



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

## **Standing Committee on the Status of Women**

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FEWO



NUMBER 068



1st SESSION



41st PARLIAMENT

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**EVIDENCE**

**Thursday, April 18, 2013**



**Chair**

**Ms. Marie-Claude Morin**



## Standing Committee on the Status of Women

Thursday, April 18, 2013

• (1115)

[English]

**The Vice-Chair (Hon. Judy Sgro (York West, Lib.)):** Welcome to meeting number 68 of the Standing Committee on the Status of Women, pursuant to Standing Order 108(2), study of sexual harassment in the federal workplace.

We have witnesses today from the Canadian Forces Provost Marshal. Lieutenant-Colonel Legere, chief of staff, Canadian Forces Military Police Group, and Major Tim Langlois, legal officer, Office of the Judge Advocate General, Directorate of Law, Military Justice Operations, welcome to our committee. We are very pleased that you accepted our invitation to come and speak to the committee today.

You each have 10 minutes for your remarks, and they will be followed by questions from the committee.

Lieutenant-Colonel Legere, would you like to begin?

[Translation]

**LCol J.A. Legere (Chief of Staff, Canadian Forces Military Police Group, Canadian Forces Provost Marshal):** Good morning, Madam Chair and members of the committee.

I am here today with Major Langlois. He is the legal advisor to the Canadian Forces provost marshal and the commander of the Canadian Forces Military Police Group. He is assigned to the Military Police Group and reports to the director law, military justice operations division of the judge advocate general. His mandate is to provide legal advice and guidance to the provost marshal and his staff.

I am the chief of staff of the Canadian Forces Military Police Group. I am responsible for the effective and efficient operation of the Military Police Group headquarters and for all military and civilian staff assigned thereto. I am also the headquarters commanding officer.

[English]

I would like to start by telling you about the military police, our organizational structure and role, mandate, and authorities within the Department of National Defence, the Canadian Armed Forces, and the military justice system. I will then endeavour to explain our role, or more specifically our lack thereof, in the investigation of sexual harassment cases within the Canadian Armed Forces.

I will cover the determination of whether an incident is handled administratively as sexual harassment or through disciplinary means in accordance with the code of service discipline and our role in that

determination, and the military police role in the investigation of sexual misconduct.

Finally, I know you have also asked for information on how sexual harassment is addressed when there is a complaint from a member of the military police, or against a member of the military police. I will address this as well.

The Canadian Forces Military Police is the police force jurisdiction for the Department of National Defence and the Canadian Armed Forces. We derive our authority from section 156 of the National Defence Act. Military police are also recognized as peace officers in section 2 of the Criminal Code of Canada, when performing their policing functions and duties.

Military police are members of the Canadian Armed Forces and receive common military skills training like every other Canadian Forces member. We also receive the same kind of specialist police training as other police forces in Canada. As such, military police are fully trained and empowered to investigate crimes of a sexual nature.

[Translation]

In short, military police are dual professionals; that is, we are members of both the profession of arms and the law enforcement profession. We are subject to the same administrative and disciplinary policies and procedures as every other member of the Canadian Forces. Additionally, we are subject to the military police code of professional conduct both on and off duty.

The provost marshal is the chief of police for the military police. He has two main roles.

[English]

First, as the Canadian Forces Provost Marshal, he is responsible for all investigations conducted by military police; the establishment of selection and training standards applicable to candidates for the military police, and ensuring compliance with those standards; the establishment of training and professional standards applicable to the military police and ensuring compliance with those standards; and investigations in respect of conduct that is inconsistent with the professional standards applicable to the military police or the military police professional code of conduct.

Second, as of April 1, 2011, he is also the commander of the Canadian Forces military police group, and as such, he commands all military police members who conduct policing duties and functions. This is an important and relatively recent development that enhances the independence of military police investigations and ensures there is no real or perceived influence by the chain of command therein.

As a formation commander, he is responsible for enforcing the code of service discipline and all other Canadian Armed Forces orders, regulations, policies, and directives, including the Treasury Board policy and defence administrative order and directive on harassment.

There are approximately 1,500 regular force military police personnel within the Canadian Armed Forces, both officers and non-commissioned members, and approximately another 400 reserve force military police members. They're stationed across Canada and around the world.

I thought this committee might also be interested in the gender distribution of the military police. As of December 2012, 12.8% of military police non-commissioned members are female, which is on par with the 13.1% female population within the Canadian Armed Forces non-commissioned members. For officers, 20% of military police officers are female, which is slightly higher than the 16.8% female population within the Canadian Armed Forces.

The Canadian Forces Military Police Group has its headquarters here in Ottawa and has seven subformations which are: the Naval Military Police Group; the Land Force Military Police Group; the Air Force Military Police Group; the Special Operations Forces Military Police Unit; the Military Police Services Group; the Canadian Forces Military Police Academy; and the Canadian Forces National Investigation Service. I will expand on their role specifically.

The Canadian Forces National Investigation Service has the mandate to investigate serious and sensitive matters related to the Department of National Defence and the Canadian Armed Forces, similar to a major crimes unit in civilian police services.

When the Canadian Forces National Investigation Service was established in 1997 with a mandate to investigate those matters related to the Department of National Defence and the Canadian Armed Forces, one of the particular areas that automatically came under their purview was sexual assaults. The military police investigate disciplinary and criminal offences—they are offences found within the code of service discipline as well as those offences found in other statutes, such as the Criminal Code of Canada—pursuant to section 130 of the National Defence Act.

In doing so, it is our role to determine the facts of the case based upon on the elements of the offence.

● (1120)

[*Translation*]

Sexual harassment is dealt with administratively in accordance with Canadian Forces and Treasury Board policy; as such, it is up to the commanding officer of the unit to investigate the matter and take administrative action as deemed appropriate.

These types of cases are very fact-dependent, and a careful analysis of these facts will help to determine whether a matter should be handled through administrative or disciplinary means. After the initial analysis, if doubt still exists, it is the commanding officer's responsibility to obtain legal and/or military police advice before taking any action.

[*English*]

At this point it is important to ensure the distinctions made between criminal or disciplinary matters and those behaviours that fall more appropriately in the administrative realm.

Where a behaviour falls into the categories of service offences contrary to the code of service discipline, or crimes such as criminal harassment or sexual assault, the military police will investigate. Essentially, when it's alleged that behaviour has gone beyond gestures or comments, or that someone has been assaulted in circumstances of a sexual nature, then that is when the police investigation will occur.

As you heard from the director general of military personnel, sexual misconduct constitutes behaviour that is sexual in nature and constitutes an offence under the Criminal Code of Canada or the code of service discipline. This behaviour includes offences such as sexual assault, indecent exposure, voyeurism, and acts involving child pornography. Should these offences be alleged to have occurred, the military police will investigate.

[*Translation*]

The Canadian Forces and the military police take all allegations of sexual offences by Canadian Forces personnel seriously and, in all cases, investigations are conducted to determine the facts, analyze the evidence and, if warranted, lay appropriate charges.

I would also like to point out that the Military Police Group has a wide-ranging victim services program that puts the highest priority on support to victims and provides support and referrals to other services as required, including the Canadian Forces health services, Canadian Forces member assistance program, military chaplains, military family resource centres, and even civilian social services.

[*English*]

Returning to the subject of this committee's study, as you have heard from other representatives from the Department of National Defence, harassment is any improper conduct by an individual that is directed at and offensive to another person or persons in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises any objectionable act, comment or display that demeans, belittles or causes personal humiliation or embarrassment, and any act of intimidation or threat.

There is no definition or policy specifically for sexual harassment. It is covered under the Treasury Board policy.

The military police, like all other Canadian Armed Forces personnel, are subject to these regulations, orders, and policies. I will tell you categorically that harassment in any form, sexual or otherwise, is not tolerated within the Canadian Forces Military Police Group.

This concludes my statement. I'd be happy to answer any questions you may have.

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much Lieutenant-Colonel Legere.

We'll now turn it over to Major Tim Langlois for 10 minutes.

**LCol J.A. Legere:** Major Langlois does not have a statement.

**The Vice-Chair (Hon. Judy Sgro):** That's even better. It gives us more opportunity for questions. Thank you both very much.

We'll turn it over to Ms. Truppe for seven minutes.

**Mrs. Susan Truppe (London North Centre, CPC):** Thank you, Madam Chair, and thank you to the witnesses for coming today.

Your comments are very important to us so we appreciate your taking the time.

Maybe I should ask you first about the policy. In the policy you have on workplace harassment, I think you said you follow the same standards as Treasury Board, if I'm not mistaken.

Could you walk me through who's responsible for the maintenance of a harassment-free workplace? What is the series of events that goes on to make sure that senior members versus regular members are trained? Is there training that goes on once a month or every six months or just on arrival? How does that work in your field?

**LCol J.A. Legere:** Thank you for the question.

Really, the harassment policy for the Canadian Forces lies within the director general of military careers and chief of military personnel command, so I really don't deal with the establishment of those policies or the establishment of training centres. What I can tell you is that harassment and treatment of persons with dignity and respect is certainly covered in our basic training within the military police, and it's reinforced at every level of training and certainly within the supervisory roles of the military police.

• (1125)

**Mrs. Susan Truppe:** I think you said that if there was a sexual harassment incident it would go to the officer of the unit first. I think that's what you said. Could you take us through the steps? If someone, a member, is sexually harassed, what are the steps that are taken? What are the options that a member has?

**LCol J.A. Legere:** I'll speak for my headquarters. If there is a circumstance where somebody feels that he or she has been sexually harassed, that person should report it to his or her supervisor. That supervisor has an obligation, particularly if they're military, under QR&Os 4.02 and 5.0 to report any incident of wrongdoing. It's drilled into our rules and regulations.

Once that complaint is received, we have a duty to act. I have an obligation as commanding officer to act. I will call together an investigation. We have harassment advisers within the unit who help the commanding officer decide on the best course of action and certainly an administrative investigation will take place to determine the facts and the appropriate measures.

**Mrs. Susan Truppe:** Can they go to the harassment adviser first? What if they don't feel like going to their officer? Suppose the officer was the one they're complaining about. What happens then?

**LCol J.A. Legere:** There are numerous vehicles or means to make a complaint. If they don't feel comfortable going to their supervisor, what they should do is go to the next level of supervision, i.e., that supervisor's supervisor. They can certainly go to the harassment adviser for the unit, who again has an obligation to act and to report any conduct of that nature to the commanding officer.

**Mrs. Susan Truppe:** What about tracking? How do you track, for example, how many sexual harassment grievances or reports you've had? Is that tracked? How do you track it? Is it something online or is it just verbal?

**LCol J.A. Legere:** I don't track, and we in the military police don't track, incidents of sexual harassment or harassment. The chief military personnel does the tracking of that. They have a tracking system. The specifics of that I really can't get into. It's not within my realm. However, I've been the commanding officer of headquarters now for almost two years and I've seen no incidents of sexual harassment, and certainly no trends to indicate that we have a problem.

**Mrs. Susan Truppe:** Right. How would you address situations in which the employee has experienced sexual harassment at the hands of a client or member of the public? How does the way you address the incident change versus an incident involving someone in your unit? What if the member who has been sexually harassed is in your unit but the harasser is not in your unit or in your area? It might be a civilian.

**LCol J.A. Legere:** Again, I think we would look at that incident and we would contact the other unit and communicate with that other unit to ensure that the behaviour is corrected and that the facts of the case are investigated and appropriate action is taken.

**Mrs. Susan Truppe:** We've had a number of witnesses for this study highlight the importance of leadership and culture in the prevention of sexual harassment in the workplace. Has your organization taken any steps to promote healthy behaviours in the workplace, aside from the training that you give them? Is there something else that you do for them? Are there any online tools, for example? Some of the other federal organizations that we've had here have online training that they can go to once a month or once every two months. There's other training in person that's provided as well.

**LCol J.A. Legere:** I'm not aware of any online tools right now. I do know there is training available. I think the director general military careers or the chief military personnel might be better suited to answer that question. I can tell you that when I first got there at the headquarters in 2011, I issued my initial guidance. In that guidance, we stated categorically that all persons will be treated with dignity and respect. We review that from time to time. The new people coming into my headquarters will receive a copy of my initial guidance. It's part of our day-to-day culture.

• (1130)

**Mrs. Susan Truppe:** Right. I'm sure it is part of the culture, too. I find this with some of the other witnesses. I know from working in different areas previous to this that you go to the conference or you get the training, but then you don't really look at it anymore.

Is there a way that you could follow up to make sure that this is always embedded in their minds?

**The Vice-Chair (Hon. Judy Sgro):** Make this a short answer, sir.

**LCol J.A. Legere:** What I can tell you is that there are defence administrative orders and directives on harassment, and people are encouraged to review those policies on a yearly basis.

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much.

Ms. Ashton and Ms. Day are splitting their time.

Ms. Ashton.

**Ms. Niki Ashton (Churchill, NDP):** I'd like to pass the microphone to my colleague.

[Translation]

**Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP):** Thank you for giving me the floor.

I would like to table a motion. Personally and on behalf of the NDP, I would like to remind the committee that it is our duty to ensure that government policies are fair and equitable for all Canadians. I would also like to remind everyone that the Standing Committee on the Status of Women must always have the status of Canadian women at the heart of our concerns.

A recent study, which concerns me greatly, states that the employment insurance reform will penalize even more women than men. The numbers are clear. In the early 1990s, 95% of unemployed individuals received employment insurance benefits. In 2010, 66% of men who lost their jobs received benefits, while only 54.7% of women did.

The situation is expected to worsen with the introduction of the current reform. The difference compared with the situation in the 1990s is 12%.

The members of this committee must recognize that Canadian women earn less than men. Immigrant women and women belonging to visible minorities are disproportionately represented in low-quality jobs. Women make up two-thirds of people working part time. They are often concentrated in vulnerable and seasonal employment sectors.

With a view to fostering a better match between good, well-paying jobs and women able to work, while ensuring better economic growth and optimal conditions for ensuring that Canadian women are reaching their full potential on the labour market, personally and on behalf of the NDP, I would like to table the following motion:

That the Committee conduct a study, following the current study, on the impacts of Employment Insurance reform implemented in spring 2012, on women's social and economic situations and particularly on immigrant women, aboriginal women, part-time workers and single parents.

Madam Chair, thank you for giving me this time. I will give Ms. Ashton the floor later.

[English]

**The Vice-Chair (Hon. Judy Sgro):** You've introduced the motion. Are you asking that we discuss this now or at a later date?

[Translation]

**Mrs. Anne-Marie Day:** I would like us to discuss it now, Madam Chair.

[English]

**The Vice-Chair (Hon. Judy Sgro):** All right.

Witnesses, please bear with us. The member has introduced a motion. According to procedure, we need to deal with this right away unless there is a motion to adjourn the debate to a later date.

Ms. Truppe.

**Mrs. Susan Truppe:** I would like to move that we go in camera for discussing committee business. These guys will have to wait outside, unfortunately, unless we're waiting until Tuesday.

**The Vice-Chair (Hon. Judy Sgro):** There's been a motion that we move in camera. That is not debatable, so I would ask our witnesses if they wouldn't mind waiting....

Well, first, we'll vote on the motion to move in camera.

(Motion agreed to)

**The Vice-Chair (Hon. Judy Sgro):** The motion has passed, so our witnesses and everyone else will exit the room.

[Proceedings continue in camera]

• (1130)

(Pause)

• (1140)

[Public proceedings resume]

**The Vice-Chair (Hon. Judy Sgro):** I'll call the meeting back to order. My apologies to the witnesses. Committee business takes priority, and sometimes it has to be done the way it has to be done. We did try to keep it brief.

Ms. Day and Ms. Ashton, you have four and a half minutes left of your time.

**Ms. Niki Ashton:** Thank you very much to our witnesses.

We've heard that as a result of cutbacks the alternative dispute resolution centres and services are being reduced across the country. I have a background in conflict resolution. The loss of the kind of services for any member to come forward with any sort of harassment allegation is critical, let alone sexual harassment.

Do you believe that the reduction in alternative dispute resolution centres across the country will affect the number of cases of sexual misconduct that would come to your office? Do you see any other complications that this could cause for individuals in the forces who experience sexual harassment or sexual misconduct?

**LCol J.A. Legere:** Thank you for the question.

I'm here speaking only on behalf of the military police group. This really isn't within my area of expertise in terms of the alternative dispute resolution areas.

**Ms. Niki Ashton:** Given that point, do complaints from the alternative dispute resolutions that aren't resolved come to you? Is there a link or has there been a link between you and these centres?

**LCol J.A. Legere:** Not to my knowledge. If there is any belief or doubt as to whether or not the offence goes into the criminal realm, that it's either an offence under the code of service discipline or the Criminal Code, it will come to the military police, and we will investigate it.

As to the rates of sexual harassment, I'm not aware of any concerns at our level at this time.

●(1145)

**Ms. Niki Ashton:** You mentioned there is no link to your knowledge. Would there be any way of reviewing that and letting us know, even if there is an indirect one or something of the sort? We've been told that people come forward to ADR to raise sexual harassment. Often there's been positive resolution. Obviously, the ones that are resolved aren't criminal in nature, but I'm wondering if perhaps if members of the forces aren't aware if it is criminal in nature whether ADR would forward it to you, to the military police.

**LCol J.A. Legere:** My expectation would be that anyone receiving a complaint where there's even a shadow of a doubt that it's criminal in nature or a code of service discipline offence, the commanding officer of that unit has an obligation to get legal counsel and report the issue to the military police. Again, I'm not aware of any linkages between the alternative dispute resolution centres and the military police. I can certainly find that out and get back to you.

**Ms. Niki Ashton:** Yes, we'd really appreciate that feedback. Thank you very much.

Could you clearly define how the military distinguishes between sexual harassment and other forms of sexual misconduct?

**LCol J.A. Legere:** Thank you for that question.

That's a very important point because clearly when it's sexual harassment, as I mentioned before, it's handled in the administrative realm. The incident may constitute an offence under the code of service discipline or the Criminal Code. Certain elements of the offence need to be looked at and need to be proven in a court of law. Where there's any doubt, the commanding officer has an obligation to consult with his lawyers and with the military police to determine whether that behaviour constitutes a crime. All commanding officers are well aware of that.

Would you like to comment?

**Maj Tim Langlois (Legal Officer, Office of the Judge Advocate General, Directorate of Law, Military Justice Operations, Canadian Forces Provost Marshal):** In those cases where sexual harassment approaches the level of an offence, perhaps under the code of service discipline, something like conduct to the prejudice of good order and discipline, that is where there could be a dual investigation, both administrative and disciplinary, going on at the same time.

If there is a belief that the incident approaches the level of conduct that would be disciplinary or against the code of service discipline, the administrative investigation would go into abeyance to allow the military police to do their criminal investigation first. Then it may go back to the administrative investigation as required.

**Ms. Niki Ashton:** I'm just wondering, Madam Chair—

**The Vice-Chair (Hon. Judy Sgro):** I'd say you have 10 seconds left.

**Ms. Niki Ashton:** Okay, that's fine. Thank you.

**The Vice-Chair (Hon. Judy Sgro):** All right. Go ahead, Ms. Crockatt.

**Ms. Joan Crockatt (Calgary Centre, CPC):** Thank you.

We've heard that the incidents of sexual harassment that you have observed over the last two years as commander have been virtually nil. One of the things we sometimes hear on this committee is that it's because things aren't reported. On the other hand, we have large organizations such as the post office who have appeared before us who have actually tracked it and have seen their cases go down to nil.

Do you think yours could be non-reporting, or are you quite confident from your discussions with the men and women who work with you that you do not have a problem with sexual harassment in the workplace?

**LCol J.A. Legere:** Thank you very much, ma'am.

I'm very confident. The military police are a very professional organization, and I'm very proud to be part of the military police. We have a code of professional conduct that is part of our culture, part of our very fabric.

I'm very confident that within our military police group it has nothing to do with non-reporting and everything to do with the very open and very positive culture that we try to inculcate within our units.

●(1150)

**Ms. Joan Crockatt:** In that vein, what do you think that other departments or areas could learn from how you're doing this? The military was seen in the past as a very masculine organization. We know that your percentage of women is somewhat less than in some other areas, yet you seem to not have a problem in this area. What can we learn from what you're doing?

**LCol J.A. Legere:** I don't know how to respond to that. As I said before, I'm very proud to be a member of the military police. The military police are an essential part of the discipline within the Canadian Armed Forces. We are a tool for the commanding officer to use to ensure that discipline is part of his or her unit. As I said, discipline is the backbone of the Canadian Forces.

We are very fortunate to have a very disciplined force. The military police, by their very nature, have to be shown to be the example. In fact, the motto of the Canadian Provost Corps was "Discipline By Example". Again, that's inculcated in our young folks at the very, very basic training level.

**Ms. Joan Crockatt:** "Discipline By Example" might actually be the motto that you're using to defeat sexual harassment in the workplace; it's calling on people to be an example to others. You're actually asking them for a higher quality of respect for one another. Is that right?

**LCol J.A. Legere:** Certainly the military police are held to a higher standard, because we have to police the military. If that creates a positive work environment, then I would say, yes, absolutely.

**Ms. Joan Crockatt:** We know public awareness programs have quite an impact. It might be something like that, just spreading that motto through your organization. Is there anything else you can think of that might be relevant that we might be able to learn from?

**LCol J.A. Legere:** We have a very progressive training regimen and we bring our folks back to the Military Police Academy at various levels of their career and teach them leadership skills, supervisory skills, refresher training, and everything like that. Again, I think it's part of the whole package.

**Ms. Joan Crockatt:** Okay. Maybe I could just ask you again about the full-time victim services coordinator that you've mentioned here. It's designed to assist victims, especially those of violent crime. Is that for internal potential victims as well, or external? Can you tell us more about that victim services coordinator? How many do you have per unit of staff? I'd like just a little more information about that, please.

**LCol J.A. Legere:** The victim services program is centrally managed by the Canadian Forces national investigation service. There is a victim services officer in each military police detachment. In fact, in CFB Petawawa, we've gone so far as to have an office for the child and family services folks, because we deal very closely with those helping agencies such as the military family resource centres and we can refer families to the social services that they require, the helping organizations they require if they are victims of a crime.

**Ms. Joan Crockatt:** So you're telling me it is an internal resource person you have, the victim services coordinator.

**LCol J.A. Legere:** Yes, ma'am.

**Ms. Joan Crockatt:** Okay.

I just wanted to ask you about the definition. I commend you because it's a really nice broad definition, so you'd think it would capture many cases. I'm wondering if it might be considered too broad, if we're trying to define sexual harassment. What if the behaviour has gone beyond gestures or comments? I guess a good way to put it is, what would you consider to be your definition of sexual harassment? Is it bullying? Is it more than that? How would you define it?

**LCol J.A. Legere:** You're referring to the definition that I gave in my opening remarks.

**Ms. Joan Crockatt:** Right.

**LCol J.A. Legere:** Within the Canadian Forces Military Police group, we tell people to treat others with dignity and respect. As Major Langlois said, it's when it goes into the realm of code of service discipline or criminal offence that we get involved as military police, as our function as military police. Again, we're dual professionals. I'm a member of the military as well. I have responsibilities as a commanding officer, and that's on the administrative side. I will deal with issues of harassment or anything like that, although we have not had any in the military police. But as soon as it crosses the line into a code of service discipline or criminal offence, that's when we as military police get involved, because we're obliged to investigate.

• (1155)

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much, Lieutenant-Colonel.

Ms. Crockatt, your time is up.

How often, Lieutenant-Colonel Legere, do they have refresher courses or talks about sexual harassment, harassment, and bullying within the military police? Does that happen at all?

**LCol J.A. Legere:** I could speak for what happens within my headquarters. Every year, and normally in the August-September timeframe, what we call the posting season, when people change jobs, there's movement, and we have indoctrination training, or welcome training, in the headquarters. At that time, we go through the internal processes of the headquarters, how it works. We underline the importance of treating people with dignity and respect. I would expect that this happens in every unit under the military police group. I think it's more of a cultural thing and a function of leadership. I would expect that our commanding officers out there would ensure that this is underscored as a very important part of leadership.

**The Vice-Chair (Hon. Judy Sgro):** I visited several of the family resource centres throughout the country, and I don't recall seeing anything specific to sexual harassment, but I thought they were fabulous facilities. They were very welcoming and offered their services to all of those in the military. In spite of the fact that I didn't see anything specific to sexual harassment jump out at me, based on what you're telling us, certainly the leadership is dealing with it. Thank you very much for that comment.

I'm going to turn the balance of my time over to Ms. Ashton.

**Ms. Niki Ashton:** Is it about two minutes, just to clarify, Madam Chair?

**The Vice-Chair (Hon. Judy Sgro):** No, it's just under five.

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

Going back to the difference between sexual harassment and sexual misconduct, I appreciate the answer you gave, but there seems to be a grey area there. What would you say are examples of sexual misconduct?

**LCol J.A. Legere:** I can't think of specific examples off the top of my head. Certainly if there is anything of a sexual nature that's contained as an offence within the code of service discipline, that would constitute sexual misconduct. The defence administrative orders and directive on sexual misconduct is fairly clear.

I come back to our role to investigate those things that constitute an offence under the code of service discipline or the Criminal Code. For example, section 264 of the Criminal Code of Canada has criminal harassment, and it's very clear. That's a crime. That's not an administrative measure. That's not sexual harassment. That's criminal harassment. Section 271 of the Criminal Code is sexual assault; where there's touching, it automatically turns into sexual assault.



How you deal with those particular issues is really the purview of the commanding officer. He will consult with his advisers and find the best way to deal with it. It's based largely on.... One of the factors, of course, is complainant input. If the complainant says, "Look, I just want this to stop" in a case of harassment, and we talk to the individual and tell them it's not on and it won't happen again, and the complainant is happy with that, then in my mind, in my unit that would suffice. We would monitor the individual as we went along. But clearly, where a crime has been committed, we need to investigate and we need to take action, because that is not tolerated within the Canadian Forces.

• (1200)

**Ms. Niki Ashton:** Yes. We're aware that there have been some egregious examples of sexual assault in the forces. We're also aware that changes have been made to try to deal with that and put a stop to these incidents and also to change the culture, based on previous presentations we've received. We're also aware of the fact that one of the problems is this question of dealing with that grey area before it's clearly identified by somebody as being criminal in nature. There obviously is a spectrum that involves traumatic experiences for particularly women when it's sexual harassment.

What you're saying then is that when it comes to the commanding officer, it's up to him to decide. One commanding officer could deal with it differently from another. Is that a cause for concern? Somebody might take it more lightly than somebody else.

**LCol J.A. Legere:** Certainly I don't want to speak for the department—I'm speaking for the military police group—but I can tell you that we have a number of commanding officers, and each of them I trust implicitly to do the right thing. They are given the training and the judgment to make those calls.

Again, it comes down, very much, to a function of leadership.

**Ms. Niki Ashton:** Do they have regular training? I think Ms. Sgro may have had a question on that. Do these commanding officers come together and look at best practices?

Is there any sort of overarching structure that could help deal with more of a structured, consistent practice of dealing with sexual harassment rather than just one commanding officer doing it one way and another doing it another way?

**LCol J.A. Legere:** At the Canadian Forces Provost Marshal, our commander deals with his subcommanders on a daily basis. Each of the commanding officers has with him a chief warrant officer, who's the senior non-commissioned member rank within the Canadian Forces, to provide him with that kind of consultation and guidance, if you will. They've been there, they've done it, they've got the experience.

Certainly we expect our chief warrant officers to provide us with that sage counsel, to make sure...and chief warrant officers, their role is the morale and well-being of the troops, to put it bluntly. Each commanding officer relies on a number of consultants and advisers.

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much, Lieutenant-Colonel Legere. We have completed your section of the testimony, and I thank you both very much for coming.

We'll get our next witnesses. Perhaps you could be excused so our next witnesses can come to the table.

We have Commissioner Chris Lewis, for field operations for the Ontario Provincial Police.

Thank you very much for coming. We waited with much anticipation for you to come before the committee today. I think the committee has lots of questions, and we look forward to your helping us here in our sexual harassment interests on this report.

Mr. Lewis, you have 10 minutes for your opening remarks, and then you'll have questions from the committee.

I'll turn it over to you, sir.

• (1205)

**Commr Chris D. Lewis (Commissioner, Field Operations, Ontario Provincial Police):** Thank you very much, Madam Chairperson.

Good afternoon to all the committee members.

It's my pleasure to appear before you today. Thank you for the opportunity to provide you with information about how the Ontario Provincial Police is committed to fostering and sustaining an inclusive, respectful, diverse, equitable, and accessible workplace for all employees.

First, let me set my remarks in context by outlining a few relevant details about the OPP in my time with the service.

I joined the OPP in 1978, when the police profession was still very much an old boys' club with lots of macho, tough-guy attitude.

Women were first recruited to become officers in 1974, but there were few on the job in the OPP when I arrived as a rookie constable four years later.

In the first few years the OPP would not post women officers to many of the remote locations we police in the province, considering it an undue hardship for female officers. I'm not sure if that was an advantage or a disadvantage for our early women officers, but I can tell you that we now post them to remote locations and many find that experience very interesting.

I think it is fair to say that many of the leaders and officers within the OPP at that time were not as supportive of female officers as they should have been. Those first few female officers were definitely pioneers, and sometimes they had to be better and tougher than the male recruits because they were so closely scrutinized. A number of OPP members did not want them to succeed.

Thankfully, the OPP and the police profession and society as a whole have come a long way since then in our attitudes toward women occupying what were then traditionally male roles.

On December 31, 2012, the OPP had 6,243 uniformed members, 191 of them being commissioned officers. A commissioned officer is any uniformed member who holds the rank of inspector or higher, up to and including commissioner.

As of the same date, 20.4% of the OPP's uniformed members were women, and 14.7% of the OPP's commissioned officers were women at the end of 2012. Allow me to put that into context provincially and nationally.

According to Statistics Canada's "Police Resources in Canada", women constituted 18.4% of all police officers in Ontario in 2010, slightly lower than the OPP percentage. The proportion of female police officers across Canada in the same year was 19.6%, again slightly lower than the OPP percentage. In the same report, the province of Quebec reported the highest proportion of female police officers at 23.7%, while Manitoba reported the lowest at 14.8%.

This places the OPP in the upper mid-range for the national average and slightly above the provincial average for the percentage of women officers in the ranks.

Does the OPP have enough female officers today? Are women properly represented in the OPP in senior ranks? The answer is definitely no to both questions. An interesting note is that the situation is reversed for our civilian employees, where 62.7% are women and 37.3% are men.

I am pleased to note that 40 of our civilian managers in the OPP are women and 18 are men, so the figures properly reflect the overall gender representation for civilians in the OPP.

The OPP also tries to have its workforce reflect the communities it serves, so we want to remove any barriers that might discourage women from choosing policing as a profession.

One of those barriers was removed in 1982 when the Supreme Court of Canada ruled that height and weight restrictions for employees had to be directly related to the capacity to do the work, not imposed as an overall standard.

Another operational barrier or concern was addressed in 1991, when we changed our standard operating procedures to acknowledge that pregnant employees who could not fulfill their regular duties because of their condition could be assigned to alternate duties that they could be reasonably expected to perform. That was a significant decision for us.

There are, of course, some unavoidable aspects of police work that could be viewed as barriers facing women and others interested in joining the police profession. Most officers work shifts their entire career. We see a lot of tragedy that can be difficult to handle psychologically. The profession requires an advanced level of lifelong fitness. An officer must face a lot of abuse without overreacting.

While it is true that policing was traditionally a male-dominated profession, it is over a generation ago that women were first recruited into our ranks.

It's a fact that only a handful of our currently serving male officers were even members of the organization prior to having female members working alongside them.

The OPP is continuing to work hard to recruit women and remove any barriers to promoting qualified women to its senior ranks through a variety of effective programs.

It is notable that of the eleven recruiters in our career development bureau, nine are women. We know we have to continue this work and these initiatives until women are much better represented in OPP ranks.

Policing is not for everyone, but one of the ways we can reach our recruiting goals is by making the OPP a very welcoming and supportive place for women, which brings me to the very important subject of sexual harassment in the workplace.

The OPP defines sexual harassment as a course of comments or conduct based on sex or gender that is unwelcome or should be reasonably known to be unwelcome.

Discrimination is when a female employee alleges she was treated unfairly because she is a woman. Of course, a male employee can also complain that he was treated unfairly because of his gender, but that is a very rare complaint in the OPP. I will provide more detail on that later.

To understand our approach, I need to tell you a few things about the OPP and the legislation and regulations that guide us. The OPP is part of the Ontario public service, and as such it is governed by the Ontario public service workplace discrimination and harassment prevention policy, WDHP. Sexual harassment, sexual solicitation, and related reprisals are violations under this policy.

● (1210)

The WDHP policy establishes a framework for the prevention of workplace discrimination and harassment as well as an effective response to issues and complaints. The WDHP policy also provides direction to the OPP on compliance with statutory requirements for human rights and health and safety in the workplace, as established in the Ontario Human Rights Code and the Occupational Health and Safety Act. In addition, uniformed members of the OPP are governed by the provisions of a code of conduct under the Ontario Police Services Act. I have provided copies of these policies to your committee clerk.

Among other things, the OPP's career development bureau is responsible for implementing, overseeing, and investigating complaints for WDHP policy within the OPP. Worthy of note is that the career development bureau is commanded by a female chief superintendent who is responsible for all of the OPP's human resources activities, including: recruiting and hiring of all staff; promotional processes; staffing and workforce planning; grievance processes; labour relations; and all training, internally and externally.

That bureau is assisted in their WDHP work by a respectful workplace committee. The mandate of the committee is to serve as executive champions of organizational efforts to address and improve all elements of respect in the workplace. They meet regularly to review and make recommendations regarding the management of complex WDHP cases. They identify trends and emerging issues that are systemic in nature and/or have an organizational impact. They provide consultation and advice on WDHP program development and enhancements, such as the development of criteria for cases requiring investigation, and they support the shift of the workplace culture from one of conflict avoidance to one of prevention and conflict resolution.

The human resources section of our career development bureau has also developed a service delivery model for the OPP, which includes, among other things, mandatory and ongoing education and training on WDHP for all personnel, and a WDHP standard operating procedure that sets out the roles and responsibilities for all employees and managers and provides instructions on reporting and responding. OPP members can contact a confidential and neutral source of information—either our WDHP employee contacts or the employee program assistance provider—if they wish to discuss concerns without necessarily triggering a process that they do not want to pursue.

All OPP managers are required to consult with human resources as soon as they become aware of a WDHP issue, whether or not a complaint is filed, and managers are expected to initiate cases for situations that need intervention, even when no one has complained.

We've established an internal network of trained OPP managers, known as the WDHP liaisons, to assist with resolution and investigation, with the support and guidance of human resources. In the past three years, this group has grown from the original six members to 35 members. We practise restoration of workplaces and/or working relationships impacted by complaints or resolution processes.

Our career development bureau tracks and reports on all our WDHP cases so we can determine the extent of problems and take systemic action where required. I certainly wouldn't claim that the OPP is perfect and cannot improve upon its prevention and response to sexual harassment in the workplace, but I do believe the policies and actions I've described provide us with a proper structure and a way to deal positively with all forms of harassment.

In 2012 we had 118 WDHP complaints in the OPP. The largest single reason cited for the complaints was sex or gender, at 20%, or 24, of the complaints. I should make it clear here that the majority of these cases, 13 in total, cited gender as the reason for discrimination rather than sexual harassment. Of the 118 complaints in 2012, 11 alleged sexual harassment. Ten of those 11 were substantiated and actions were taken to correct the problem. Of the 13 cases that alleged discrimination based on gender, four were substantiated and action was taken. In 2012, 96% of our WDHP complaints based on gender, for a total of 23 out of 24, were made by female employees.

As I said earlier, one of the ways in which we make the OPP a welcoming place for female employees is through education and raising awareness of what is and what is not acceptable in the

workplace. We inform managers of the responsibility to not condone or tolerate harassment of any kind.

Our goal is to completely eliminate all forms of harassment, but we must be practical and realistic. Given human nature, our scope of operations, which includes more than 9,000 employees, and a workplace spread out over a province bigger than most countries, it is likely that some form of harassment will occur occasionally.

● (1215)

In conclusion, we ask ourselves the following questions: Does the employer make it clear that sexual harassment will not be tolerated? Does the employer educate its employees on how to recognize harassment and what to do about it? Is there a fair and transparent complaint process with no tolerance for reprisals? Are employees who come forward with a complaint supported throughout the process? Does the employer practise workplace restoration so everyone involved directly and peripherally can safely return to a productive career? I'm proud to say the answer is yes to all of those questions. I'm also very proud of the fine men and women in the OPP and of the professional way in which they conduct themselves at all times.

Thank you for your attention. I'm pleased to answer any questions regarding how we try to prevent, investigate, and correct instances of sexual harassment in the workplace.

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much, Commissioner Lewis, for that excellent presentation.

We'll turn it over now for seven minutes to Ms. Young.

**Ms. Wai Young (Vancouver South, CPC):** I'd like to thank you, Commissioner Lewis, for an excellent presentation. You gave us a lot to work with in terms of the scope of your program and the fact that you have 9,000 employees over a very large area of the province of Ontario.

I think you said you joined the force in 1978. Is that correct?

**Commr Chris D. Lewis:** That's right.

**Ms. Wai Young:** Of course, since that time, we've come a long way, baby, right?

**Commr Chris D. Lewis:** Oh, for sure. We had very few women then, and that number has increased more and more over the years, to what we have currently.

**Ms. Wai Young:** One of the statistics—and I think I may have missed it in your presentation.... What percentage of your workforce is now women?

**Commr Chris D. Lewis:** The percentage of our workforce currently is 20-point-something per cent female across the board.

It's interesting to note that of the thousands of applicants we get each year, only 11% are female, but we've managed to get our numbers up to over 20% female employees. In fact, our last class of 110 recruits was over 50% female. So we're luring more women and making policing more attractive to females.

Interestingly, that chief superintendent I spoke of, the female in charge of the career development bureau, is my wife and a career police officer. She has seen it all—the good, the bad and the ugly—in her career, so she brings a very interesting perspective to her efforts in the career development bureau.

**Ms. Wai Young:** Are your numbers higher now because you have an active engagement plan or strategy in place, or is it because you have put these measures in place to protect women in the workforce and people are hearing or know about that and are choosing policing as a career option?

**Commr Chris D. Lewis:** I think it's all of the above. We're certainly trying to make policing more attractive to all people in society, including people who are maybe fourth or fifth generation Canadians who have come from countries where policing's not attractive, and particularly to women. Women are approximately 51% of society. Why are our numbers so low in terms of the applicants? We have a variety of programs through which we get out in the community and engage potential female recruits for both civilian and uniformed roles, and our use of female recruiters who are actively out at job fairs and colleges and universities is having a very successful impact on the numbers that we're actually recruiting currently.

•(1220)

**Ms. Wai Young:** Although the study is about sexual harassment—and I want to move on, because I have some other questions—how many of those women or what proportion do you think go into management? That's obviously one of the other issues about women in non-traditional roles.

**Commr Chris D. Lewis:** Many of our female members are seeking the supervisory roles, at the sergeant and staff sergeant level, the lower supervisory roles. Not many are seeking the commissioned officer or higher rank roles. We've just had this discussion in the last few months and we really want to implement a study to find out whether there are systemic barriers. My wife in her role doesn't think there are. She thinks she's actually been given opportunities herself that she may not have had as a male, because we're trying to get more females in specific roles. Whether or not that's a fair interpretation is up to her.

We need to do more; we're just not sure what. I think in our organization, getting the experience for the senior officer roles often requires moving around the province or taking jobs with lots of overtime and working night and day. That is difficult for some of our female members, particularly those who are mothers and who may or may not have husbands who are as understanding. That's a whole other element that's beyond my control. We need to do all we can to develop those females without having to move them around if they don't choose to.

**Ms. Wai Young:** Right.

Thank you so much for that. Obviously, it'll be interesting in a couple of years to hear back from you as to how you're doing with that.

**Commr Chris D. Lewis:** I may be gone, but my wife will still be around.

**Voices:** Oh, oh!

**Ms. Wai Young:** Well, 35 years of being on the force is very impressive, so we acknowledge and congratulate you on that.

I wanted to say that one of the things you clearly identified—and I don't now if these are steps or just points, but I made a quick note of them—is that you felt that it was important for the employer to have clarity about what the rules were, to educate your members about what the rules were, to have a fair and open complaint process, to have your employees supported throughout the complaint process, and to have workplace restoration after that fact.

**Commr Chris D. Lewis:** That's correct.

**Ms. Wai Young:** Is that sort of a summary of what you said?

**Commr Chris D. Lewis:** It is for sure, yes.

**Ms. Wai Young:** Over your 35 years, at what point in time was this implemented?

**Commr Chris D. Lewis:** I can't say there was a benchmark there that is clear to me. Initially, I know things happened that should not have happened. At times they were properly dealt with, at times they weren't reported, and at times they weren't effectively dealt with. Over the years it has reached the point at which everybody knows the processes now, everybody understands it won't be tolerated, and everybody sees action taken when it occurs.

Are there still some people who don't report it? That is possible, but I think that's changed greatly, too. I think our people are more apt to come forward with these issues now than they ever were, because they see the support and leadership throughout the organization and know it will be taken on and reprisals won't be tolerated.

**Ms. Wai Young:** From many of our other witnesses, what we heard is that there's sort of an informal complaints process where somebody says, “You know, somebody made some gestures and it's the beginning of harassment, and I simply want it stopped.” Then people are talked to and that clarity we just spoke about, or education, happens, and then that's fine, it never comes to a complete process. But in your case, based on what you've said, everything is a complaint, or everything is documented or investigated.

**Commr Chris D. Lewis:** Everything will be documented, that's right. For example, if a member comes forward and says, "I only want him to not say that ever again, or ask me out again", it's clearly stopped and the complainant doesn't want it to go any further than that, but it is still documented and tracked. It's within our statistics, so there's some record that it did occur.

**Ms. Wai Young:** From some other witnesses we had before us, and some other employers, what we heard is that after a year or two, that information gets shredded and it disappears. What happens in your case?

**Commr Chris D. Lewis:** The statistics are never shredded and disappear. If Constable John Doe says something that is inappropriate, it's pointed out to him. If he does not do it, it stops then, the complainant is happy, that will not be on Constable John Doe's record past two years. But for two years it will be in there that the supervisor had to speak to John Doe and say, "Don't say that, it's very inappropriate for these reasons" and John Doe says, "Yes, I understand, and I won't do it again". If that's the end of it, then it's off the individual's personnel record.

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much.

Ms. Young, I'm afraid your time is up.

Ms. Hassainia.

[Translation]

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

Mr. Lewis, thank you for your testimony.

You talked about a committee established within the Ontario Provincial Police to promote respect in the workplace.

Can you give us more information about that committee and explain more specifically how it was used to reduce the number of sexual harassment cases?

• (1225)

[English]

**Commr Chris D. Lewis:** I apologize, but by the time I switched over here, I missed the very beginning of your question. I hate to ask you, but could you repeat it?

[Translation]

**Mrs. Sana Hassainia:** I'll repeat it.

You spoke about a committee that was established in 2008. I would like to know how that committee contributes to reducing the number of cases of sexual harassment.

[English]

**Commr Chris D. Lewis:** That committee, really, is a group of people who look at best practices, trends that they've seen, the need for further education in the organization, and become a kind of centre of knowledge in terms of what has occurred in cases. There are almost precedents set, so if someone says *x* or *y*, here's really where it fits into the big scheme of things in terms of disciplinary action or potential resolutions.... Because the commander of the recruitment development bureau is also the chair of that committee, that's the narrow part of the hourglass for the OPP and it's all tracked through there, they really become the subject-matter experts in terms

of giving advice to investigators and workplace harassment advisers or liaisons who are across the OPP. It becomes that centre of excellence, basically, to make sure we're all doing things the same way.

[Translation]

**Mrs. Sana Hassainia:** Are the members of that committee experts in sexual harassment toward women?

[English]

**Commr Chris D. Lewis:** They're mostly HR professionals who, of course, study this type of activity. They're really in touch with what's going on across the workforce, particularly when they cover the Ontario public service, which of course numbers thousands and thousands more employees in addition to the OPP. They certainly become more of a centre of knowledge for us than the average manager or supervisor in the organization, because they hear and see it all from across the public service. They know what's happening out there, what the trends are. If we needed to do something or communicate something because of some trend they're seeing, whether it be in the public service or the within the OPP, then they're on it and can communicate that quickly and try to prevent that sort of activity from occurring.

[Translation]

**Mrs. Sana Hassainia:** How often does the committee handle situations that include harassment or violence toward women? Do you have any statistics on that?

[English]

**Commr Chris D. Lewis:** I don't have statistics on that committee in terms of what they have seen or recognized, or how often. I do know, just from my role as commissioner, that there are no glaring systemic issues out there. There are one-offs, and with 9,000 employees, to have 10 to 15 complaints of that nature a year...

One is too many, but for the ones we do have, I know they are very swiftly and appropriately dealt with. If the complainant is not happy, then he or she—often she in the vast majority of cases—has the ability to take that further, to either go to the Human Rights Tribunal of Ontario, or put in a grievance through their bargaining group.

I really can't say that any serious issues have occurred in the OPP in recent years. There were more some years back, and we demoted some very senior people right back to the bottom of the organization in terms of their rank over some of these issues. That sent a shock wave through the organization, because people realized, wow, from a senior leader perspective, they were back to being a constable. There are a lot of lessons to be learned from having that properly communicated. Without naming names, those situations became very public in the organization.

[Translation]

**Mrs. Sana Hassainia:** Thank you.

You spoke about dealing with cases in a reasonable time period. What do you think a reasonable time period is?

[English]

**Commr Chris D. Lewis:** It depends on the circumstances. There's a variety of factors there. We certainly try to resolve these within two months, but we often don't. Sometimes there are issues around investigation and interviews and things like that. Generally speaking, though, the vast majority of ours are resolved without it going to any kind of a hearing or a tribunal. There's alternative dispute resolution, or some action such as a supervisor actually moved to another area because he or she created a poisoned environment for an employee. We're not going to move the employee unless he or she wants to be moved. Sometimes the supervisor is moved. Everything's documented, and they are dealt with, but not necessarily are they brought before a discipline tribunal and maybe lose pay or rank, depending on the severity of it.

Our respectful workplace committee and our WDHP liaison officers deal regularly with our professional standards bureau, the ones who really deal with more serious discipline issues. Some of the previous witnesses described grey areas, and we have them too: is this full discipline or can this be resolved? Often that's at the choice of the complainant, but they do have the dialogue, and they make sure they are singing from the same song sheet, so to speak, in terms of how they are going to address these things.

• (1230)

[Translation]

**Mrs. Sana Hassainia:** Thank you.

You said that about 33% of new recruits are women.

Do you know what percentage of these women belong to ethnic minorities?

[English]

**Commr Chris D. Lewis:** I don't have that figure, but about 20% of the OPP is female on the uniform side. About 60% of our civilian staff are females. Those jobs are more administrative, where there are steady days, weekends off, and not shift work. It includes lab assistance and a variety of other things. I do not have before me the statistics, and I don't even know about the other visible minorities—

**A voice:** [Inaudible—Editor]

**Commr Chris D. Lewis:** Well, some of that is the self-disclosure issue. Do certain members, male or female, want to disclose their heritage or things that maybe aren't necessarily visible? We don't basically go and around and check boxes off, i.e., someone's of a certain colour or a certain religion. We don't do that. We don't keep those kinds of statistics. Male and female is easier to track, but we don't have those other statistics.

[Translation]

**Mrs. Sana Hassainia:** Do you have any statistics about women in executive positions, who are higher in the ranks?

[English]

**Commr Chris D. Lewis:** Yes. For the higher ranks, the commissioned officer rank, inspector up to commissioner, I don't have the number right in front of me. I did mention it earlier. It's in the material I provided to the clerk. I believe it's something like 14% versus 20% overall in the organization.

For example, we have four deputy commissioners and one is female. We have  $x$  number of chief superintendents and so many are female. To get to those levels, you often have 25 to 30 years of experience. Given that at one time we hired a few women a year, and then more a year, a generation.... Some from 1974 have retired, or the vast majority have, but that bubble is getting bigger.

As time goes on, as those females are getting up into more experience and years in the organization, they are starting to emerge more and more at the higher levels. Our previous commissioner, two back, was female. That was Gwen Boniface. We've had a number of deputy commissioners who have been female.

Other than that, it's hard to give you any definitive statistics on top of what I have presented.

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much, Commissioner. We'll now move over to Ms. Bateman.

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

Thank you so much, sir. I really have appreciated your comments and I have particularly appreciated your responses. You're clearly an organization that's taking this issue seriously. I have a list of questions that I'm going to start on, but I want to follow up on one of your responses first.

You said if a person has harassed someone, ultimately you will demote. That's very impressive, and you said that this has in fact happened in your organization.

**Commr Chris D. Lewis:** It has happened, yes.

**Ms. Joyce Bateman:** I think of all the unions we're dealing with in the public service of Canada where if a person at the EX-3 level offends, they still get paid at the EX-3 level. What are the logistics for you to actually demote somebody who offends in that way?

**Commr Chris D. Lewis:** It's been a number of years since we did it. I know two individuals personally who were involved. One was an inspector and was demoted all the way to sergeant. Another was a staff sergeant.

**Ms. Joyce Bateman:** Did that include his pay? He wasn't just red circled.

**Commr Chris D. Lewis:** Yes, he was red circled. They didn't suddenly lose \$30,000 a year in either case. They were red circled at their current rate, but their position then was at a lower level, so they were no longer managers, no longer supervisors. They were put in positions where they were working alongside people who they used to supervise.

**Ms. Joyce Bateman:** That's a real way to change things.

**Commr Chris D. Lewis:** We haven't had any recent cases so there's no kind of legal precedent in terms of appeals of that. I don't know what the processes were back then in terms of whether they appealed it or just accepted it. It would be interesting to see if we did it in the current day how that would legally proceed through different tribunals and adjudicators, but I'm proud to say that we haven't had to do it because we haven't had that serious issue.

**Ms. Joyce Bateman:** Once you do that once or twice I don't think

**Commr Chris D. Lewis:** It certainly sent a real shock wave. One day you're wearing a white shirt and you're in charge of a pile of people and the next day you're not. It showed we're willing to hold everybody to the same standard not just the people in lower ranks.

**Ms. Joyce Bateman:** That's outstanding. I think that is something we have to examine closely at this committee if we want to effect real change in the workplace that we're doing this investigation on.

Another one of your responses was about this two-year period where you can be a bad person, get documented, and then suddenly your slate is wiped clean. In the federal public service that becomes a problem, and of course our study is on the federal public service. It becomes a real problem because there's so much churn, as they say, especially in the national capital region. People just hop jobs so they can absolutely have unacceptable behaviour and in two years they're cleansed, they move on, and they get a promotion.

You said that you keep the statistics in perpetuity, but this is in Joe Smith's file and it's on the file for two years that he had to be spoken to—

• (1235)

**Commr Chris D. Lewis:** That's right.

**Ms. Joyce Bateman:** —and then it goes away. Are there any retention pieces if it's a serious—

**Commr Chris D. Lewis:** Yes.

**Ms. Joyce Bateman:** Please elaborate on that because we in the federal public service could learn what you're doing on that one.

**Commr Chris D. Lewis:** It's what we call informal discipline. In other words there's a written warning, a verbal counselling session with a senior officer that this was wrong and the person shouldn't have done it, and don't do it again. That stays on their record for two years. If it's gone past that two, that higher level where they've actually been charged with an offence under our discipline process and convicted, that stays on their record forever.

**Ms. Joyce Bateman:** That's on their record forever?

**Commr Chris D. Lewis:** It is. They can apply and there can be a process to maybe have it removed 25 years after the fact. I'm not aware of that occurring, but I know the potential is there. It's interesting too because if you're a five-year officer and you're convicted of discreditable conduct, that will be on your record

forever. So when you retire at 30 years of age.... And this is my understanding of it, and of course I fortunately haven't had any of those things on my record that have stuck with me to worry about, but for others who have, I've seen the files. When they retire they don't get a retirement scroll from the commissioner signed to say they've performed 30 years of exemplary work, because they didn't. They might have performed 29 but they had a gap in there, so they get a scroll that basically says thanks for being here, as opposed to saying they did an amazing job, an exemplary service. We changed the wording on those.

**Ms. Joyce Bateman:** Bravo. I think the public service of Canada could learn a lot from you.

Regardless, the people who offend in the public service, as long as after the two years, they—

**Ms. Niki Ashton:** Point of order.

**Ms. Joyce Bateman:** Is my clock stopped for her point of order?

That's remarkable, sir, thank you.

**Ms. Niki Ashton:** Yes.

With all due respect, the repeated reference to the public service—I mean, we're also looking at the RCMP, the Canadian Forces. This is the OPP—

**Ms. Joyce Bateman:** All public service, all public servants—this is not a point of order.

**The Vice-Chair (Hon. Judy Sgro):** Sorry. Excuse me, committee.

Ms. Ashton, I don't think that's a point of order, frankly. I'll go back to Ms. Bateman. We'll start the clock again.

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

Our intention, sir, with this study is to ensure that anyone in public service has behaviour that is beyond reproach, and that we create workplaces where we would want to work in ourselves. That's the intention.

We have a lot to learn from your practices. You clearly are not an organization that's just talking the talk; you are an organization that is walking the talk, as well.

**Commr Chris D. Lewis:** We're certainly trying. As a previous witness said, you try to set the example at the leadership level, then model the behaviour that you expect the rest of the organization to achieve. Some employees without a doubt would say we didn't do things right in some cases or would say that they didn't feel they were properly dealt with. Unfortunately, that would be the case, but we certainly try our best. If we make mistakes, we try to learn from them, and then move forward and not make the same mistakes again.

**Ms. Joyce Bateman:** Do you have an EAP, an employee assistance program?

**Commr Chris D. Lewis:** Yes, we do.

**Ms. Joyce Bateman:** Is it arm's length from the management?

**Commr Chris D. Lewis:** It is. From a management perspective, all we get from our employee assistance program—an external service provider hired by us to provide those services, psychological and counselling and different things—are statistical reports with no names. They have an obligation to tell us if someone is maybe suicidal or may harm someone else, but short of that, we never know names. We only know that so many constables receive counselling; so many sergeants receive whatever. It's at a very high level.

• (1240)

**The Vice-Chair (Hon. Judy Sgro):** Thank you. I'm sorry, your time is over.

Commissioner Lewis, thank you so much. This has been well worth waiting for. You were on our list of witnesses very early on in the study and I'm really glad that you've come now. It's been extremely helpful listening to how progressive you are.

**Commr Chris D. Lewis:** Thank you. We are very proud of our organization.

**The Vice-Chair (Hon. Judy Sgro):** I know Ms. Boniface very well. She always had really good things to say when I had several meetings with her. It was nothing to do with this, but about her career in the OPP.

On bullying and harassment, some people are saying that over and above the sexual harassment section, harassment is very much another form of bullying. What kind of policies do you have when it comes to what you would classify as bullying versus harassment. Do you have a policy different from one to the other, or would you suggest they could probably be mutually the same?

**Commr Chris D. Lewis:** We consider non-sexual harassment, like workplace harassment and bullying, to be the same thing. I'd have to really look closely at the wording to see how that works.

A supervisor's treating someone unfairly, treating some employees differently than others in a negative way, many would call that bullying, but that's harassment if it's non-sexual or not occurring because of gender. If a supervisor or manager is mean and doesn't treat people right, that's harassment. It's not sexual harassment, but it still fits within our WDHP complaint process.

**The Vice-Chair (Hon. Judy Sgro):** Women comprising 50% of your latest class coming through is really something. I think, it makes all of us as Canadians very proud, the fact they feel that comfortable. It's very different from what we're hearing at the RCMP, for all kinds of reasons, I'm sure.

Have you had any consultation, has there been a request from the RCMP to the OPP for suggestions on what your policies are? Clearly you're having good success and anyone could see that.

**Commr Chris D. Lewis:** I'm not aware of any. I know the chief superintendent in charge of our career development bureau sits on a chiefs of police human resources committee that meets nationally. The RCMP are a big part of that committee. They just met last week in Vancouver, actually. They discuss trends and things and try to learn from one another. That's all I can really say that I know occurs on a regular basis.

**The Vice-Chair (Hon. Judy Sgro):** On the fact that the discipline has been as severe with a couple of individuals as it has been, which you alluded to before, and the fact, though, that pay gets red circled even though they get demoted from an inspector down to a constable or a staff sergeant, I find that very interesting, because often it's the pay that really matters in some cases.

For someone to continue to receive an inspector's pay when they have been demoted significantly, I find that interesting. Why was there the decision to just red circle their wages at the time?

**Commr Chris D. Lewis:** I don't know the rationale. It was some years back. I can speak to two that happened more recently, but on those ones way back when, I think the thought process was, and arguably from a legal perspective, that to take away their pay may have cost some of them their mortgage. It may be \$30,000 or \$40,000 a year depending on.... That's quite a big fine. You don't get that big a fine for impaired driving, for example, rightly or wrongly. That was probably the rationale.

We've had two in recent years: a sergeant who was an acting staff sergeant and a staff sergeant who was just about to be promoted to inspector, who had been approved. Both of them were denied their promotions. Actually, the acting staff sergeant was about to be promoted as well, and in the meantime things came to light that were proven in relation to workplace harassment issues of a sexual nature. Both of them lost their promotions, so they never did get their raise.

They were just about to get a raise of about 10%, so you're looking at an increase in pay of \$10,000 or \$15,000. It was lost and gone. They did not get their promotions over this very behaviour. They hadn't got their raise yet, so we weren't really taking away what had been a salary that they were used to for several years. It may be a little different circumstance. I certainly get your point. If I could snap my fingers and say you lose the pay too, then I would.



**The Vice-Chair (Hon. Judy Sgro):** One of the things that we've heard from many of the people who've come before the committee was about leadership. To have the right culture in any organization, it's about leadership, and it starts at the top. That's very admirable.

How often do you have sessions on sexual harassment and harassment and bullying among your various key staff members?

• (1245)

**Commr Chris D. Lewis:** We call them NCOs, our sergeants and staff sergeants, and there's a number of conferences annually across the OPP. I can't say that there is always something on the agenda relating to this, but if there are any kinds of new issues or trends or anything that are being seen, that is communicated to them at that time. It's the same with our senior officers and all their meetings where the inspectors all get together. We have stuff on our internal website, our intranet site, that outlines all the policies. Anything new is flagged right away so that people will have to go in and read it.

We have Ontario public service training that often comes out annually, but not necessarily every year. We actually have to go in, go through a video, and answer questions online. It's tracked, so that if one of your employees does not read it and does not go through it and actually check the boxes—not just say they've read it—that is flagged to a supervisor. The supervisor makes sure that they go in and read it.

There are many other things that occur like that. I can't say that they happen every year, but a lot of that happens a lot in the organization, and right across the Ontario public service for much of that, not just within the OPP. It's out there a lot. Some think it happens too often; you know, “oh, another video”, but you know what? Sometimes any publicity ends up being a positive thing, whether the employee finds it negative or not. Our stats show that clearly we're doing something right, because our numbers are very low. But as I said, one is too many.

**The Vice-Chair (Hon. Judy Sgro):** A reminder is always good.

**Commr Chris D. Lewis:** Exactly, yes.

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much, Mr. Lewis.

We'll now move over to Ms. James.

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

Thank you to our guest today, our witness, for being here.

You were just talking about stats. You were saying that your stats show that something must be working. I've been writing down some of the statistics that you have given in your opening remarks. I seem to only have statistics written down for 2012 with regard to 11 alleged incidents and 10 that were substantiated. Have you kept any statistics prior to that? Can you tell us what the trends are year over year?

**Commr Chris D. Lewis:** I don't have the statistics with me. We certainly kept the stats in the years prior to that. I'm told anecdotally that our stats are down, but I don't think we ever had a significant issue where, for example, let's say that hypothetically 1,000 employees put in complaints. I don't think we've ever had any huge

spikes, but what I've been told, anecdotally once again, is that the trend continues to lower.

**Ms. Roxanne James:** This trend that you believe is going down year over year, with the incidents that are actually substantiated, is the severity of those incidents also going down? You said there were 10 that were substantiated. Could you give me examples of a less severe incident and the action taken against the employee versus the action taken after a more severe incident? What might have been the disciplinary action?

**Commr Chris D. Lewis:** Certainly.

**Ms. Roxanne James:** Obviously, you don't need to give names.

**Commr Chris D. Lewis:** I'm reluctant to say what's less severe, because to some people it may have been more upsetting than you might think just looking at the circumstances, because people are different.

Let's say a male supervisor asks a female constable that works for him out on a date and the constable, who may only have a year on the job, thinks that saying no to her supervisor might hurt her career. That is totally inappropriate and it would be dealt with, but it would be somewhat less serious to many than constant harassment, such as going to her home, calling her, sending her love letters by text or e-mail, which would be more on the serious side.

In the case of an acting staff sergeant who was going to be promoted to staff sergeant but lost his promotion over something similar—

**An hon. member:** Was that in 2012?

**Commr Chris D. Lewis:** Actually it was a couple of years prior to that.

To put it into perspective in terms of being more serious, he was having an ongoing relationship. He was married; she was married. She was married to another officer. It was an ongoing relationship. She had mental health issues to deal with as a result, and a lot of things came to light during that. That cost him a promotion, and it's in his file for the rest of his career.

• (1250)

**Ms. Roxanne James:** I'm glad you mentioned that again about a supervisor asking out another employee, someone subordinate to that person.

**Commr Chris D. Lewis:** Right.

**Ms. Roxanne James:** You mentioned earlier in one of your answers that an incident might be asking someone out and they don't really want that to happen again. Do you consider that in itself to be sexual harassment, or would it have to continue past the point of the person saying, “No, I'm not interested in you. Thank you, but I'm not interested”, and the person continues to persist after that.

I'm trying to find out because many people would not think that asking someone out on a date would be harassment.

**Commr Chris D. Lewis:** Right.

**Ms. Roxanne James:** When is the point when it becomes actual sexual harassment within the OPP?

**Commr Chris D. Lewis:** I think it changes. It's a bit of a grey area when it comes to where the line is. A direct supervisor asking out an employee, in my view, is totally inappropriate. Someone of a higher rank asking out someone at a lower rank who works in a totally different area of the organization, that is just human nature, but if the individual knows it's unwelcome, then it better stop quick.

**Ms. Roxanne James:** I'm glad you said that, because I ask this question from time to time to our witnesses regarding fraternization, dating, mingling, and so on. I know your wife is within the OPP, so I guess the answer is that it's allowed.

**Commr Chris D. Lewis:** We have a number of married couples.

**Ms. Roxanne James:** At least you've told everybody publicly now, so it must be allowed.

**Commr Chris D. Lewis:** I always thought it would be the other way around and I'd be of a lower rank, but....

**Ms. Roxanne James:** You said something interesting. You said that you believe that someone in a supervisory or a management position should not be allowed to ask someone out who reports directly to him or through that chain.

I know you said you were governed by the Ontario public service, but has the OPP ever thought of implementing its own policy or modifying the policy or making some sort of a regulation that this is not permitted or it's frowned upon or it could lead to situations of sexual harassment? I ask this because I tend to agree with you, that when you're in a management position, with someone below you it could be deemed—

**The Vice-Chair (Hon. Judy Sgro):** I'm sorry, but the time is up.

Commissioner Lewis, do you want to quickly try to answer the question?

**Commr Chris D. Lewis:** I can't say that we have never considered it, because I don't know what's happened prior to my being at the executive level. It currently does not exist, but it generally is viewed as something to avoid. As I said, we keep track of trends, and what happens and what's viewed as being x or y and what's not. That one would be viewed, in a direct reporting relationship, as harassment. It may be just a case of saying it's unwelcome and please don't do it.

**The Vice-Chair (Hon. Judy Sgro):** Thank you, Commissioner Lewis.

Ms. Morin.

[Translation]

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

Thank you for coming to testify before the committee today.

I also wanted to tell you that all the measures you have implemented to reduce obstacles so that women can work for the OPP are very interesting to me.

That said, the study is really on sexual harassment and not recruiting women. It seems that before your appearance here, it was fairly difficult for us to find information on the number of sexual harassment or harassment complaints within the OPP. The same is true for information about how those complaints are dealt with. You told us in your presentation that there were 78 complaints in 2012 and that, by process of elimination, you were able to establish that 10 cases were founded. I would like to ask you a few questions about that.

First, I would like to know why it is so difficult to find information about the complaints you received and why you do not make them more public.

Second, you said that individuals had shared certain concerns with you, but had not necessarily filed a complaint. I would like to know if you know how many cases like this there are. I would also like to know what steps are involved in dealing with these complaints. I think I understand that the committee for promoting respect in the workplace, which you spoke about earlier, plays a large role in dealing with complaints. Regardless, I would like to know how exactly a complaint is handled once it has been received.

If I have any time left, I have other questions.

[English]

**Commr Chris D. Lewis:** Thank you for that.

First of all, in 2012, there were 118 complaints as opposed to 78. Why that isn't put out publicly—obviously we never put out names; that goes without saying—and why we don't put out stats if we're asked by government organizations, I don't know. I don't think we have anything to hide. It's a good question. I don't have an answer to it. There may be some legal reason I'm not aware of. I certainly will find that out.

The second part of your question was whether we keep stats on people who have just raised concerns. I believe we do. I'm not sure how they interplay with that 118 figure I gave you. I don't really know but I will find that out as well. I can get that back to the clerk.

●(1255)

[Translation]

**Ms. Isabelle Morin:** Thank you very much.

[English]

**Commr Chris D. Lewis:** Your last question, I'm sorry, the third part was—

[Translation]

**Ms. Isabelle Morin:** I would like to know how complaints are dealt with, who handles them. You spoke about a reasonable time frame, but I want to know what happens to the victim once you have received the complaint.

[English]

**Commr Chris D. Lewis:** Once it's filed it goes right to that area within our career development bureau in our human resources section to an area where that's all they do in their work. I shouldn't say that's all they do, but it's a big part of what they do. Sometimes it's very obvious that it is fairly minor, to use that word, even though some would say none of it's ever minor. Sometimes it's very obvious that it's more severe. It may even be criminal harassment like actually following someone around or something like that. Depending on the decision then in terms of can it be handled in a more informal way versus to go for full investigation, that decision is made. If it goes for a full disciplinary investigation there may be charges laid and then it would go to our professional standards bureau, but the stats and the tracking are still kept in the human resources section.

If there's a grey area there and they're not sure, the two entities meet and they make a decision based on past practices and experience. They will then have a discussion as to who is going to handle this: is it a WDHP complaint that can be resolved, or is this clearly something that violates a code of discipline where they may

have to be demoted, or potentially cede their job, or there may be a criminal charge of some sort. But the narrow part of the hourglass becomes still our human resources section within our career development bureau. That's always the go-to place.

**The Vice-Chair (Hon. Judy Sgro):** Thank you, Ms. Morin. I'm sorry, five minutes does seem to go very quickly at this point.

Commissioner Lewis, thank you so much for your answers. You've been very helpful. It's a good example and it's nice to see very positive things coming out of something as important as the Ontario Provincial Police.

**Commr Chris D. Lewis:** Thank you, Madam Chair.

Thank you to the committee.

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much for coming.

The meeting is over for today. Thank you to all.

The meeting is adjourned.

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