and the results were much better.

Mrs. Susan Truppe: Thank you.

[Translation]

The Chair: I am sorry, but I have to interrupt you.

We now move to the official opposition, with Mrs. Day.

You have seven minutes.

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Thank you, Madam Chair, I am going to share my time with Irene Mathyssen.

My question is about the crux of the issue. Your main competitor asked its own newspapers and other media to state that, as the result of an access to information request, 1,454 documents about inappropriate behaviour on the part of CBC/Radio-Canada employees were handed over. But it seems that that, despite the information that your main competitor is distributing, your organization does not have figures like that and that you have come up with a total of around ten cases.

Can you confirm that statement? Do you think that the information they are distributing is misleading and that it is really an attack from your main competitor in an attempt to undermine your organization's credibility?

Mr. Hubert T. Lacroix: Mrs. Marcotte and I have already told you that our reply to Québecor's access to information request contained only one case in the organization. Since 2010, there have been three, in all our offices across the country. Québecor Médias people choose to interpret that in the way they want.

A little earlier, I quoted the words that appeared in *Le Journal de Montréal*. The article mentions "1,454 cases processed between January 1, 2010 and halfway through 2012". That is a gross exaggeration. That is why we are before you today. We want to establish the facts. For us, any kind of harassment is serious. It is a major concern to which we pay a good deal of attention.

A little earlier, Mrs. Marcotte told you about the kinds of steps we have taken. They come right from the CEO. He attends the workshops on respect like any other employee of CBC/Radio-Canada. It is very important.

As to what Québecor's intentions are, it is hard for me to say.

Mrs. Anne-Marie Day: So it is a tiny percentage, as you have just confirmed once more. That is very positive.

Can you tell me which mechanisms your organization uses? A little earlier, you mentioned training. How does that work?

• (1120)

Mrs. Monique Marcotte: In 2007, all employees took "Respect in the Workplace" training, including the human resources staff. Currently, as Mr. Lacroix indicated earlier, all employees must complete online training on the prevention of violence in the workplace. Human resources staff provide training to each new employee as well. In addition, in 2010, all employees took training on official investigations, and all new employees since that time have to take it as well. It deals with the sequence of events that have to take place when an official complaint is received.

Mrs. Anne-Marie Day: Your organization has been active for many years. We know that your organization has gone through major conflicts with employees. How do you describe the present workplace climate in terms of employee respect and safety?

Mrs. Monique Marcotte: I would just like to mention that we have just, in November 2012, conducted an employee survey. In it, 86% of employees replied that CBC/Radio-Canada supported diversity in the workplace and recognized the value of human differences. That is a very positive result. It is also an increase of twelve percentage points over the 2010 survey. That was a good result then, but this shows that we have made even more progress since.

Mr. Hubert T. Lacroix: Let me just finish Monique's answer.

In the priorities that CBC/Radio-Canada has clearly established since 2008, people are our absolute priority. Then there are our programs and, third, what we call our strategic planning.

We have worked very hard to improve our relationships, to make them more transparent and to work with our unions. As you heard just now, we have worked together on initiatives and seminars about respect in the workplace. This is a joint initiative by the unions and by management to make sure that the value is fully explained. It is a value on which we build, especially in today's complex media environment.

Mrs. Anne-Marie Day: Could you say that the fact that this news was made public by your competitor increased the level of stress? Could it have caused some frustration for some in the staff?

Mr. Hubert T. Lacroix: When we read news like that that does not tell Canadians the truth, it does make us want to come before you today and set the facts straight. It is very important for you to understand the extent to which we at CBC/Radio-Canada protect human values like this and invest in them.

When people attack CBC/Radio-Canada in that way, you can be sure that the CEO is going to stand up, say it is unacceptable and provide the facts. That is what we are doing in our presentation today.

Mrs. Anne-Marie Day: I will leave the rest of my time for my colleague.

Ms. Irene Mathyssen (London—Fanshawe, NDP): Thank you, Mrs. Day.

[English]

Thank you very much, Monsieur Lacroix and Madam Marcotte, for bringing this information to us, for your quick response to complaints, and your very obvious concerns to address sexual harassment.

The Chair: You have one minute.

Ms. Irene Mathyssen: It is a form of violence and, to that end, I would like to bring a motion to this committee:

That the Committee conduct a study of the recommendations of the panel on Violence Against Women in Canada, and that it report to the House on the progress made towards each specific recommendation, including an action plan to complete those recommendations not yet implemented. And that the Committee set aside adequate time and resources to hear from witnesses who could assist in the study, and that each caucus submit names to the clerk to ensure the thoroughness of the study.

I have a copy of that motion for our clerk. I'm providing notice of that motion.

Thank you.

If there's any time left at all, I'd like to say that it concerns me very much that in a situation where we're depending on the veracity of the media, there would be false accusations, and a deliberate or an apparent skewing of information and data. I'm wondering what your response would be—

•(1125)

[Translation]

The Chair: Ms. Mathysen, I have to interrupt you. I am sorry.

[English]

Ms. Irene Mathysen: *peut-être* in writing.

Merci.

[Translation]

The Chair: Thank you.

We continue with Mrs. O'Neill Gordon, for seven minutes.

[English]

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

Thanks to both of you for taking time to be with us here today.

This has certainly been a thorough study for our committee. The more we go through it, the more we learn that every department works towards having a workplace free of sexual harassment or just a harassment-free workplace. It is very important to see that civil servants and all workers go to their day's work facing just the regular challenges and that they don't have to worry about all the sexual harassment or any other harassment, because, as they do their day's work, they face enough challenges as it is.

When you talked about training, there was one question I had. Is this training mandatory? Is it something they get every year? Is it just something they take when they come in the first time? How does that work?

Mrs. Monique Marcotte: Again, there are a number of things: mandatory training for respect in the workplace, which occurred in 2007, and mandatory training for prevention of violence in the workplace, which includes the concepts of bullying and ostracizing. That is mandatory training. We have an obligation under legislation to review our policy every three years. To the best of my knowledge, I believe we have to renew our training on that same cycle.

New employees who come in must review all policies, all management policies, including the anti-harassment and discrimination policy and the violence in the workplace policy. Human Resources has mandatory training when it comes to the formal investigation process, as I mentioned earlier.

Mrs. Tilly O'Neill Gordon: Is there any training paid for by the individual or is it all paid by the CBC?

Mrs. Monique Marcotte: It's all provided by the CBC. The prevention of workplace violence is an online training. So basically the employee logs in and we tag who's had it and who hasn't had it. But all mandatory training.... When it's mandatory by the employer, our practice is that we pay for it.

Mrs. Tilly O'Neill Gordon: We talked about sensitivity training. Is this general training different from sensitivity training? Is sensitivity training just taken when they're reprimanded?

Mrs. Monique Marcotte: The sensitivity training was very targeted training. In the case that I'm familiar with the individual in question was suspended for two days, and given the events that brought the complaint, we were very targeted in the type of training

that we provided the respondent in that case. So we try to make sure that whatever training that we provide, it's very specific to the events of the file.

Mrs. Tilly O'Neill Gordon: What is your policy's definition of sexual harassment? Do you have a definition of that?

Mrs. Monique Marcotte: I'll refer to the policy if you....

Mr. Hubert T. Lacroix: Of which I think you also have a copy.

Mrs. Monique Marcotte: Here's a copy. It's very specific.

Sexual harassment on page 4 of the policy, at least on my copy, on the bilingual copy, is defined as:

As defined in the Canada Labour Code: "any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any employee; or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion."

Then there are more specific examples and we provide examples within the policy that it can include, "unwelcome advances, flirtations, jokes or propositions of a sexual nature; unwanted requests for sexual favours by a person in a position to confer, grant or deny a benefit or advancement; sexually degrading words, images or other material".

Mrs. Tilly O'Neill Gordon: I know you've created this policy. How often do you review the policy on sexual harassment?

Mrs. Monique Marcotte: We've had a policy that I can track at least back to 1990. We regularly review our policies, generally on a five-year cycle. This policy was just revised in February 2010 mostly to reflect the changes to the Canadian Human Rights Act. There were a couple of discriminatory areas that were added such as family status as an example. So we made sure that our policy reflects the current legislation.

Mrs. Tilly O'Neill Gordon: How do your employees in your workplace report the harassment? Is there a certain process that they go through?

•(1130)

Mrs. Monique Marcotte: Our focus is always on making sure that the employee is aware that there are a number of venues that they can access in terms of bringing a complaint forward. They can come directly to human resources. They can speak to their manager. They can speak to their union representative. They can speak to another employee.

As soon as we become aware in human resources that there is a possibility or a potential complaint of this nature, we deal with it immediately. We bring in the employee. We have a confidential conversation. We discuss the nature of the events and we discuss with them what their options are and what the steps are for an informal process versus a formal process.

Mrs. Tilly O'Neill Gordon: Do you have something to add?

Mr. Hubert T. Lacroix: No.

Mrs. Tilly O'Neill Gordon: What's the average time that it takes for resolution of an alleged incident of sexual harassment?

Mrs. Monique Marcotte: In the cases where we did have the three complaints that Hubert mentioned earlier, in two cases the files were treated within two months and in the third case, five months. The reason that case was a bit longer was that there were a lot of witnesses who were interviewed.

The Chair: You have one minute.

Mrs. Tilly O'Neill Gordon: As we know, as you said earlier, even one case of harassment, sexual or just general harassment, is too many. But we know that being proactive is an important factor in preventing harassment. What are some of the important proactive measures that are being provided to make it happen that you're proactive and prevent them from taking place?

Mr. Hubert T. Lacroix: I'm just going to summarize quickly because I heard the one-minute bell.

There are online training, surveys, making sure that we have a conversation going about these issues on a constant basis and being aware, and making sure that everybody else in the corporation is aware, that this is something that we are interested in and want to focus on. You can't do anything but do this in an environment where.... Fifty per cent of our workforce are women and in my little team at the most senior executive team level at CBC/Radio-Canada, there are eight people: five are women, three are men. This is a constant conversation.

[Translation]

The Chair: I am going to have to stop you there, Mr. Lacroix. Thank you.

Now we move to Mr. Regan.

You have seven minutes.

Hon. Geoff Regan (Halifax West, Lib.): Thank you very much, Madam Chair.

Welcome to the witnesses.

As you know, I am not a regular member of the committee. I am replacing the Hon. Judy Sgro today. So I am not completely up to speed on decisions that have been made in the past.

Can you tell me if this committee has decided to invite a Québec representative to testify so that they can respond to the charges that we have heard today? They are very serious, as are the actions described.

The Chair: I understand your question, Mr. Regan. By the way, it is very nice of you to speak to me in French.

Québecor was not invited, but we are probably going to discuss the possibility when we consider committee business later in the meeting. Thank you for bringing it up. You comment is welcome.

Hon. Geoff Regan: Sexual harassment is a very serious matter and the way in which Québecor has apparently dealt with it is really troubling and unacceptable in my opinion. I hope that you will follow up on it.

Mr. Lacroix, have you filed a complaint with the Canadian Broadcast Standards Council?

[English]

Mr. Hubert T. Lacroix: It wouldn't be very helpful because they are not a member of that.

Hon. Geoff Regan: Thank you. That was an obvious question, I thought, but I wasn't aware of that.

It seems to me that this really does diminish the issue when they treat it this way. I mean, obviously, the fact that you've had—you talked about it—one sexual harassment case, obviously that's serious. From what you've indicated, you've treated it very seriously, and you have policies in place. I'm obviously pleased to hear that. Like anyone else would be, I'm concerned to hear there was one case. Whatever number, as you've indicated, is a serious matter.

You have obviously a variety of collective agreements within the CBC, many different employee groups. What can you tell me about what proportion of the collective agreements have any specific reference to sexual harassment?

• (1135)

Mrs. Monique Marcotte: We have six collective agreements that deal with our employee group. We have other agreements that deal with artists and talent, and so on, but we have six that deal with our employees. Of those, the Canadian Media Guild is the collective agreement—our collective agreements are distinguished by geography—that includes the production, journalistic, and editorial union that governs the working conditions for employees outside of the province of Quebec and the city of Moncton.

They have two very interesting articles. One deals specifically with harassment. They're focused on preventing harassment in the workplace. They, however, refer back to the CBC's HR policy on anti-harassment. They also have an article regarding respect in the workplace and that was the genesis for the training that Hubert spoke of earlier, in 2007. That very much speaks about the climate of work and how the CBC's focus is on ensuring that we have a respectful workplace. That article is the genesis of that.

APS is our Association of Professionals and Supervisors. They also have an article that refers back to our management policies. The SCFP, or the CUPE agreement, also has an anti-harassment, anti-discrimination, article that again....They always refer back to our policy.

We have three that refer specifically to our policy and then the other three are silent on the question of harassment per se, but have anti-discrimination articles.

[Translation]

Hon. Geoff Regan: I want to go back to the actions by Québecor and to the report.

You indicated that, in response to their access to information request for documents, emails and other material dealing with harassment, you provided them with 1,454 pages. But in the article by Brian Lilley from QMI, he says 1,454 cases. It is hard to believe that that is because of a mistake or because of some confusion.

Do you think that is possible?

Mr. Hubert T. Lacroix: I do not want to impute any motives to Québecor. I do not wish to go off on a campaign against Québecor. But I want to submit as evidence the importance that CBC/Radio-Canada attributes to matters of harassment. That is why we are reacting so clearly and so fiercely. We felt that this important matter was being diminished by comments like that. I want to insist that the work environment at CBC/Radio-Canada does not correspond to the statements made on the front page of *Le Journal de Montréal*, statements that mention many cases of harassment. They are not correct.

[English]

Hon. Geoff Regan: Can you advise whether grievances that have come forward under the collective agreements have been included in —

The Chair: You have one minute.

Hon. Geoff Regan: —your data on harassment?

Mrs. Monique Marcotte: Yes, they have.

Hon. Geoff Regan: How many grievances have been filed in the last five years in relation to sexual harassment?

Mrs. Monique Marcotte: I can't speak to the last five. We've only studied since January. We had three cases, as Hubert mentioned earlier. One of those was filed under a collective agreement, the Canadian Media Guild agreement that I referred to earlier. The other two were filed under the policy.

Hon. Geoff Regan: Thank you very much.

[Translation]

The Chair: You have 30 seconds left. If you do not want to use them, that's fine; I will give them to the rest of the committee.

Now we start our second round.

Your turn, Ms. James. You have five minutes.

[English]

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

I'm going to go back to the definition of sexual harassment. You've indicated that it has been defined by the Canada Labour Code. I ask this question in many of the committee meetings because it often has to do with interpretation or what one person feels is objectionable, an offence, or humiliation, etc. The paragraphs here state "(a) that is likely to cause offence or humiliation to any employee"; or (b) "that might, on reasonable grounds, be perceived by that employee...."

What's offensive or objectionable to one person may not necessarily be to another person. I know as politicians we are pretty thick-skinned. We have to be, otherwise we wouldn't be here. I'm wondering who, at the end of the day, makes that determination. It states here, "on reasonable grounds". Who within the CBC makes that judgment call? Again, is there any leeway in what may be offensive to one person but the vast majority of others would not think so?

• (1140)

Mrs. Monique Marcotte: When we think of harassment, our perspective in human resources is the recipient of the message or the

recipient of the action and how they are perceiving that action or that comment. That, for me, is the test. The other test is the test of the reasonable person, which we refer to in the language here. Ultimately, when an investigation is conducted, if there are witnesses, we will test whether they feel that the comment or behaviour.... All three cases we've spoken about today are all related to inappropriate comments. The breaches of behaviour are not more serious. They don't run the gamut of touching or more serious breaches of behaviour. In all three cases, we're talking about inappropriate comments.

When we do the investigation, if there are witnesses, we will test whether they felt that on reasonable grounds, those inappropriate comments crossed a line. Ultimately, the investigator, who we hope is an objective investigator, will make a recommendation or a finding as to whether a line was crossed. In all three cases, there was a determination that a line was crossed, and discipline was taken.

Ms. Roxanne James: You mentioned it was the person who received the comment. You've stated in the three complaints you've logged that one was a written reprimand, one was a written reprimand plus sensitivity training, and one was a two-day suspension plus sensitivity training as well.

Would one warrant one over the other, for example? You've said they were all comments. I want to try to understand the difference between those comments when one only received something on paper saying they'd crossed the line, one required training, and one was suspended. What was the difference between those comments?

Mrs. Monique Marcotte: Let's start with the most serious case, which is the case where we had a suspension. In that particular case, there had been an earlier incident. How our documentation works is that we keep all files for a period of two years. If the file is clean for two years, then we expunge the documents from the file. That's our policy. That's in our collective agreements. In that case, there had been a situation when another incident occurred within that two-year window. This was a recurrence, so more serious measures were taken.

I don't have the final report of the investigation, but in the other two cases, I believe the comments were more serious in the situation where sensitivity training was imposed than in the other case.

Ms. Roxanne James: Thank you. I was reviewing the policies that you handed out, and I appreciate that you did give them to us. It limits our questions to things we don't find in them.

One of the things I did not find anything related to has to do with relations or fraternization within the CBC, within departments, between employees, and so forth. Is there anything I've missed in here? Did I miss it when I was reading it? Do you have any internal policy, whether it's written down or just a verbal policy, on that particular type of—

Mrs. Monique Marcotte: We do not have a formal written policy on fraternization between employees. When we become aware of a situation, particularly if it involves a manager and an employee within the same unit, we have conversations with each of those employees and we ensure that the reporting lines are distinct. So, as an example, if we have a manager who has a relationship with a journalist, we would ensure that the reporting lines would be changed. If they have a reporting line, we would change the reporting line to ensure there's no—

The Chair: Very quickly, sorry.

[*Translation*]

We have gone over the allotted time. I had it in my head that we were still doing seven-minute rounds. I am sorry.

But I will let you finish anyway.

[*English*]

Ms. Roxanne James: Thank you. I had more questions. I'll ask the last one.

With regard to Ms. O'Neill Gordon, she was asking about employees and how they're aware of the situation. You said there are online surveys and that you make them aware that you're interested in this issue.

But how do you make them aware? Is there a campaign? Is there advertising? What is it that you do, on a regular basis, so your employees know and can identify sexual harassment, and so they're aware of the procedures that they need to follow to report it?

• (1145)

Mrs. Monique Marcotte: We don't have a formal anti-harassment campaign per se. Our focus in the last few years has really been on respect in the workplace, of which sexual harassment is a key piece. So in terms of any complaint, whether it's sexual harassment or harassment or bullying or ostracizing, or any of that gamut of behaviour, we ensure that all our employees are trained on respect in the workplace and all our employees have access to information online as to what the process to file a complaint is.

[*Translation*]

The Chair: Thank you.

Since it was my mistake, I will take responsibility for it. Since I gave Ms. James one minute more, I will give one minute more to the official opposition as well.

Isabelle Morin has the floor now.

You have six minutes.

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Thank you very much, Madam Chair.

I am new to this committee too. For the next meetings, I will be replacing a colleague who is pregnant; so she has gone home for about the next month. I have made myself very familiar with the study that we are conducting here.

I find your case very interesting. You are doing a lot to make sure that there is no sexual harassment in your workplace. That said, in your opening statement, you insisted on the fact that there have been official complaints. To date, there seems to have been only one

complaint. In the last two years, there seem to have been three complaints. Have you had any unofficial complaints?

You also mentioned that, from the complaints you have received, seven were dropped. Why were they dropped? Could you please comment on that?

Mrs. Monique Marcotte: We treat sexual harassment very seriously. Even if an employee has decided not to register an official complaint, we in human resources still have the option to do an official investigation.

In all the cases that resulted in a complaint of sexual harassment, we did an official investigation. Therefore, in any of the cases where the discussions were informal, there was no sexual harassment. Those cases involve a lack of respect or perhaps the use of an inappropriate tone. Often, informal cases have to do with interpersonal conflicts. To the extent possible, we try to have the employees, the parties involved, take part in mediation sessions.

Mr. Hubert T. Lacroix: In the respect in the workplace seminars, we pay a lot of attention to words used in interactions between people, even if there is a deadline, even if there is a lot of pressure, even with a breaking news story. Often, if people are not very good with words, their way of speaking to other can result in informal conversations with human resources.

Ms. Isabelle Morin: Okay. Thank you for the clarification.

You say you provide good online training. Since I was previously a teacher, I am familiar with learning principles. Online training is not for everyone, in my opinion. We studied it at university. It works for a small part of the population, those who are able to learn on their own. You need concentration to fully understand online training. Are you looking at providing training in another form?

I was also wondering if there were self-evaluation forms as part of your training and, if so, what people say. Do a reasonable amount of people consider that the training is good?

Is online training just one aspect? Is there ongoing training? Is it provided just once, because you feel that that is enough, or is there a continuing process?

Mr. Hubert T. Lacroix: There are a lot of aspects to your question. I will let Monique get her answer organized.

But, in any case, we have to recognize the fact that we have about 8,590 employees and that we are working in 48 different cities. To provide access to training that makes sense, we are working more and more with online training. We have webinars, questions, surveys.

For us, it is a very practical tool; we are going to continue to make a lot of use of it so that the training is available immediately. As Monique told you a little earlier, we can see who has done the training and who has not. We can remind the people who have not and set reasonable deadlines. For us, this online training concept is really interesting.

• (1150)

Ms. Isabelle Morin: Before I move on, could you tell me what happens if someone does not do the training. You send a reminder, but...

Mrs. Monique Marcotte: The managers follow up on it. Once an employee has done the training and completed it—he has to go through it to the end—it is recorded. Then he can do an evaluation of the training, which allows us to get ongoing feedback on the modules. About each quarter, managers check to see who has not done the training and then ask for a follow-up on those who have not.

Ms. Isabelle Morin: What did the evaluation comments you received say?

Mrs. Monique Marcotte: We have just re-launched the online training about preventing violence in the workplace. We are not at the end of the first quarter yet.

Ms. Isabelle Morin: But you do have training?

Mrs. Monique Marcotte: We do not provide specific training on the prevention of harassment in the workplace. But we do provide it on the prevention of violence. We also provide in-person training on respect in the workplace and we are presently in discussion with our unions about launching those training courses again.

Ms. Isabelle Morin: The partnership with unions is working well?

Mr. Hubert T. Lacroix: Absolutely, It is a joint initiative; the proposal was made by the unions. Not only did we think it was a good idea, we also participated in the training and the organization of the seminars. We are very proud of those seminars. As Monique said, we are presently developing the second phase. We need a second phase. We certainly want to invest in a similar concept again.

Ms. Isabelle Morin: Thank you.

The Chair: Thank you very much.

Now we come back to the government side.

Mrs. Ambler, you have five minutes.

[English]

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

Thank you to the CBC for appearing today.

My question is about your policy. We've heard that it dates back to 1990. Do you have five-year reviews? Is that correct?

Mrs. Monique Marcotte: Our current policy was revised in February 2010.

Mrs. Stella Ambler: In 2010.

Mrs. Monique Marcotte: We have had policies that we can trace back to 1990. It may be before, but they are reviewed regularly.

Mrs. Stella Ambler: Okay. I wanted to clarify that, in terms of keeping records about the cases themselves, it's only been happening since 2010.

Mrs. Monique Marcotte: No, we have records prior to then. We decided to do a study based on the last three years, given the interest

on the files. If an employee has had a clean slate, so to speak, for two years, we will destroy the files.

Mrs. Stella Ambler: Okay, I understand. Thank you.

With respect to the CBC specifically, and the culture at the CBC, I understand that the nature of your business, media, is somewhat like ours. As parliamentarians, we have long hours, we work closely together, and we tend to feel like family sometimes. We're as close as family, but we also argue like family. The media, I would imagine, is somewhat similar: lots of late nights, lots of intensity in the work that's done. I'm wondering if that means sometimes that there's a little more leeway in relationships. I use that word "relationship" loosely.

Is there sometimes a fine line between interpersonal conflict and harassment? It's a bit of a follow-up from the questions that my colleague, Ms. James was asking earlier. Do you think that might contribute to the culture of potential harassment, the culture that might lead to more potential harassment?

• (1155)

Mr. Hubert T. Lacroix: I think that we are working in stressful environments. You compare our lives with the lives of MPs. We have deadlines, as you do. We have on-air. We don't want to go black; that would be a bad thing. We'd like *The National* to start on time. We'd like Peter Mansbridge, when he smiles to the camera and introduces a piece, to actually have that piece ready and for it to be the piece that he's referring to. So it all has to happen on time.

That was one of the concerns we had when the Guild came up with the idea of the "Respect in the Workplace" conversations. We found that sometimes words were being used inappropriately. We argued more like family than anything else. We had conversations and maybe some words in a newsroom or between different people that were not appropriate. That's what we really targeted. We have this aired out in a seminar context, with mediators from CBC/Radio-Canada—they're not third parties. We have conversations about ourselves, and we deal with them.

Mrs. Stella Ambler: Thank you for mentioning that, the fact that your mediators come from within the CBC.

I think what you're trying to tell us today is that when you're dealing with the problem of sexual harassment or—

The Chair: You have one minute.

Mrs. Stella Ambler: —harassment of any kind, you're dealing with it in-house. You have the expertise to do it. You can do it. You're doing it well. You're training. You have a certain number of cases that you've dealt with. You've dealt with them in an expedient way. We've heard from a number of other witnesses in the study. The RCMP is a federal organization we're studying, and they're doing the same thing.

Would you say that it's possible for organizations like the CBC and the RCMP to deal with these problems in-house in an effective way, one that's fair to all of the employees?

Mrs. Monique Marcotte: I want to clarify what Hubert just said. He was speaking about the facilitation of the sessions. The "Respect in the Workplace" sessions are jointly facilitated by management and the unions. When it comes to an investigation—

Mrs. Stella Ambler: I am extrapolating, yes.

Mrs. Monique Marcotte: An investigation may or may not be conducted in-house. We always make sure that whoever's doing the investigation has the appropriate skill set required.

When it comes to mediation of informal complaints, that can happen with employees, or we can bring in facilitators from HR to help with the conversation or the union.

Mrs. Stella Ambler: If you have to bring someone in from outside, where would you get them?

[*Translation*]

The Chair: I am sorry, Mrs. Amber, but your time is up.

As I said at the last meeting, this is why I warn you when there is a minute left.

So that concludes our meetings with the representatives of CBC/Radio-Canada. The time went by extremely quickly. It was very interesting.

Thank you very much for accepting our invitation and for coming to share your harassment policies with us.

As for Mr. Regan's request, we have found the article in question. So we will send it to members of the committee and see what we can do.

Mr. Hubert T. Lacroix: Thank you.

The Chair: We don't want to go off on a witch-hunt either.

Thank you very much.

We now move to the committee business section of the agenda.

Wait a moment. I have to correct what I said about the articles; the articles are already in our package. We have them all here.

I am going to suspend the meeting for a few minutes so that people can take a break and get something to eat.

● (1155)

_____ (Pause) _____

● (1200)

● (1205)

The Chair: I just wanted to make it clear to the committee that, at the moment, we are scheduled to study the committee business in public. I wanted to make you aware of that.

Do you want to continue the meeting in camera?

[*English*]

Mrs. Susan Truppe: I didn't realize it... it's never usually in public.

[*Translation*]

The Chair: Mrs. Truppe is asking for the meeting to continue in camera.

Anyone opposed?

Mrs. Day, you have the floor.

Mrs. Anne-Marie Day: We are opposed, because the request has already been made in public. This is about rewording it.

The Chair: Are you talking about the notice of motion?

Mrs. Anne-Marie Day: Yes.

The Chair: In that case, do we wish to vote?

I think we do.

[*English*]

Mrs. Susan Truppe: Are we voting on whether or not we're going in camera? Is that what we're voting on?

[*Translation*]

The Chair: Yes.

So we will move to a vote.

(Motion agreed to)

The Chair: So I am required to suspend the meeting, so that we can move in camera.

[*Proceedings continue in camera*]

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>