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**Official Report
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Wednesday 25 March 2015

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des débats
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Mercredi 25 mars 2015

**Select Committee
on Sexual Violence
and Harassment**

Strategy on sexual violence
and harassment

**Comité spécial de la violence
et du harcèlement
à caractère sexuel**

Stratégie de lutte contre
la violence et le harcèlement
à caractère sexuel

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**SELECT COMMITTEE
ON SEXUAL VIOLENCE
AND HARASSMENT**

**COMITÉ SPÉCIAL DE LA VIOLENCE
ET DU HARCÈLEMENT
À CARACTÈRE SEXUEL**

Wednesday 25 March 2015

Mercredi 25 mars 2015

The committee met at 1602 in committee room 1.

The Chair (Ms. Daiene Vernile): Good afternoon, everyone. The Select Committee on Sexual Violence and Harassment will now come to order.

SUBCOMMITTEE REPORT

The Chair (Ms. Daiene Vernile): We have some quick business to take care of first and that is to consider a subcommittee report. May I have somebody move that report?

Ms. Eleanor McMahon: I believe every member of the committee now has a copy of the subcommittee report and I move that it be adopted.

The Chair (Ms. Daiene Vernile): You need to read it into the record for us.

Ms. Eleanor McMahon: Do I need to read it into the record?

Ms. Laurie Scott: We'll read it for you if you want.

Ms. Eleanor McMahon: We can't scan it into the record? You're all going to be subject to my dulcet tones now.

Your subcommittee met on Tuesday, March 24, 2015, to consider the method of proceeding on its order of the House dated Thursday, December 11, 2014, and recommends the following:

(1) That the committee Clerk, in consultation with the Chair, place a notification of public hearings, no later than Friday, March 27, 2015, in the Sudbury Star, Windsor Star and the Thunder Bay Chronicle Journal.

(2) That the committee Clerk, in consultation with the Chair, place a notification of public hearings, no later than Wednesday, April 1, 2015, in the French weekly newspapers of *le Voyageur* (Sudbury) and *le Rempart* (Windsor).

(3) That interested people who wish to be considered to make an in-person presentation during the week of April 6, 2015, contact the committee Clerk by 5 p.m. on Wednesday, April 1, 2015.

(4) That witnesses will be scheduled on a first-come, first-served basis for the following locations: Sudbury, Thunder Bay and Sioux Lookout.

(5) That the Clerk of the Committee, in consultation with the Chair, is authorized immediately to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

Thank you, Madam Chair.

The Chair (Ms. Daiene Vernile): Thank you, MPP McMahon.

Do we have any discussion on the subcommittee report?

Ms. Sylvia Jones: Just one brief question: I have read the news feature that was already put in, the ad, and I'm assuming that this will be duplicated in these new publications.

The Clerk of the Committee (Mr. William Short): The advertisement itself? Yes. There are two changes in the ad from the original one: The deadline date for the northern Ontario locations obviously changed, and we added in my email address, which was not in the first one. There were some requests for an email in it, which is a standard amongst all ads. Those are the only two changes.

Ms. Sylvia Jones: So we're going to keep the part about if you want to do it in private? That is an option?

The Clerk of the Committee (Mr. William Short): Correct, yes.

Ms. Sylvia Jones: Thank you.

The Chair (Ms. Daiene Vernile): Thank you, MPP Jones. Any more discussion on our subcommittee report?

All those in favour? Opposed? Thank you. It is carried.

**STRATEGY ON SEXUAL VIOLENCE
AND HARASSMENT**

MS. JOAN RUTH ABERNETHY

The Chair (Ms. Daiene Vernile): I would invite our first witness to come forward and have a seat. As you take your seat, I would also like to welcome everyone else who is here today. This is our very first day of hearings. I would like to state the focus and the mandate of this committee, for your benefit.

Our task is to make recommendations to the Legislature regarding sexual violence and harassment. In the coming weeks, we're going to be listening to survivors, front-line workers, researchers and advocates in communities right across Ontario who are going to inform us on how to shift social norms and barriers that are preventing people from coming forward to report abuses. I want to stress that your advice is going to help to guide us as we make those recommendations to deal with

systemic sexual violence and harassment in society today. However, I should note that this committee does not have the power or the authority to investigate individual cases. That is better left to the legal authorities.

So we welcome you and thank you for appearing before this committee today. You now have 15 minutes to speak. Could you please begin by stating your name?

Ms. Joan Ruth Abernethy: It's Joan Ruth Abernethy. I prepared 22 minutes—I was told 20 minutes—so I'll do my best to go through it.

The Chair (Ms. Daiene Vernile): Thank you.

Ms. Joan Ruth Abernethy: Should I proceed, then?

The Chair (Ms. Daiene Vernile): Yes, up to 20 minutes. Thank you.

Ms. Joan Ruth Abernethy: And I brought copies, too, with notes at the end, if anybody—

The Chair (Ms. Daiene Vernile): That is most helpful. Our Clerk is coming over to get them.

Ms. Joan Ruth Abernethy: Thank you.

Members of the committee, ladies and gentlemen, I am thrilled that Ontario is once again targeting the sexual violence and harassment so endemic to our society, culture and institutions.

I was born in Toronto in 1949, grew up in Etobicoke, and studied at UWO, University of Toronto, and Brock University. I worked in education as a counsellor with disabled and homeless populations, and as a college and university instructor. I last worked as an insurance board of referees' chair.

This is my story.

I am a survivor and a victor of (1) childhood sexual abuses; (2) a university rape by another student I had told I would not marry unless he stopped dealing drugs; (3) a two-day sadistic sexual assault to unconsciousness by a repeat sex offender; (4) a same-sex Rohypnol-assisted sexual assault; (5) workplace sexual harassment; and (6) widespread and well-organized systemic sexual harassment/power abuse/reprisal.

The experiences I just listed are common, but the list is a shameful admission because of a cultural belief that each of us may be allowed one victimization, but that any more than that must be the victim's fault, surely.

The psychiatrist I consulted after the date rape exploited that belief. He knew about the child abuse and said the date rape didn't happen, that I had fantasized it. He called me schizophrenic and tried to convince me to quit university. I was 19, but he was a mature, worldly, politically appointed director of an Ontario hospital, and he knew exactly what he was doing. I got a second opinion by a doctor so repulsed by how the first treated me that he sent him a written reprimand. But the label of "schizophrenia" stuck and has been used against me ever since.

Labelling as "schizophrenic" persons of conscience who criticize power abuse has long been a tactic corrupt power abusers use to destroy their critics. Ask Irwin Cotler. He knows all about it.

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Neither the date rape nor the doctor's complicity made me abandon my academic work, but five years later,

while I pursued a Ph.D., doing what my colleagues called original work that would have guaranteed me an academic career, I was stalked by a repeat sex offender police said they could not stop because they had no anti-stalking law.

The offender sexually attacked me for two days, repeatedly, to unconsciousness, and that finished my academic career, not only because of how badly he injured me, but because I realized he couldn't have found me without the help of someone I trusted.

Only quite recently did I realize the police lied. They could have stopped the man with an arrest under the then-existing watch-and-beset law—I don't know why they didn't. For many years after that, I worked as a freelance editor from my apartment, so I could heal from the post-traumatic stress injury symptoms I developed, and I did heal, because that's what people do; we're very resilient.

Eventually, I took a job doing employability assessments of the disabled, several of whom reported that a supervisor was demanding sex act favours in exchange for guaranteeing insurance benefits. I told my supervisor, who sent me to the CEO, who said he would take care of it, and he did. He fired me. The lawyer I consulted urged me to go to the Ontario Human Rights Commission, and I did. The commission investigated and found a director of operations had followed another employee to her home, forced entry and gone after her minor child. She hadn't reported because she didn't want to lose her job. Both the CEO and the director of operations lost their jobs. No criminal charges were laid, because police did not investigate.

Around the same time, I reported the historical sexual assaults to the criminal injuries board, and the police investigated at that time. The repeat sex offender confessed, but the date rapist denied it.

Sherron Watkins, the Enron whistle-blower, said that most whistle-blowers die from the reprisal. Either we are murdered outright or are hit so severely on all fronts at once that we die very quickly from the infamy of reputation destruction, job loss, assets loss, family loss, loss of society, loss of meaning, marginalization, homelessness and destitution. She is right: It is the primary reason why witnesses do not speak up.

One Sunday afternoon, shortly after I had won those two claims with the Ontario Human Rights Commission and the criminal injuries board, a uniformed bylaw officer came to my home and screamed the following: "We are going to drive you from your home, take all your assets, put you in the street and then kill you. And don't even think about going to the justice, because they are in on it."

I thought he must be a little unhinged. Who are the "we" and "they" that he spoke for: the Masons, the Illuminati, mythical old boys? But then the bylaw officer's threats began to materialize. I will be forever grateful to the OPP, RCMP and lawyers who explained it to me—off the record, off course. They said that maybe police laughed when I reported the reprisal crimes the bylaw officer predicted, because someone who didn't

like me put falsehoods into my personal records. They said that tactic is called a mobilization of bias: Someone, or some few powerful, misuse their top security clearance and/or hire a hacker to plant falsehoods in a target's personal information to manipulate and steal assets, to discredit and destroy. That biases every agent thereafter who looks at the target's data, and it mobilizes widespread systemic and social bias and prejudice against the target. It is easy, then, to hire local thugs to assault, death threaten, stalk and commit any number of other crimes to try to drive, and make it appear that, the target is crazy for being attacked by so many different strangers.

Those system agents who, off the record, confirmed my experience said that I was fortunate because at least I knew what was happening, unlike most this happens to. The OPP officer said that I should make a freedom of information request for access to police records of the reprisal incidents I reported—which included assaults, sexual assaults, death threats, thefts, arson, property damage and blacklisting—and correct any misinformation I found. He said that if police refused to give me access to their records, to appeal to the Information and Privacy Commissioner of Ontario, which is what I did.

The IPC mediator, who had full access to the records, said, and these were his words, “There is no doubt in my mind you have been targeted for your human rights views by ‘terrorists.’” He used the word “terrorists.” He advised that, going forward, I keep my own record of every incident that occurred, report each one to police and, if they refused to make a record, to write my own, submit it and insist they attach it to their official record. I did that too.

A victim services worker told me there is nothing police can do about the organized sexual power abuses because, as she put it, “The whole system is corrupt.” We know from the cascade of allegations that followed those of Catherine Galliford against the RCMP that police themselves struggle with a culture of sexual power abuse that is similar at the provincial and municipal levels.

I understand why police comply with corruption, why they turn a blind eye to the kind of harassment I experienced and why some actively conspired with it to harass me. Like the woman who did not report the director who forced entry and went after her child, they want to keep their jobs, to be promoted and to live a good life.

But it's not just police. The whole system is infected. The case MPP Laurie Scott cited of the crown attorney who retired with a \$180,000 bonus to avoid investigating allegations of sexual harassment is the mere tip of the iceberg. Like others have told me they experienced, I was targeted using a series of well-organized tactics that included the following:

(1) Impoverish your target. The reprisal crimes so impoverished me that I had to sell and leave my home with just the few things I could carry. I took a job in another city where I lost 30 pounds and slept on the floor. Poverty ensures your target cannot afford a lawyer, so that you can harass her with impunity.

(2) Corrupt and recruit your target. I was holding my own until three men assaulted me as I left work one

night. Police called it a sexual assault, but I wouldn't have. I think they did that to make fun of me. The detective insisted I attend a Ministry of the Attorney General sexual assault centre, but did not send me to the ER for collection of forensic evidence.

I went to see the counsellor. I did comply with what the police wanted me to do, but she didn't want to talk about the assault. She said that if I wrote a letter to the Attorney General to request funding for a counselling centre for disabled women, I would be made CEO just like that. She said, “There will be a lot of money in it for you.” All I had to do in return, she said, was agree to protect the identity of the men disabling women in Niagara—first the stick, then the carrot.

(3) Threaten your target. My knee-jerk reaction to that offer was, “No, thanks, it didn't interest me,” but then the detective said that if I didn't shut up about what happened, police and the crown would charge me with a criminal offence and throw me in jail. I asked a lawyer what they could charge me with. He said maybe mischief, if the reports of reprisal I was making weren't true, but that isn't what happened.

(4) Hit your target on multiple fronts. I told a doctor what happened, but he already knew. He said—and there are records because I tape-recorded him repeat it—“Once a white n—, always a white n—, eh, Joan? If you were normal, you would have killed yourself long ago.” Stunned, I asked him what he knew about it, and he said, “Any liability associated with knowledge I had about it is protected by information and privacy law.”

(5) Seriously injure and physically disable your target. Police said it was no longer safe for me to go to work on campus without a police escort. Because I could not afford a private police detail, I had to quit my job.

While I was interviewing for a position with U of T Scarborough, a stranger who said he wasn't the city councillor he looked identical to, and whom police treated like a city councillor, said my car was “going to be hauled” and that I'd “never walk straight again.” A few days later, I was hit on Highway 2 on my way to Toronto, concussed and so badly injured I could not continue interviewing.

I was forced onto EI disability benefits because my insurance refused to pay until I took them to the Financial Services Commission almost a year later. Although I was eligible, I did not receive the EI benefits I needed to pay rent and buy food because an EI worker eventually realized someone repeatedly hacked the system and deposited my benefits in someone else's account. I lost my housing because of that.

(6) Conspire to criminalize and discredit your target. Despite all this, I continued my appeal to the IPC for access to police records. One day, completely out of the blue, the maintenance man at my new place said, “If they”—“they” again—“are going to whack you, they won't waste a bullet but just explode you in your car.” Not long after, he and his buddy threatened to return, force entry and hurt me.

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I left a voice message for police in which I cited two previous incident numbers and said that if the two men made good on their threat, I'd do whatever was necessary to self-defend. A few days later, police charged me with threatening, based on my voice message promise to self-defend if attacked.

(7) Engage a corrupt crown. The crown attorney lied to the court so I would be denied bail. He lied I had no assets, despite owning property for 20 years and having a fully paid-up in-town rental address. He lied that I'd lived in my mother's basement until she died. I'd left home at 19 and never returned. He lied I'd been homeless ever since. He lied that I didn't work. He lied that I was schizophrenic and posed a risk to society.

I tried to explain but the crown then went off the record and yelled over me, "That attack never happened, never happened, never happened," until I went silent.

I wondered why a crown attorney would think he knew anything about a completely unrelated incident—I thought—that happened some 30 years earlier. He's a judge now.

As a result of that crown attorney's lies, I was denied access to a telephone and held without bail in segregated and solitary confinement for 36 days. I was repeatedly threatened with death by a convicted murderer, pressured to plead guilty in exchange for release, which I refused, and I was assessed by a psychiatrist to support a crown application for unfit, with which to detain me indefinitely on a treatment order—very, very intimidating, that. The CAMH doctor who did the assessment, bless her heart, reported no mental illness.

I was detained until I missed the deadline to submit documents to support my IPC appeal and their adjudicator, for that reason, dismissed it. Then the court ordered me to get on a bus and leave town.

Over the next seven years, as the harassment continued and I was wrongly charged twice more, I persisted with appeals for access to police records from three separate police services. The partial, heavily redacted records I finally accessed showed a definite pattern. The pattern was:

(1) Sometimes police neglected entirely to record my complaints. I'd kept my own records, as per the advice of the IPC mediator.

(2) Sometimes police neglected to record important details like a licence plate number.

(3) Sometimes police recorded factual errors such as inaccurate dates, times, locations and incident details.

(4) But most often, police neglected to record the incidents I reported and simply noted, "Abernethy is MI." No need to investigate; known crazy.

The pattern my freedom-of-information access exposed is not unlike what happened in Rotherham, UK, in that police denied the problem and fabricated evidence to cover it up.

The whole system is complicit. I complained to the chief crown attorney for Ontario, who dismissed my concerns. I appealed to the Ontario Judicial Council,

whose members dismissed my concerns. I complained to the College of Physicians and Surgeons of Ontario about the doctor who knew I was to be attacked but did not warn me. Coincident with the written warning they issued him, his university gave him an award for practice excellence.

I complained repeatedly to the Ontario Civilian Commission on Police Services, then to the Office of the Independent Police Review Director, until their mediator told me they don't even read complaints from the public unless the chief of the service complained of wanting an investigation. I guess they're too busy. I mean, that's what I understand.

An OPP-seconded OIPRD, the now Ontario Civilian Police Commission, investigator told me that how OCCPS and OIPRD treated my complaints, in her words, "violates legislation," yet she did nothing to correct that.

The lawyers I consulted said the only way I may be able to make the harassment stop is with a civil claim, but that's not an easy fix either. Three lawyers offered to get me money if I pretended to be mentally ill, but none will agree to represent the truth of the matter. One lawyer, who works mostly at the Court of Appeal, said I need what she called a big Toronto lawyer like Greenspan or Ruby because of who I am up against. That was her advice. I took her advice. I contacted four big Toronto lawyers but none was willing to represent me. They were very busy. So I wrote a claim and filed it myself. But negotiating a civil claim is not easy when you're trying to represent yourself, not just because the rules of civil procedure online are not kept updated, but also because last winter, coincident with my giving notice to the respondents that I intended to appeal the decision to disallow part of my claim, I was twice assaulted, and then delivered a nasty credible death threat. And that takes it out of you.

When I reported the third of those crimes, the officer refused to record it, which is not unusual, and said that if I didn't stop reporting, he'd charge me with criminally harassing police for reporting crimes.

Based on my experience, and thinking of your request for recommendations, I would like to see you:

(1) Reform police culture. Make law to protect police who act on conscience. Make it easier for police to act with the public the way they act with each other. So reform that culture.

(2) Prosecute powerful abusers. I think there's this immunity thing that people feel they have if they are doctors, lawyers or judges working in those sorts of situations; not all of them—certainly not the majority, I don't think—but even a handful is too many.

(3) Make civil justice more accessible by facilitating online claims. The apparatus is all in place, so you can do that. You can have hearings via Google Hangouts or Skype. Currently, the way it is, you have to make an application, go down to the Court of Appeal and so on.

(4) Provide amnesty to witnesses of conscience and make better whistle-blower law.

In conclusion, there are powerful interests, foreign and domestic, that want to reverse the law that made

Canadian women persons not yet a century ago—that's not very long, you know. They want to silence critics.

The whole purpose of charter-protected free speech is so that ordinary folks can call out corruption. Freedom to complain without sexual harassment reprisal is not only a right, but it's a duty as well, for all of us, each of us. That's our duty in a free democracy.

I want to thank everyone who, with information and moral support, helped me survive, including the women at the Ontario Assaulted Women's Helpline, who were really very informed about these sorts of issues.

Ontario is made of good, decent, honest folks who deserve better than to be intimidated and controlled by power abusers who use sex like a weapon of war to oppress us.

Thank you all for listening.

The Chair (Ms. Daiene Vernile): Thank you very much, Ms. Abernethy, for coming and speaking to us. Do you have time for some quick questions?

Ms. Joan Ruth Abernethy: Sure.

The Chair (Ms. Daiene Vernile): Do we have any questions from our PC caucus?

Ms. Laurie Scott: Thank you very much for traveling here today and giving us some good information. I know that you have made some recommendations here. Right now, I know we have a shortage of time. As we hear more witnesses and begin to do some report writing, we may contact you and ask you for some more specific recommendations within the system.

Ms. Joan Ruth Abernethy: Sure.

Ms. Laurie Scott: I know it's only a 30-minute time slot today. Thank you very much, again, for coming today, Joan.

The Chair (Ms. Daiene Vernile): I will tell the committee members that we've got about a minute and 30 seconds left. Do we have any questions from MPP Sattler?

Ms. Peggy Sattler: Thank you very much for your presentation. You mentioned the help you received from the Ontario Assaulted Women's Helpline. Was it easy for you to find the information about how to contact the helpline? Was the process for you to contact them easy?

Ms. Joan Ruth Abernethy: At the time, I was really, really living on the edge, so I was using pay phones a lot. They had a 1-800 number, and yes, they were very accessible and very informed.

Ms. Peggy Sattler: Where did you find the 1-800 number?

Ms. Joan Ruth Abernethy: You know, I can't remember now. It was quite a while ago. Maybe online.

Ms. Peggy Sattler: Okay.

The Chair (Ms. Daiene Vernile): MPP Malhi?

Ms. Harinder Malhi: I will also just take this opportunity to thank you for sharing your experiences with us. We really do appreciate it, and the information will be very helpful when we start doing our report and finding recommendations.

I'm going to leave it at that, because I know we are really short on time. Thank you, again, for coming.

The Chair (Ms. Daiene Vernile): Thank you kindly.

Ms. Joan Ruth Abernethy: Thank you.

1630

WomenatthecentrE

The Chair (Ms. Daiene Vernile): We call our next witness: WomenatthecentrE. Thank you for coming and speaking to our committee today. Please identify yourselves and begin when you are ready.

Ms. Nneka MacGregor: Thank you very much for allowing us to come today. My name is Nneka MacGregor, and I am the executive director and founder of the organization called the Women's Centre for Social Justice, but we're better known as WomenatthecentrE. Beside me is my colleague.

Ms. Faye Fraser: Hi. My name is Faye Fraser. I am the co-chair of our sexual survivors steering committee.

Ms. Nneka MacGregor: We're here today as women survivors of gendered violence to speak to the need for more and better inclusion of the expertise of those of us who have the lived experience of the violence at issue beyond these public hearings. Ms. Fraser and I are here speaking today, but we want to say that the comments and recommendations come from the extensive input from many of the courageous women survivors who couldn't be with us today. I want to acknowledge some of them, including our board co-chairs Veronica Campos and Dr. Tope Adefarakan; our board directors Christine McCaw, Claire Crossley, Alex Plegas and Betty Makoni; as well as the members of our sexual violence survivors steering committee, Mandi Gray, Lisa Phillips, Cynthia Webb.

To quote Margaret Mead: "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has." That is precisely who we are. We're a small but growing group of thoughtful survivors of gender-based violence committed to changing the world so that all women can live lives free of violence with dignity and with respect.

I want to also acknowledge the government's efforts in bringing the Sexual Violence Action Plan forward by working together with many advocates in the violence-against-women sector, whose relentless activism is behind many of the improvements we see today in women's lives. However, what has been lacking until recently was a mechanism through which we, the women with the lived experience of the violence, can bring our voices to influence public policy. The mechanism is here now. It is in WomenatthecentrE, and we've been closely following the developments across the province since the action plan was launched in 2011.

We've been looking at ways to ensure that the expertise of survivors is integrated in the development and implementation of all policies and programs coming out of the plan, as we know that we are the ones best positioned to identify most effective supports and strategies that will positively impact women and change the policy and public mind on how it views the multiple forms of

violence committed against women, on an individual as well as systemic level.

Our submission is based on our understanding that the will for change must be supported by the courage to change. We're looking to the government to be courageous by resisting the urge to play things safe. By that, we mean that we can no longer continue to approach reform with a business-as-usual attitude. This is a critical, crucial moment in our lives, and we can come together to create innovative strategies that are, in fact and in practice, survivor-centred, trauma-informed and human-rights based, as this is the only way to create models of community engagement that lead to violence prevention, hold systems and perpetrators accountable, and keep us all safe.

We started by asking ourselves why the violence persists despite the resources already devoted to sexual violence prevention and victim supports over the years. Why do women remain unwilling to come forward to report acts of sexual violence committed against them? Why are there so few arrests, so few prosecutions, so few convictions and so few consequences to perpetrators?

We looked at our own personal experiences of navigating the system, from finding crisis lines with a live person at the other end, to going to a sexual assault domestic violence treatment centre, to enduring the re-traumatizing rape kit procedure, to waiting weeks before seeing a counsellor, not to forget the terrifying experience of attending a police station to relive the assault. For those few women whose cases actually proceed to trial, the horrific ordeal continues, as women are subjected to humiliating, degrading lines of questioning that suggest that there must have been something we did to cause the sexual violence.

Paradoxically, the answer is as simple as it is complex. Political will must align with public will, such that the outcome of these public hearings is the creation of policy and law reform that will truly reflect the social good, plus the development and implementation of effective support services for victims. What is evident from all our experiences as women survivors is a total lack of a coordinated response to the way sexual violence and harassment is addressed in the province, a response that we know would be greatly improved if it was based on an understanding of the three key tenets that will be the basis of our submission:

(1) that all women matter, all the time, and that survivors have a central role to play;

(2) that the fact of consent needs to be an affirmative, enthusiastic "yes" and nothing less; and

(3) that the health care and justice systems' responses to sexual violence and harassment need to be addressed through the operation of thoughtfully created and specialized sexual violence clinics and sexual violence courts, with specially trained personnel, in a coordinated, collaborative manner.

First, I want to state unequivocally that when we advocate to bring about an end to all forms of violence against women, and in this instance we're talking about

sexual violence and harassment, we're fighting for all women, regardless of where they're from, what they believe, their occupation, their age, what they wear, whether they were drunk, whether they were taking drugs. We're talking about all women: native women, black women, women of colour, white women, immigrant women, women with disabilities, women caught in a web of mental health addictions, and intimate partner violence survivors, from students to senators. Because all women matter, our safety and well-being must matter equally to everyone all the time. This should be a given, a fundamental human right, both in law and in fact, but the reality is that some women seem to matter more than others. This results in some women having increased chances of receiving community supports that have been made available while others are re-victimized because of where they are located.

We're talking in particular about the women who are in actuality the most marginalized, who experience sexual violence and harassment in alarming degrees and yet they are completely missing from the plan. We're talking, for instance, about women in the sex trade; women in prostitution. Our members talk of the institutional and social barriers and biases they face daily when they are sexually assaulted and harassed, from police officers who are reluctant to investigate, front-line personnel who are reluctant to tend to their needs, blaming them for the violence inflicted on them and failing to understand that poverty and survival are often at the heart of the issue.

At the very minimum, the government must focus on maintaining the safety of those—can you hear me?—

Interjections: Yes.

Ms. Nneka MacGregor: —the safety of those who choose to stay in the industry while providing real supports to those who want to exit. We are in absolute solidarity with the sex workers.

I want to also state that we are in unwavering solidarity with our native sisters and pledge our unwavering support to them as they continue to lead the initiatives that address sexual violence against aboriginal women.

We must be thoughtful in creating policies, programs and services that are accessible to women everywhere—linguistically, geographically and in ways that take into account spaces where women go to seek out supports.

It is also critical to understand that having information available in multiple languages will not mean that someone is able to read and fully comprehend it, whether it's due to literacy challenges or because they are suffering from trauma caused by the sexual violence.

Some of our members who live in rural and remote communities have identified barriers arising from the lack of services in their communities and the challenges they face in obtaining help in ways that ensure that their privacy is protected from the rest of their community.

A real opportunity therefore exists to create and properly fund spaces where women survivors of sexual violence can go to be supported by other survivors, women whom they can recognize have a common bond

that they share as a result of their lived experience, women who are like them and understand what they have been through, whom they can relate to, and who will engage with them as they navigate the complex systems that have been sparked once sexual violence and harassment enters their lives, such as the health care sector and criminal justice.

We're therefore calling on the government to support increased funding that will ensure increased participation from, and consultation with, diverse women survivors of sexual violence, and to promote our equal involvement in the development and evaluations of services going forward.

I want to hand it over to my colleague, Faye Fraser.

Ms. Faye Fraser: Thank you, Nneka. My name is Faye Fraser and I am the co-chair of the WomenatthecentrE's sexual violence steering committee. Our mandate is to leverage the wisdom and experience of women survivors of sexual violence and identify more effective strategies that lead to prevention, and ensure that women survivors are supported, while holding the system accountable as it holds perpetrators accountable.

On careful examination of the sexual violence and harassment action plan, we identified themes that were common to the 13 proposed action items. We concluded that effective prevention, healing, support and full accountability can only come about when we begin to dispel the various myths and misconceptions about rape and sexual violence—particularly, that it's about sex. It is not. It is about power. By this, we mean that sexual violence against women is not simply about sex or gender violence. It must be thought of as an intersectional experience where various forms of cultural oppression, like racism, classism, gender and sex discrimination, ableism, and settler colonialism, come together to take on power, which is expressed as one form of sexual violence or another.

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What this means is that women are not a singular, coherent group with identical histories, experiences, realities, needs and desires. As a result, women experience sexual violence differently. Women of different races, sexual orientations, gender identities and class configurations are impacted by it very differently.

It is important that we think of sexual violence in this way. If we do not, we risk limiting the level of inquiry and understanding of women's experiences, and we are prevented from understanding how women's lived experiences of racism, classism, sex and gender discrimination, ableism and settler colonialism work together to produce and sustain violence against women, whether sexual, physical, systemic or otherwise.

In order to have a meaningful conversation about sexual violence as we work to create lasting and effective change, it is imperative that we acknowledge that women's encounters with violence are always a product of these multi-burdened experiences of marginalization, which create unique conditions of violence, on one hand, and on the other, compound the impact of that violence.

These hierarchies, delineated along intersecting lines of power and domination, delineate who will be more likely to experience certain forms of violence and under what conditions.

As well, hierarchies amongst women establish who will be more likely to report experiences of violence as well as what the possible recourse will be, if there is any recourse at all. This is predetermined by women's cultural capital and social locations, which are the products of race, class, gender, ability and settler colonialism.

Therefore, an intersectional approach to violence against women provides us with an opportunity to engage with the issue in such a way that we can come to understand how various forms of cultural oppression come together, not only to produce multiple forms of oppression but multiple forms of privilege as well. These intersections structure and produce women's everyday realities and lived experiences.

In order to create efficient social reform, we need to be able to address all the elements of power and domination that constitute sexual violence, so that we're able to design and deliver support and resources that effectively meet those needs.

I'd like to take this opportunity to walk you through three particular areas that we think are of importance in addressing consent as well as the systemic barriers that women face.

Coming forward and reporting: As a student, an educator and a survivor, it is my firm belief that survivors need to be involved and at the front lines of developing and delivering educational training on how to handle matters of sexual violence within the classroom setting, whether in elementary school or at the graduate level.

We need to provide comprehensive education on consent and sexual violence, to break the stigma that causes suppression of experiences and prevents survivors from coming forward.

WomenatthecentrE is committed to combatting what has been coined as "rape culture," in an effort to foster a culture of consent. One of the ways that we are achieving this is through our survivor-centred task force, which is dedicated to education, awareness and consultation on social policy reform.

For instance, our sexual violence survivors steering committee, which I am co-chair of, seeks to address sexual violence through youth leadership and education. The initiatives of this project are twofold. Firstly, it centres on youth leadership through critical education on notions of consent—what consent is and what consent is not. Secondly, it is committed to ensuring that safe spaces are developed, including specialized clinics and courts that deal explicitly with matters of sexual violence.

With regard to youth leadership, something that we have come to understand is that one of the biggest barriers to combatting sexual violence among youth is under-reporting. While there are many reasons why survivors choose not to come forward and report, one reason in particular is the lack of knowledge of what constitutes a violation, or how to identify sexual vio-

lence. We know that many survivors, youth or otherwise, often do not come forward to report incidents of sexual violence and sexual assault because they're incapable of identifying what sexual assault is. When confronted with sexual assault, they are unable to identify it as a transgression. How can we expect individuals to report sexual violence and sexual assaults if they do not know what sexual assault is and what it looks like?

Our sexual violence survivors steering committee is rigorously working towards developing youth leadership programs and youth educational training programs to address just that. The initiative is designed to put survivors and youth in leadership positions and place them into educational and classroom settings to facilitate healthy sex and consent education. Some of the areas to address include some common-sense issues such as knowing what consent is. If she does not say yes and you proceed with sex, it is rape. If you choose to rape, know that she can and will tell, whether it's her family, friends, human resources or the police. When she comes forward, you will be arrested, charged. The police will thoroughly investigate and gather forensic evidence and other evidence of your crime. The crown will prosecute you and, when you are found guilty, the judge will hold you accountable and impose a sentence that reflects the gravity of your offence.

We believe that providing youth with the tools to identify sexual violence will debunk myths and misconceptions about consent and rape. As well, it will help encourage reporting, create safe spaces to talk about sexual violence, offer resources and support to survivors of sexual violence, and reinforce that there is recourse when you perpetrate sexual assault. We believe that our youth are central to the fight against sexual violence and we emphasize the need for the government to fund the development of programs that put our youth in leadership roles.

Eradicating sexual violence means drawing on the knowledge and expertise of survivors to get our youth involved in sex and consent education. It is not enough to include consent education in education and pedagogy; we need to turn policy into practice by including survivors in the facilitation of programs funded by the province that are designed to combat sexual violence, which will empower our youth through social justice initiatives.

This brings me to my second point. What happens when sexual assault is identified and the survivor comes forward? What we are seeing on our college and university campuses is a crisis caused by systemic barriers that result in chronic revictimization and re-traumatization of survivors due to grossly inadequate resources and support services. As a survivor and an individual who has spent the better part of the last decade of her life in the university setting, I can assure you that I am never surprised when I am made aware of sexual assaults on campus.

While sexual violence on campuses has almost become normalized, what I cannot normalize is the wholly inadequate institutional protocol on handling matters of sexual violence, and the inadequate sexual assault

services, supports and resources which are available on university and college campuses.

It should be noted that this is not limited to students. These educational institutions also employ thousands of staff and faculty who are also at risk because of the lack of resources and training related to sexual violence as well as the systemic barriers to reporting. This has created conditions on campus and in the workplace where women experience sexual harassment and sexual assault with impunity.

When survivors come forward, they are often subjected to shaming, doubt and victim blaming. Survivors are forced to navigate a nightmare of bureaucratic politics and alienation due to a lack of coherent, cohesive and effective measures in place on handling matters of sexual violence. As a result, the survivor is subjected to what we call a chilling effect, where they are deterred from coming forward or pursuing criminal charges. Women are often forced to drop out of university or take a leave of absence from their job and studies.

The Chair (Ms. Daiene Vernile): Ms. Fraser, just to let you know, you've got two minutes left.

Ms. Faye Fraser: Okay.

We believe that it is absolutely necessary to provide safe spaces for survivors on campus and in the workplace. We strongly recommend province-wide sexual assault strategies that include university and college task forces that are separate from the university and college administration. We believe that we need safe spaces that are equipped to provide comprehensive outlines for the possible avenues and outcomes of coming forward, whether pursuing criminal charges or not, and that these task forces need to be staffed by survivors and trained experts.

Finally, when coming forward, survivors are often confronted with systemic barriers within the criminal justice system and the health care system. We also firmly believe that survivors need to be incorporated into developing programs and policies where we can create specialized courts and clinics that deal explicitly with sexual violence. Survivors and trained experts need to be staffed in these clinics so that we are able to create safe spaces that encourage reporting, so women are able to come forward. Thank you.

The Chair (Ms. Daiene Vernile): Ms. Fraser and Ms. MacGregor, thank you very much for coming and speaking to us. Are you able to take some questions now? We're going to begin with our NDP caucus. Do you have any questions?

Ms. Peggy Sattler: Yes. Thank you very much for the presentation. There was so much in your presentation. I'm really looking forward to reading it later to really get a feel of it, but there were a couple of things that I wanted to ask about.

You talked about how, in rural and remote communities, privacy can be an issue for survivors. Do you have any thoughts about that particular situation, that a woman in a rural or a remote community—how you can address that concern about protection of privacy?

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Ms. Nneka MacGregor: That's a very complex challenge, because when you have fly-in communities and the resources are limited and everybody knows everybody else, what women are saying is that having an opportunity to bring in outside individuals who can provide them with the supports that they don't get in their own communities—there is no way to actually handle it when it's such a small, almost incestuous group. We're looking to have programs that actually facilitate bringing in outside experts to come into the communities and support the women once they've disclosed.

Ms. Peggy Sattler: Okay. Do I get two questions?

The Chair (Ms. Daiene Vernile): Yes, you have time for one more question.

Ms. Peggy Sattler: Okay. Then the other question refers to what you said just toward the end of your presentation about this crisis on college and university campuses. You recommended the creation of a task force that would be separate from administration. Can you speak more about that, why you feel—obviously, the recommendations have to be implemented by administration. Why is it your recommendation that administration not be involved in such a task force?

Ms. Nneka MacGregor: We're not saying that they shouldn't be involved; we're saying that they should be independent of administration.

Ms. Peggy Sattler: Okay. Can you just walk me through a little bit about who's on this task force, what its job is and what the role of administration is?

Ms. Faye Fraser: Well, what we found is that on college campuses and university campuses, often survivors get caught in this kind of jurisdictional tangle between being an employer, between being a student, and not having adequate protocol in place on how to address sexual violence when you come forward. We believe that it is necessary to have on-site advocacy, that survivors should be involved in this advocacy, where we can provide survivors with a comprehensive outline of the policies, the protocols and the way of going forward, whether it's going through the union, going through the criminal justice system or navigating the educational institution itself. That should be independent, to give a sense of safety and security, because there is a lot of uncertainty when you are in this precarious position where there are multiple jurisdictions at play. It results in very serious trauma and re-victimization.

Universities and campuses lack these safe spaces, and they're absolutely necessary because the individuals that you end up dealing with are people who are experts in community relations, people who are not trained in dealing with matters of sexual violence, which is extremely problematic. Then you have this back and forth between the institutions and the union, and there are all kinds of politics that can play out which just trap you.

Ms. Nneka MacGregor: Plus the fact that—

The Chair (Ms. Daiene Vernile): Thank you. We're going to have to move on to our next caucus. Ms. McMahon.

Ms. Eleanor McMahon: I want to echo Ms. Sattler's comments, if I may.

Interruption.

Ms. Eleanor McMahon: Sorry, is there something going on that we need to be aware of?

Ms. Laurie Scott: It's a quorum call.

Ms. Eleanor McMahon: Okay. Thank you.

The Chair (Ms. Daiene Vernile): It's a quorum call, so we should be okay.

Ms. Eleanor McMahon: Sorry; forgive me.

Thank you for coming. Thank you for your eloquent presentation. As my colleague mentioned, it's so rich and there's so much in there. It's impressive. You're incredibly articulate and brave.

Ms. Nneka MacGregor: Thank you very much.

Ms. Eleanor McMahon: I think that's important to say.

Ms. Nneka MacGregor: Thank you very, very much for that.

Ms. Eleanor McMahon: Really brave. I have to confess that Ms. Sattler kind of stole my question about university campuses, because it's an excellent one, but in my mind it's also worth exploring a little bit further, if I may. I was just at McMaster University—they're very close to my riding—and they have what seemed to me a safe place and a fairly comprehensive system for dealing with sexual assault.

But I wanted to just, if you could, get you to expand a little bit more about what these task forces might look like. By the way, I wouldn't be surprised if we called on you again for more information about what you said, because again, it was so rich in detail. Can you tell us what that might look like so that we can explore that further?

Ms. Nneka MacGregor: What WomenatthecentrE did last month was, under the auspices of our internal Sexual Violence Survivors Steering Committee—we had one of our members who had disclosed that she had been raped at York University and how the institution had failed at every level to support her, and how, whilst they had policies in place, these policies did not actually reflect anything substantive, anything concrete that was helpful to a woman in January 2015 who had been raped, despite the policies being in place.

As a result of this woman coming forward, she actually did outreach to York University students as well as some of her contacts at Guelph, for example, and George Brown. We had a groundswell of young women—some of whom were survivors of sexual violence; some of whom were not—who came together to our offices. It was through that conversation that they decided to set up a task force, a steering committee, that consists of women survivors from the university campus themselves, who would start doing the advocacy piece around this, as a way to bring in the institution and their administration.

As I said, it's about a power balance. So if you have an independent and free-standing group that was not subject to—I was about to say “manipulation,” but that's the wrong word—

Ms. Eleanor McMahon: Influence.

Ms. Nneka MacGregor:—thank you very much— influence by administration, it tends to colour the types of policies that come out. When we talk about a task force that is made of women survivors who are on the campus, they are stand-alone. They will come in, and they will be able to sit on an equal footing with the university administration. It will also consist of other individuals from other universities and other campuses who are all going through the same issues, all trying to find ways to make the policies more responsive to the experiences of women who have been raped on the campus.

Ms. Eleanor McMahon: Would you see this as—

The Chair (Ms. Daiene Vernile): Thank you. We have very little time left, so we're going to take some questions from our Conservative caucus.

Ms. Sylvia Jones: I appreciate your presentation today. I wanted to focus on your youth in schools. I see that as a really excellent opportunity for prevention and education. I wonder if you had a successful program that you could share with the committee. I know that in my own community, Family Transition Place has a program in place for the schools in our area that has been really, really well received. So, first, if you have a particular program, could you highlight or perhaps send it to us.

My second question: The program that I'm familiar with is called, I think, healthy relationships, healthy bodies. It's for young men and women—eight weeks—and outside individuals who actually work for a women's crisis centre provide it. Do you have an idea of where you would like to see that: elementary, high school, that kind of thing?

Ms. Faye Fraser: I think it's very important that we incorporate this at all levels, to some degree.

In terms of consent education, I think consent is really important to be discussed at the high school level, when youth are engaging in sexual activity and getting involved and are very impressionable. I understand that many young women are sexually assaulted, and it's not until years later that they figure it out, because they don't know that it's sexual assault. They don't know that it was not consensual. They did not understand it. The trauma of that realization—many of these people are their friends—reconfigures your entire relationship and your trust, and it's something very difficult to come to terms with.

I think it's really important to emphasize empowering our youth with knowing what consent is, what sexual assault is, what rape is, not just for women but for young boys as well, who don't know when they're raping somebody.

Boys are also victims of these discourses through not knowing. There's no need to demonize them; they don't know what they're doing. They can't identify sexual assault. We live in a culture and society that produces these kinds of ideas about people's bodies and entitlement, and youth get caught in this.

I think that, in that particular area, it's very important that we have comprehensive consent in sex education that explicitly addresses the complexity of consent, what it is and the implications of perpetrating sexual assault.

Ms. Nneka MacGregor: Yes, we do have programs. We'll be happy to send them.

The Chair (Ms. Daiene Vernile): Ms. Fraser and Ms. MacGregor, I want to thank you very much for coming and speaking to us today.

We're ready for our next witness, so I would call on Andrew Yu to approach. Thank you, ladies.

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Mr. Taras Natyshak: Can I ask that we receive a full copy of their testimony here, if that's possible?

The Chair (Ms. Daiene Vernile): Are we able to have a copy of what you have just delivered to us?

Ms. Faye Fraser: Absolutely. Thank you.

MR. ANDREW YU

The Chair (Ms. Daiene Vernile): Please have a seat. Thank you very much for coming to our committee. Please introduce yourself, and you may begin.

Mr. Andrew Yu: Good afternoon, Madam Chair and honourable members. Thank you for this opportunity to present to this committee today. I am Andrew Yu. I am an independent human resources consultant, specializing in employee relations, human rights and workplace harassment matters for employers.

Basically, when people are not getting along with each other at work and the employer wants someone with an open mind to make things better, they hire me. Quite often it is because an employee has made allegations of sexual harassment against another. In those cases, I would conduct an investigation in accordance with the Occupational Health and Safety Act. Therefore, my presentation today will focus on the prevention of sexual harassment in Ontario workplaces, which is where my expertise lies.

As you may recall, the provisions against workplace harassment in Ontario in the Occupational Health and Safety Act came into force back in June 2010. It is now more than four years since the implementation. It is clear that those provisions alone are insufficient to eliminate workplace sexual harassment, as indicated by multiple recent media reports that employers have not yet taken sexual harassment complaints in the workplace seriously, which in part led to the formation of this select committee.

In addition, my professional practice as an independent human resources consultant specializing in employee relations means that I do regularly receive calls from employees who feel they have been sexually harassed at work but their employers are not dealing with the matter. I also hear from many human resources professionals who struggle to convince managers and executives that sexual harassment complaints need to be dealt with fairly and diligently, especially if the complaints are made against senior-level managers or so-called star employees. Usually these are employees who bring a lot of money into the organization.

The Ontario government has just released a new video ad against various forms of sexual violence and harass-

ment. Near the end of the video, the actor portraying a woman subject to sexual harassment at work said, “Thanks for telling HR.” As a human resources professional, on the one hand, I am glad that we are being complimented as the ones to report harassment to. On the other hand, whether HR can really do anything in response is still subject to the mercy of corporate decision-makers.

While there are indeed many employers in Ontario who take the obligations to prevent and investigate sexual harassment seriously, their motivation is more out of their intrinsic goodwill and sense of doing the right thing and less about legal compliance. The reason is that the workplace harassment provisions in the Occupational Health and Safety Act make no specification on the quality of corporate sexual harassment policies, nor are there any enforcement provisions to ensure employers are actually following their own harassment policies when a complaint is made.

Even further, unscrupulous employers can actually use their harassment policies mandated by law to put up barriers against employees who need to make a sexual harassment complaint. That is done by including bureaucratic hurdles and tight deadlines that must be met before the employer will take any action.

The worst organizational harassment policy I have seen requires an employee who needs to make a sexual harassment complaint to make the complaint within 72 hours of the alleged incident and have it in written form, double-spaced, printed on one side and in 12-point font. If even one of these requirements is not met perfectly, the sexual harassment complaint will be rejected by the organization summarily without being investigated.

What happened here is the organization turned good practices for file management into hurdles and stumbling blocks against employees who need to make a sexual harassment complaint. For sure, it is certainly a good idea for complainants to make their complaints in writing and in a manner and format that is easy to read. However, just the fact that they didn’t do so, or not perfectly, or maybe if the complaint is initially made orally, shouldn’t be a reason to just deny the complaint right away without even looking into it.

Even if employees are able fulfill all these requirements after being subjected to workplace sexual harassment, it is doubtful that the particular employer that I mentioned would objectively investigate the complaint, since the bureaucratic hurdles in the policy signal that the preferred method of dealing with workplace harassment for this employer is not to deal with it if they can get away with it.

For these reasons, I welcome the measures regarding workplace sexual harassment announced recently by the government in its action plan entitled *It’s Never Okay*. The contemplated amendments to the Occupational Health and Safety Act, as far as the proposed code of practice, have the potential to remind employers that the government is serious in eliminating sexual harassment in Ontario workplaces, and employers have to get on board.

I agree with the current wording of the Occupational Health and Safety Act as well as the government’s action plan in declaring that the responsibility to properly investigate workplace sexual harassment complaints lies with the employer. After all, it is the employer’s obligation to maintain a harassment-free workplace.

It should be noted that one inevitable effect of the government’s action plan, plus the efforts to increase awareness of workplace sexual harassment, will be a significant increase in the number of complaints that are made. When people are confident that their workplace sexual harassment complaints will be taken seriously and dealt with fairly, or if they have that perception, they will no longer stay silent. Sometimes I’ve heard complainants, when asked why they decided to bring forward a sexual harassment complaint at that particular time, often say, “That’s my new year’s resolution. I will no longer stay silent, and I think that now the employer is paying attention.”

Perhaps you may recall the previous situation in the past when the Ontario Human Rights Commission used to investigate human rights complaints, and that led to a huge backlog of cases pending investigation, which resulted in Ontario moving away from that model and to the Human Rights Tribunal model. Indeed, in those Canadian jurisdictions where the Human Rights Commissions continue to investigate complaints, there are persistent allegations that intake officers would nitpick the complaints received and reject as many as they are able to, as there are insufficient resources to deal with all of them.

Given the sensitive nature of sexual harassment complaints and the need for timely resolution, it would be a disaster if the complaints cannot be promptly investigated due to a government agency’s backlog.

Therefore, to avoid the potential catastrophe of unacceptably long wait times for investigation due to government budgetary pressures, the responsibility to investigate should remain with the employer, with the government’s role being of oversight, monitoring, quality control, and, if the employer is indeed found to not have fulfilled their obligations to prevent workplace sexual harassment adequately, then they are levied an appropriate fine.

Indeed, mandating that an employer must promptly commence an investigation after receiving a workplace harassment complaint—for example, within 30 days of receipt—would be a good quality standard for regulation. Other advisable quality standards would include that the investigator be free from conflicts of interest, be free to make findings without the possibility of reprisal and be accountable to a professional regulatory body. The investigator should be required to hear from the complainant, the respondent and any relevant witnesses in conducting the investigation.

The rationale behind implementing quality standards is to ensure that all workplace harassment investigations are credible and free from bias. This will ensure that the findings are fair and not affected by differences in power

and influence between the parties. For example, a junior administrative assistant can be assured that her complaint of sexual harassment against a senior vice-president of the employer will be given proper consideration during the investigation, despite the clear differences in power.

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It also goes without saying that an important conflict of interest to be avoided is where the investigator stands to benefit if the investigation makes certain findings. For example, an external human resources consultant, such as myself, who investigates a sexual harassment complaint should not conclude that certain employees require sexual harassment awareness training and then subsequently be hired by the employer to deliver that training. Likewise, if an outside lawyer is the investigator for a sexual harassment complaint, but the same lawyer or that lawyer's law firm normally represents the employer in employment termination litigation, one can easily see that the investigating lawyer may be biased towards concluding that someone be terminated as a result of that investigation, as the lawyer or the law firm would benefit from the possible litigation that arises from the investigation's findings.

In other words, investigators should not be in the position to derive personal or business benefits should the investigations they conduct result in certain outcomes. Their remuneration should be restricted to the investigative work that was performed, and not for any services that may be required as a result of the investigation. In other words, one can either be paid to do the investigation or be paid to deal with the results of the investigation, but should not be paid to do both.

Finally, I should mention that the best way to maintain a workplace free of sexual harassment is to maintain a workplace that is free of any kind of harassment, sexual or not. A workplace where people always respect all others in their interactions is one that is much less likely to have sexual harassment complaints compared with a workplace where people routinely bully each other and where the interpersonal environment is characterized by fear and intimidation. Sexual harassment is just one possible manifestation of someone's disrespect or abuse of power towards another. Therefore, the most effective method of preventing workplace sexual harassment is to focus on eliminating the underlying attitudes that lead to all forms of harassment.

Of course, from the legislative side, if sexual harassment becomes detached as one particular form of harassment where the penalties are heavier or where employers have more obligations compared to non-sexual forms of harassment, what will start to happen is that some people are going to start arguing, saying, "Oh, this particular case is not really sexual harassment; it is something else," when in fact it really is. Depending on how the government proposes to define sexual harassment, you may end up with a situation—for example, say there is a form of harassment against gender identity or sexual orientation. If that is not adequately covered by the definition of sexual harassment, if that definition fails to

capture all forms of harassment of a sexual nature, you're going to end up with harassment that really is sexual in nature, but they can somehow weasel out and claim that it is not, to avoid those increased obligations and penalties.

Thank you for this opportunity to share my perspective with you today. I'm happy to answer any questions you may have.

The Chair (Ms. Daiene Vernile): Thank you very much, Mr. Yu. Our first set of questions will come from our Liberal caucus. MPP Wong.

Ms. Soo Wong: Thank you very much, Madam Chair. Thank you very much, Mr. Yu, for your presentation. I just wanted to get some clarification. In your written notes to the committee, you commented about the Occupational Health and Safety Act. Specifically, that act, I'm assuming, is under the jurisdiction of the Ministry of Labour.

Mr. Andrew Yu: Yes.

Ms. Soo Wong: So, in your professional opinion, do we currently have under the Ministry of Labour an investigator or inspector who specifically deals with complaints related to corporate and sexual harassment?

Mr. Andrew Yu: The role of the Ministry of Labour, as far as it is done in the field to employers, is that they would go in to make sure that the employer does have a policy against harassment. The way the law is written, you're supposed to have a policy as an employer. You're supposed to detail how you would investigate complaints, and then there's also the training aspect, as well as a regular review aspect.

However, in terms of the Ministry of Labour actually investigating particular complaints, no, that doesn't happen.

Ms. Soo Wong: So what I'm hearing, and for clarification for note purposes, is that at present, the Ministry of Labour does not have inspectors who deal specifically with issues related to sexual—or harassment in workplaces.

Mr. Andrew Yu: If a Ministry of Labour inspector goes into a workplace to talk to an employer, and the employer does not have a workplace harassment policy, or that policy has not been posted and so on, they would receive an enforcement order and, of course, there would be penalties.

The issue is that having a policy is one thing, but do employers follow their policy even if they have it up? That's where the gap comes in. As long as the employer has a policy, then, pretty much, their obligations are done. The policy could state all these things that comply with the law—because after all, most of these policies are written by lawyers and consultants, so on paper, they look to be perfectly in sync with what the law requires—but in reality, when someone actually comes forward and says, "I have been sexually harassed at work, and this is what happened to me," there's a bit of a gap there.

Ms. Soo Wong: Okay.

The Chair (Ms. Daiene Vernile): MPP Dong?

Mr. Han Dong: Thank you, Madam Chair, and thank you, Mr. Yu, for coming and giving this presentation.

My question is actually similar to MPP Wong's, and you answered part of it. My question was going to be that under the current regulation, or provincial legislation, are employers required to have a harassment policy to deal with harassment reports? You say yes.

Mr. Andrew Yu: Yes.

Mr. Han Dong: My question goes beyond that. Are they obligated to educate the new hires, the employees, about this policy that they have? Without letting them know, this policy is useless, because the employees may not necessarily know their rights in the circumstances.

Mr. Andrew Yu: Yes. There are training requirements with the current law as it stands. The short answer is yes.

But it's more interesting that, quite often, where the gap between training and implementation happens, it's a little bit less on the new hires that are entry-level. Rather, the senior managers and the executives know their policy and so on, but it's just that when they get a complaint, they may not decide to take it seriously.

Mr. Han Dong: I gather that the answer is yes, they are obligated to educate. If they don't, what kind of body would be inspecting this, would be making sure that they come into compliance to this regulation?

Mr. Andrew Yu: As it happens in Ontario right now, in reality, if someone loses their job because of sexual—and they do file a civil claim for wrongful dismissal, if the employer did not follow their own policy, of course, the courts would not look on that very favourably. But in a sense, the prime enforcement mechanism right now is the civil courts in real life.

Mr. Han Dong: That's good to know.

Mr. Andrew Yu: So for complainants who might not really have the resources to take it to court, it might form a barrier.

Mr. Han Dong: Thank you. That's good to know.

The Chair (Ms. Daiene Vernile): Thank you very much. We have a question now from MPP Jones.

Ms. Sylvia Jones: Thank you for presenting. I'm very interested in your comment about the fact that employers should have a window, a deadline, for how quickly they must begin the investigation, which makes a lot of sense to me. But I am curious as to why you suggested 30 days. I'll give the example. The one example you raised was that they had to make the complaint—file the complaint—within 72 hours. I think there are probably some reasoned arguments for why it should be dealt with expeditiously. Quite frankly, because of what it does to the workplace, I don't know why an investigation shouldn't have to start within 72 hours. So tell me why you like the 30 days.

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Mr. Andrew Yu: Actually, personally I don't have an issue with it if it is shorter than the 30 days. When I say 30 days, I'm kind of more thinking what happens if it's, say, a Christmas party situation, where people are not around because of a few weeks off. However—

Ms. Sylvia Jones: So we'll call it 72 working hours.

Mr. Andrew Yu: So yes, something—if it's even shorter than 30 days, there wouldn't be any complaints

from my end. I should clarify: The 72 hours for that particular employer was that they wanted the employees to make the complaint within 72 hours, but this doesn't mean that they are going to begin investigating within 72 hours. It's just that they would look at it and say, "Oh, you made this complaint. This happened one week ago, so that's more than 72 hours. We're just not going to deal with it." That was how that played out in that particular organization.

Ms. Sylvia Jones: Thank you. Do I have a few more minutes?

The Chair (Ms. Daiene Vernile): You do, yes.

Ms. Sylvia Jones: You obviously have experience with having to do some of those investigations. Have you found that the longer the investigation takes to begin, there are things that disappear? Memories fade, the motivation changes. My point is that the sooner that you can deal with those toxic issues and environment, the better it is for everyone involved. Maybe what I'm trying to get you to say and you don't want to say, and that's okay, is that we should be looking at how quickly those investigations should begin. It should be sooner rather than later.

Mr. Andrew Yu: Absolutely. In terms of setting up an investigation to notify the appropriate people that they are going to be involved in that particular investigation, they usually—to make it sort of a fair notification period, especially for people who need to respond to a sexual harassment complaint, you're looking for perhaps, say, one week or, at most, two weeks of notification.

The reason, again, when I said 30 days, it's more that I'm thinking of what is the maximum that can be reasonably still justified, but again, the best practice certainly would be as soon as possible. As long as everyone who is involved who has to provide information to that investigation is ready and actually is adequately notified of their role in the upcoming investigation, the investigation can begin. Again, even two weeks is more than adequate, and, as much as possible, definitely within seven days.

I absolutely agree with you that the longer it is—besides the issues of memory and so on, the faster an investigator can begin, the faster that this movement towards an investigation signals that the employer is taking this seriously, that the employer is not sitting on the situation.

Ms. Sylvia Jones: I agree. Thank you.

The Chair (Ms. Daiene Vernile): Thank you. MPP Natyshak.

Mr. Taras Natyshak: Thank you very much, Mr. Yu, for your presentation and sharing your expertise with us.

I'm just trying to contemplate the concept around the investigator within a workplace. I've got my little handy green book here, our Occupational Health and Safety Act. The ability of enforcement officers is already quite broad, as it is. But I have yet to find—maybe you may want to inform me whether a Ministry of Labour investigator might be the appropriate person to initiate an investigation on a case of sexual harassment or violence

in the workplace, given that they already have powers of investigation—they have lots of powers—and also the elimination of any pecuniary interests. Would you think that that might be an appropriate place?

Mr. Andrew Yu: Well, definitely, if the government so chooses to go that route, then definitely it is possible to write the law to reflect that. The concern I would have is the situation about resourcing and whether in fact the Ministry of Labour would get overly swamped.

One of the situations is that there are many, many different types of workplace complaints. People are not happy at work for many, many reasons. Let me say it this way: There are too many times that it is because of sexual harassment in the workplace. However, there are also many circumstances where people are not happy at work and it has nothing to do with sexual harassment.

The situation is that people perceive that the sexual harassment complaints system could be a way to do something against the employer; there's sort of an incentive to make a complaint and then see if something happens down the road. Personally, from the cases that I've dealt with in my own practice, in about half the cases I see that there is some sexual harassment that has happened, but in the other half of the cases, it's not harassment—but definitely something else has gone wrong at work, or else people wouldn't make a harassment complaint. There's something else that has gone wrong.

To get back to your question, the concern here would be, is the Ministry of Labour going to be sufficiently resourced to actually handle the volume of complaints that are anticipated when the system is open? Because anyone could make a complaint and say, "I was sexually harassed at work," but whether it actually happened to be sexual harassment or not, that is still a conclusion of an investigation.

The Chair (Ms. Daiene Vernile): MPP Sattler.

Ms. Peggy Sattler: The amendments to the Occupational Health and Safety Act address both sexual harassment and domestic violence in the workplace. Earlier in a response, you talked about a training component, but more in terms of employers training their employees so that the employees understand their rights. Are you aware of programs that are delivered in workplaces to help employers understand their responsibilities under the act to deal with both sexual harassment and domestic violence, and also, is there training for employers? The example that you provided of a completely ineffective policy suggests that employers don't really understand their responsibilities under the act.

Mr. Andrew Yu: Certainly if employers seek it out, there are many training providers from law firms, from human resource consultants—even if they were to approach, say, the Office of the Employment Adviser. There are many, many bodies where they can seek out that information.

I think when it comes to why an ineffective policy would be drafted is because this particular employer, yes, understands what the government is trying to do with the

law, but they just don't really agree with it, so they try to work around and see what kinds of gaps there are in the law which sort of make things difficult so they don't need to deal with these things. Certainly the intention back in 2010, when Bill 160 amendments were brought in, was in the right direction, but that is not enough. It hasn't been adequate because there are still these gaps where people who seek out gaps to not deal with these things can get away with it.

The Chair (Ms. Daiene Vernile): Mr. Yu, thank you very much for coming and sharing your comments with this committee today.

Mr. Andrew Yu: Thank you.

COLLEGES ONTARIO

The Chair (Ms. Daiene Vernile): We are ready for our next witness. Welcome. Please state your name and begin any time.

Ms. Linda Franklin: Thanks very much. I'm Linda Franklin and I'm the president and CEO of Colleges Ontario.

Madam Chair, committee members, thanks very much for providing this opportunity to speak with you today about this important subject and our colleges' commitment to working with you to promote awareness and prevention throughout the province on our campuses.

I want to begin by commending all of you for the actions that the province is taking to address sexual assault and sexual violence. I think we have a moment in time, a moment that's long overdue, and I think that the opportunity to do something permanent and important is now, so thank you for taking that initiative.

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The provincial action plan that the Premier announced earlier this month is impressive. Colleges were very pleased to have input into that plan, and we're all very grateful that Ontario is acting on one of the recommendations to improve helpline services throughout the province.

One of the big challenges that our colleges find is that most of them don't have the resources to provide 24/7 coverage, and even if they did, it would likely be from security staff, who aren't always the right person to be at the other end of the phone. So knitting together those helpline services from the resources that are out there in the province, finding a way to provide 24-hour coverage of counsellors who are well trained and able to help, would be really important.

I'm also really impressed with the new ad campaign. It is, I think, a powerful wake-up call to the seriousness and pervasiveness of the problem, and the role of bystanders, which needs to be addressed. As much as it might make us uncomfortable, there is no doubt it will have an impact on people's thinking.

I would also particularly like to commend the work of this committee. I think your efforts will absolutely ensure that this critical issue remains a priority going forward and that all members of the Legislature are working

together to address it. I think that symbolism is critically important as we go forward.

Of course, it's especially important that we promote awareness and protection on our post-secondary campuses. Today, I would like to brief you a little bit about the work we are doing at the colleges to strengthen our policies and procedures for addressing sexual assault and sexual violence. I'd like to also discuss how we can continue working together to ensure that we're as effective as possible.

Ontario colleges have long-standing policies and practices in place to promote safety, protection and awareness. But as we all know, issues were raised last fall about whether we were doing enough. In particular, news organizations such as the Toronto Star were questioning the fact that colleges and universities didn't have distinct, stand-alone policies on sexual assault and sexual violence. It became clear that even though we had policies, oftentimes the information that our students needed to find was buried in policies that were hard to access. It was obviously a legitimate question to ask and important for the colleges to take it seriously.

Within days of this issue being raised, the 24 presidents of our colleges met in Toronto to review how we could build better policies and practices, and understood that there was more that we needed to do. At that meeting, the presidents voted unanimously to create a stand-alone policy template for sexual assault and sexual violence that could be used by each of our colleges to produce something that represented best practice that was common across the college system and that would be publicly promoted at all of our colleges.

A task force was assembled that included senior college leaders, student representation and legal expertise. Our task force began meeting in early December to explore the elements we felt were essential to creating a policy that could be effective and inclusive, encourage individuals who have experienced sexual violence to come forward to report, and ensure meaningful and immediate support is available to them. There were a number of issues—I know it won't surprise anyone on this committee—that needed to be addressed and complex challenges around things like enforcement and legal considerations.

As the stand-alone policy and protocol was being developed, some of the issues that were tackled included:

- providing clear definitions of sexual assault and sexual violence, including a detailed description of consent, which I think you've heard from other presenters today is a critical priority;

- setting clear standards for reporting and responding to incidents of sexual violence, including standards for reporting information in cases where you didn't witness the incident first-hand, but have a responsibility to come forward;

- establishing clear processes for complaints and investigations that respect the rights of the survivor and the accused;

- ensuring that people who make complaints are protected from reprisals, retaliation or threats; and

- ensuring that the confidentiality of everyone involved in the reporting of sexual violence is observed and that the college does its best to respect the confidentiality of everyone.

We have created a protocol that provides clear information to students, staff and everyone in our colleges for filing complaints if a person has experienced or witnessed sexual violence. As I mentioned, there is a protocol for cases where someone has learned of an incident of sexual violence. The roles and responsibilities of the college and its employees are clearly described. The policy and protocol will be applicable to the entire college community on each of our college campuses, and that includes suppliers and contractors that do business with our colleges and are on our college campuses.

In January, draft versions of the policy and protocol were publicly announced and promoted on our website. Colleges then began the work of conducting individual consultations locally with their own college communities.

Colleges Ontario and the 24 colleges have been consulting with a wide number of people, including students and student leaders across the province, the Ontario Women's Directorate, OPSEU, law enforcement experts and sexual violence experts. We have received excellent feedback and have incorporated a number of the essential changes that people suggested in our documents.

We're also particularly grateful for the thoughtful advice and input we have received from Ontario student leaders and students across our province. The students in Ontario have been a leader on this issue and our campuses and have done tremendous work. Every single one of our colleges that went out into their local communities and consulted with their students reported that they received enthusiastic, meaningful engagement from our students and that every one of them was very engaged in trying to help make our campuses safer.

I would like to publicly thank the Canadian Federation of Students and the College Student Alliance for their feedback and recommendations, along with the advice from individual students at all of our colleges.

I'd also like to acknowledge the advice and support we received from the Ministry of Training, Colleges and Universities and the Ontario Women's Directorate. They were part of our task force. They were incredibly supportive and helpful in providing good advice.

The policy and protocol we have developed are templates that will be used at each college. The core elements will be consistent right across the province. We think that's important, particularly for people who change college campuses in the course of their education, so that no matter where they study, they will understand the protocol and the policies in the same way. Colleges have the ability to tailor the policies and protocols to fit distinct circumstances in their communities and absorb any input they got from their own student leaders.

We had publicly committed, when this started, to have a finalized policy and protocol publicized at every college by the end of the month, and I'm happy to report to you that we are going to meet that deadline. On March

31, all the colleges will go live on their websites with their own policies and protocols, which will be consistent across the province.

It's an important step forward, we think, and I'm also proud to say that since this work started in Ontario, and since the Ontario government began this work, we have had inquiries and have shared our policy and protocol with the college systems in British Columbia, Alberta and the Maritimes. It has been used at UBC and other individual institutions. The Michener Institute has picked it up. So the ripple effects of this work that you folks are doing are being felt across the country.

When the University of British Columbia called us, they asked that I share with the Ontario government their gratitude for your work in starting this and allowing them to continue it in their province.

Survivors have to know, I think, that they are in an environment that is welcoming and that reports of sexual assault and sexual violence are taken seriously and dealt with immediately and effectively.

It became clear to us throughout our work that there are areas where the provincial government can certainly help strengthen the measures to promote campus safety. One of the areas, which I mentioned earlier, involves emergency helpline services for survivors. So it's crucial, we think, just to emphasize again that effective helpline services are available to all survivors, regardless of where they live in the province, regardless of when they pick up the phone to make the call, 24 hours a day, seven days a week.

We applaud the province's action plan commitment to integrate and coordinate these helpline services. The Ontario Coalition of Rape Crisis Centres phoned us just after our protocol was announced, saying that they are anxious to help with this and would be happy to put their resources across the province at the service of a more coordinated approach.

While the stand-alone policy and protocol for each college will be publicized next week, we know that really our work is only just beginning. So our task force will continue to meet to examine many of the issues that we think follow from this one, everything from education and training to awareness and prevention programs and the effective communication of the policy and protocol. We'll continue to work with students and student leaders as we go through this process, along with enlisting the help of community organizations that have come forward to offer meaningful advice on all these areas based on their experience.

We believe that the successful implementation of the action plan requires all of us—government, colleges, students, community organizations, and leaders in this area—to work collaboratively. We're looking forward to receiving more details about some of the new initiatives in the plan. But from our perspective, the extent to which we can coordinate activities, ensure that training resources are consistent across the province, that awareness campaigns are consistent so we're not asking colleges to develop 24 different plans and we don't have everybody

in the public sector developing their own separate plan—to the extent that you folks can help coordinate this, it would be really helpful. Then we would be assured of a certain measure of best practice right across everything we're doing, which will be important.

1740

We share your commitment to the expansion of training for employees and we've begun discussions about what's needed. We hope, again, there will be details forthcoming about the expectations and potentially some resources for training so we can begin that work as soon as possible.

We believe that for us, the deadline—I think it's embedded in the action plan—is the start of classes in the fall this year. As you can imagine, it will be challenging to develop all of the resource materials and the training required by then. We're very committed to doing that, but, again, the sooner we get information on the details of this and how the province wants to engage versus how they would like colleges to engage—what we're going to do together—all of that information will be very helpful.

Finally, we want to work in partnership with the province to ensure that the new reporting requirements are clear and that we meet the government's expectations. We also want to be sure that we work together to make sure that we're reporting on the right things. You can report on a lot of stuff, but if you're not reporting on the right things in the right way and you're not being monitored and measured appropriately, oftentimes reporting ends up looking more like a shield against actual progress than it does measurements of real progress made.

As this process unfolds, we'd also encourage the provincial government to look at similar reporting standards for the broader public sector. There's no question that this is a critical issue on our campuses, but it's no less important in other areas of our lives, and I'm not sure why we would single out campuses and say, "You folks should report on progress, but we don't think others should have the same obligation." We think reporting is a critical element of this and a particular issue around ensuring accountability. We'd ask you to think about that as you go forward.

Ontario, as I said, is leading the way on this issue. We're hopefully demonstrating some leadership in our communities that others can build from because the safety of our students and everyone on our campuses is paramount.

I thank you for providing me with this opportunity to meet with you today. Thank you so much for your leadership on this really critical issue. We look forward to working with you as we go forward on ways that we can strengthen our resolve around this area and make sure that when we lose this moment in time, we don't lose the initiative.

The Chair (Ms. Daiene Vernile): Thank you, Ms. Franklin, for sharing your information with us. We have a question for you now from MPP Scott.

Ms. Laurie Scott: Thank you very much—excellent presentation. I have to commend all the colleges. You

certainly took action quickly. I think we're learning from you in your presentation today. I don't know what you can maybe allude to if I ask some questions on your plan because you're going to launch it in less than a week. That's pretty impressive.

We have the action plan that was presented. Do you see some specifics maybe from that action plan, how money can be channelled to the colleges for what you were looking for?

Ms. Linda Franklin: Sure. I think one of the critical things for us is that we have an immediate requirement now to train staff in the college system and build awareness around this policy and protocol. We'll launch it on 31 March, and then what?

Initially we're going to start with webinars that people can use across the province to start to understand what the policy looks like. But training is challenging and expensive, especially in our smaller communities. Our original impulse—at least mine—was to say, "Let's have one go-to person on each campus." You pick up the phone and they're there with the answer. But our student representative said, "Look, that's not going to work because the person you've designated may not always be the right person for a particular person to call."

That means that training will have to be fairly broad-based. We don't know where a young person who has experienced sexual violence—or an employee—may choose to go first. Figuring out how we fund that training across the province, even if we do it jointly in as coordinated a manner as we can, is probably the first place for some serious consideration of funding.

I think the other thing—and this is more a coordination effort. The other thing the action plan speaks to is awareness campaigns across the college campuses, again starting at orientation. We've said that it will need to be throughout the time that our students are with us because many of them don't go to orientation or they don't remember much of orientation by the end of it, and people come in and out.

I think one of the key issues for us is, to what extent can we coordinate that work? The CFS has done a lot of work. They have big awareness campaigns now. Many of the other organizations that work on sexual violence issues have campaigns. Our hope would be that the province can bring some coordination to bear on this, so we don't have, as I say, a thousand people developing individual policies, some of which might be terrific, and others maybe not so good.

Ms. Laurie Scott: How much time do we have?

The Chair (Ms. Daiene Vernile): Yes, for a quick question.

Ms. Laurie Scott: Well, I will just put out a couple of comments on the medical services that are available on site in the colleges, and then also Ms. Jones and I were discussing Telehealth, if there's a role for the crisis hotlines. I don't have the answers. I'm just kind of throwing things out.

The ads that are out there, I think, are quite effective, that are happening right now. Each of the colleges can

decide whether it's posters or how to communicate. But I don't know if you had any comment quickly, in the probably no minutes I have left.

Ms. Linda Franklin: Sure. So given the eight parts of that question, Laurie, and the 30 seconds I have—

Ms. Laurie Scott: That's how my mind works. Sorry.

Ms. Linda Franklin: So Telehealth, yes, and we're also, of course, working on best practices for mental health. There's now a helpline around that. Those resources, I think, are critical, because as you all know, health issues and mental health issues go along with this. So how we coordinate those resources is critically important, especially because we don't have unlimited resources. So doing this well matters.

There are some health resources on college campuses, but each of them—one of the jobs in this protocol was to say to the colleges, "As you develop your local one, go out and identify all the local resources that are in place, and provide an appendix for students with easy links so that if they want to go to one of those resources first, they can find it easily." So there are some resources available to students on campus, but in case they choose to go someplace else, there are other resources that will be in the protocol.

What was the other part?

Ms. Sylvia Jones: That's pretty good.

Ms. Laurie Scott: I think that pretty much covers it.

You've been very impressive on leadership in the colleges and in your presentation, so thank you very much for coming.

Ms. Linda Franklin: Thanks.

The Chair (Ms. Daiene Vernile): Thank you. Questions now from our NDP caucus? MPP Sattler.

Ms. Peggy Sattler: Thank you very much. I just want to echo MPP Scott's comments about the responsiveness of the college system to this issue as soon as it was flagged and the extensive work that you've done to develop this policy.

I think you were here for an earlier presentation that this committee received from the people from WomenatthecentrE. It really emphasized the importance of engaging survivors in both the development of policy and in an ongoing way in terms of implementation. I wondered if you could talk a little bit about whether you did engage survivors, young women who were comfortable identifying as survivors, and what impact that had in the development of the policy.

Ms. Linda Franklin: Sure. Yes, in a couple of cases directly and in a couple of cases indirectly, if that makes sense. It goes to another issue, I think, that was talked about by that group around accountability. I don't think there's any question that the involvement of survivors is critical as we go forward. They have an expertise that others don't have. They have a perspective that is critical. So I think that's incredibly important.

I think the other thing that's really important, that one of the survivors that spoke to us said, is this issue around accountability. It was a very interesting conversation, because she basically said, "Listen, part of the challenge

you're going to have for any of these policies to work is how do you have third-party verification that things are being handled well?" In any institution, there is an actual negative consequence, potentially, for doing the right thing. So you hear a report of sexual assault, you act, you express publicly the action that was taken, and in some cases, you get a bit of a hit in your community, because is the campus safe? Maybe it's not; maybe my child shouldn't go there. There is no consequence on the other side for doing the wrong thing, for not having the moral courage or authority to do what needs to be done when a survivor comes forward.

So I think that you always have to hold administration accountable. They are ultimately accountable for what goes on in their institutions, and they have to be held accountable for doing this in the right way. But I think a piece of that accountability from the survivors' perspective is, how do you make sure that somebody else has eyes on the process so that you know there is a check and balance, that things are going well?

Also, if you were a survivor, and this was her main point, how would you know, if there's a reporting, which the action plan requires—let's say that every six months, all the institutions report what they've done to the government. How does a survivor know that what's been reported is actually what she experienced, what happened? I think from the perspective of survivors we spoke to, there's also a challenge about how you figure out how to open that reporting so that survivors, particularly if they wanted to report anonymously, have a way of understanding that what's being reported to government is actually what they experienced. So those would be some of the takeaways.

The Chair (Ms. Daiene Vernile): Thank you very much. We're going to take a question now from MPP Lalonde.

Mrs. Marie-France Lalonde: Thank you, Ms. Franklin, for joining us. I'll echo what our colleagues here are saying. I commend you for all the work you've been doing. It's great to see that leadership.

I don't want to ramble, but I need to ask you some questions. I guess there's one component that we haven't heard and I wanted to know about: How are we addressing some of our international students who are on our campuses? Like I say, it's great, but that's one piece that we haven't heard. So I was wondering if you can explore a little bit on that.

Ms. Linda Franklin: Only because I think from the colleges' perspective there is really no difference—that sounds a little naive. We know there are all sorts of cultural differences and challenges, but at the end of the day, the colleges' view is that wherever their students are coming from, the policies and protocols will apply to everybody equally. So as they go through, part of their

consultation—some of the campuses, as you know, are very internationalized; some of them not so much. If you're in the GTA, you tend to be more internationalized. For some of those campuses, their local consultations included discussions about how we can make sure we bring students from other countries into the discussion. I think the larger question is, really, awareness and prevention training: How do you make sure that those elements are culturally sensitive and appropriate and that it brings those students into the picture as well, and make sure they understand what the requirements are?

Mrs. Marie-France Lalonde: Thank you, because you're leading to my next question. We know we're taking measures—you're taking measures; we have this wonderful ad. But from your experience and your expertise—and that's the million-dollar question, probably, that I'm asking—how can we prevent this from happening?

Ms. Linda Franklin: Well, you know, I think this is an iterative process, to be honest. When I was at the college of physicians in the late 1980s, we did a sexual assault task force that I was the lead staff person on, and you'll notice we still have problems today. By the end of that process, which was very gut-wrenching, we had filing cabinets full of reports from women, many of them anonymous, who did not want to report, but wanted us to hear. So even through that process, and all sorts of recommendations and all sorts of outside help, we haven't solved the problem.

I think, really, all we can do is our best to keep this top of mind and not find ourselves in the position we are today, where, because there's a moment in time that probably started with Jian Ghomeshi, that isn't the only trigger for paying attention to this issue and moving forward—that we measure ourselves every year on the progress we've made that we make sure that it always informs our thinking going forward. I think, really, that's the only way to make progress. It's a complex, challenging issue that covers so many areas. We're not going to wave a magic wand and solve it tomorrow, but I think if we have goodwill, seriousness of intent and determination, we'll make it better every year.

The Chair (Ms. Daiene Vernile): Ms. Franklin, on behalf of the committee, I would like to thank you very much for coming and speaking to us today and sharing your information with us.

To guests whom we have here in the room with us, thank you very much for being present and participating as well. And to our committee members, I would say that that was an excellent first meeting we've had with our witnesses.

This committee stands adjourned until our next meeting.

The committee adjourned at 1754.

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