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Chair

Mr. Bryan May

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

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• (1500)

[English]

The Chair (Mr. Bryan May (Cambridge, Lib.)): I call the meeting to order. Good afternoon, everybody, and welcome.

Pursuant to the order of reference of Monday, January 29, 2018, our committee is resuming its consideration of Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.

Today, the committee will hear from federal public sector employers. We're very pleased to be joined today by Kathleen Clarkin, director of workplace policies, programs, engagement and ethics at the Treasury Board Secretariat, and Don Graham, executive director, compensation and labour relations sector at the Treasury Board Secretariat. Thank you for being here.

Next we have, from the Canada Border Services Agency, Marc Thibodeau, director general, labour relations and compensation. Welcome, sir.

Then joining us from the Royal Canadian Mounted Police, we have Assistant Commissioner Stephen White, who is the acting chief human resources officer, and Chief Superintendent Jasmin Breton, who is director general for workplace responsibility. Welcome.

Finally, from the Correctional Service of Canada, we have Nathalie Dufresne-Meek, director general, labour relations and workplace management.

Welcome to all of you.

We're going to get started right away with the Treasury Board Secretariat. I'm not sure who is going to speak.

It is Mr. Graham. You have seven minutes, sir.

Mr. Don Graham (Executive Director, Compensation and Labour Relations Sector, Treasury Board Secretariat): Thank you for the opportunity to appear before this committee.

I'm here with my colleague, Kathleen Clarkin. We're here to speak about the role of the Office of the Chief Human Resources Officer, the OCHRO, with respect to the current policy framework on harassment and violence in the core public administration.

For context, based on the result of the 2017 public service employee annual survey, nearly one-quarter, or 22%, of employees indicated they were victims of harassment on the job in the past two years, up from 19% in the 2014 survey. The main source of harassment was individuals with authority.

With regard to the current framework in the public service, currently organizations in the core public administration are subject to the Treasury Board policy on harassment prevention and resolution and the directive on the harassment complaint process. These instruments are aimed at preventing and resolving all forms of harassment, including personal harassment and sexual harassment, as well as abuse of authority.

Under the directive on the harassment complaint process, once a complaint is made or a manager is aware of an allegation, options for resolution include self-resolution between the affected parties, manager intervention—usually the initial discussion with employees—and informal conflict management systems. If the complaint remains unresolved, then an impartial investigator will review the allegations and determine if the complaint was founded. Where warranted, corrective or disciplinary measures may be imposed and methods of intervention to restore the well-being of the workplace can occur. If still unsatisfied with the outcome, the parties can grieve the results or apply for judicial review.

The focus of the harassment investigation is on remedies for individuals at the individual level. With respect to roles and responsibilities in relation to violence, currently central policy guidance is provided on harassment prevention and resolution. However, deputy heads are responsible to develop their own departmental policy on violence prevention.

An important note is that Bill C-65 will have significant impact on ministers' offices. The code's entire health and safety regime will apply to ministers' offices, whereas the current policies for ministers' offices does not include a regime to address harassment and violence prevention.

In addition to the provisions under the Canada Labour Code, there is an enforcement mechanism provided in the Canadian Human Rights Act for addressing individual complaints of discrimination based on 13 prohibited grounds. The Canadian Human Rights Commission would normally require that public service employees exhaust the mechanisms internal to their organizations before filing a complaint of discrimination.

In addition, there are several tools currently available to employees, who may present individual grievances to the employer for any matters affecting their terms and conditions of employment and in situations in which a provisional collective agreement has been infringed. Most collective agreements have a section that specifically refers to sexual harassment.

Organizations in the federal public service are required to have an informal conflict management system to resolve workplace disputes, which can be effective in resolving issues with respect to harassment. This has been mandatory since 2005 under the Federal Public Sector Labour Relations Act.

The values and ethics code for the public service, employee assistance programs, the federal public service workplace mental health strategy, and training offered by the Canada School of Public Service are additional resources available to employees.

As we work toward continued alignment with legislative and regulatory requirements, the Office of the Chief Human Resources Officer will work with the Canada labour program in collaboration with bargaining agents in communities of practice such as occupational health and safety committees, harassment advisers, security, and informal conflict management services to develop communication strategies and tools to assist deputies through this process.

• (1505)

[Translation]

When it comes to monitoring, the achievement of expected results by deputy heads is assessed through the management accountability framework, which is an annual assessment of management practices and performance in departments and agencies, as well as the public service employee annual survey, which aims to gain insight into employee perceptions of their workforce and workplace conditions, including their experience with harassment.

As the employer, we are taking harassment issues seriously across the public service. Senior-level governance committees are being formed across the public service and in departments to ensure we understand the issue, assess the gaps, manage the issues and have an ongoing engagement strategy to support the necessary culture change to foster a supportive and respectful workforce.

We hope this has been helpful. We thank you for the opportunity to present before you. We would be pleased to answer any questions you may have.

[English]

The Chair: Thank you very much, Mr. Graham.

Now, from Canada Border Services Agency, we have Marc Thibodeau, director general, labour relations and compensation.

The next seven minutes are yours, sir.

• (1510)

[Translation]

Mr. Marc Thibodeau (Director General, Labour Relations and Compensation, Canada Border Services Agency): Good afternoon, Mr. Chair and members of the committee.

I am pleased to be here on behalf of the Canada Border Services Agency for your deliberations on Bill C-65.

As the committee is aware, the aim of Bill C-65's amendments to the Canada Labour Code is to ensure that federal workplaces are free from harassment and violence, and to provide protection for all federally regulated workers, including employees of the Canada Border Services Agency.

While Employment and Social Development Canada is responsible for the administration of the code, each department and agency is responsible for ensuring its compliance by implementing its own processes and internal accountability mechanisms.

[English]

The CBSA is a dynamic organization with a border facilitation and national security mandate. The agency employs some 14,000 individuals, both uniformed and non-uniformed, who are involved in ensuring the operation runs smoothly 24 hours a day, seven days a week.

Given our mandate and operational context, the CBSA has implemented a comprehensive code of conduct that applies to all employees. Furthermore, our front-line officers emerge from an induction and training program where the agency's values of integrity, respect, and professionalism are central.

The CBSA also has in place an integrity strategy, which is the cornerstone of the relationship between the agency and its employees, partners, and clients. The strategy outlines employees' expected behaviours as indicated in the CBSA code of conduct, as well as the values and ethics codes for the public sector, which form part of their terms and conditions of employment.

Strategy is built on three pillars. The first one is proactivity, where expected standards of conduct and disciplinary consequences for misconduct are communicated regularly, and where we investigate allegations of misconduct immediately. The second one is the "no wrong door" approach, in which our specialists guide employees toward the appropriate avenue to have their issues addressed no matter how they are brought to our attention. The third one is the motto of "no stone unturned", in which issues are tracked and reviewed using numerous tools, such as, misconduct investigations, workplace assessments, and where necessary, criminal investigations.

[Translation]

That said, the agency takes all allegations of disrespectful conduct very seriously and applies a zero tolerance policy for any type of harassment. Managers at all levels are expected to foster and demonstrate integrity and ethical leadership at all times. They are all expected to identify and resolve issues, including harassment and violence in the workplace, sexual or otherwise, in an appropriate and effective manner.

The CBSA provides managers and employees with tools and resources to help them fulfill their responsibilities, including seven mandatory training courses that relate to harassment and violence prevention in the workplace.

Promoting awareness is key to ensuring that employees understand their rights, role, responsibilities and where to turn for assistance.

Bill C-65 provides government departments with another tool to prevent harassment and violence in the workplace, while supporting victims in the process, and complements the work being undertaken at the agency.

In addition to the new rights envisioned by Bill C-65, with respect to workplace harassment and sexual violence, as my colleague mentioned, employees can also file a complaint or report a situation of workplace violence under the code, proceed with a grievance in accordance with collective agreement provisions, or file a complaint with the Canadian Human Rights Commission.

[English]

The agency ensures that all employees are aware of informal processes and have access to services provided by the employee assistance program and the informal conflict management system.

To conclude, the CBSA interacts with millions of individuals and goods, with domestic and international partners, with other law enforcement organizations, and with industry stakeholders. Ensuring that we undertake this important work in an environment free of harassment and violence is paramount.

[Translation]

I would be happy to answer any questions the committee members may have.

Thank you.

•(1515)

[English]

The Chair: Thank you, Mr. Thibodeau.

Up next we have, from the Royal Canadian Mounted Police, Acting Commissioner Stephen White, acting chief human resources officer, and Chief Superintendent Jasmin Breton, director general, workplace responsibility.

The next seven minutes is yours, sir.

Assistant Commissioner Stephen White (Acting Chief Human Resources Officer, Royal Canadian Mounted Police): Good afternoon, Mr. Chair, and to correct the record, it's assistant commissioner, not acting commissioner.

The Chair: I'm sorry.

A/Commr Stephen White: Good afternoon, Mr. Chair, and hon. members of the committee. Thank you for the invitation to speak to you today about the impacts of Bill C-65 on the RCMP's responsibility and efforts to protect the health, safety, and well-being of all of its employees as it relates to harassment and violence in the workplace.

I am joined today by my colleague, Chief Superintendent Jasmin Breton, director general of the workplace responsibility branch, to help answer questions you have for us on the subject of Bill C-65.

[Translation]

Since the RCMP is an organization under the federal public administration, part II of the Canada Labour Code applies to it and to all its employees, including regular members and civilian members. As such, the RCMP has a general duty to ensure that the health and safety at work of all its employees is protected. This includes taking the prescribed steps under part XX of the Canada Occupational Health and Safety Regulations to prevent and protect RCMP employees against violence in the workplace.

[English]

The RCMP has complied with the regulated requirements of part XX, by establishing a policy on violence prevention in the workplace; establishing procedures for the reporting, resolution, investigation, and care of employees subject to violence occurrences; and developing mandatory training for all RCMP employees and supervisors on factors that contribute to workplace violence and how to mitigate them.

Many factors contribute to workplace violence, such as incivility, workplace conflicts, stress in the workplace, and harassing behaviours. As such, the RCMP provides its employees with a multitude of tools, resources, and awareness sessions to help prevent violence and harassment in the workplace. These include addressing incivility and harassing behaviours through a mandatory respectful workplace course; providing employees and managers with tools, services, and training for effectively resolving conflict at the earliest opportunity through the RCMP informal conflict management program; addressing stress in the workplace through Health Canada's employee assistance services, a robust RCMP peer-to-peer program, and a mandatory in-class "Road to Mental Readiness" course. As well, in an effort to eliminate harassment and discrimination from the workplace, the RCMP has created divisional and national gender and harassment advisory committees.

[Translation]

The RCMP's violence prevention policy states that: the RCMP will provide a healthy, safe, and violence-free workplace in accordance with part II of the Canada Labour Code and the Treasury Board policy on government security; and that the RCMP will not tolerate violent and abusive behaviour in the workplace and, with its employees, will promote a workplace that is free from intimidation, violence, bullying, threats of violence and other disruptive behaviours.

[English]

The RCMP has regulatory authorities currently in force through which it addresses the investigation and resolution of harassment complaints. The RCMP regulations and many of the commissioner's standing orders were amended in 2014, including establishing procedures to effectively and efficiently investigate and resolve harassment complaints. For example, the code of conduct contained in the schedule to the Royal Canadian Mounted Police Regulations, 2014, now provides that members may not engage in discrimination or harassment. As such, harassing behaviour can result in conduct measures being pursued. The Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints), and the Commissioner's Standing Orders (Conduct), which set out procedures relating to the investigation and resolution of harassment complaints could be affected by the regime proposed in Bill C-65.

One of the central elements of the recent reforms to the RCMP Act and its processes was to ensure that the decision-maker with respect to a harassment complaint was also the conduct authority with respect to the respondent to the complaint in order to ensure consistency between the findings of harassment and the conduct measures imposed.

Bill C-65 seeks to update the Canada Labour Code to consolidate violence prevention and harassment into a single regime to require employers, including the RCMP, to take the necessary steps to prevent and protect employees against harassment and violence in the workplace. The RCMP looks forward to being consulted on the drafting of the part XX regulations in order to gain a better appreciation of the impacts these changes would have on our current processes, and the role of the decision-maker and other parties in the process, including the investigator.

• (1520)

Based on our current knowledge of the proposed regime under Bill C-65, the RCMP feels that these changes will further help to bring positive change to preventing and addressing unwanted behaviours in our workplaces.

Thank you for the opportunity to speak to you today. We look forward to your questions.

The Chair: Thank you very much, sir.

Finally, from the Correctional Service of Canada, we have Nathalie Dufresne-Meek, director general, labour relations and workplace management. You have seven minutes, please.

[Translation]

Ms. Nathalie Dufresne-Meek (Director General, Labour Relations and Workplace Management, Correctional Service of Canada): Mr. Chair, I would like to thank you and the honourable members of this committee for the opportunity to appear before you today on behalf of the Correctional Service of Canada, or CSC, regarding this committee's study on Bill C-65.

In my opening remarks, I will outline CSC's policies against harassment and violence in the workplace, as well as recent actions that we have taken in response to allegations of staff misconduct at Edmonton Institution.

[English]

As CSC does not often appear before this committee, I would like to offer an overview of the work we do.

CSC is responsible for administering court-imposed sentences of two years or more, including conditional release supervision. On a typical day we manage approximately 15,000 offenders within our 43 institutions across the country, in addition to more than 8,500 offenders under supervision in the community.

CSC staff, especially those who are on the front lines in operational positions, often face very challenging and stressful situations, such as violence and death. Because of the nature of this work, CSC actively encourages employees to seek assistance in dealing with personal or work-related issues that may impair their well-being.

To speak specifically on the subject of the committee's study of Bill C-65 relating to the prevention of harassment and violence in the workplace, CSC takes this issue very seriously. Harassment of any kind is unacceptable and is not tolerated.

We are committed to ensuring that CSC is free from workplace harassment and sexual violence and that it represents a safe work environment for all of our employees. CSC has established five values that employees should use to guide their behaviour and decision-making: respect, fairness, professionalism, inclusiveness, and accountability.

From a procedural perspective, CSC has a policy on violence prevention, which mirrors the Canada Occupational Health and Safety Regulations. The Treasury Board Secretariat policy on harassment prevention and resolution, and its tools, guide the complaint process we utilize. This policy is a key reinforcer of the values of integrity and trust that are the foundation of a sound organization.

All CSC employees are responsible for adhering to our standards of professional conduct and code of discipline, and management is responsible for promptly and impartially taking appropriate corrective action when necessary. All allegations, regardless of the source, are thoroughly investigated by CSC. Whenever there is evidence of misconduct, appropriate disciplinary action is taken.

CSC is committed to a strengthened values and ethics program that responds to the nature of the correctional environment and the values and ethics code for the public service, and creates a stronger values-based workplace.

CSC's values statement, which is consistent with the CSC code of discipline and standards of professional conduct, guides behaviour, decision-making, and discretionary judgment within CSC. CSC staff are expected to demonstrate the aforementioned shared reciprocal values in all their interactions with offenders, colleagues, peers, subordinates and superiors, partners, stakeholders, and the public.

CSC's office of internal disclosure provides information to employees about making disclosures related to wrongdoing in the workplace as defined by the Public Servants Disclosure Protection Act and other possible redress mechanisms. This office also convenes investigations, as appropriate, in relation to allegations of wrongdoing in the workplace, and reports publicly all founded cases of wrongdoing.

Violations of the values and ethics code for the public service are subject to administrative investigations by CSC, which, depending on the nature of the issue, may be conducted by the values and ethics branch. The majority of cases are managed at the regional or institutional level, and certain cases may be referred to national headquarters.

• (1525)

In recent months, allegations of staff misconduct and inappropriate culture at CSC institutions have led to disciplinary action and the implementation of measures to ensure that all employees have the respectful work environment they deserve.

I will begin with the specific actions taken in relation to Edmonton Institution, as I believe the committee had already begun discussing the situation at their last meeting. In the case of Edmonton Institution, a maximum security level men's facility, CSC contracted an investigative team to look into allegations of harassment, intimidation, bullying, and inappropriate conduct. The investigators, including some external members, determined that a number of allegations were founded. Consequently, to date six employees have been terminated as a result of their inappropriate conduct. There is currently a separate independent investigation being conducted by the Edmonton Police Service in conjunction with the RCMP regarding allegations of possible criminal activity at Edmonton Institution.

As is always the case in investigations into possible criminal charges, CSC co-operates fully with its police partners. In addition, a director of workplace renewal was appointed to support management at Edmonton Institution in implementing activities.

A number of initiatives have been introduced across CSC to ensure that all employees are treated with respect and have tools available to report inappropriate behaviour. In the coming weeks, a campaign for a respectful workplace will be launched to raise awareness of the issue as well as of the actions being taken, and to promote the resources that are available to employees—namely, a confidential tip line and generic email account that are available to all employees, through which misconduct can be reported should an employee not wish to report this behaviour directly to their supervisor or manager.

On the prevention front, resources were added to support the CSC's harassment prevention coordinators. New training and awareness tools based on real scenarios and lived experiences at CSC are being developed, while being mindful of privacy and confidentiality concerns. Furthermore, two new training courses were added to the national training standard for all CSC staff, to be completed by March 31 of this year. The first of these courses focuses on creating a respectful workplace, while the second centres on workplace violence.

Finally, on the performance management side, new expectations will be added to performance agreements for all executives, managers, and supervisors. A failure to meet these commitments will impact performance pay and reviews, and could lead to discipline when warranted.

[Translation]

As we monitor the outcome of these initiatives, we will continue to ensure that workplace wellness is a priority at CSC. Everyone deserves to be treated with respect by their colleagues and managers. CSC's employees have demanding jobs. Every day, they work with some of the most vulnerable and challenging individuals in our society. As such, any behaviours that detract from our ability to be positive role models for others is not acceptable. A positive and respectful workplace contributes to the success of our organization's priority towards the safety and security of the public, victims, staff and offenders, both in institutions and in the community.

Thank you for the opportunity to appear before you today, and I welcome your questions.

[English]

The Chair: Thank you.

Thank you to all of you for your opening remarks.

We're going to the first round of questions.

Monsieur Blaney, you have six minutes.

• (1530)

[Translation]

Hon. Steven Blaney (Bellechasse—Les Etchemins—Lévis, CPC): Thank you very much, Mr. Chair.

Thank you all for being here today.

My first questions are for the Treasury Board representative.

Mr. Graham, I appreciate you mentioning a worrisome statistic according to which nearly one employee out of five in the federal public service claims to have been a victim of workplace harassment.

Could you tell me how many public servants are under your supervision in the core public administration?

[English]

Mr. Don Graham: I believe it's 185,000 that are covered by the core public administration.

[Translation]

Hon. Steven Blaney: Twenty per cent of 185,000 public servants is a pretty big number.

During your presentation, you mentioned a complaint process that the 20% of public servants can potentially use. You first try a resolution by the affected parties and the manager intervenes, and you ask agencies to implement an informal management system.

Do you have any data on the number of cases? If so, can you share it with us?

[English]

Mr. Don Graham: Do you mean through the informal conflict management one?

[Translation]

Hon. Steven Blaney: Yes.

[English]

Mr. Don Graham: We don't keep statistics on the informal conflict management system. It is that, exactly—an informal conflict management system.

[Translation]

Hon. Steven Blaney: Okay.

You mentioned that, if the informal management system failed, a complaint could be filed, and an impartial investigator would be appointed. Do you have any data on the number of investigations conducted in the federal public administration over the past year?

[English]

Ms. Kathleen Clarkin (Director, Workplace Policies, Programs, Engagement and Ethics , Treasury Board Secretariat): As Mr. Graham mentioned, we don't presently collect the data on this from a central agency perspective. Each department has its own policies and pieces in place, so it's hard to capture the full perspective of how many investigations may be under way.

It is important to note as well that the harassment mentioned can be a full range of types of harassment. It can range from somebody feeling pressure to complete their work on time to something like violence in other more extreme cases.

[Translation]

Hon. Steven Blaney: I understand, but those are complaints. For example, have any complaints been submitted with the Treasury Board? Does your department keep that data? Do you have records with data on the number of complaints filed?

When a complaint is filed, a process is triggered. Do you have any data on that you could share with us?

[English]

Ms. Kathleen Clarkin: We wouldn't have it for you today—our corporate side of things. We have more the central policy function here. However, we could certainly look at it. Treasury Board, like all other organizations, reports regularly through the management accountability framework. We try to balance our questions there with those in the public service employee survey.

[Translation]

Hon. Steven Blaney: I'm asking you questions about data because, currently, our only tool is what you have told us: in the federal public service, one out of five employees claims to have been a victim of harassment in the workplace. Is that a survey? Did the individual use various mechanisms? Did they submit a complaint?

You are also in charge of monitoring. You have to ensure that the federal public service is free of harassment. I am asking you about the tools you have in order to measure the extent and scale of the problem. The worrisome part is that, over the years, the number of employees in the federal public service claiming to have been victims of harassment has increased.

That brings me to ask you how we can monitor the drop or increase in harassment in the federal public service if you don't have statistics on the complaints filed and on the mechanisms you have implemented. How do you monitor agencies if you are asking them to implement their own informal conflict management system, but they themselves are responsible for monitoring?

Can you explain that further?

[English]

Ms. Kathleen Clarkin: I'm happy to say that we do not.... We don't not measure everything. The public service employee survey is, as we mentioned, a great indicator to see what's going on in departments. Through that exercise, each department will have an individual data analysis done for them, and they'll have a follow-up action plan to see what some of the higher-risk areas are.

We don't have the information for you now, but we would be able to look into past analyses of what was reported. Then each organization has different methods in place to address what's happening.

We try to drill down to give a bit more of a sense of the scope and the type. Sometimes there can be some groups that are more affected than others, so we can be more strategic in how we address that situation.

Again, we do find that the difference between the management accountability framework.... There can be wonderful activities put in place. Each department can track the number of complaints they've received.

The last few surveys found there was still a disconnect with what the employees themselves are anonymously saying on the survey. That's the gap we're trying to bridge. It's to find out why they aren't comfortable coming forward and how we can make them feel more comfortable and find the right process for them. It's just to normalize talking about it so that people feel safe and feel heard, and it's not a big heroic thing to say that this is not okay. Awareness and building empathy and civility are the areas—

• (1535)

Mr. Don Graham: Just as additional information, roughly a quarter of the people who report in the public service employee survey say that they take no action. We have about a quarter who, while they report that they have been victims of harassment in the last two years on the job, also clarify through the survey that they take no action. Of those, 45% stated that they were afraid of reprisals and 25% stated that they had concerns about the formal complaint process.

The Chair: Thank you. I'm afraid that's the time.

[Translation]

Hon. Steven Blaney: I would like to make a comment in closing. There is a survey and a policy, but it would appear that there are no concrete tools to ensure the system is working.

Thank you.

[English]

The Chair: MP Dabrusin is next.

[Translation]

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you all for being here and for your testimony. It is really interesting to see how organizations operate.

[English]

One of the questions that's come up in our past sessions was about defining harassment. How do you define it? That came up when the minister and the department were here and we were looking at Bill C-65. Under the current systems you operate, does "workplace" include social situations or online situations? Have you seen any challenges in the circumstances as they evolve over time, with new things now being considered harassment that five years ago were not?

I guess we can start here and work across.

Ms. Kathleen Clarkin: Definitely, that is a key trend now. The workplace is not just a physical one anymore. More and more people are working remotely. We do much more collaborating online, so we've definitely had to work at building into our awareness training the realization that with your social media presence, you're more traceable than ever. Everybody knows who you are.

You have to be respectful. Would you say something to someone's face? Would you want that to be there in another year? Does it pass the *Globe and Mail* test, if you will? We've definitely had to work at sensitizing people to that aspect as well. "I'm anonymous, and this is my private account" is not so much the case anymore.

We have definitely tried to ensure that people feel safe in all domains, because it is a key element for us.

Mr. Don Graham: From a health and safety perspective, I would say we're now more aware that there's a psychological health and safety aspect that we have to be conscious of in the workplace, and that we have to put in measures to try to protect people in those regards. It's not just physical health and safety. Likewise, when it comes to issues like, say, violence, it's not necessarily physical contact or a physical thing. It can also be psychological. The landscape has changed somewhat.

A/Commr Stephen White: I would say it's similar for us. As with all agencies, for us the cyberworld and all the elements that come with it, whether it be texting or Twitter or Facebook, provide a whole new realm of mechanisms for harassment or comments or behaviour or conduct to take place that are not appropriate in our code of conduct for our RCMP members. It applies to both on-duty and off-duty conduct. That is an area that we are looking at for sure.

Ms. Nathalie Dufresne-Meek: What social media seem to have done, similar to what my colleagues are saying, is extend the workplace. An issue in the workplace, such as perhaps a disagreement or a conflict between colleagues, is taken to Facebook, for example, or onto Twitter, or there's an exchange about a workplace issue, but it's outside the workplace. Whether or not something is harassment is an issue that we're now facing when managing a complaint that started in the workplace but is continuing outside of it, and it potentially comes forward to a manager. That's certainly a trend that we're seeing.

● (1540)

Ms. Julie Dabrusin: I'll ask that to you, too, Mr. Thibodeau, but I was just going to say that I think that's what I was getting at too. Is it that new situations are arising that are challenging any current definitions? Are the current definitions that you're working under able to respond to new situations as they arise? I think you answered that, but I'm carrying through.

Mr. Marc Thibodeau: I'll start by talking about social media. We're not isolated from this. I think the

[Translation]

geographic dispersion

[English]

of our workplaces is also challenging, but that's not a new trend.

Have I heard or seen in the last couple of years situations that I believe would fit the policy definitions or code definitions, but that couldn't be addressed because of the way they were worded? I would say no. I think that it's substance over process, and that we need to be mindful of that situation. Therefore, we're trying to resolve any workplace conflict, whether it fits the strict definition of harassment or not, as early as possible.

Ms. Julie Dabrusin: Thank you for that.

I will start out on this side and I have less than a minute.

All of you kind of spoke about the process, and I think the Treasury Board Secretariat spoke more specifically about the exact process in place. In the first instance, when a person is to report a claim under the current system right now, is it an informal process? Who are they supposed to go to, and how do they find out who they're supposed to report to?

Let's start with you, quickly.

Mr. Marc Thibodeau: I'll try to be succinct.

We have seven mandatory training activities that employees have to go through to make them aware of their rights and their avenues. We will deal with any complaints or any situations, whether they're reported by the individual or whether a manager has identified the issues.

We're not necessarily attaching ourselves to a complaint process. In some cases, these will be addressed informally from the get-go; for others, it's going to be a formal complaint that I will suggest may be resolved through informal conflict management, and the matter will be referred there to see if there can be a resolution. Other complaints will be dealt with through the complete formal process.

The Chair: Thank you. I'm afraid that's the time. Maybe we can come back to it.

MP Trudel is next.

[Translation]

Ms. Karine Trudel (Jonquière, NDP): Thank you, Mr. Chair.

Thank you for your presentations.

My first question is for Mr. Breton and Mr. White.

We have heard in the news that more than 4,000 women have filed complaints against the RCMP.

My first question is about the investigation process, which you touched on in your report. You said that investigations of complaints are always carried out by the RCMP itself. Under Bill C-65, they will be conducted by outside investigators.

Would you be open to people who are not part of the RCMP or a police force—civilians with specialized training—investigating workplace harassment or violence complaints at the RCMP? Do you think that would be important?

[English]

A/Commr Stephen White: The issue of internal investigations versus external investigations is a very important question.

I do hear regularly that external brings a much greater degree of independence, and I think some folks would think external brings a greater degree of transparency as well to any investigative process. Right now, our processes are internal. There is a mechanism for us to go outside of the organization to a foreign external investigator and an external decision-maker as well. We do have that mechanism built into our processes.

Maybe I will ask my colleague to give you just a brief summary, if you wish. We have two different processes, one for harassment and one for our code of conduct.

• (1545)

[Translation]

Chief Superintendent Jasmin Breton (Director General, Workplace Responsibility, Royal Canadian Mounted Police): Thank you very much for your question.

Naturally, over the past few months, discussions have been held at various levels on the possibility of using people from the outside. As Mr. White just said, for some cases we hire outside people, but for the time being, people on the inside are taking care of that.

To answer your question, I think that, if the RCMP management told us it would be better to use outside people, there would be willingness to do so, but for the time being, RCMP staff are carrying out investigations.

Ms. Karine Trudel: In the brief you submitted, you say the following about Bill C-65: “to take the necessary steps to prevent and protect employees against harassment and violence in the workplace”. Can you suggest any amendments to improve the bill?

[English]

A/Commr Stephen White: For us, prevention is really built around educational awareness across the entire organization. We have put in place a number of things.

We have a course on prevention of workplace violence, and approximately 24,000 of our employees have taken that course. We

have our online respectful workplace course, and over 27,000 of our employees have taken that. We're also continuing with a number of sessions; a course last year on resolving conflict effectively is one example. We had 111 sessions for almost 1,700 participants.

We've built up what I think is a very effective informal conflict management program. We've hired informal conflict practitioners right across the country in all the provinces where we work. These are specialists in consultation, conflict coaching, mediation, group intervention, and facilitated discussions. They really are a key element in working with supervisors and managers and giving them the tools and the training they need to effectively engage in workplace conflict scenarios and situations. What we see in a lot of our cases of harassment is that it is workplace conflict that has not been addressed and has evolved into harassment.

Those are some of the examples of what I've put forward.

[Translation]

Ms. Karine Trudel: My next question is for you, Mr. Thibodeau.

From what I understood of your comments, you don't have a process for handling complaints. Is that right? I would like you to elaborate on that.

Mr. Marc Thibodeau: I will set the record straight. Yes, we have a complaint mechanism. The CBSA is subject to Treasury Board directives. The process Mr. Graham described also applies to the CBSA, and we follow it.

The Chair: Thank you.

[English]

MP Fraser, you have six minutes.

Mr. Sean Fraser (Central Nova, Lib.): Thank you very much. I'll pick up where my colleague Ms. Trudel left off with Mr. Thibodeau.

You mentioned during your testimony the “no wrong door” approach when there's a complainant. My initial reaction was that it sounds appetizing in some ways, but I also have some concerns about a lack of clarity of process. Is there an opportunity in Bill C-65 to enshrine some clarity for a complainant so they're not worried that “no wrong door” becomes no door at all?

Mr. Marc Thibodeau: Actually, the intent of “no wrong door” is that there's always a door to hear complaints. We found through our experiences that there were individuals who would be aware of concerns/issues through various HR programs, but the connection was never necessarily taking place. What we wanted to do, while protecting the confidentiality and the firewalls that are built into the PSDPA, for example, versus other disciplines, was to make sure that if you weren't too sure about where you needed to report your concern, somebody would take your concern and make sure that it would get to the appropriate authority—

• (1550)

Mr. Sean Fraser: On that issue specifically, is there training in place for all the people who could receive the report to ensure they know what to do with it?

Mr. Marc Thibodeau: Yes.

Mr. Sean Fraser: Okay. I apologize for cutting you off, but I have a few things I'd like to get through.

Mr. Graham, you described the need to exhaust all intra-departmental remedies before you can approach the remedy under the Canadian Human Rights Act. In regard to some of the fears I have about this requirement, one is that it revictimizes the person who has already been harassed or potentially treated in a violent way by their employer and is having to go back to that same employer who is telling them that it wasn't actually a big deal.

Do you think there's an opportunity in Bill C-65 to potentially move away from this model? Or do you think there is an important reason to keep the need to report things first through internal remedies before you take that next step?

Mr. Don Graham: I think the reason this was in there was to ensure there would be some sort of consistency in the route that people would take to resolve their issue, rather than having everything inundate the Canadian Human Rights Commission, for instance. I believe that's why it was there. In the new legislation, as I understand it, we're looking at something that's going to create a single route to deal with violence and harassment, so it again will provide a common route for everyone to use.

Mr. Sean Fraser: Shifting gears quickly to you, Mr. White, you described some of the mandatory training that your members were required to go through to ensure a respectful workplace. I'm curious about who the audience is for that training and specifically whether there's a potential for training of bystanders who could intervene in a given circumstance but choose not to. In my mind, this is one of the great opportunities that we have to say, “Let's not turn a blind eye to this anymore, and if you see it, stop it in its tracks.”

Until that happens, I have no faith that the culture is going to change. Is there training offered by the RCMP to its members that says not just “don't be a bad person and don't be a perpetrator”, but “stop it when you see it”?

A/Commr Stephen White: It is built into some of our training. In the courses we give, those mandatories are for all employees of the organization: regular members, civilian members, and public service employees. That is emphasized in the training.

We also have supervisor development program training and management development program training in there to really

emphasize with managers and supervisors as well that they need to engage if they see this taking place in the workplace.

Mr. Sean Fraser: To build upon the line of questioning by my colleague Ms. Dabrusin about what really is the definition of “workplace”, which turned into a conversation about social media very quickly, one of the circumstances that didn't come out of the responses—and I did appreciate the responses, by the way—was a circumstance that I see in politics and in the RCMP as well.

Day one of law school in criminal law classes says that there's no such thing as an off-duty police officer. I'm thinking of the circumstance where the unwanted behaviour happens technically outside of the workplace, or off duty, as you've described, but the consequences of that unwanted behaviour are still felt from day to day in the workplace. Does the code of conduct for the RCMP capture that kind of circumstance?

A/Commr Stephen White: Yes, it does.

Mr. Sean Fraser: That more or less wraps up my questions, but I would be remiss if I didn't pass on a recommendation that's not really your problem, but is from one of my friends who is a member of the forces and who said, “For God's sake, if you want to change the culture, would you please appoint a woman to head up the RCMP?”

Thank you very much.

The Chair: MP Fortier.

[*Translation*]

Mrs. Mona Fortier (Ottawa—Vanier, Lib.): Thank you very much, Mr. Chair.

I want to begin by thanking the witnesses for their presentations. I really liked hearing that prevention and training activities exist. I think that has to continue, as we all agree that the culture has to be changed.

Right now, what I am concerned the most about in the bill on the table is the matter of investigations. When someone submits a complaint, how is that complaint handled? What is the time frame once the complaint has been filed? How is the individual protected during the investigation?

Mr. Thibodeau, I was a bit surprised by your presentation. Perhaps you could clarify a few things. You said that every department or agency was expected to implement its own accountability processes and mechanisms. Were you saying that the various departments' processes are similar and that they are just differently integrated?

• (1555)

Mr. Marc Thibodeau: The processes are similar from one department to another. They all stem from the same legislation, but the responsibility belongs to the head of the organization.

Mrs. Mona Fortier: Thank you for the clarification.

Based on the legislation, do you have a suggestion for bolstering the investigation process, taking into account what is currently on the table. Do you think this bill puts us on the right path when it comes to your institution, among others?

Mr. Marc Thibodeau: When it comes to the objective, we are definitely on the right path. We are all interested in eliminating any form of workplace discrimination. I think that, operationally, the challenge will lie in the enforcement and application of the legislation. In fact, we have had to overcome an organizational challenge in terms of length. Earlier, you talked about the time needed to resolve issues. At one time, we often used investigators from outside the organization, and the process was much longer than it has been since an administrative investigation unit was created within the security directorate.

Mrs. Mona Fortier: How is the individual who submitted a complaint protected during an investigation? In the past, it could take months or years for the complaint to even get handled. Do you have a suggestion for strengthening the current legislation and protecting the individual?

Mr. Marc Thibodeau: Currently, as soon as a complaint is filed or the incident is reported, we separate the parties directly involved in the case to ensure that no one will feel that we are favouring one party over the other.

Mrs. Mona Fortier: Mr. White, Mr. Breton, do you have any suggestions that would help strengthen the bill we are currently studying?

[English]

A/Commr Stephen White: In terms of...?

[Translation]

Mrs. Mona Fortier: I am talking about suggestions regarding the investigation process.

[English]

A/Commr Stephen White: I think you need to have investigations and a good gateway for investigations to be submitted. You need to have good, strong, trained investigators. I agree that there need to be protections for complainants in there. I also think there needs to be some degree of confidentiality around that as well. Also, we have to have the confidence that the investigations are done with transparency, a degree of independence, and good decision-making at the end.

For us, for harassment in the workplace, for example, if there is a finding of harassment, we can cross that over into our code of conduct, and there can be code of conduct measures applied as a result of that harassing behaviour.

[Translation]

Mrs. Mona Fortier: Do any measures apply not only to the complainant, but also to the witnesses tied to the case?

Do you think there should be measures to support witnesses in investigations?

[English]

A/Commr Stephen White: I would put forward, especially with regard to cases of sexual misconduct/sexual harassment, that for complainants and witnesses it can be a very demanding thing for them to go through. Sometimes, witnesses and complainants may have to be interviewed several times, so I would recommend that investigators have some training on how to treat both victims and witnesses of certain types of behaviour, and there I would definitely emphasize sexual harassment and sexual misconduct in the work-

place, because it can have a very big impact on victims and witnesses.

[Translation]

Mrs. Mona Fortier: Thank you very much.

[English]

The Chair: Thank you. Now we'll go to MP Falk.

● (1600)

Mr. Ted Falk (Provencher, CPC): Thank you, Mr. Chair, and thank you to all of our witnesses who have come to committee to provide us with some insight, and to influence the shaping of this bill.

Mr. Graham, I'd like to start with you. I want to get back to the statistics that MP Blaney was referencing in some of his comments. Your quote here was that "nearly one-quarter, or 22%, of employees indicated" that they were victims of harassment. What was the question that they would have answered yes to, or what was the description of harassment?

Mr. Don Graham: I'm sorry. I don't have that with me. We can provide it to you.

I'm pretty sure the question was, "Have you been a victim of harassment in the workplace in the last two years?"

Mr. Ted Falk: You think it was that straightforward?

Mr. Don Graham: I think it was that straightforward.

Mr. Ted Falk: Okay. Because I—

Ms. Kathleen Clarkin: If I could add, it did include drop-down follow-ups to clarify what that meant. There was a definition provided to help people understand what that meant, and then they were asked the question.

Mr. Ted Falk: Okay.

Ms. Clarkin, I ask because I think you made the comment that pressure to complete work was considered harassment?

Ms. Kathleen Clarkin: Again, when we define it, if it's not there and that's why people come forward with complaints.... They might see that the work-life balance is not being respected or that someone is talking to them with a certain tone. Everybody is welcome to bring these pieces forward, but in our survey, we do clarify what we consider to be harassment.

That said, if somebody is experiencing something like this, it's still important for managers to deal with it and to help resolve these situations. That's why, in the process that's set up, it really is to start informally and immediately, because we want to deal with these issues right away.

Mr. Ted Falk: Okay. My point there would be that I hope that the pressure people experience to complete work or to complete it on time wouldn't be considered harassment. I would think that all of you had felt a degree of pressure to be here today. I don't think you consider this an employee perk—

Voices: Oh, oh!

Mr. Ted Falk: —but I certainly wouldn't want you to be thinking that this is a form of harassment of you by the government for the good work that you're all doing for our country, and I want to thank you for that.

Mr. Don Graham: If I could add, it does come down to the question that a perception of one individual is not necessarily the same as another's perception.

Mr. Ted Falk: That's correct, and I wouldn't want to suggest that one survey over another is a trend. Certainly it's a direction, but it's not a trend. Maybe it's an anomaly. I hope it is.

Ms. Kathleen Clarkin: As you raise, that is really a picture of a moment in time, so there can be extraneous things influencing it. That's why we're looking forward to seeing the results of our most recent survey and seeing if we can have a trend, or if it is just another key situation to react to.

Mr. Ted Falk: Good. Thank you.

I can see that I'm not even nearly going to get to all my questions.

Ms. Dufresne-Meek, your organization has an employee assistance program. Is it an internal or an external program?

Ms. Nathalie Dufresne-Meek: We have an employee assistance program that is a mix. We have employee assistance referral agents. They're volunteers within the organization. About 700 to 900 employees have come forward to volunteer. They were trained by the employer to provide support, a listening ear, and referral services to a variety of community resources. We also have a contract with an external provider—it's actually Health Canada for employee assistance services—for short-term counselling.

Mr. Ted Falk: Do you have any stats on the percentage of employees who avail themselves of that service?

Ms. Nathalie Dufresne-Meek: The last stat I have is that around 14% currently avail themselves of the external service for employee assistance.

Mr. Ted Falk: I know that it could be for a variety of reasons. It could be for family issues. I wouldn't suggest that it's all harassment related.

Mr. White, from listening to and reading your presentation, I see that you just have an internal process, a peer-to-peer process. Do you feel that your members and your staff have the confidence in the process that their confidentiality, their autonomy, will be respected?

A/Commr Stephen White: Our peer-to-peer program is built very much on confidentiality. Similar to my colleague mentioned, we also have employee assistance services through Health Canada. We joined in 2013, I believe. We have that same access to short-term counselling through Health Canada. It's a 24-7 service.

We have been seeing, year over year, an increase in the number of our employees who have been taking advantage of that service. For us to see the numbers go up is not a negative thing, because we are doing a lot of awareness and promotion around Health Canada's employee assistance service. We're encouraging our employees to contact that service, and they are. That service is available for their families as well.

• (1605)

Mr. Ted Falk: Okay.

Just briefly, when you actually get harassment complaints directed towards you from your staff, do you know the approximate percentage between what would be considered bullying and what would be sexual in nature?

A/Commr Stephen White: I think we may have....

Jasmin.

C/Supt Jasmin Breton: I don't have the exact stats separated in those exact terms, but we would take whatever complaint is deemed to be harassment as a harassment complaint and mix it in as one complaint. From there the investigation ensues.

One important point I want to emphasize from the RCMP perspective is that we have a centralized system. Like CBSA, obviously our workplaces are geographically all across Canada. All the complaints come in to our centre here in Ottawa. They're analyzed by analysts and then they're sent back out to the divisions for investigation. I think that's an important point.

To answer your question, if it's brought in as bullying and/or harassment, we mix it in as one complaint under the definition.

The Chair: Thank you.

We'll now move to MP Vandenberg.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you.

Thank you very much, all of you, for being here to answer our questions.

Mr. Graham, I'd like to go back to that statistic of the 22% who are experiencing harassment. You indicated that a large percentage within that have taken no action, the reasons being a fear of reprisal and a concern about the process. One of the things that can create that, of course, is that if you see others go through a process, it's re-traumatizing, it takes a long time, and then there's no outcome, it can actually deter others from going through the process.

What things could we do within Bill C-65 that would turn that around? I think we all agree that it's unacceptable that so many people are not taking action even though they are facing harassment.

Mr. Don Graham: I think one thing that has been done in Bill C-65 is its whole confidentiality aspect. It should encourage people to come forward as long as they have the confidence that it will be kept confidential.

That in itself, though, may pose a bit of a difficulty if there is action that possibly needs to take place, and I'm thinking in the form of discipline or something like that. It will be confidential to the investigation, relative to a harassment that's taking place, and with the competent person, so it's not necessarily information that can be used by the employer.

Ms. Anita Vandenbeld: With confidentiality, how does one ensure that a person about whom there have been multiple complaints of harassment or sexual violence of multiple other employees isn't promoted or advanced in different places because of that confidentiality?

Mr. Don Graham: That's a challenge. It's a challenge to get people to come forward. I think the thrust of this legislation, for the most part, is about preventing harassment and violence in the workplace. To some degree it is different from what we've had as an existing harassment policy, which has been more targeted to individual situations, but it would demand, obviously.... You don't have that confidentiality protection.

Ms. Anita Vandenbeld: Ms. Dufresne-Meek, you mentioned a tip line or a generic email. We know that often the people who are targeted are in the most precarious situations, often as new or young employees, and that somebody else, maybe more senior, would see this and be able to report it. How does that tip line work?

Ms. Nathalie Dufresne-Meek: The tip line has been promoted through the organization via our intranet and social media. It's also been promoted through word of mouth, management meetings, employee meetings, etc. Essentially, the employee who wants to report an area of concern, whether it's misconduct or harassment, and is not feeling comfortable going to their supervisor, manager, or through the harassment prevention coordinator, can pick up the phone. The phone is handled by our national monitoring centre in Ottawa. We have agents who take calls. They take the information and then they will make an assessment as to who is best positioned in the organization to receive that tip, if you will, in order to provide support to that individual. For example, is it more of a systemic issue or an issue specific to that individual? Then it is managed by the delegated manager for that particular institution or region.

The email essentially works the same way. It's also managed out of the national monitoring centre. It provides some assurance to folks that they're not necessarily reporting up through their chain of command. It's someone else who is receiving the information, someone who is objective and is not linked to the supervisor or manager.

• (1610)

Ms. Anita Vandenbeld: It's not necessarily the individual. It could be somebody who's witnessed—

Ms. Nathalie Dufresne-Meek: Exactly. In fact, we've received tips from folks who witnessed perhaps harassment or misconduct toward someone else, toward a colleague, and called in.

Ms. Anita Vandenbeld: In terms of the training, the people who are monitoring this line are highly trained and they understand the different avenues that people can go to?

Ms. Nathalie Dufresne-Meek: The folks who are currently receiving the calls receive them for a variety of reasons. It could be something happening at an institution. The assessment they make is simply the assessment of who will get that tip, what region it will go to. In terms of actually accessing the process that will take place, it's not that person, because they're not trained for that.

Ms. Anita Vandenbeld: Finally, I think all of you mentioned in some way that there are people who are trained, that there's training for all staff.

Each of you? Yes?

Okay. Thank you.

The Chair: Now we'll go to MP Harder, please, for five minutes.

Ms. Rachael Harder (Lethbridge, CPC): Thank you so much for being with us.

First, to the Treasury Board, you mentioned that the definition of harassment and those complaints seems to be quite broad. Is there a need to define that within this legislation?

Mr. Don Graham: I think the plan as it's been presented, or as I understand the legislation, is that definitions would be dealt with through the regulatory process. Personally, I think that's not a bad idea, because I think the definitions will be difficult to sort out. As we mentioned before, there will be a lot of different perceptions about what things are. We've had experience where there's some question about whether the definition of harassment is actually violence or whether violence is actually harassment, about whether they're the same things or whether they're distinct. It will be critical to sort these things out.

It's probably less critical if we have one route that's in the legislation, which is the key part, so that at least we're not talking about two different definitions that could determine that you take one route versus another, but I think having those things determined through the regulatory process will allow everybody to weigh in on them. The key will be that everybody walks out of there with the same understanding of what those things are.

Ms. Rachael Harder: Okay. Thank you.

My next question is for the RCMP, CBSA, and Correctional Services. I'd like each of you to answer it separately.

The question is this. If I'm understanding correctly, each of you does your own internal investigations when a complaint comes forward. Bill C-65 will now allow people to report directly to the minister and then go from there. The first step, technically, is to report to your employer, and then, if that doesn't go so well, to the minister.

I'm wondering what your thoughts are on this. Is this the best reporting mechanism, or could we strengthen this further and make it better?

A/Commr Stephen White: I would think that we, as an organization and a department, would be able to receive those complaints and investigate them effectively. Is there value in having more than one mechanism to submit a complaint? I would say there is absolutely.

For a complaint of harassment, for example, right now a complainant in a division can submit it directly to Ottawa through the Office for the Coordination of Harassment Complaints. We have an online reporting system, and they can go through that gateway as well. There are multiple mechanisms to report a complaint, and I think there would be some value in having a mechanism such as that.

•(1615)

Ms. Rachael Harder: Do you feel that the minister is the best person to report to, or do you feel that there could perhaps be a different third party there?

A/Commr Stephen White: Well, I guess in terms of the minister it would be the ministry. I'm not sure where they envisioned it would actually get reported. I'm assuming it would be potentially delegated down. That's why it's important that we start being consulted on what the regulations to go with this legislation will be, because that really is where all the rules will be mapped out. Whether it's through the minister or whether there is some other independent entity that complaints could go to, I think there is merit in that as well.

Ms. Nathalie Dufresne-Meek: I support what my colleague has just said.

In addition, we actually have a mix of investigators. We usually use external investigators, but we do, in some regions, use some internal investigators depending on the nature of the issue.

What we find currently is that it's difficult to find a good, significant pool of investigators. There are some out there, but they're very busy, and it's difficult to find a competent investigator, certainly for part XX currently. That's certainly something I think we need to turn our minds.

Mr. Marc Thibodeau: We have the option of both. We do most of our investigations internally, but we have an avenue whereby we can go outside and hire independent investigators.

I think the accountability to provide a workplace free of harassment rests with the deputy head, and I join that with the fact that the best resolution of any conflict in the workplace is the one reached closest to the workplace.

I welcome the opportunity to go to a third party when the internal mechanism is not working, but I think that having the possibility of going internally to your supervisors, generally speaking, is definitely a good thing. I can see some situations where that could be problematic or bring the impression that it will not be fairly addressed, so I think going outside is also desirable. Given that we're enshrining this into the code will Bill C-65 and that the ministry is the place that administers the code, it would make sense that it go there.

The Chair: Thank you.

MP Trudel, go ahead for for three minutes.

[*Translation*]

Ms. Karine Trudel: Thank you.

Much has been said about monitoring criteria and support services. My first question is for Mr. White and Mr. Breton. You could comment afterwards. However, I have only three minutes.

My question is mainly about the submission of complaints during investigations. Even once an investigation is completed, if it is determined that workplace harassment or violence took place—or not, which can happen in some cases—what happens to the survivors, to the employees? Are they kept in their unit? If not, do you have procedures to direct them to another workplace? What happens to those employees?

[*English*]

A/Commr Stephen White: We do the investigation. If it's a harassment complaint, the decision-maker also makes the decision on the harassment complaint. If there's a finding of harassment, that decision-maker, as I mentioned in my opening comments, would also be the conduct authority in administering conduct measures against the individual against whom the harassment is founded.

There are a number of conduct measures that can be taken, depending on the severity and the nature of the harassment. Some of those measures can be to recommend the transfer of the individual responsible for the harassment. Collectively, we would look at the workplace environment, we would look at the impact on the victim of the harassment, and we would try to come up with a solution. Our focus would be on protecting the victim of harassment in that case.

[*Translation*]

Ms. Karine Trudel: You may answer, Ms. Dufresne-Meek.

Ms. Nathalie Dufresne-Meek: We try to work with victims and survivors by asking them what they prefer.

In our organization, when harassment occurs, the victims often want to stay in their unit, because they have established interpersonal relations with their colleagues, and they really enjoy their work. Therefore, they don't want to leave their workplace because they have been harassed there. Rather, they prefer to see the person who has harassed them leave. We talk with the victims.

It also depends on their health. Events like these are hard to live through, and can lead to medical problems that require accommodation. We work with the unions and treating physicians to find the best solution for victims. It really depends on what kind of situations employers are presented with.

•(1620)

[*English*]

The Chair: Thank you.

We have time for a third round. We're going to go to MP Blaney to start us off.

[*Translation*]

Hon. Steven Blaney: Great.

Most of you work with unions. My question is on the current situation and our recommendations to unions, as referred to in Bill C-65.

I'll start with you, Mr. Thibodeau. Do unions currently support victims of harassment? If so, do you view Bill C-65 as a step in the right direction?

Mr. Marc Thibodeau: Currently, respondents and complainants decide whether or not they want support from their unions.

Union involvement can have positive impacts on some levels, and negative impacts on others. If we believe that unions must play a role, this role will have to be well defined. We need to clearly define the roles, responsibilities and mandates of everyone involved.

Hon. Steven Blaney: That is quite a clever answer.

Bill C-65 is unclear on this issue. Still, we must address this reality, because most workplaces in the public sector and federal government are unionized.

Ms. Dufresne-Meek, are you of the same opinion?

Ms. Nathalie Dufresne-Meek: I would say, yes. Victims of one-time or ongoing harassment often need support. It can sometimes be hard for union people to see themselves as supporters, and not representatives. They will often want to speak on behalf of victims in order to protect their members, which is clearly very honourable. However, we want to hear from victims, because they are the ones who have experienced harassment, and they are up to the task of relating the facts.

In summary, I believe that we do need to define the role of union representatives.

Hon. Steven Blaney: We should definitely take a closer look at this aspect in our study of the bill.

Mr. White, I will now turn to you. This is an evolving situation. How do you see the role of third parties who support persons, victims, who file harassment complaints?

[English]

A/Commr Stephen White: I've found it to be very beneficial. Speaking of unions right now, we are not a unionized environment, except with the public service. We've had a number of occasions to sit with the victims of harassment, supported by their union, and have a very good, open, and frank discussion on what support we, the RCMP, as an employer can provide to support the victim, and moving forward, working with both the victim and the union to plan a road map, whether it be for support, including supporting them in the workplace, or the desire of the victim to move to a new workplace. My experience has been that it's very beneficial.

Hon. Steven Blaney: Thank you.

Treasury Board, do you have any comment on this?

Ms. Kathleen Clarkin: I have just a quick one to say that the unions have been a great partner in our awareness pieces, such as the joint learning program that we deliver with both management and union facilitators. They have a harassment-free workplace one, as well as some great ones on mental health. We share the same motivation to want to resolve this issue.

• (1625)

Mr. Don Graham: They obviously come with a different perspective from us. They are there to represent their members and to look after their interests. That's what they are there to advocate and work for. We just have to make it work.

Hon. Steven Blaney: Thank you.

My time is running out, but one other thing that we're going to be looking at—and I've asked the minister about it—is this third party. From people who are involved in a situation, we feel there is a need to have some privacy, some independence, and sometimes some distance from the direct supervisor who might be involved. It seems at this point in time that the way the law is crafted, we are always pushing that person back into the hands, potentially, of the presumed, or probable and potential, offender, so we're certainly going to look at this. I don't know if someone wants to comment on

the importance at some point in time for a person to say, "I don't want to deal with my supervisor because he's involved. I don't even trust my own organization". That may happen.

I know it's sensitive for you, but do you have any comment on that? I ask because this is something that we're going to look at and for us the third party seemed critical to preserving the integrity or dignity of the process without creating a brand new structure.

Does anyone want to risk saying something on this one, or will you be saved by the clock?

The Chair: You have about 30 seconds.

Hon. Steven Blaney: You can try.

Mr. Don Graham: It would only be to say that in your deliberations, I think you are looking for whatever is going to be the best and what will wind up with our being able to eradicate or eliminate, or reduce down considerably, these types of situations in the workplace. If you think that's the best way to do it...

Hon. Steven Blaney: It seems like it has been the way for other administrations like the federal one, and it's working, so we certainly will look into it.

Thank you.

The Chair: Thank you very much.

MP Morrissey, you have six minutes.

Mr. Robert Morrissey (Egmont, Lib.): Thank you, Chair.

My question is general. You represent four prominent bodies within the federal government, some of whom have been in the news in not very flattering situations.

I would ask each one of you to answer my question. Where has the existing process failed victims of harassment? It failed, so I would like you to speak to that here on the record. Where, in your opinion, has it failed?

A/Commr Stephen White: In terms of the historical record, I can't speak without knowing specific or individual cases, but I'll go back to what I mentioned earlier, which is the need to have a well-established, robust complaint and investigative system. That's what we put in place for the RCMP post 2014 with the changes to the RCMP Act, our regulations, and the enhanced commissioner standing orders around both harassment investigations and new conduct measures, which try to bring a very well-established framework around the reporting of harassment, how we investigate harassment, the findings of harassment, and the potential imposition of conduct measures if there are findings of harassment.

With that in place today, I would hope that we are responding much better to harassment today—and in the last few years since those changes—than we have in the past. There are a lot of mechanisms. That's what I would put in place. We need to have all of those mechanisms and, as I mentioned earlier, good established gateways for complainants to bring their complaints forward: not necessarily having to go to a supervisor with a complaint of harassment, but having a separate mechanism whereby they can go directly to an office outside of their immediate office to bring that complaint forward.

• (1630)

Ms. Nathalie Dufresne-Meek: I support that as well. I think the proximity of the direct supervisor or direct manager to the person feeling like they need to report something that's happening to them has hindered and prevented some folks from coming forward. Certainly we're seeing some volume on our tip line. There is more of a sense of confidentiality because it's not even in their region that they're reporting; they're reporting somewhere else.

I also think, though, that there is a piece of training and information that we need to do a better job at—we've recognized this as an organization—in ensuring that people understand what the process is. I say this because on the spectrum of harassment or violence, you will have some events that are extreme in their harassment, serious or egregious in nature, and some at the lower end of the spectrum. With regard to the latter, from what I've heard in talking to some folks who consider themselves victims, some expect that the respondent will be terminated or be subject to significant discipline with regard to an event that would not necessarily warrant that. I think we need to do a better job, certainly as an organization, in ensuring that people understand the process but also understand the tools that are available to them to resolve certain conflicts that might not necessarily be harassment, even though they perceive it as such.

Mr. Don Graham: Maybe I could add just one thing. I think that one of the other things is that we often find ourselves behind the curve with things that change in society. I think we have to be able to anticipate as best we can how things are going to change and take measures in a timely way, such that we can do that. I think that's one of the reasons why it's been suggested that the definitions probably should be in the regulations, so that those can be adjusted as things go along.

Mr. Robert Morrissey: Go ahead, Mr. Thibodeau.

Mr. Marc Thibodeau: In addition to what has been said, I would offer that we've experienced the same issue that my colleague was pointing to in terms of outcome, but the size of the organization—we have 14,000 individuals working for us—matters in terms of distance, bias, and perception of how the issues are addressed. The delegation to address a harassment complaint in the CBSA rests with directors general, who are far removed from workplaces, especially outside of Ottawa. It may be that where we talk about distance in addressing issues, it has an impact because of the type of organization you have.

Mr. Robert Morrissey: I asked the question because for a number of the witnesses, the big issue they identified was identities investigating themselves, and they have no confidence in that. From the testimony we heard, that's where it falls apart: identities

investigating themselves when a complaint is made. That's why I posed the earlier question.

Unless those identities or organizations recognize that the process you've been governing has failed.... It's important for this committee to hear that and to get your input on where it failed. Then we can ensure that the legislation best addresses that. That's why I posed the question.

The Chair: Thank you. I have to cut you off there. Sorry.

Now we go over to MP Trudel for six minutes.

[*Translation*]

Ms. Karine Trudel: Thank you, Mr. Chair.

I have a question for everyone. You can answer it one after the other, if you want.

Much has been said about what has been going on in your workplaces. Earlier, it was suggested that it would be preferable to have inspectors within the RCMP investigate whenever a complaint related to workplace harassment or violence is filed. The government will establish rules for inspectors.

In your opinion, what advice and what training should we give these inspectors so that they may do their jobs?

We can start with you, Mr. Thibodeau.

• (1635)

Mr. Marc Thibodeau: Thank you for your question.

There is technical training on harassment and other problems, but I think that we can't forget what these situations mean, on a personal level, for people, complainants and respondents, who experience them. As a result, I believe that we have to proceed with some delicacy.

Ms. Nathalie Dufresne-Meek: As my colleague said, we have to take the technical aspect, procedural fairness, into account. It is very important, and we can't ignore it. There are also the personal and interpersonal aspects for victims and witnesses. We touched on that earlier.

In our organization, employees often say that they want to give answers to and confide in somebody who knows their workplace—in our case, penitentiaries—its culture, and so on, to some extent. Currently, we almost exclusively—though not always—turn to outside investigators. Nevertheless, they have acquired quite a bit of knowledge on our workplace. I think that it is important for victims, and important in cases of formal proceedings.

C/Supt Jasmin Breton: Earlier, we talked about how important it is to ensure that investigations are conducted

[*English*]

in a timely fashion.

[Translation]

There is nothing more complicated than an investigation that takes two, three or four months. At the RCMP, we have a policy that requires investigations to finish within a year. If they don't, investigators are required to file documents explaining why the deadline was not met. For most people, this feels like a long time. It is still worth noting that our investigations usually conclude well before the 365-day deadline.

I would like to stress the importance of recognizing that this is an essential dynamic and that, consequently, things must be done as quickly and as efficiently as possible.

[English]

Ms. Kathleen Clarkin: I would just add as well that certainly there are very special skill sets. It is a much more sensitive investigation than others. One thing we are trying to do to help organizations when they feel they need an outside investigator to come in is to renew our national master standing offer for investigative services. Under “occupational health and safety”, we will now have a stream for “violence investigations for competent persons”, as it's called—not that they aren't all competent. We will also have harassment investigators and investigators into wrongdoing under the Public Servants Disclosure Protection Act.

It was brought up recently by the Public Sector Integrity Commissioner that when a complaint is made at a certain high level, to uphold the trust in the process, organizations should consider having someone at arm's length look at it, whether it is another organization lending services or not. It's definitely not the same as a criminal investigation. There's a real sensitivity to help witnesses not suffer more trauma while going through that, so we're doing our best to help build capacity.

[Translation]

Ms. Karine Trudel: Thank you.

Ms. Dufresne-Meek, your organization's employees belong to unions. Will the amendments made by Bill C-65 to the Canadian Labour Code round out the collective agreements? Will they need to be reopened or adjusted? How do you think you'll be able to work this out with the union and with Bill C-65?

Ms. Nathalie Dufresne-Meek: In my opinion, we don't need to change the collective agreements. I think that the wording, as negotiated in the agreements, will correspond very well with the proposed bill. It will also be useful in ensuring that employees are protected, and it will give them a healthy and respectful workplace. This is why I don't necessarily see the need to change the collective agreements. It will be a good additional resource.

Ms. Karine Trudel: After the bill is passed, and everything is set up in your organization, would it not be appropriate to confirm a transition with the union?

• (1640)

Ms. Nathalie Dufresne-Meek: We will certainly have to make necessary changes.

Currently, we have two teams working in tandem: one that is specialized in harassment, and, the other, in preventing workplace violence, leading investigations, and the rest. A transition will be

necessary, because we will probably consider merging these teams to produce what may be an even more consolidated approach to managing these programs. Furthermore, we are expecting a probable increase, and we must examine the situation in consequence to determine the workload, and so on.

[English]

The Chair: Thank you.

Now, for six minutes, MP Dabrusin.

Ms. Julie Dabrusin: Thank you.

I'm happy with where it ended, because that was exactly one of the questions I wanted to pick up on with the others. We are considering a new piece of legislation. What are the challenges as you make the transition? What additional resources are required to make those changes?

You mentioned some issues with finding investigators, and that type of thing. I think you've already started to answer that. Perhaps we could start on your end and work across.

Mr. Marc Thibodeau: There is one change that relates to volume we'll have to monitor and see how we respond to it. I don't think, as my colleague was pointing out, that the collective agreements would need to be changed. The changes are going to be in the practice.

I think the successful implementation of the legislation is going to rest in the communication: making sure that individuals understand the potential remedy based on the mechanism they use and ensuring that there is no confusion between the various avenues of redress in terms of what it is intended to cover and address, and what the potential outcome is.

A/Commr Stephen White: For us, it depends on what unfolds with regard to the regulations. As you've heard from us, we have our internal processes. With harassment, for example, if there is a move toward doing external, independent-type investigations of harassment for departments, that would impact our internal system, obviously. I guess the thing I would put out for consideration is the capacity that would be required externally to do that.

I would add on—and I've heard it a number of times here today—the independence of those investigations. There's no doubt that if a person submits a harassment complaint, if the complaint is investigated, even if it's not founded as harassment, the fact that an independent investigator or entity has done that and made the decision, I think, adds significant credibility because they are external to or outside the organization.

I know we're not there yet, but if that is going to be the way this proceeds and unfolds, definitely they would need to have the right capacity to do it, because it would be of significance.

Mr. Don Graham: I believe one of the requirements of the bill was going to be that employers would have to come up with a prevention of harassment and violence policy. That policy is going to have to be developed in collaboration with workplace health and safety committees, usually dealing with the union. There is going to be this aspect of having to work through this with them. There's going to be this partnership, hopefully, in coming up with policies to cover it in the workplace.

Ms. Julie Dabrusin: Thank you.

Ultimately, we want to aim for prevention. What we want is for no one to actually have to use any of these processes we're discussing in so much detail today.

Several of you have mentioned training as one of the things that you have there. Do you have any statistics as to how effective the training is? For example, when allegations are made, how often is it that the person against whom allegations are made has been through the training process?

A/Commr Stephen White: We haven't necessarily measured it against that metric, but I'm confident, given a lot of the things I've seen, that the more education, the more awareness you do around it, the more messaging you put out that the organization is receptive and welcoming to victims or complainants coming forward, you will see an increased number of in employees coming forward with complaints.

I'll give an example on the mental health side. Over the last few years we've made it mandatory for every employee in our organization to take, in-person, our road to mental readiness training. We're up to about 24,000 now. I am very confident that we are starting to see a change in our organization with regard to the stigma around mental health. A lot more people are now coming forward seeking help and support for mental health, because we have done that awareness. We've done that training, and we're trying to create an atmosphere that says we are a compassionate and welcoming organization with regard to mental health. I think that would be the

same with any type of activity, whether it be harassment or other things as well.

I would think your numbers would increase, the more awareness education you do.

• (1645)

Ms. Julie Dabrusin: Does anybody else have any comments about the effectiveness of training and how to make sure it's effective?

Ms. Kathleen Clarkin: Again, from what the informal discussion group of practitioners have said, they definitely see an influx in inquiries and questions any time any training has happened. A lot of best practices are to do a follow-up with anybody who has participated in training and remind them of contacts and what's there, and to make the linkages because it's not always harassment. Maybe they want informal conflict management services to help work through difficult situations. Maybe they want help in reminding folks about civility in the workplace and how people want to be treated.

Those dialogues are all very helpful in the prevention aspect, in that we now better understand what's expected of us and are more self-aware of how our actions and behaviour impact others. It's difficult to quantify, but again, we hear very positive feedback from the practitioners across government.

The Chair: Thank you very much. That concludes three full rounds. We don't really have enough time to do another whole round, and I think everybody is okay with that.

I want to thank all of you for being here today. This is the first day of our study of this legislation, and I think you really helped us get off to a good start, on a good footing.

Thank you all very much for being here. Thank you to my colleagues and to everybody who made today possible. We will be adjourning but coming back here for a briefing shortly.

Thank you very much. We are adjourned.

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