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Vendredi 22 janvier 2016

Standing Committee on Social Policy

Sexual Violence
and Harassment Action Plan Act
(Supporting Survivors
and Challenging Sexual Violence
and Harassment), 2016

Comité permanent de la politique sociale

Loi de 2016 sur le Plan d'action
contre la violence
et le harcèlement sexuels
(en soutien aux survivants
et en opposition à la violence
et au harcèlement sexuels)

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Friday 22 January 2016

Vendredi 22 janvier 2016

The committee met at 0830 in room 151.

SEXUAL VIOLENCE
AND HARASSMENT ACTION PLAN ACT
(SUPPORTING SURVIVORS
AND CHALLENGING SEXUAL VIOLENCE
AND HARASSMENT), 2016

LOI DE 2016 SUR LE PLAN D'ACTION
CONTRE LA VIOLENCE
ET LE HARCÈLEMENT SEXUELS
(EN SOUTIEN AUX SURVIVANTS
ET EN OPPOSITION À LA VIOLENCE
ET AU HARCÈLEMENT SEXUELS)

Consideration of the following bill:

Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters / Projet de loi 132, Loi modifiant diverses lois en ce qui concerne la violence sexuelle, le harcèlement sexuel, la violence familiale et des questions connexes.

The Chair (Mr. Peter Tabuns): Good morning. The Standing Committee on Social Policy will now come to order. We're here to resume public hearings on Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters.

We'll begin with presentations. Each presenter has a 15-minute time slot. They have up to 10 minutes for their presentation, and the remaining time may be used for questions from committee members. Members, if there are more than five minutes remaining in each time slot, we'll divide it among the three parties. Otherwise, we'll give it to one party in rotation.

MR. SA'AD SAIDULLAH

The Chair (Mr. Peter Tabuns): Our first presentation is Mr. Sa'ad Saidullah. Mr. Saidullah, if you'll have a seat and introduce yourself for Hansard. Please begin.

Mr. Sa'ad Saidullah: I've done that for Hansard.

Good morning. I thank you for the privilege of addressing your committee. Bill 132, which is An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters, is an important piece of legislation sponsored by

the minister responsible for women's affairs. This bill is said to be likely to become law on 1 July 2016, once it receives royal assent.

On the basis of the information provided to me by the office of the Clerk of the Committee, I believe that various other parts of legislation, such as family law, the Family Law Reform Act, the depiction of sexual violence in the media as evidenced in Judy LaMarsh's royal commission, and the report on systemic discrimination in the criminal justice system, which collected examples of sexual violence in the criminal justice system, have perhaps not been highlighted in the information provided to me.

Similarly, offices and officeholder functionaries such as the Ombudsman, privacy commissioner, the Public Guardian and Trustee, the client representatives in the Office of the Children's Lawyer and others in the public service and their originating legislation are not referred to or reviewed in Bill 132.

Although there is reference in the Private Career Colleges Act, 2005 that—there is no mention of the status of women offices, ombudsmen and women's safety offices at various colleges and universities that this Legislature has funded and provided financing for through the public exchequer. Their work is not alluded to, and in many instances, these positions, financed by taxpayers' funds, have been collapsed and the salary and budgets for these offices added to the base budget of the educational institutions.

For example, at the University of Toronto, across the street, the ombudsman, who was financed since 1975 through to 1976 and onwards, the status of women officer and the student-supported, as well as university-financed, sexual harassment office at the University of Toronto, known as SHOUT, are no longer in place and the taxpayer funds have been amalgamated into the base budget of these colleges and universities.

I wonder how the Legislature can afford to ignore the reallocation of these funds, the lack of disclosure, and the failure to review and report on the work of these offices to the Legislature once these offices and officeholders are no longer in place.

The police powers of colleges and universities are alluded to in Bill 132 in the collection, compilation and collation of data incidents of sexual violence. But the supervision and control of our men and women and their accountability for themselves for not committing sexual

violence has not been considered. There is reference to the statutory right to make regulation by the Lieutenant Governor in Council, for example, in schedule 3, subsection (9), but it is not entirely clear which level of authority or hierarchy in the educational system and other places will be involved in regulation- and rule-making. It is also not clear or sure what is meant by “supports” and “accommodations” relating to sexual violence, which is mentioned in schedule 3, clause (9)(e) and subsection 7(1).

Moreover, the collection of data and information from students and others is a rather widely distributed power being delegated to the Ministry of Training, Colleges and Universities.

The removal of a limitations period, which has barred compensation for victims of crimes, and changes to the Limitations Act, 2002, may mean that persons can be charged and become subject to legal proceedings many years later—even a lifetime or more later. Generally in tribunal board proceedings, the trend is to permit the tribunal board, such as the Criminal Injuries Compensation Board, to have discretionary authority to waive or condone the limitation period barred. That is, the tribunal board hears the arguments for condonation of delay to set aside the limitation expiry period on a case-by-case basis and then proceeds to hear the merits of the case and decides about the facts and the application of laws, rules, regulations to the facts of the situation.

Repealing limitations to allow for all sorts of litigation and to create opportunity for long-delayed claims, as opposed to permitting merely condonation of delay and authority to hear cases on matters to which laches is attached and the period of limitation has expired—which has been done in the past under the authority of the Legislature—delegated to boards and tribunals might, perhaps, be well worth considering.

The Legislature itself contemplates delegating regulation-making powers to colleges and universities for sexual violence incidents. Similarly, the delegation of authority to condone delay and waive laches might also be delegated to boards and tribunals, such as the Criminal Injuries Compensation Board, for victims of sexual violence.

Omitted from the preview of legislation and perhaps not brought to the attention of the members of the committee on social policy—and remain the focus of members of provincial Parliament and of this committee—appears to be the critical need to address the innate capacity of men and women in uniform, carrying handcuffs, manacles and weapons, moving around on motor vehicles, equipped with police cars and other motor vehicles at times, to inflict sexual violence of women, youngsters, teenagers, girls, minors, young boys and the elderly. In a sense, there is a significant omission in the proposed legislation in that the ability of security firms and armed guards which have proliferated and increased greatly in their numbers, mobility and capacity to inflict violence, including sexual violence, on all sections of society, including the elderly, the young and

vulnerable has not been looked at and examined, and this ought to be regulated, structured, checked and confined.

This is merely based on what has been provided, in terms of information to the public. It appears that the powers are perhaps not subject to citizen control of the Legislative Assembly of Ontario and that in the persons of armed guards and armed security personnel with weapons and lethal training, there might be controls that the Legislature has built in. But it appears, on reading this bill, as proposed, that scrutiny and control is not really something that this committee on social policy has looked at in this particular piece of legislation that has been proposed.

In terms of the media and its linkage with the committing of sexual offences, as demonstrated by Judy LaMarsh’s commission in the 1970s, I cannot see how and why there has been so much departure or deviation from the standards that the federal government laid down in its communications policy, media review and appraisal mechanisms.

I’m grateful that your committee is working on this Action Plan to Stop Sexual Violence and Harassment and wish you all success in the months ahead to achieve a fair and equitable society. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. We go to questions. We have two minutes per party. We’ll start with the official opposition: Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Mr. Saidullah, for joining us today. You clearly have done a very, very comprehensive analysis of the legislation—probably more than we are able to digest—in all of the proposals that you’ve made today or the things that you’ve suggested that the bill may not address. I’m sure that the committee and the bureaucracy will be taking a look at the Hansard and reviewing what you’ve had to say here today.

But I do want to ask you in a general sense. In the Legislature, we’ve had pretty unanimous support for this legislation. We believe that it is a significant improvement over the status where we are today. Would you share that view, that there is progress being made with this legislation?

0840

Mr. Sa’ad Saidullah: I am not able to speak to that, because I actually don’t know how the legislation is presently being phased in. So I’m not able to speak to you as to what the impact is of the changes in the proposed legislation.

My sense is that, yes, the legislation is important. It’s high on the public agenda, and the Legislature and members of the committee have raised an important issue. But how it would work out in the actual implementation is for the Legislature and those who examine the impact of legislation to respond to. I don’t know, given what I know of the proposals at the present time.

Mr. John Yakabuski: But you have examined it quite thoroughly.

Mr. Sa’ad Saidullah: Yes, sir.

Mr. John Yakabuski: Do you have a view that what is in the legislation could, if implemented properly, result in an improvement over the circumstances envisioned today?

Mr. Sa'ad Saidullah: Yes, sir.

Mr. John Yakabuski: Thank you very much. I appreciate that.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Yakabuski. We go to the third party. Ms. Sattler?

Ms. Peggy Sattler: Yes, thank you very much for taking the time to come here today and for sharing your thoughts on the legislation.

You had some comments about the removal of the limitations period, and the role of the Criminal Injuries Compensation Board. In your review of the legislation, when you were looking through what is actually stated in the legislation, did you have some thoughts about a specific amendment that you would propose to address the concern that you raised? From what you said, my understanding was that you would like to see the Criminal Injuries Compensation Board have the ability to use its discretion to decide about the removal of limitations. Is that what you were proposing?

Mr. Sa'ad Saidullah: My sense is that many tribunals and boards have been delegated the authority or the power to condone delay. It's in the legislation for various social justice tribunals that exist in this province that there is a checkpoint: that if there is a delay, then you highlight it and then apply to the tribunal board.

In the case of the Criminal Injuries Compensation Board, the board itself might be delegated the authority, and you could therefore create or devise rules and regulations about what the condonation of delay would be.

Just entirely doing away with the section seems to me a rather strange thing, because that means it would open it—if the whole section is deleted, the Limitations Act does not apply. Then, presumably, it would be the same case as it is said to be for murder, where, if there is an allegation that someone murdered, you could be tried, as is presently the case, many years later. So it would be also for sexual abuse, so a person might be responding from retirement or having relocated and moved to another country.

I think a condonation of delay, or a mechanism of that sort—which does exist, so there is documented evidence as to how it works, because it is in place in various social justice tribunals—might be worth looking at.

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say, you're out of time with this questioner. We go to the government. Ms. Malhi?

Ms. Harinder Malhi: Thank you so much for being here today. After hearing your presentation, I was hoping that you would comment on any specific language that you may want to see added to the bill.

Mr. Sa'ad Saidullah: It's not for me to suggest language. I actually, when I read the bill, find it difficult to understand, which I actually did have in my written thing. There are words used in terms of the Private

Career Colleges Act—"supports" and "accommodation" in terms of sexual violence—so I'm not sure what I understand or make of the terms "supports" and/or "accommodation."

"Supports," to me, suggests, if you are talking about sexual violence, things like corsets or trusses, or architectural features in a bridge, so I'm not sure what "supports" means, nor do I understand how the term "accommodation" is there in the bill. I don't quite understand what it would mean.

So I don't have suggestions—I'm not here to make suggestions—as to what the language should be. It's not really my work.

My sense is that when this bill actually is implemented in the form that lawyers or those who work in government would look at, it would be in the table of contents and it would just be in summary form—read this for that, and read that instead of this. It would be just a tabular sort of form that lawyers and those who are in the justice system would look at, including social workers. My sense is that the terms that I find most difficult to understand are "accommodation" in terms of sexual violence, and also the term "supports."

Ms. Harinder Malhi: How do you see this bill helping survivors?

Mr. Sa'ad Saidullah: I actually cannot speak to that. It's beyond my competence. I think for that you'd have to speak to those who are working with survivors of sexual violence in rape crisis centres, who are women and men, and their accounts as to how it would impact directly on their day-to-day work. I actually would not be able to address that.

The Chair (Mr. Peter Tabuns): With that, we're out of time for this questioner.

Thank you very much, sir, for your presentation this morning. We're going to go on to the next.

Mr. Sa'ad Saidullah: Thanks.

COLLEGES ONTARIO

The Chair (Mr. Peter Tabuns): Members of the committee, some people are not quite ready to present yet, but Colleges Ontario is here, so we're going to vary the order.

Colleges Ontario: Linda Franklin. Ms. Franklin, as you've seen, you have up to 10 minutes to present, and then we go to questions. If you would introduce yourself for Hansard.

Ms. Linda Franklin: Terrific. Thank you very much. Mr. Chair, members of the Standing Committee on Social Policy, I'm the president and CEO of Ontario's 24 colleges, and Colleges Ontario is the name of our organization. I'm really pleased to have this opportunity to speak to you today about Bill 132.

I'd like to give you our feedback on the legislation and the accompanying regulations and make some suggestions about how they might be enhanced, but first, a word or two about our activities in this area. As many of you will know, colleges are leaders in addressing concerns

about sexual violence on our campuses. It's a priority at every one of our campuses. When questions were first raised in 2014 about the need for stand-alone policies, Ontario's colleges responded immediately.

The presidents of the 24 colleges met to discuss an action plan and decided to work together. They developed a comprehensive and effective stand-alone policy on sexual assault and sexual violence. It was released by the following March. Our commitment was clear. We're committed to campuses that are safe and where everyone knows their rights and responsibilities. We're committed to ensuring that effective and immediate support is available for survivors of sexual assault and sexual violence. Our consultations included input from student leaders, legal experts, the Ontario Women's Directorate, OPSEU, government officials and others.

Building on existing policies and practices, our policy and protocol provides precise definitions of sexual assault and sexual violence, sets clear standards for reporting and responding, and establishes clear processes for complaints and investigations, many of the things the legislation in front of us today requires. The policy also includes measures to ensure that individuals who make complaints are protected from reprisals, retaliations or threats. Our policies and protocol have been a template that has been used across the country. Ontario has led in this initiative and many of our provinces are following us now.

Our colleges support the action that has been taken by Queen's Park on this issue, and I'd like to commend all of you for the work you have done. The ads created by the government were very powerful, and MPPs from all three parties have played a leading role in raising awareness of this issue and the need for change. To me, it's bipartisanship at its very best on an issue of critical importance.

Our colleges will continue to ensure that we are fulfilling the expectations and requirements of the government's action plan. Last summer, we ran two train-the-trainer workshops on bystander intervention and offered to help colleges prepare for student orientation. As a result, the colleges also ran awareness campaigns as part of orientation in order to teach students how to look out for each other and prevent unsafe situations. To help staff in community colleges understand sexual violence policies and protocols and their obligations, two more colleges stepped forward and developed an online training module that was available and used by all colleges.

We fully support the government's action plan to end sexual violence and the introduction of Bill 132 as an important part of that plan. Recently, our task force went through the bill and the regulations, and we have a couple of suggestions.

One area—the only area really—in the bill that I would like to highlight is with respect to schedule 3 of the bill, section 17(3)(a), which says that every college or university shall have a sexual violence policy that “specifically and solely addresses sexual violence involving students enrolled at the college.” We think the

intent of this was to say that the policy had to be solely a stand-alone sexual violence policy, but in fact, our lawyers suggest that how it actually reads is that the policy is solely about students. That concerns us, because we think it's confusing for students who may be employees of the college to know where they should go and what policies apply to them, and we think, frankly, that a stand-alone policy on sexual violence that applies to our entire college community is going to be more effective. Otherwise we're going to have to produce parallel policies that address themselves to others other than students. I'm not sure that that was what was intended, so we would respectfully request that the words “and solely” be removed from that section, or that the language be tweaked to make sure it applies to “solely” about sexual violence.

0850

The other thing we'd like to talk about is better reporting requirements in the bill. A great deal of care has gone into creating the requirements to make sure they serve the best interests of survivors of sexual violence, but there are some comments about the regulations that MTCU will be developing that I'd specifically like to address. First and foremost, college policies and protocols are intended to support students who have experienced sexual violence and harassment, and reflect a victim-led or survivor-led approach. This means that, to the greatest extent possible, the wishes of the person experiencing the incident must be respected.

However, it must be recognized that there are some limits to the college's ability to respect these rights. For example, if a survivor requests that an incident not be investigated, the college administration may not be able to fulfill this request if the alleged aggressor is a threat to others. A college has an overriding duty to protect the safety of the campus community. It is essential that the regulations not restrict our ability to carry out that duty. Of course, the survivor still has the right to refrain from participating in an investigation.

I'd like to now speak about a requirement that may be a bit overly prescriptive. These incidents are very personal and individual, as you know, and colleges treat them that way. Asking us to list the full range of measures to be taken and supports to be provided to a victim, as the regulations now envision, may limit our capacity to implement measures and supports that best respond to the needs of individuals. Imagine trying to produce a laundry list of all of the varying measures you may take when it relates to a particular individual that might have very specific needs. Our suggestion is that we be asked to provide a list of the sorts of measures that we would take, but that those not prevent us from taking other measures. It ought not be a list that excludes other options.

We are also aware that there may be incidents involving students and employees. We would ask your legal experts to make sure that there are no conflicts between the requirements of the new regulations and the requirements of the Occupational Health and Safety Act and the workplace violence act. Those two acts have to work

together, and so we just want to be sure that this act has precedence.

Lastly, I'd like to raise one important point about college processes and approvals of this policy. Colleges recognize that good governance practices are pretty critical to the effective management of any institution. We offer a highly-regarded training program on good governance for our boards, and we've had requests for that program from a number of outside agencies, including from the Bank of Canada.

Right now, we know—all of us do—that colleges have appropriate policies in place. We know that because boards require of their presidents that they put those policies in place. So it's the board's responsibility to make sure that the senior staff are putting appropriate policies in place. If the board were asked to approve every policy and process in detail, the board members would be inserting themselves into the operational details of the college—areas that they're not really as cognizant of as the senior staff and not as equipped to comment on. So it should be up to the board to require the CEO to carry out these duties. We urge you to make this a requirement of the legislation, rather than asking that the boards each approve every word in the actual policy itself. It's really in the service of good governance.

Finally, I just want to highlight that colleges are committing significant resources to the many steps we are taking to create safer campus communities. We are supportive of this legislation and everything it involves, and the direction in which it takes the government. It's a priority in Ontario, and we applaud that.

I would urge the government to think about investing in the initiatives at colleges. Currently we have done all of this work without a single dollar from government. We're proud of that and we're capable of it. But going forward, the supports that victims and survivors will need will probably need engagement from government as well.

In closing, I would just like to thank you for your time and for your commitment—all of you and all of your parties—to this particularly important issue. Thanks very much.

The Chair (Mr. Peter Tabuns): Thank you very much. First question goes to the third party. Ms. Sattler?

Ms. Peggy Sattler: Thank you very much for being here today, for your presentation and for your leadership in what the colleges have done to address this issue when it first emerged.

I have a question: You mentioned that your template policy included clear definitions of sexual violence. There is a definition of sexual violence included in the legislation. This is our third day of public hearings. We've had some feedback about changing the definition to reflect the fact that sexual violence is often associated with intimate partner violence or domestic violence. Did you have any discussion at the college level about reflecting intimate partner violence or including it in the definition of sexual violence?

Ms. Linda Franklin: No. We thought in our protocol our definition was broad enough to cover those areas. I

don't think we have an opinion on whether or not you should add those.

Ms. Peggy Sattler: Okay. You talked about the role of the board and your concern about making the board responsible for approving the policy. Were you referring to some specific section of the bill?

Ms. Linda Franklin: Yes. I'm struggling now to recall but there is a specific section of the regulation that MTCU is developing that says specifically that the board needs to approve these policies.

Ms. Peggy Sattler: And you want it to be that the board, through the CEO, is—

Ms. Linda Franklin: Exactly, or that the board require the CEO to have these policies in place.

Ms. Peggy Sattler: Finally—as I mentioned, this is our third day of hearings—we've heard consistently a recommendation that the section that details the information to be collected by the minister—that the vehicle for collecting that information be a climate survey of post-secondary students. You didn't mention that but do you have any views on a climate survey as the tool to collect the data?

Ms. Linda Franklin: Actually, our group, which includes the former head of the metro Toronto police task force on sexual violence that investigated the Jane Doe case—we don't agree with that proposal.

The Chair (Mr. Peter Tabuns): I'm sorry to say, with that, you've run out of time with this questioner. We go to the government. Ms. McGarry?

Ms. Linda Franklin: More to come.

The Chair (Mr. Peter Tabuns): More to come.

Mrs. Kathryn McGarry: There's never enough time, I can assure you of that.

Ms. Linda Franklin: It's so true.

Mrs. Kathryn McGarry: But thank you for your presentation today. In the presentation you talked about how OHSA and Bill 132 need to work together. Certainly the OHSA regulations do cover employees on campus, as we know it now. The students were not covered—and are not covered until, hopefully, this bill passes—in order to have their stand-alone sexual violence policy. I know that there's been a lot of discussion on how these two are going to work together, and we've heard from a number of different campuses.

My question is: Do you have any specific language that you would like to see included around having those two acts—and also the workplace violence act—work together to cover everybody?

Ms. Linda Franklin: You're a little ahead of us. We do have one of our lawyers looking at that wording now.

The real concern for us is just—you're right, this policy would cover students, but a good number of students, especially on college campuses, are also employees of the college. It's that clarity that we want to fix.

Mrs. Kathryn McGarry: Yes. So any suggestions further, because we will be doing further work on that? That specific part would be very helpful.

Ms. Linda Franklin: I'm very happy to do that.

Mrs. Kathryn McGarry: Please do that.

The other thing I wanted to address was the stand-alone policies. I know that we've heard from many student groups and campuses that are very happy to have their stand-alone policy that's unique to each campus because they have their own student bodies, a certain culture and certain demographics. They're very happy to work on that one for that campus. When that comes to being approved by the board, I believe that's why the students would prefer that. Can you clarify what you mean again—

Ms. Linda Franklin: Sure. So just to clarify, we produced a policy and protocol that every one of the college campuses used, but each one of them, when they got that, went out for consultations on their own campuses. Many of the policies—

The Chair (Mr. Peter Tabuns): Again, I'm sorry to say, you're out of time with this questioner. I urge all questioners to have short questions. Ms. Scott.

Ms. Laurie Scott: A very quick thank you for your leadership. The colleges were first off the mark in the select committee presenting before us and going out to their campuses and forming a policy. I really appreciate that.

I'm going to follow up a little bit on Ms. Sattler's question about the climate survey, because we heard a lot from the universities about not really wanting the mandatory reporting and just a climate survey. I will let you have your time; please comment.

Ms. Linda Franklin: There is nothing wrong with surveys, obviously. We survey our students about everything all the time. I think they're surveyed to death, frankly. Part of the challenge, I think, is that oftentimes it's easy to manipulate surveys and I don't think you always get hard information from them. I think it's good to give you a general sense of the world, but if I were a survivor of a sexual assault I would want to know that if I brought information forward, somebody was making sure that it was documented that there had been an incident and that it had been investigated. If I wanted to go back—I had a woman come to me and tell me that she had, years ago, complained of a sexual assault on campus. To this day, she has no way of knowing what was done, whether it was done or who took care of it.

0900

I think there is value in hard data and information so that if sexual assault victims/survivors want to know that their incident was investigated, there's a way into that information. I think it's imperative that the campuses—I know there are challenges, because if you start to say, "I've had 15 investigations," you could, as a member of the general public, feel, "Oh, my God! That campus is really unsafe," when, actually, what it means is that that campus is doing a great job of making sure that survivors come forward.

I think that we're going to have to manage that, but I don't think it mitigates against the need to have reporting that's very specific.

Ms. Laurie Scott: Thank you.

The Chair (Mr. Peter Tabuns): And with that, your time is up. Thank you very much for your presentation.

Ms. Linda Franklin: Thanks very much.

ELEMENTARY TEACHERS' FEDERATION OF ONTARIO

The Chair (Mr. Peter Tabuns): Members of the committee, we are going to vary the order again, at request. Could we have the Elementary Teachers' Federation of Ontario come forward?

As you may have seen already, you have up to 10 minutes to present, followed by questions, and if you'd introduce yourselves for Hansard.

Ms. Victoria Réaume: Thank you very much. Good morning. I am Victoria Réaume, the general secretary of the Elementary Teachers' Federation of Ontario, or ETFO for short. I'm here today with Valence Young, our staff specialist on health and safety matters, and Carol Zavitz, our staff specialist from our equity and women's services department. Thank you for granting us this time.

For those of you who don't perhaps know ETFO that well, we represent 78,000 teachers and other education workers employed by English-language public school boards. Of note, 80% of our members are women. We appreciate the opportunity to participate because the issue of sexual violence and harassment is very, very important to us and our members.

We have long represented women, our members who have experienced sexual harassment and sexual violence in the workplace and, indeed, in their homes. Our members also have direct contact with violence against women through their work, of course, with children and with families affected by violence against women.

We applaud the vision of the women's directorate and the government in moving forward with *It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment*. The television ads are excellent, and we're happy to see that they've gone viral. We urge the government to implement a sustained multimedia plan because a profound change in public attitudes is indeed necessary, as indicated in the action plan. We wholeheartedly agree with this.

Bill 132 is an important element of the action plan, and the purpose of our submission, which has been distributed to you, is to set out ETFO's concerns about workplace violence and harassment in our workplaces and to provide you with some of our recommendations to strengthen Bill 132. Many of the issues we address relate to the absence of definitions for various forms of workplace violence, a problem that gets to the core of whether the bill's proposals will have meaningful effect.

Bill 132, in its structure, attempts to build on the more general structure of protection in the workplace against workplace harassment and violence established with Bill 168 and the changes to the Occupational Health and Safety Act. We're concerned that the current provisions for workplace harassment and violence have not been sufficiently effective in protecting our members. Through

its action plan, we believe the government has acknowledged the gaps and that changes need to be made.

We feel that the current gaps can, in part, be attributed—perhaps in large measure—to the lack of workplace violence and harassment training for supervisors and workers and the lack of employer and government resources to support the implementation of effective workplace violence and harassment policies and programs.

We've identified seven key issues in our submission on page 3. I won't repeat them here, but I will touch briefly on our issues about definitions.

“Workplace sexual violence” and that definition: The terms “workplace sexual violence” and “workplace sexual harassment” are not currently included in the definitions or the requirements for workplace violence and workplace harassment under the OHSA. The current provisions of Bill 132, as proposed, would incorporate “workplace sexual harassment” into Bill 132, but would continue to exclude a definition of “workplace sexual violence,” and we think that this is a problem. We're concerned that this distinction will be interpreted to erode the meaning and the capturing of the prohibitions against sexual violence in the workplace. We say this because several adjudicators have interpreted the harassment provisions of the OHSA quite narrowly, giving a narrow scope of responsibility on employers as compared to the OHSA's violence provisions. Ontario Labour Relations Board jurisprudence has suggested in some rulings that the OHSA requires only that an employer establish a policy, and not that the employer must provide a harassment-free workplace. Those two are very different.

This has been contrasted with the violence provisions of the OHSA, which are more extensive in terms of requiring that employers ensure through risk assessment that the violence policy and program continues to protect workers from workplace violence. We feel that it's important to include in Bill 132 these types of provisions, so that the employer is obligated to provide a harassment-free and violence-free workplace.

By including workplace sexual harassment and excluding workplace sexual violence definitions, we feel that Bill 132 will fail to enact the goals the government has espoused in introducing it. In our recommendation number 1, we recommend that the OHSA be amended to include a definition of sexual violence in the definition of workplace violence. This is a position that was supported by the Select Committee on Sexual Violence and Harassment. We note that elsewhere in Bill 132 there are definitions of sexual violence, so we feel that it is best to create consistency between the various statutes and action plans. Our comments, of course, relate only to the OHSA.

Workplace sexual harassment: In seeking to amend the OHSA to include a definition of sexual harassment, Bill 132 incorporates a section that mirrors the general definition of sexual harassment, as set out in the Ontario Human Rights Code. We feel that it's good to be consistent. It includes a portion of the protection against

sexual solicitation from the code. However, it is missing a key ingredient. As the action plan has already noted and as statistics show, these crimes are very unreported, and this is a problem. We wonder why the important definition for protection against reprisals has not been included in Bill 132. Section 7(3)(b) of the Human Rights Code is a protection against “a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.” This is an extremely important protection, and will encourage people to come forward without fear of reprisal.

We recommend that the new OHSA definition include all relevant components from the Human Rights Code definition for sexual harassment, including that protection against reprisals in the workplace, to avoid narrow interpretations that might arise from this inconsistency.

Domestic violence in the workplace: Despite the fact that domestic violence has been included under the OHSA's workplace violence provisions since 2009, the act lacks a definition of domestic violence in the workplace. In our recommendation number 3 in the paper that has been distributed, we propose what we believe should be included in such a definition.

There's another aspect that we'd like to address: violence and harassment that is work-related but does not take place on work premises. The OHSA definitions of workplace violence and workplace harassment only reference conduct in a workplace, a limitation and a gap that is not addressed by Bill 132. When it comes to addressing workplace violence, ETFO believes that harassing or violent conduct that arises out of a relationship in a workplace or through work-related activities needs to fall within the scope of protection.

In the school setting, for instance, there is specific recognition in various pieces of legislation that harassment and bullying arising even outside the school environment may come into the school and may require being specifically included. We gave you a couple of examples. The provincial code of conduct establishes standards for student behaviour when they are at school, on school buses, at school-related activities or in other circumstances that affect the school climate. The Education Act's definition of bullying extends to cyberbullying, which also takes place off-site. That's an important protection, because these things do impact on school communities.

0910

The Ministry of Education's provincial model for local police and school board protocols also addresses incidents that happen at school, during school-related activities in or outside school, or in other circumstances, if the incident has a negative impact on the school climate. We're asking you to consider expanding that definition, so that it does capture harassment and violence that impacts on the school environment, and those are the models that we recommend you look to if language changes are being examined.

With respect to workplace harassment programs and duties, the scope, as we've already said, of protection under the OHSA is broader for workplace violence in some—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you've run out of time.

Ms. Victoria Réaume: Okay.

The Chair (Mr. Peter Tabuns): Questions go to the government. Under our rules, you have five minutes. Mr. Anderson, if you'd like to start.

Mr. Granville Anderson: Good morning. Thank you very much for your presentation. I see you have done due diligence on this bill. You've done an excellent job of delineating the bill for us.

I come from a background of being a school board trustee etc. During the presentations we have heard over the last couple of days—I know you touched on this a bit—do you think there is enough protection in the school as it now stands? I know the bill covers colleges and universities. Do you think this should be expanded to cover elementary schools and high schools as well?

Ms. Victoria Réaume: We do, through those amendments to the Occupational Health and Safety Act. One of our priorities is about appropriate training in the workplace, about gathering statistics and about informing joint health and safety committees in the workplace in order to ensure that there is knowledge, gathering of statistics and action plans in school places.

Mr. Granville Anderson: Okay. I know you have elaborated a great deal on aspects within the workplace in general. How do you think we can strengthen this bill to protect workers within the school system, in general?

Ms. Victoria Réaume: We've set out a number of recommendations in our report. They have to do with making sure that the definitions are properly included in Bill 132 and that these make amendments to the Occupational Health and Safety Act that are consistent with the aims of the plan and also with the Human Rights Code. That's why we've made that reference to a number of other statutes. We feel that external activity that impacts on the school climate in terms of violence and sexual harassment must also be recognized and captured in Bill 132.

Mr. Granville Anderson: You've also touched on the training of management and staff, as well. How would you go about formulating that training? What would that training look like?

Ms. Victoria Réaume: We feel that training needs to start now, and it needs to be consistent and coherent across the province. To that end, resources are needed in order to ensure that supervisors in the workplace—principals and others in a supervisory capacity—are actually trained to act expeditiously, to have the training that's necessary to spot these incidents and to take very prompt action when they become aware of such incidents.

Mr. Granville Anderson: I could go on all day, but my colleague would like to ask you a question as well.

The Chair (Mr. Peter Tabuns): Ms. Malhi.

Ms. Harinder Malhi: I wanted to talk a little bit more with student focus. I know you've talked a lot about teachers and training employees. With the new health and physical education curriculum that our government has introduced, I would like you to comment a little bit more about the changes that it will bring among students around consent and healthy relationships. We're hoping to create a generational change and we're hoping to change attitudes. How do you feel about the changes to the curriculum?

Ms. Victoria Réaume: We applaud the changes to the curriculum. We feel they're long overdue. We realize that there has been backlash against these changes, but we believe that starting with young children and giving age-appropriate education in these crucial areas—especially in the area of consent and what it means—is groundbreaking work. It must start in the elementary schools.

Our teachers, of course, will roll out that curriculum. They do need training, because it's a sensitive area. They need extensive support in the schools to make sure that the curriculum is carried out and they themselves are not attacked for delivering that type of educational program. But we wholeheartedly agree that consent and the understanding of it should be the seed that carries through the entire program.

Ms. Harinder Malhi: Thank you so much.

The Chair (Mr. Peter Tabuns): Ms. McGarry, you have the last question.

Mrs. Kathryn McGarry: A quick question regarding the ad campaign It's Never Okay and also the hashtag #WhoWillYouHelp. Do you feel that's beneficial to your members and to your population at the school?

Ms. Victoria Réaume: We feel that these are very, very instrumental. We really applaud the ad. We think it was daring and bold and necessary. However, we do say, in our recommendations, we urge you to adopt a sustained multimedia plan in order to effect this profound cultural and attitudinal change.

We love the ad and we hope that you will do more and that it will be sustained over many years and in a multi-pronged approach using social media.

The Chair (Mr. Peter Tabuns): With that, we wrap up. Thank you very much. It's been a pleasure to have you here today.

Ms. Victoria Réaume: Thank you very much.

COUNCIL OF ONTARIO UNIVERSITIES

The Chair (Mr. Peter Tabuns): Colleagues, we'll go now to the Council of Ontario Universities, then followed by WomenatthecentrE.

Council of Ontario Universities, as you're aware, you have up to 10 minutes to present, followed by questions. When you have a seat, introduce yourself for Hansard, and we'll go from there.

Mr. David McMurray: Thank you very much. Good morning, and again, to the members of the committee, I'm David McMurray and I'm the vice-president of

student affairs at Wilfrid Laurier University. My colleagues are: Dr. Janet Morrison, vice-provost of students at York University and member of the COU reference group on sexual violence; and Lisa Rae, senior policy analyst of the Council of Ontario Universities.

Ontario universities stand behind Bill 132 and the Premier's action plan on sexual violence to eradicate sexual violence and harassment in all parts of life, including universities in Ontario which have been collaborating very closely with students and our community partners to develop policies on sexual violence and on improving and enhancing the support services and prevention programs that are available.

We have several suggestions today that we feel would help strengthen Bill 132. These suggestions focus on where the bill will impede a university's ability to respond and to offer services to survivors in a way that is in-line with research and best practices. We know that students and members of the violence against women—VAW—community also share many of these concerns.

Our first suggestion is with regard to the scope of the sexual violence policy, schedule 3 of Bill 132. The current scope of policies on sexual violence required by the bill for colleges and universities is explicitly focused on students. At universities, the lines between students, faculty and staff may be blurred, and members of the community may not fall neatly into one category. There is much overlap. Students may be teaching assistants, which makes them employees, and staff may take courses, making them students.

The exclusion of certain members of the campus community, staff and faculty is problematic because among other challenges it means that a survivor may be subject to different policies or procedures depending on their affiliation to the university at a given time. This could be particularly problematic where a survivor is both a student and staff, such as in the case of many graduate students or undergraduate students who secure part-time employment on campus. Universities may also be faced with competing compliance issues when, for example, a report of sexual violence involves a student survivor and a member of faculty or staff.

We also know that students, faculty or staff may perpetrate sexual violence and harassment. A survivor-centric approach, which affords all members of our community impacted by sexual violence with a clear, consistent, timely and high standard of response and support regardless of whether they are staff or students, is our preference.

Universities believe that a policy that applies to everyone will alleviate the potential for policy loopholes, confusion and assist universities in communicating to their communities that sexual violence will not be tolerated and that there are supports, resources and avenues for complaints available to all survivors that are members of the campus community. We recommend that the committee amend the bill to expand the scope of the university and college policies required under to include

the entire community, including students, faculty and staff.

Janet?

0920

Dr. Janet Morrison: Good morning. I wanted to comment specifically on reporting, disclosure and survivor choice. Having worked in student service on college and university campuses in Canada and the United States for over 25 years, I know from personal experience that survivors need choices and control over outcomes to process their experience and move forward. This is supported by research and advocacy from the violence against women sector, which shares the view of the Council of Ontario Universities that Bill 132 could be strengthened if a clear distinction was made, both in the legislation and in related regulations, between reporting and disclosure.

Specifically, it is imperative that survivors of sexual violence be afforded the opportunity to report sexual violence formally to the university, which involves an expectation that formal action be taken against an alleged perpetrator and that processes will proceed and/or to disclose experiences of sexual violence confidentially. This would be, for example, where a person who experienced sexual violence may not be seeking a formal resolution, but rather is seeking support and an opportunity to discuss various options, including filing a formal report.

The concern is that a failure to make this distinction in the legislation and regulations may discourage survivors from coming forward because, for example, they fear public shaming, judicial processes and/or police involvement. This runs counter to a survivor-centric approach. We must recognize that for many, support and recovery is found in a caring, confidential and safe space. This can be done with or without a formal report through on-campus resources or in partnership with off-campus community VAW partners.

When a survivor wants or needs help, but doesn't want to file a formal report, universities must be empowered to respond in ways that respect the survivor's wishes and best interests. This may make the formal reporting of information relative to the number of times supports, services and accommodations very difficult, particularly given the government's stated commitment to privacy.

Ms. Lisa Rae: Thanks, Janet.

The absence of a distinction between reporting and disclosure is particularly apparent in the section of the bill that will require colleges and universities to collect data and information to report to the minister, which may extend to the public. Universities support the spirit of this intention. There is a desire to understand the scope of the problem, to have assurance that students are accessing and receiving the supports they need and that universities have education, awareness and training in place. Universities share these concerns.

We think that hard data should be tracked and reported for official complaints, formal reports and reports to campus police or security where the survivor has an

expectation that action will be taken by the university. However, we know that counting the number of times that supports are accessed will not provide an accurate measure of the problem of sexual assault and sexual violence. Research shows that there are many reasons that people do not report incidents to authorities, including campus authorities and police. Concerns about privacy and confidentiality are cited as one of the key reasons that survivors do not come forward to any services.

Even if privacy concerns could be mitigated, we also run the risk of inadvertently penalizing those institutions that are doing the best job of creating supportive services in an environment where survivors feel supported and where they can come forward.

For these reasons, universities are advocating for a multi-pronged approach to reporting. We are advocating for the development and deployment of a campus climate survey. In addition to providing a more reliable and valid picture of prevalence, a climate survey would also allow universities to dig deeper to understand the attitudes, experiences and behaviours of students and campus community members. Campus climate surveys can also serve as an educational tool about the services and supports that are available on campus.

Faculty experts in violence against women have been working on recommendations for a climate survey that will be shared with MTCU soon. This could allow for the collection of data about service use and sexual violence in a consistent manner across universities and also allow for customization to account for the unique structures of each university and campus. A climate survey will produce far more reliable information than counting service use. It also does not run the risk of inadvertently deterring survivors from coming forward and seeking the supports they need.

While outside the scope of the bill, we wanted to note that by increasing awareness of services and supports, we will increase demand for community resources, particularly those in the violence against women sector, whose funding is insufficient and insecure. Community services and hotlines are essential for providing 24-hour supports to students and all survivors. Universities know that students and university members access these supports and that usage may increase as these services are further promoted by universities. To honour our commitment to survivors, we'd like to echo the statements made by the violence against women sector on this front and draw public attention to what could become a significant access issue.

Mr. David McMurray: In closing, we'd like to ensure that the committee is aware that universities are in the unique position, in some cases, of having both parties to a sexual violence complaint as members in their communities. It is therefore important to recognize that universities have a responsibility first and foremost to survivors; universities have a responsibility to community safety overall; and universities have an obligation to ensure due process and procedural fairness.

We'd like to thank you for your commitment to improving the legislative framework for supporting survivors of sexual violence, and then the very challenging sexual violence and harassment issues that are systemic in Ontario and the world. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation. We'll go to the official opposition. Because of the brevity of time, you'll have five minutes.

Mr. John Yakabuski: Thank you very much.

The Chair (Mr. Peter Tabuns): We won't be circulating to the other parties.

Mr. John Yakabuski: Thank you very much for your presentation this morning. We very much appreciate you joining us.

We've heard from a number of individual universities on this subject as well, over the last couple of days at the committee. But we heard a different viewpoint this morning from Colleges Ontario with regard to the climate survey versus mandatory reporting.

Certainly, when I listened to what their presentation was, I understood their concerns with what could be considered the inadequacy of a climate survey versus mandatory reporting. What you articulated about respecting the right of the victim to privacy is paramount, I think, because the victim has to be the number one priority in cases such as this, and they have to be significantly involved in the solution and how it is dealt with, because, clearly, they're the ones who are most affected.

As Ms. Franklin said this morning, they had a concern about the climate survey being skewed because surveys are, by their very nature, sometimes subjective. Right now in the bill, it would require mandatory reporting of incidents. I don't know that it's about the details of all of the incidents, but it is the number, and I think it is a way of tracking how any particular institution is dealing with the incidents within the boundaries of their responsibility.

Maybe you could elaborate on why that is more of a challenge, and why you think that's not the way to go.

Dr. Janet Morrison: I'm very proud of York University's leadership on reporting, speaking on behalf of the sector. But by way of example, York does occurrence reporting. We issue bulletins and we do currently report on occurrences.

What I would say is that the Council of Ontario Universities is advocating for a matrixed approach. We're not arguing against the reporting of occurrences. We think that if the objective is to support survivors but to also work towards the elimination of gender-based violence on our campuses, then you really need to understand the systemic cultural pieces of the puzzle, and that a climate survey is the best way to do that.

No doubt, there are problems with surveying, and our students are very much surveyed regularly, frequently. But we also know that we have tremendous expertise in this province to develop tools with a high rate of efficacy.

To be clear, the concern is not about the counting of occurrences; we're happy to do that, and we think it's important. But we think that needs to be complemented

by climate survey data that not just our students and our administrative staff can use to do better, but also members of the public, prospective students, parents.

The holistic assessment of what's happening and what opportunities are available for both community and non-community members—we think that combined matrixed approach makes most sense.

0930

Mr. John Yakabuski: Another general question, more of a general question—it's one that I have a hard time getting my head around why we're still here. Without dating myself, as I said to one of the other deputants, I was in the post-secondary environment 40 years ago. We knew right from wrong then, and right and wrong haven't really changed. It's not just the university environment, but you folks see that demographic more clearly than any one of us could possibly see it. By the time someone reaches post-secondary studies today, they're inundated, or they should have been—if they're not, they've been living under a rock—with how wrong sexual violence, sexual harassment and sexual assault are.

Can you put your finger on why we're still here trying to pass laws to deal with this? I would say, for 40 years, we've failed.

Mr. David McMurray: I think it's very safe to say that men are the problem. I'd start there, with the fact that women have been fighting against sexual violence and harassment for thousands of years and men haven't taken up responsibility like they need to.

I mentioned yesterday that men are either silent, violent or making meaningful change. We need to hold those who are violent accountable; we need to, through bystander training and other means, reduce the number of men who are silent; and we need to celebrate and champion those who are making meaningful change and have more of them out there.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say that we're out of time. Thank you very much for the presentation today.

WomenatthecentrE

The Chair (Mr. Peter Tabuns): We go now to WomenatthecentrE.

As I'm sure you've heard, you have up to 10 minutes to present, followed by questions. If you'd introduce yourselves for Hansard, we can go from there.

Ms. Nneka MacGregor: Good morning. Thank you very, very much, and apologies for being late this morning. My name is Nneka MacGregor and I am the founder and executive director of the organization called Women's Centre for Social Justice. We're better known as WomenatthecentrE. I'm here today with our board co-chair, Dr. Tope Adefarakan. 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 lived the violence that is at issue.

WomenatthecentrE is a non-profit, unique organization. By unique, I mean that we're the only incorporated organization that is by and for women survivors of gendered violence. While Dr. Adefarakan and I are speaking here today, we want to say that these comments and recommendations come from extensive input from other courageous women survivors who couldn't be with us today. I want to acknowledge some of them: our other board co-chair, Veronica Campos; directors Christine McCaw, Alex Plegas, Esther Addo, Claire Crossley and Betty Makoni; as well as the executive members of our Sexual Violence Survivors Action Committee.

I want to start with a quote by Martin Luther King Jr., who said, "Our lives begin to end the day we become silent about the things that matter." It is precisely because our lives matter that we, a growing network of diverse, courageous and thoughtful survivors, have come together, vowing not to remain silent any longer, but rather to amplify our voice and share our experience and expertise so that all women can live lives that are free from violence, with dignity and with respect.

We want to acknowledge the government's efforts in bringing the Sexual Violence Action Plan forward, as well as this legislation. I know that they've done this by working together with many advocates in the violence against women sector, individuals and organizations whose relentless activism is behind many of the improvements we see today in women's lives. However, we know that what had been lacking until then was a mechanism through which we, the women with the lived experience of the violence, could use our voices to influence policy and programs.

That mechanism is here now, in this organization, WomenatthecentrE, and we have 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 present in the development and implementation of all policies and programs coming out of the plan, as we know that we, the experts, are the ones best positioned to identify the most effective supports and strategies that will positively impact women, bring about law reform and change the public mind on how it views the multiple forms of violence committed against women, on individual as well as on systemic levels.

We continue to speak up and to speak out, as survivors, about the lack of a coordinated response in the way sexual violence and harassment is being addressed in the province, an approach that, if it is addressed as we are proposing, we believe would greatly improve supports to survivors and lead to greater system accountability. Our position is based on an understanding of the three key tenets that are the basis of our submission:

—first, that no matter her race, ethnicity, economic or other circumstance, all women's lives matter all the time;

—secondly, that the survivors are the true experts and have a central role to play in identifying, developing and implementing policies and programs to address sexual violence and harassment in our communities; and finally,

—that all systems, not just health care and criminal justice, but obviously education and our employment spaces, need to be more responsive to the needs of people who experience sexual violence and harassment.

We once again commend the province on its trail-blazing sexual violence and harassment action plan and are in full support of many of the proposed amendments under Bill 132, in particular—and I’m just going to go through and identify some of the key areas: schedule 1, the proposed amendment to the Compensation for Victims of Crime Act, removing the limitation time period; and schedule 2, the Limitations Act, to provide that there is no limitation period in respect of proceedings based on sexual assault in specified circumstances or other misconduct of a sexual nature. I want to say very specifically that we’re particularly supportive of the addition of the statement, “a proceeding based on any other misconduct of a sexual nature if, at the time of the misconduct, the person ... was a minor” or in some other kind of fiduciary relationship.

We want to talk about the definition of sexual violence and note that the actual definition, whilst consistent throughout the bill—we feel that it would actually benefit by including the statement “misconduct of a sexual nature” in it.

I’d like to give an example of why we feel that this inclusion is important. We are advocating for the broadening of the scope of this definition and explicitly including the language being proposed under the Limitations Act, “other misconduct of a sexual nature.” By way of example, we know of far too many women who have been sexually violated in ways that fall outside the scope of the currently proposed definition, including one recent example of a survivor whose assailant, a co-worker, had been caught on video numerous times masturbating while in her office and ejaculating into her drinking cup. He was actually charged with a minor offence of mischief to property under the Criminal Code. These charges fail to address the sexual nature of this type of conduct. We feel that including “misconduct of a sexual nature” would actually broaden and catch individuals like this.

Next, under schedule 3, to the Ministry of Training, Colleges and Universities Act, imposing various obligations on colleges and universities respecting sexual violence involving students: We appreciate the inclusion of section 17, in particular the requirement for a university or college to set out processes for how they will respond to and address incidents and complaints of sexual violence involving students enrolled at the university or college, but we have concerns over whether this is too narrow an obligation. By this we mean to ask: What happens when a student who has been assaulted is actually not one enrolled at the particular university in question—if the assault actually happened at the university campus and the perpetrator may have been a student of that particular university, but the student who was assaulted was not a student of the university? We are strongly suggesting that all policies and all processes

must effectively and comprehensively support the individual assaulted, regardless of where that individual is enrolled.

We want to talk a little bit about student input. Whilst we commend the requirement for student input into the development of policies, we have serious concerns over the language being used, in particular the requirement for a university or college to ensure that student input is—the word that we have issues with—“considered.” Our experience from doing this work with many community partners has shown us that the best way to develop meaningful policies and programs is by bringing together all parties as collaborative and equal partners in the processes, decisions and outcomes. This builds trust and ensures accountability all around.

This section, as currently worded, continues to support the power imbalance between the administration and the student population by bringing in students’ input, but in a tokenistic way, without any real impetus to act on it. We therefore advocate for stronger language that ensures universities and colleges put in place collaborative mechanisms that remove barriers and demonstrate equal respect and inclusion of student input in all sexual violence and harassment policies that are being created.

To this point about student input, we want to talk a little bit about survivor input. Input is an issue that is critical to the success of all of this, whether we’re talking about a process like this—obtaining public input on the proposed bill—or we’re talking about the development of policies on campuses or in workplaces. Yet we are disappointed to note the total absence from the bill of the need for inclusion of the experts, i.e., specifically survivors of sexual violence and harassment. In this instance, the survivors could be students either currently enrolled or perhaps alumni or staff, or even independent third parties, such as a member of our organization.

0940

It is important to note that amongst our membership, we do have numerous students who are themselves survivors of campus-based sexual assaults and harassments. They are active advocates in this field, and they are looking for ways to engage and use their lived experience so that their respective universities and colleges have trauma-informed, survivor-centred policies and programs that better support survivors and other students. Survivors bring an authentic voice and face to this issue that is continually absent, and when we’re not consulted or engaged in the process, ineffective policies are created.

I want to talk very quickly about data collection. We are pleased with the inclusion of the requirement for universities and colleges to provide the minister with data, and feel that this is a critical aspect of ensuring effective tracking of the number of incidents that actually occur, and it can be used as a way to provide additional supports and funding that may be needed. If you don’t know what’s happening, you can’t develop effective mechanisms to support it.

I want to talk very quickly—being mindful of our time, actually. We firmly believe in the need for develop-

ment of thoughtfully created, specialized sexual violence clinics and courts with specially trained personnel all working in a coordinated, collaborative manner, and in partnership with experts and survivor advocates.

The Chair (Mr. Peter Tabuns): I'm sorry to say that you've run out of time.

Ms. Nneka MacGregor: Oh, my God.

The Chair (Mr. Peter Tabuns): With that, I turn it over to Ms. Sattler. You have up to five minutes. We won't be rotating because our time is short.

Ms. Peggy Sattler: Thank you so much for coming today. You've brought a very important perspective. This is our third day of hearings but this is the first presentation that has emphasized, to the extent that you have, the role of survivors and the need for survivor input. You have highlighted the fact that survivors are absent from all of the schedules of this bill.

You made the one suggestion around schedule 3 that deals with the stand-alone campus policies about ensuring survivor input—students who may be survivors—in the development of the campus sexual violence policy. But were there other areas of the bill where you saw opportunities to reference the role of survivors?

Ms. Nneka MacGregor: I think the whole bill lacked survivor input. I think that part of the strategy we want to see going forward is that the government makes a commitment in all aspects of administration and implementation of the bill, that there is a consultation process that actually engages survivors. I'll be happy to provide you—because I wrote a lot about this—with a more comprehensive, detailed outline of the specific areas where we feel survivors can play a significant role.

Ms. Peggy Sattler: That would be excellent. We'll be looking for opportunities to introduce amendments to the existing language of the bill. If you see opportunities to reference survivors, I think that would be very useful to this committee.

The other point you made that I also thought was very interesting was around definitions of sexual violence. You're absolutely right, and we heard that with the presentation from ETFO, about the inconsistency in language of the definition of sexual violence.

Looking at the various ways that each schedule of the bill has defined sexual violence, do you have a preference? Is there one definition that you felt was the gold standard or the template definition that should be used? You did mention the misconduct of a sexual nature, but when you reviewed all the definitions, was there one that you felt was most effective in capturing a woman's experience of sexual violence?

Ms. Nneka MacGregor: We actually felt that the definitions were still rather vague and lacked any explicit references to women's experiences. Our sexual violence advisory action plan committee is actually working on developing a comprehensive definition that we feel would be applicable broadly, whether it's in a university campus or in a workplace, that we feel will actually encapsulate the experiences of women. Again, we will be offering that to the committee—

Ms. Peggy Sattler: When will that definition be completed?

Ms. Nneka MacGregor: Actually, we can get it you later on this afternoon.

Ms. Peggy Sattler: Excellent. Okay, great.

Then, finally, the Occupational Health and Safety Act section: I think you ran out of time. I wondered if you had any other comments to make on the changes to the Occupational Health and Safety Act.

Dr. Tope Adefarakan: One of the things that we noticed upon reviewing it was that it was very student-focused—

Ms. Peggy Sattler: The Occupational Health and Safety Act?

Dr. Tope Adefarakan: No, this act itself. It could also include colleges and universities, and I think that—

Ms. Nneka MacGregor: I know other people have talked about it before, but again, it's the issue of how you expand the definition of the domestic violence piece and incorporate it in a way that is inclusive of sexual violence and is comprehensive. Part of our definition that we will be presenting actually encapsulates that part, and is applicable whether it's in the workplace or at a university, for students, employees and all individuals affected.

Ms. Peggy Sattler: Okay. We've heard a lot about the need for training in workplaces already, but in particular around these proposed new provisions for occupational health and safety. Do you have any comments about training in the workplace, the need for training for—

The Chair (Mr. Peter Tabuns): Ms. Sattler, I'm sorry to say that you're out of time.

Thank you very much for your presentation today. We appreciate it a lot.

Dr. Tope Adefarakan: Thank you very much.

COVENANT HOUSE TORONTO

The Chair (Mr. Peter Tabuns): Our next presenters, then, are Covenant House. As you've heard, you have up to 10 minutes to present, followed by questions. If you'd introduce yourself for Hansard, we'll go from there.

Ms. Julie Neubauer: Thank you very much. Good morning, everybody. My name is Julie Neubauer, and I am the human trafficking services manager at Covenant House Toronto. Thank you for having us here today. We are honoured to be part of this activity and to have this opportunity to speak with you today.

As Canada's largest homeless youth-serving agency, we provide the widest range of services and support to at-risk, homeless and trafficked youth between the ages of 16 and 24. More than a place to stay, we serve almost 1,000 youth through our 24-hour crisis shelter and our transitional housing program annually, as well as over 2,000 youth through our comprehensive services, which include education, counselling services, health care services and vocational support.

We've been helping sex-trafficking victims since we opened our doors more than 33 years ago. Earlier this week, we unveiled a comprehensive and coordinated plan

that includes measures ranging from prevention to enhanced victim services and transitional housing.

We commend this government's efforts to combat sexual violence and harassment, both in the workplace and within Ontario's post-secondary education system. Bill 132 is a step in the right direction to ensuring the prevention of these deplorable crimes and to addressing this unacceptable behaviour, and to better support victims and survivors.

However, we feel that this legislation could better serve Ontarians by expanding its scope to specifically include young female victims of sex trafficking. I wanted to talk to you about the importance of ensuring that the unique needs of this at-risk population are considered as you review this important piece of legislation.

Ontario specifically has seen the bulk of this country's sex-trafficking cases, and an estimated 71% involved domestic sex trafficking. In addition, 63% of Ontario victims were Canadian citizens, beginning at the age of 13, and an average age of 17 years old.

We have four recommendations, and I'm pleased to note that many of them echo some of the other presenters that we've had here today.

We recommend that the following changes be made to Bill 132. The first is to expand the Compensation for Victims of Crime Act to include specific reference to victims of trafficking, and to remove any barriers or impediments that may preclude them from being able to apply for or access compensation at any time. Given the trauma and shame these young women experience, it could be a considerable time before they are ready to pursue compensation or to even realize what supports are available to them.

Secondly, we recommend that the Limitations Act also be expanded, again, to include specific reference to victims of human trafficking, but also to remove barriers or exceptions that could prevent victims from bringing forward sex-trafficking charges at any time. These victims often live in absolute terror of their traffickers, and this prolongs their decision to approach legal services, police services or other NGOs for support for their needs. While criminal convictions under human trafficking laws continue to be few in number, there is increasing police enforcement across the country, growing legal precedents and more specialized prosecution, which promises to address this situation.

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Thirdly, we recommend that the Ministry of Training, Colleges and Universities Act legislate or regulate campuses to include prevention and awareness training so that students can better recognize if someone is being trafficked, know how to report it and know where to go for help.

Finally, we similarly urge that the government also consider amending the Education Act to include age-appropriate trafficking prevention information in the curriculum for senior grade school and high school students. Covenant House includes this information in their school presentations across the GTA at the moment.

We are so thrilled to be here today. Thank you for including us in this conversation. I welcome any questions you may have for me.

The Chair (Mr. Peter Tabuns): Thank you very much. We have approximately four minutes per party. We go to the government. Ms. Malhi.

Ms. Harinder Malhi: Thank you so much for being here today, and thank you for all the great work that you do. I know we've been trying to connect for a while. I want to thank you for your presentation.

You mentioned human trafficking. Could you go into a little more detail about which elements of the government's response to human trafficking should be legislative and what should be more of a program?

Ms. Julie Neubauer: As it relates directly to Bill 132?

Ms. Harinder Malhi: Yes.

Ms. Julie Neubauer: I referenced, I think, specifically, the two key elements of compensation and the limitations. I think that as we're better understanding, through our work and through the work of the communities, the level of long-term trauma and shame that these young women are enduring, that specifically around the compensation—for the longest time, it only included domestic assault violence. To include sex trafficking and the violence endured by these woman that is specifically related to this is important.

Secondly, again, acknowledging the trauma and the length of time that it often needs to acknowledge in these individuals that something has occurred; that there are other people out there who have endured similar, and being able to be in a stable place to address the things that have happened to them—so I think those key elements.

John referenced, how are we still here after all these many years? I think that a key piece of the legislation needs to be prevention and education. One of the things that we are doing at Covenant House—and I'm hoping to hear from the bill in its completion—is around education, beginning at a very young age, to acknowledge what consent is, and moving into the older grades and teaching young women and young men what trafficking is, what luring is, what grooming is and creating an understanding between the young men and women that there are other opportunities for them—discuss self-esteem, things of that nature.

I hope that addressed your question.

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: More about the education portion of it: I would imagine, then, that you're very supportive of the health and physical education changes that the government brought in.

Ms. Julie Neubauer: Absolutely.

Mrs. Kathryn McGarry: There are some folks in the province, parents in particular, who are not very happy with that. Can you just outline a little bit further what you think the benefits are of that particular change to the curriculum?

Ms. Julie Neubauer: I think at the crux it's about developing an awareness and an empowerment. The level

of awareness as it relates specifically to human trafficking is that it exists. I think that we're at a place now as a society where we're recognizing that this is not about young women in Thailand; this is not about eastern European people coming over to our country. The name of our campaign is "Just Like a Girl You Know." These are young people who live next door to you. These are the young girls who are going to the high school with your own children. We increasingly get parents who call us and say, "I think my daughter may be involved in human trafficking"—so developing an awareness from the ground level, from taxicab drivers to parents to teachers to people such as yourself, that this is a domestic issue.

As I noted, 71% of domestic sex trafficking is occurring in Ontario, and 63% of those primarily young women began to be lured at the age of 13.

Developing that awareness, putting on a different pair of glasses and a lens as you pass by the hotels, as you pass by activities, and to see it in a different way—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you've run out of time with this questioner.

We'll go to the official opposition. Ms. Scott.

Ms. Laurie Scott: I can't thank you enough for being here. Congratulations on your announcement at Covenant House. Human trafficking and raising awareness and getting proper funding to tackle this has been a priority for me, so when we saw Covenant House's campaign and your ads on your advocacy—I can't tell you how thankful I am to you and Covenant House, and all the partners that have been a patchwork across the province, the different police forces and different boards of education.

I just wondered: I've called for a task force on human trafficking, so basically I'm asking for a provincial network, and you've mentioned a lot of partners that need to be educated. I know that in Durham region—I'll just highlight that and then I want to expand on your campaign—they have a pilot project that they're taking into the schools, targeting grade 9 girls, the age group that you're speaking about. You even spoke about elementary schools—

Ms. Julie Neubauer: Indeed.

Ms. Laurie Scott: —so run with that, if you want to expand.

Ms. Julie Neubauer: Okay, certainly. The work that we are doing at Covenant House in recognizing what needs to be done is that network of players in this whole endeavour. What we have right now at Covenant House is a runaway prevention program. It goes in and talks to young people about what it means to be homeless etc., but what we're including in that and what we have included in that is clearly addressing what trafficking is, what exploitation is, what the signs and symptoms of luring are, and how one gets lured. The classmates are young men and young women, so again, there's that exposure piece.

The need for collaborative efforts very much echoes what we're doing at Covenant House in terms of our campaign. It ranges from prevention to transitional hous-

ing and beginning to work with other NGOs, because as much as we do have that kind of 24-hour wraparound service at Covenant House, we also need to partner with other community agencies for the trauma-informed counselling, for the addictions piece etc.

I'm conscious of the time so I don't—

Ms. Laurie Scott: It's okay. So it really has to come from the top, right? In this case provincial government to, say, the school boards?

Ms. Julie Neubauer: Absolutely.

Ms. Laurie Scott: This must be part of the education platform, which would be more than helpful to us. I know Durham has something; I believe Ottawa does too. And also, the police resources are needed there, and the crowns, dedicated.

You've mentioned about the timelines and, if we can get the victims to come forward, dedicating courts—crown attorneys and judges—to that.

Ms. Julie Neubauer: Certainly. I think that this has been very much of a funnel-up approach. As NGOs, we've been dealing with this population for the past 30 years, as have a number of other organizations, in recognizing that there are more and more young women, so it has been funnelling up in terms of activities. It's so wonderful to have the higher-level organizations begin to create legislation that will support our activities, for example with the human trafficking enforcement teams or the Toronto Police Service or the Durham Regional Police Service, who are trying to prosecute and put away these people who are continuing to do this, providing support services for the young victims of the trafficking etc. It has to be a coordinated effort—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you've run out of time with this questioner.

Ms. Julie Neubauer: That's okay. Thank you very much.

The Chair (Mr. Peter Tabuns): We go to the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for being here today and for your presentation. You talked about the barriers for victims of sex trafficking to access criminal injuries compensation. Looking at schedule 1, which talks about the Compensation for Victims of Crime Act, basically it says that there's no limitation where the crime is one of sexual violence or is committed in the context of a relationship of intimacy or dependency. Do you feel that that language is too narrow? What was your concern in terms of a barrier to a victim of sex trafficking accessing compensation for victims of crime?

Ms. Julie Neubauer: The element that I referenced specifically was to name sex trafficking specifically as you go through the list of domestic violence, harassment etc.—just to have that nomenclature added to the conversation, because I don't think it's on the agenda yet. It's becoming more and more discussed, but as I said, I would hazard a guess that not very many people still believe that it is happening in Ontario. To have it included as a name, as an activity was what I was implying.

Ms. Peggy Sattler: Okay. And then you made an interesting suggestion on schedule 3, on the Ministry of

Training, Colleges and Universities Act, about the requirements for elements of a sexual violence policy on college and university campuses. You recommended that there be explicit reference to trafficking. Can you tell us a bit about trafficking on campus? Your earlier comments have focused on younger girls.

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Ms. Julie Neubauer: It happens in two ways. There are young women we work with directly who are currently enrolled and are students in universities and colleges across the province. They are trying their very best to maintain these two different lives. As they get pulled deeper and deeper into the trafficking situations, they are unable to maintain their positive contributions to our society.

Then there are the situations where these young women are being lured directly from the universities, either through other students, peers or people who are coming onto campuses.

Then thirdly, there are the brothers, the people—when I did a presentation at a college, I had a young man come up to me afterwards who happens to work at a motel and who happened to be a student in the class I was speaking to. He said, “I think I may be enabling human trafficking in my hotel.”

Again, by raising the awareness at the level of universities and colleges, you could address it in three different ways in this one instance.

The Chair (Mr. Peter Tabuns): I’m sorry to say, but with that, we’re out of time. Thank you very much.

Ms. Julie Neubauer: Perfect. Thank you very much, everyone.

WILFRID LAURIER UNIVERSITY STUDENTS’ UNION

The Chair (Mr. Peter Tabuns): Our next presenters, then, are Wilfrid Laurier University Students’ Union. As you’ve heard, you have up to 10 minutes to present. There will be questions afterwards. If you would introduce yourselves for Hansard; thank you.

Mr. Christopher Hyde: My name is Christopher Hyde. I’m the director of policy research and advocacy with the Wilfrid Laurier University Students’ Union.

Ms. Olivia Matthews: My name is Olivia Matthews. I’m the president and CEO of the students’ union.

Ms. Laura Bassett: My name is Laura Bassett. I’m the vice-president of university affairs with the Laurier students’ union.

Good morning, everyone. I want to thank you for having us up here before this committee. The student leaders of Wilfrid Laurier University appreciate the opportunity to speak to this committee. We want to discuss our policy recommendations as they relate to Bill 132.

Up until and including today, we have appreciated and commended the provincial government for their consultations, meetings and commitment to engaging student unions in the development of this bill. As student unions have continuously advocated for increased protections

for students on campus and have been crucial in shaping the culture that exists on campus, we are appreciative to be able to share our recommendations on behalf of the 17,000 students who exist at the Brantford, Kitchener and Waterloo campuses.

Mr. Christopher Hyde: Since the beginning of the consultation process, the Laurier students’ union has advocated for an amendment to the Residential Tenancies Act to allow victims of sexual or gender violence and harassment to more easily terminate a lease. We believe, based upon student experience and based upon actual work that we’ve done over a number of years with our students, that it is imperative that tenants have the right to terminate their lease if they were victims of sexual or gender violence or harassment and it involved a domestic partner, roommate, the landlord, or if it occurred within the vicinity of their residence.

Just as a side note, it’s complex for university students because in many ways their residencies fluctuate so much over the years that they’re on college campuses. There are new surroundings, and they don’t know all the people they’re moving to these communities with, so we think it’s imperative they have the support.

We commend the provincial government, all involved committee members and our local MPPs for hearing our recommendation loud and clear and including it in section 6 of the bill. We would like to see increased regulations pursuant to how the termination process would take place and how established sexual assault support mechanisms would be incorporated into the process.

One last thing we should also add: We work really diligently to try to communicate to students their rights according to the Landlord and Tenant Act. It’s tough, and there are many times in which we don’t always succeed in getting that message out when we’re talking about key deposits. When it’s something that is as important as this, we would really look to community partners, university partners and partners in government to help us get information out about the rights of students in accordance with these types of changes, especially on an issue so important.

Ms. Laura Bassett: We would also like to acknowledge the difference between disclosure and formal reporting. As universities continue to build their stand-alone policy and as Bill 132 continues to be developed, we advocate for increased language throughout schedule 3 on the difference between disclosure and formal reporting.

We would advocate for increased language in the bill regarding the survivor’s right to disclosure without going forward with pressing charges. We would also advocate for increased language in the bill regarding the survivor’s right to access resources and support without the need to formally report to the university. We would like to see increased language regarding the university’s commitment to survivor-centric approaches and that the decision to proceed formally should come from the survivor.

In regard to schedule 3, section 7, we would like to see increased language regarding the difference between

disclosing to access supports and services and formally reporting to access these services and supports. We would also like to see increased language about the need for accommodations to still be met without the formal report of an incident.

In section 7(3), the wording should be changed to the number of formal complaints and formally documented incidents of sexual violence reported by students, and the information about such incidents and complaints. Incidents that only involve disclosure should not be reported to the ministry, but rather, if they access these supports, services and accommodations, then that should be recorded and reported to the ministry.

Ms. Olivia Matthews: We also have some input on the training and provincial support that's being received. The government of Ontario, through schedule 3 of this bill, has made it clear that training on sexual violence policies and protocols be made available for all senior-level administration, faculty and staff. While we stand by this policy, and believe that policy and protocol training should be made mandatory for this group of people, we have a few more recommendations.

We'd like the government to remain as a key leader in the direction of this policy development, implementation and education on the issue of sexual violence and harassment. We'd like grant funding to be made available for institutions looking to either create new or update very old policy training sessions, and then grant funding as well being made available to student unions or student associations. Right now, it's available just to universities. We look to train a lot of our student leaders, our volunteers and students at large on sexual violence, and we want to be able to train them on our protocols at our specific institutions as well.

The province-wide training on the action plan should be made available for institutions looking to educate, again, all the senior-level administration, faculty and staff on the end goal of the province, and then increased education to students on where their complaints will be heard if an institution is not following policy or protocol. This could include the possibility of the ombudsperson.

We'd also like to see support of the province in creating a climate survey to be conducted at all of our institutions to assess the ways in which students feel their university is supporting them and their experiences of sexual violence on campus.

Ms. Laura Bassett: Finally, we'd like to see increased provincial support and the utilization of resources that already exist. As the government puts increased pressure on institutions to recognize sexual violence as a prevalent issue, we believe that a key piece of the puzzle is missing. The following outlines our recommendations for the province to help underfunded sexual assault centres in the province, as you can see on the documents that we've provided you. We believe that the centres that already exist should be included in this consultation process.

Ms. Olivia Matthews: The provincial government should amend the bill to account for already established

sexual assault centres, especially in communities where universities exist. As we know, many of our students won't disclose or report on campus, and they'll seek those services elsewhere.

We'd like the provincial government to require universities to make all concerted attempts to establish a relationship with the sexual assault centres in their communities as it has been really impactful at our home institution. The provincial government should collect data from sexual assault centres on the number of visits students make per year, if they choose not to visit our campus wellness centres or access institutional resources.

Ms. Laura Bassett: In addition, universities should be mandated to seek consultation from sexual assault centres or experts in the field, such as sexual violence faculty colleagues, as we see at Laurier, in the development of their policy and protocol.

Finally, the provincial government should increase funding to sexual assault centres and put increased resources to areas that have higher demand, such as those surrounded by universities or colleges. Thank you.

Ms. Olivia Matthews: Thanks for hearing from us today.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation. It leaves us just a little over two minutes per party. We start with the official opposition: Ms. Scott.

Ms. Laurie Scott: Thank you very much for coming here today. What kind of funding would you be looking for? You need more education; you talked about educating, as well. Can you expand on that a little bit more, maybe what exists now or what doesn't exist now, and what you'd like to see?

Ms. Olivia Matthews: Sure. I can give a really impactful example. For our orientation week volunteers—we have about 600 volunteers at our home institutions, and thousands across the province, I'm sure. That's a really good starting point, because those are peer mentors on campus. This year, we trained them on gendered violence. We trained our executive team on responding to disclosure. But those are expensive training sessions, especially if we have none of that expert knowledge within our own institution, to bring people in. So having access for our students' unions to potentially access grant funding for that or for that to already be a part of the universities' budget would be of huge help to us and to students.

Ms. Laurie Scott: How do you feel about the student input that exists now or what's proposed for student involvement in the universities creating this policy?

Ms. Laura Bassett: I think it has been really great. I would commend the universities greatly on their involvement of students. I think one of the things that we talked about, from the beginning, was meaningful involvement of representative students. At our home institution, Laurier, we've seen great involvement of students in the process. We had a grassroots student group write the first policy and protocol of the sexual violence policy at Laurier, which was really excellent. I think universities

have made a giant step in that, in involving students and their opinions in the making process.

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Ms. Olivia Matthews: But it can always help with encouragement from the government as well.

Ms. Laurie Scott: Exactly. Okay, thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. On to the third party: Ms. Sattler.

Ms. Peggy Sattler: Yes, thank you very much for being here. Those of us who served on the select committee recall your presentation on the Residential Tenancies Act and appreciate your advocacy on that issue.

You talked about a climate survey, which is something that we have heard from a number of the universities that have presented to the committee. We've also heard that students are surveyed to death, which is what some people say. What's your feeling on the frequency of this survey? Are you envisioning an annual survey that would be conducted, involving the entire population of university students across the province, or a sample survey that's conducted on a more cyclical basis? What were your thoughts?

Ms. Laura Bassett: Universities typically record this type of issue on campus very differently from institution to institution, and it's really hard for us as student leaders to do comparisons across universities to see if certain things are working better than others. We've seen over the past few years, just coming up with our stances on this policy issue, that some institutions will report disclosure, some institutions won't, and it's really hard to determine how good a university is at responding to sexual violence, based on these numbers.

I think that this climate survey would really do well for students in giving them a voice on how they're feeling at the institution. Ideally, it would be done annually, but like you said, university students do have to participate in a lot of surveys because they are a unique group. Biannually would be excellent as well. But I think that this would be crucial in getting the real numbers as to what's going on on campus.

Ms. Olivia Matthews: Might I recommend looking to the National College Health Assessment? That's a survey that all of our students are going to be participating in this year. Framing a survey around that type of sample size out of universities would be really beneficial for the Ontario government.

Ms. Peggy Sattler: Okay.

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you're out of time.

Ms. Peggy Sattler: Oh.

The Chair (Mr. Peter Tabuns): I know. Good questions, many good questions.

Mrs. McGarry—to the government.

Mrs. Kathryn McGarry: Thank you very much for your presentation, and thank you again to Wilfrid Laurier for hosting the announcement with MPP Daiene Vernile and myself last week. I was amazed at the amount of involvement.

I want to compliment Wilfrid Laurier on your initiatives so far. I think you've taken a very large leadership role in Ontario in being some of the first to do these things.

In terms of engaging men into your program, I'm also very impressed. We've had Christopher here, we had Dave McMurray earlier, and I think that speaks a lot.

In terms of engaging your student population, do you feel that it's very important to have students assist in developing and then reviewing the policies every three years?

Ms. Olivia Matthews: Absolutely. We definitely need students at the table, because they're the ones at the ground level who are understanding the climate, potentially even more than our senior-level administration would.

I think your point about male allyship is crucial in moving forward in even our policies and protocols on campus. We have a male allies group that meets on our campus, and that should definitely be extended. We can't do this without the voice of men as well.

Mrs. Kathryn McGarry: We heard that loud and clear from Dave McMurray, who presented earlier.

In terms of looking at reporting, I know that you've had issues around the language regarding disclosure and reporting. Do you have any specific language regarding the difference between the two?

Ms. Laura Bassett: Anyone can disclose to anyone regarding an incident, how they're feeling, and what it is that they're going through and what they have gone through. I think the difference is going through the formal reporting process, where they involve the perpetrator. I would say that disclosure doesn't necessarily involve the perpetrator. In terms of accommodations, it would, but with a formal report, you're going through the university policy and protocol process, and then you may go through the criminal court process. There just should be some language differentiating between the two and the right of survivors to go either way.

Ms. Olivia Matthews: I think that David would have spoken to compliance versus compassion in that sense of reporting.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say that we're out of time. Thank you very much for your presentation today.

ONTARIO UNDERGRADUATE STUDENT ALLIANCE

The Chair (Mr. Peter Tabuns): Our next presenter is the Ontario Undergraduate Student Alliance.

Good morning. As you've heard, you have up to 10 minutes. That will be followed by questions, and if you'd introduce yourselves for Hansard.

Mr. Zachary Rose: Good morning. My name is Zachary Rose. I'm the executive director of the Ontario Undergraduate Student Alliance.

Ms. Danielle Pierre: Good morning. I am Danielle Pierre, the research analyst at the Ontario Undergraduate Student Alliance.

We'd like to take a moment to thank the committee for allowing us to speak on behalf of our members today. The Ontario Undergraduate Student Alliance represents the interests of over 140,000 undergraduate and professional, full- and part-time university students in Ontario. We have seven member student associations: Queen's University's Alma Mater Society; the Trent Durham Student Association; the Federation of Students at the University of Waterloo; the Wilfrid Laurier University Students' Union, whom you've just heard from; the McMaster Students Union; the Brock University Students' Union; and the University Students' Council at Western University.

You have heard from some of our students already, but we would like to provide a province-wide perspective on the requirements of schedule 3 in Bill 132, the amendments to the Ministry of Training, Colleges and Universities Act.

All students deserve to feel safe at their universities; this standard is unconditional. Gender, race, religious beliefs, sexual orientation, age, ethnicity and the status of health or disability should not determine when and where a student feels safe. Sexual violence survivors can suffer immediate as well as long-lasting trauma and must be supported throughout their entire process of healing. From the moment a student discloses an incident of violence or misconduct, they should be assured of discreet but comprehensive supports that seamlessly progress their case through legal, medical and academic processes.

University campuses offer unique access to 46% of Ontario's emerging adults. Confronting and dismantling cultures of rape, misogyny and sexism in these spaces gives the province an opportunity to make an impactful change and set the right example for those who will continue this work in the future. Bill 132 is a powerful signal to the post-secondary sector, as well as to the public, that sexual violence is never okay.

In consultations surrounding the requirements of this legislation, students' governing bodies, as well as representative bodies like ourselves, have had to answer some difficult questions: What does an ideal response to the disclosure and reporting of sexual violence look like? Can we have expectations of uniform, province-wide responses? What role do each of us play in awareness-building and prevention?

Students are grateful to have the space and a supportive legislative framework to help answer these tough questions. Student associations are prepared to continue their work and leadership among their constituents, offering peer support to survivors where it is needed, mobilizing student populations and sharing responsibilities for campaigns. These are their strengths.

Mr. Zachary Rose: In recommending amendments to the House, it is imperative that this committee outline the intended outcomes and a baseline of what is expected of our post-secondary communities. All of our institutions are unique and, as such, they cannot be expected to meet the bill's requirements in the same way. It is not the place of legislation to prescribe how universities should meet

the needs of their communities; however, we can set minimum expectations. This would not be telling universities how they should act, but rather would illustrate what they are working toward. Students ask that the Premier and the provincial government continue to steward our sector through this important process.

Student associations and their universities need help with service provision, training and funding. For example, although the women's directorate recommends the establishment of sexual violence response teams in their resource guide for developing responses to sexual violence, the province has only provided funding for a single staff person at each campus. Government funding does not exist to cover the costs of training on policy, bystander intervention or terms of reference in the context of sexual assault and harassment. On top of this, student associations are currently ineligible for program-specific government funding initiatives.

The protection and support of survivors should not be impeded by a lack of resources. If the action plan is successful, the demand for on-campus services will surely increase. Provincial resources must match the volume of supports and services desired and needed on university campuses. Our institutions are prepared to be accountable to the demands of this new legislation but require financial support to do so. Envelope funding should be available to universities to enable them to provide role-specific training on sexual violence policies and protocols. The provincial government should also mandate that staff in high-risk roles—for example, campus bar and nightclub staff—receive training in bystander and intervention techniques. Grant money should be available to student associations who wish to facilitate their own policy and protocol training for student leaders and volunteers.

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Ms. Danielle Pierre: We believe that Bill 132 can be strengthened to support our current work and the work for years to come. Amendments should be made to separate policies and protocols, guarantee the inclusion of students' and survivors' input, ensure institutions collect reliable data and information, and distinguish between disclosure and reporting. The language of law must not limit survivors' abilities to seek support from their universities.

There is currently no acknowledgement of policies and protocols as separate tools at the disposal of our institutions. We ask that this committee consider the feasibility of distinguishing between policies and protocols in this legislation. Policies are instruments of accountability and set a standard of acceptable behaviour for all community members. Protocols give policies flexibility and operational functionality. While these tools are inherently inseparable, their functions must be thought of as distinct. For our students, protocols are the most important part of addressing sexual violence as they provide a means of detailing how disclosures, reports and complaints should be handled while also acting as informational resources.

It is more realistic to list non-permanent information in protocols than in policies. For example, information—like operating hours, names and costs—about support services on and off campus are subject to change frequently within a three-year period.

Universities have yet to come to consensus on how to interpret legislation and its associated regulations in their policies and protocols. The government must provide direction in this regard.

Requirements for student, survivor and expert input are not made clear enough. Bill 132 should be amended to instruct colleges and universities to ensure that student and survivor input is included in the development, review and revision of their sexual violence policies and protocols. It is not enough to merely consider students' and survivors' input in the implementation of these policies. While stakeholders are currently engaging all of these parties successfully, it is important to preserve students' and survivors' engagement for decades to come.

Bill 132 should be amended to include a definition of disclosure—the revelation of an experience of sexual violence to anyone other than law enforcement or university authorities—as well as a definition of formal reporting—the revelation of an incident of sexual violence to authorities like the police, campus security and university disciplinary bodies. Nowhere in schedule 3 is this distinction made.

Undue burdens of proof and self-advocacy placed on survivors leave students feeling reluctant to formally report incidents of sexual violence and engage in on-campus investigations, and students continue to show concern about how campus police and security handle reporting and investigation. A reluctance to report should not inhibit survivors from seeking support from their institutions, and all resources and services should be made available regardless of a survivor's decision to disclose or report.

With this difference made clear, the bill must also dictate what duties to report disclosures are to be assigned to colleges and universities.

Mr. Zachary Rose: Although schedule 3 of the bill does call for broad data collection, as it is written it does not adequately articulate the purpose and importance of monitoring and evaluating supports, services, accommodations and responses to sexual violence on campus. This legislation should set the context and goals of data collection, ensuring information is gathered in comparable and useful ways. Language should therefore be added to encourage colleges and universities to collect data consistently, accurately and with the intention of measuring the impact of specific supports, services and accommodations.

Currently, each institution has a different method for record-keeping and case management. This not only challenges interpretation and comparison of system-level data but also eclipses the true depth and severity of sexual violence on Ontario campuses. Without comparable datasets, it's impossible to create benchmarks against which progress can be measured.

It is our hope that this committee keeps the needs of survivors at the forefront of this discussion. You can do this by continuing in your leadership, providing adequate financial resources and amending Bill 132 in ways that are survivor-centric. Bill 132 should be amended to recognize policies and protocols as separate tools; ensure that student and survivor input is always included in discussions about sexual violence policies and protocols; compel universities to collect reliable data and information about sexual assaults, harassment and service usage; and distinguish between disclosure and formal reporting.

The Chair (Mr. Peter Tabuns): Thank you very much. We go to the third party: Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for your presentation today and for your advocacy that led to this legislation in the first place. I really appreciate some of the points you made.

One of the questions that I wanted to probe a little bit more on is around student input. The legislation states that the regulations will set out what student input looks like. You've made the recommendation that the language be strengthened, so that it says student and survivor input is included, but there still will be accompanying regulations to set out what that means.

Can you give us a sense of what student input looks like on the ground? Is it simply having somebody from the elected student association sitting on a committee? What does it look like?

Ms. Danielle Pierre: We have had a chance to look at draft regulations, so I can say that we are really encouraged and very happy to see that they name that students' governing bodies should be included in determining the consultation process or the student input process.

For us, we would like to see the legislation be as strong as it can be in ensuring that students' and survivors' input is always included. We know that we have a lot of steam behind the issue now, and there is a lot of great work being done; we just want to preserve that work moving forward. Especially for student associations, whose organizational memories are often quite short, it's very important that legislation protects their rights to be involved in things that are ultimately meant to help them.

Mr. Zachary Rose: If I could just add: We have been very encouraged by the level of involvement so far. It has not been the case where we've felt that—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time. We now go to the government. Mr. Baker.

Mr. Yvan Baker: Thank you both for coming in again. It's good to see you again, and I want to applaud you, as Ms. Sattler did, for your advocacy—and the other students who are here today—that has helped to enable this bill.

One of your recommendations was around collection of reliable data and information. One of the points that you made was the importance of consistency across institutions. Could you just talk a little bit about why that's important? I know from my experience in working

with you folks and with others that that's sometimes a challenge in other areas outside of sexual violence, as well, so could you speak to why it's important that we have consistent data?

Mr. Zachary Rose: I think the most critical piece of that, and the strongest reason for making sure that we have the best data possible, is so we can know if our interventions are working. Currently, as it is, with data that we can't really compare from institution to institution, where they might not be measuring the same things or with the same frequency, we will have no way of knowing from a system level whether particular programs are working or whether funding levels are sufficient.

It's this kind of thing, to make sure that the policies are as effective as possible and are truly serving students, because we're approaching all this from, naturally, a very student-focused lens and protecting the students. So we need to have that information there, so we can see whether our approaches are working or if they need to be corrected, and where.

Mr. Yvan Baker: Okay. Do I have time left, Chair?

The Chair (Mr. Peter Tabuns): You have 30 seconds.

Mr. Yvan Baker: One more point that you raised was the issue of training and the funding of training. The previous group, from Wilfrid Laurier, also raised this point. Could you just talk a little bit about or expand upon what type of training you're talking about and why that's important?

Ms. Danielle Pierre: Sure. We name role-specific training in the sense that there are many levels within the hierarchy of our institutions. However, each of those levels is not necessarily required to have the same amount of training. Our sexual violence coordinators need the most, and they need to have the most expertise—

The Chair (Mr. Peter Tabuns): I'm sorry to say that, with that, you're out of time.

Ms. Danielle Pierre: Okay. Thank you.

The Chair (Mr. Peter Tabuns): I'll go to Ms. Scott.

Ms. Laurie Scott: That's okay. I was going to ask a training question anyway, so I will just let you finish that. One of my questions was the difference between why training for student unions and for training students is different than the training that they are going to receive—I understand than the front-line crisis centres, but—

Ms. Danielle Pierre: Sure.

Ms. Laurie Scott: Go for it.

Ms. Danielle Pierre: Okay. I guess I'll finish my previous thought: We want to make sure that everyone is getting adequate training, that they feel empowered to act on our policies, but not that they feel almost like experts who are then circumventing the policies.

For our student leaders, we want them to have training with experts, and we want each of them within the student union to be able to appropriately handle a disclosure in terms of helping the survivor through that time, but also in terms of protecting themselves. Then,

they are also responsible for trickling down their knowledge through to their volunteers, who are, for our student associations, almost our front-line workers.

But then, for the student body at large, we still want the student union to be empowered to convey messages to that student body and offer optional working sessions, if they can do that for them.

1030

This is all to say that we're looking for adequate training at the adequate level, but also that it happens in ways that are useful to students. It can be anything from workshops where people are actually engaging in discussions to perhaps online modules added to existing training sessions.

And I guess I will just return to the point of having mandatory trauma-centric training for front-line workers and the people who need the most concentrated levels of training, and then optional bystander intervention, peer support and self-care for our student body at large.

The Chair (Mr. Peter Tabuns): And with that, time has run out. Thank you very much for your presentation.

ONTARIO COUNCIL OF AGENCIES SERVING IMMIGRANTS

The Chair (Mr. Peter Tabuns): Our next presentation, then: the Ontario Council of Agencies Serving Immigrants. As you've heard, you have up to 10 minutes to present and that will be followed by questions.

Ms. Krittika Ghosh: I'm just going to get a glass of water.

The Chair (Mr. Peter Tabuns): Absolutely.

Just before you start, if you'd introduce yourself for Hansard.

Ms. Krittika Ghosh: Good morning. My name is Krittika Ghosh and I'm the senior coordinator of the violence against women project at the Ontario Council of Agencies Serving Immigrants, or OCASI. OCASI is the umbrella agency for immigrant and refugee-serving agencies in Ontario, and has 230 member agencies across the province. The council was formed in 1978 to act as a collective voice for immigrant-serving agencies and to coordinate responses to shared needs and concerns. OCASI is a registered charity and is governed by a volunteer board of directors.

OCASI welcomes the opportunity to respond to Bill 132, the Sexual Violence and Harassment Action Plan Act. OCASI is a member of the provincial Roundtable on Violence Against Women, and provided feedback to the bill in its initial stages. OCASI supports Bill 132 and recognizes that it addresses the needs of diverse communities in ensuring that women who have experienced sexual violence have fewer barriers in seeking support and in reporting their experiences to various institutions.

Although we support Bill 132 in principle, we see some gaps in its wording and would like to recommend that the bill be explicit in terms of how each act impacts Ontarians with precarious status, people without immigration status, international students and migrant

workers. Even for immigrant women with seemingly stable immigration status such as sponsored spouses, programs such as the federal conditional permanent residency makes women more vulnerable because they will not report abuse due to fear of loss of status. This has been documented by agencies such as the South Asian Legal Clinic of Ontario, or SALCO. We need to keep this and other systemic barriers in mind as we review this bill. I would like to go over each of the proposed schedules to show how there needs to be more information on how each area impacts diverse communities, including those in the categories mentioned above.

The first schedule is the Compensation for Victims of Crime Act, in which we would like to see the following clause added to this section: "Survivors of sexual violence should be able to apply for compensation regardless of their immigration status, and should be able to apply from both inside and outside of Canada." This will ensure that all women, including women without immigration status, migrant workers, women with precarious immigration status and international students who may return to their country of origin, are still able to file for compensation and that their experiences are validated.

The Limitations Act, 2002: OCASI recommends changes to this act which would lead a survivor of sexual assault to be able to report their assault regardless of the time period when it occurred. As we very well know, there are many reasons why a woman may not report her assault immediately; including experiencing flashbacks, emotional and physical trauma, lack of family and community support, lack of knowledge of their rights, fear including fear of loss of immigration status, fear of detention and removal and others. Racialized women are typically more vulnerable and often more reluctant to report. In addition to its suggested updates, we would like to add that under section 4(1), clause 16(1)(h) of the act, the survivor's immigration status should not be a barrier to reporting or compensation.

The Ministry of Training, Colleges and Universities Act—I just heard many of my colleagues from other various universities speak to this and they have done a great job in adding to the discussion on this. We think that there are some important additions in this section, including the expanded definition of sexual violence to include any sexual act or targeting a person's sexuality.

We would also like to recommend that the policy includes processes for international students to report incidents and complaints of sexual violence without fear of reprisal in terms of their immigration status, and also to have the same access to counselling and other services as Canadian naturalized citizens or Canadian-born citizens, without having to pay any additional fees.

In terms of the Occupational Health and Safety Act, we would like to ensure that there is clear indication in this section that all workers are protected from workplace harassment, including people without immigration status and workers in the underground economy, many of whom do not have immigration status, and migrant work-

ers. These are some of the most vulnerable workers who usually do not report incidents of sexual and workplace harassment for fear of detention and deportation based on their immigration status. There needs to be greater clarification that this act will ensure the safety of all workers regardless of immigration status.

Going on to the Residential Tenancies Act, 2006: We support the proposed changes in this section which will make it easier for a tenant experiencing violence or other forms of abuse to terminate their lease without reprisal from their landlord.

We would also like to recommend that no undue burden of proof be made on the tenant experiencing violence to prove their abuse. Many survivors of violence are often isolated from friends, family and community, making it difficult for them to reach out to others for support. Immigrant and refugee survivors of violence may have added language barriers and lack of knowledge of resources and fear of possible loss of status for sponsored spouses. We recommend that a letter from the tenant who is experiencing violence be sufficient in proving her case.

There are two main recommendations that we would like to make. One is ensuring that the implementation of the bill is inclusive of the needs of immigrant and refugee women. In order for that to happen, we recommend that there be a public education campaign in multiple languages, in third language and community media, including print, broadcast and social media, that informs communities about the content of this bill. We would also like to move towards an access without fear policy.

In March 2015, Premier Kathleen Wynne announced the province's action plan to combat violence against women and the creation of the Ontario Roundtable on Violence Against Women. As mentioned before, OCASI sits on this round table and sees the action plan as a positive step toward tackling this issue through community engagement, policy changes and investment into diverse communities.

One of the recommendations of the action plan is to "develop tools and identify best practices ... to encourage more survivors to report sexual assaults." This is on page 11 of the report. In order for marginalized women with precarious immigration status to be able to report their assaults to law enforcement and other authorities, it is important to create an atmosphere where they will not be penalized for doing so by being forced to disclose their immigration status.

We call on the province to create a policy that ensures that all Ontarians, regardless of immigration status, are able to access all provincial services without fear of disclosure of their status to federal authorities and of facing detention and deportation. This policy would allow many women experiencing violence and abuse, or who have experienced sexual violence, to come forward to report crimes they may be too afraid to report today. Without this policy, migrant women across Ontario, including women with less-than-full immigration status who have lived and worked here for years, will continue to live in fear and danger.

In particular, an access without fear policy, similar to those that exist at the municipal level in Toronto and Hamilton, would do away with a regulation in the OPSA that allows police to disclose personal information to federal authorities, including the Canada Border Services Agency. We need clear language in the investigation of criminal activity or the reporting of a crime that the directive is not to share immigration status information about victims and witnesses to federal authorities.

OCASI appreciates the opportunity to provide feedback to Bill 132 and supports it with the suggested changes we recommend. Thank you for your time.

The Chair (Mr. Peter Tabuns): Thank you very much, Ms. Ghosh. We start off then with the government. We have two minutes per party. Ms. Malhi.

Ms. Harinder Malhi: Thank you for being here today and for your suggestions. I come from a very diverse community, the community that I represent, so I see some of your concerns around people not reporting things and things going on. We've seen cases in our community that have shown such results.

How do you think we can engage and how do you think we can educate these people, so that they don't feel like there's a stigma attached? What kind of resources can we offer them? There are resources, as we both know, that are available, but it's very difficult to get them to come use those resources.

1040

Ms. Krittika Ghosh: Having done work in diverse immigrant refugee communities for 17 years both here and in the US, what I have found really successful is peer-to-peer engagement, both in terms of women and community members who have experienced violence, as well as those who have gone through the process of engaging with the system, instead of having what we consider professionalized folks going in and saying, "Let me help you. Let me tell you how to get through the system and navigate it."

I think it's important to invest in programs that are specific to the community, but coming from input by community members themselves, so have round table discussions, meet with community leaders, but also folks who have been impacted by violence—immigrant women themselves. I think that would be the way to go. It is, of course, important to invest in agencies, as well, who are working in these communities. Most of the VAW, as well as settlement agencies, that provide services around violence against women are terribly underfunded and are not able to meet the needs of the communities. I think it kind of has a multi-pronged approach, but I think community engagement and education is a key part of really bringing change.

Ms. Harinder Malhi: What parts of Bill 132 do you believe will particularly be helpful to immigrant women who are survivors of sexual violence?

Ms. Krittika Ghosh: I think all of them can be helpful, and we want it all to be helpful so that it's not like only one part of it is geared towards immigrant and refugee women. For that reason, what we are asking is

for greater clarification on the fact and to make it clear that when immigrant and refugee women do report that there are no repercussions on their status and that they are not afraid. There are many—

The Chair (Mr. Peter Tabuns): I'm sorry to say you are out of time with this questioner. We'll go to the official opposition: Ms. Scott.

Ms. Laurie Scott: That's okay. I can let you follow that theme, because I have a similar question on expanding the definition, because obviously you feel that they fear discrimination. Is that actually occurring, the discrimination? So finish what you were responding to MPP Malhi, if you wish, and just if you have an example. I understand the fear of it, just is it actually really happening?

Ms. Krittika Ghosh: I'm sorry. What was I responding to—what was the last question you had asked?

Ms. Laurie Scott: It was about funding, I think, that you were talking about for—

Ms. Harinder Malhi: We were talking about what elements of the bill you think are particularly helpful.

Ms. Krittika Ghosh: I think, for us, we see that all of the points should be helpful in terms of immigrant refugee women—who are also tenants in housing, who are also students, who are also working—so all of these impact our communities. But there needs to be greater clarification on what the repercussions would be, if they were to report.

In terms of discrimination, if somebody is working under the table as an undocumented worker, they're already getting ripped off in terms of the fact that they're probably not getting paid minimum wage. In addition to that, if they're experiencing sexual violence, they probably (a) don't know what their rights are and (b) will be scared to report because at least there is some sort of an income coming in for them. They would lose that by reporting, by losing their job. Also, if under the current law, there isn't clarity in terms of what the rights of undocumented workers and workers with precarious status are, then they don't have the right to report. That's the way that I see that happening.

Discrimination obviously is happening in many forms. We recently wrote a letter about Islamophobia after the Paris attacks and how it has been impacting community members here. Definitely, issues around racism and xenophobia are always there for, particularly, racialized immigrant women. In terms of—

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time with this questioner, too. We'll go to the third party: Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for your presentation. You've made some really useful recommendations for changes to the act. One section of your presentation dealing with schedule 3 and the requirements for campuses to have stand-alone sexual violence policies really struck me, and that was your recommendation that international students have the same access to counselling and other services without having to pay additional fees. When international students register on

Ontario campuses, don't they pay for access to health care services? Have you heard of fees being a barrier?

Ms. Krittika Ghosh: International students get privatized insurance called UHIP. In terms of that, they do have access to services on campus, but not so much—there's a lack of services that they have in terms of counselling services off-campus. They would have to pay up front and then get reimbursed later on for all these services through UHIP, which constrains many survivors from actually accessing them.

Later this afternoon I think my colleagues from the Ontario college student union are going to be speaking. They will be addressing this topic in more detail in terms of how they have been pushing for international students to also have access to OHIP and the same kinds of resources that domestic students have, because right now they are not getting the same access to services.

Ms. Peggy Sattler: So currently, if an international student experiences sexual violence on campus, they would be limited in terms of the supports they can access?

Ms. Krittika Ghosh: Yes.

Ms. Peggy Sattler: The other question is around the Residential Tenancies Act. Going back to you—

The Chair (Mr. Peter Tabuns): Ms. Sattler, I'm sorry to say that you're out of time. Thank you very much for your presentation today.

Ms. Krittika Ghosh: Thank you so much.

SURVIVORS OF MEDICAL ABUSE

The Chair (Mr. Peter Tabuns): Members of the committee, Newcomer Women's Services Toronto was not able to appear today, so we're going to the next presenter after that: Survivors of Medical Abuse.

Ms. Sharon Danley: Good morning.

The Chair (Mr. Peter Tabuns): Good morning. As you know, you have up to 10 minutes to speak, followed by questions. Once you've settled in, if you'd identify yourself for Hansard, we'll go from there.

Ms. Sharon Danley: Hi, everyone. I'm Sharon Danley with the Survivors of Medical Abuse.

As a decades-long, unfunded stakeholder and survivor myself and advocate who is engaged on the ground with survivors and victims of sexual abuse, we are keen to have our right and opportunity to speak to Bill 132 exercised. It is presented with respect while illuminating the serious problems.

As we've always been unfunded and without benefit of a team of researchers, lawyers or staff, with little time to prepare, I'll avoid attempts to make this bill appear competent and cut to the chase, because most of the bill obfuscates the real problems, avoids the hierarchy taking responsibility and is, quite frankly, completely inadequate except for changing the limitations to file for victims' compensation, which should have been done a long time ago.

It's really more about abuse management than abuse eradication. Bottom line: All institutions that enjoy the

privilege of self-regulation must have that criminal element of sexual abuse, in any form, removed from their adjudication and tribunal processes under their regulated advantage. They have proven over and over that they are unqualified, militantly ignorant and transparently self-serving.

All other crimes are reported to the police, as should sex assault in any form. Anything less is irresponsible, continues to support the growing harm and sends the loud, clear message that it's still okay, even when the Ontario government attempts to hoodwink the public into pretending that it's not.

It has been proven extensively that self-regulation is self-serving and protects the perpetrators while revictimizing and traumatizing its victims. It's also a well-known fact that the government is well aware—and this committee should be too—that the trauma and revictimization of a woman giving testimony about her sexual harassment, abuse or violence is deplorably medieval, often causing greater harm than the original assault and often puts her into a state of PTSD and its fallout for years, with the accompanying myriad financial costs to the taxpayers and the victim.

Because women are put on trial rather than their perpetrators in every sector, it significantly silences their voices. The government continues to allow women to be the ones suffering deterrence, not the perpetrators. In a nutshell: That's your problem.

Excellent examples of self-serving, self-regulated institutions are the police, military, higher learning institutions, regulated health professions—especially the College of Physicians and Surgeons—the law society, teachers, OHIP, government and others. We've all seen the antics in the news of self-governing institutions' outrageous indifference to victims and their primitive views on the subject of protecting their perpetrator members over their victims.

1050

We must include the extremely underrepresented older women who are seen as being past their desirability yet are still abused. Women with disabilities, who are almost 15% of the population and growing, are often stereotyped as less intelligent and often depend on a variety of people to assist them in their home or institutions, where they can't escape, and so are more abused by their caregivers—and they are often shamefully considered incompetent witnesses by the police and courts if they require reporting assistance. And First Nations? Well, we all know the drill there, or we ought to.

The time and money that has been spent over the years in pretending and duct-taping rather than truly eradicating the problem is shameful—and I'm not including the personal, lifelong cost to victims either. That is another incalculable cost.

The recent creation of the round table, the select committee and the third task force in 25 years, all commissioned to address sexual abuse yet not working together, is an excellent example of spending monies that only employ policy-makers, academics and lawyers touting

infantilized programs for victims, pushing papers around with cheap talk while doing very little that's concrete. Yet victims continue to hit the wall of indifference and condescension over and over. They say that it takes time to change; well, the time is up.

I must state that there are many front-line, lowly paid angels in the fields working desperately to help, yet they have become fewer and fewer. But for the better-paid hierarchy, funding is the main thing that drives service agencies and shelters these days. It pays their salaries, but very little of that money gets to the victims. That statement will no doubt make a number in the field angry, but the truth is the truth. Just ask a victim or a survivor.

The other component that people are reticent to speak about is the growing cultural biases which favour the subjugation of women, especially in sexual assault. Respect for women is declining in this country, and sexual violations are on the rise. Nowhere does this growing problem appear to be addressed. Education is important, and it needs to be clear that we don't and won't tolerate abuse in any form in Canada—end of story. Yet it appears we do, because nothing concrete is being done to eradicate sexual abuse or violence. We just create commissions, study the issue and talk about increasing shelters for women and children, or print meaningless brochures or run infantilized programs. Yet nothing is being done about the emerging new problem of cultural bias that subjugates women. We do nothing about privileged, self-regulated institutions that wilfully and with government sanction continue to unabashedly revictimize and terrorize victims if they even have the courage to step up and name their abusers.

Government has a major responsibility to everyone to truly lead and stop this insanity. Yet currently, they've embargoed the recent task force report, saying it isn't finished when in fact it was delivered by the chair months ago. I have a document from the government stating this lie and ignoring requests to meet.

Spending inordinate amounts of time, energy and money on trying to super-glue outdated acts and laws that help nobody costs huge amounts of money that could be given to victims and continues to send the message that it is okay to sexually abuse. And the underlying message to perpetrators says, "Try not to get caught, but if you do, well, you'll most likely be dismissed or you might get a slap on the wrist."

Instead of duct-taping and overly legalizing another bill that really does no good except for changing the limitation period to file for compensation, here is what we propose—actions that are straightforward and get the job done:

(1) All sexual violation components in all institutions currently under the jurisdiction of self-governing bodies must be removed, as they are Criminal Code violations, and should be in the hands of a seriously updated court system.

(2) The law must be redesigned to give victims equality before the law and full-party standing, and to stop putting victims on trial for speaking up.

(3) Officials must stop categorizing sexual assault, attempting to diminish the damage caused by creating hierarchies of abuse by using terms like "simple assault" or "sexual impropriety" or ignorantly suggesting that offenders continue working, but be supervised or limited or chaperoned.

(4) Serious deterrents must be put in place that would be achieved through publicly naming offenders and giving them the full extent of the law.

(5) Society must stop the segregation of groups and silos in sexual violence across the board, and victims must be given adequate reparations directly and with speed.

(6) Monthly PSAs throughout all media about what's not okay. We learned to quit smoking. We buckled up. We can eradicate sexual assault, harassment and violence.

Government has a responsibility to victims which is not being met. It has a duty to publicly broadcast and educate that all forms of sexual abuse will not be tolerated under any governance, under any religion or any circumstance.

Time is up, ladies and gentlemen. It's time to take a stand. It's time to protect victims. It's time to make abusers, including political ones, accountable and experience the full weight of the law. It is time to set strong deterrents in stone. It is time for this government, after more than a quarter century of knowing the problems, to do your job and take seriously the massive action needed immediately. Anything less than what I've stated here simply makes a sham of the It's Never Okay propaganda campaign, because truthfully, the real message is still, "It's still okay." So carry on. We say enough is enough. Thank you.

The Chair (Mr. Peter Tabuns): Thank you for your presentation. Given the time limits, the opposition will have a full five minutes.

Ms. Laurie Scott: Thank you very much for appearing and your very impactful statements that you've made. Do you know of any other jurisdictions where self-regulating bodies—the College of Physicians and Surgeons is one of the examples you used—are not able to investigate sexual assault or violence charges?

Ms. Sharon Danley: Are not able to—

Ms. Laurie Scott: Are not able to in their own self-governing body.

Ms. Sharon Danley: I don't think any self-governing body can. First of all, they're not trained.

Ms. Laurie Scott: Okay. But just specifically, say, a college of physicians and surgeons in another jurisdiction—say the States or something. I use the College of Physicians and Surgeons, but anyone. That responsibility is taken out. I know it's a self-regulating body, but—

Ms. Sharon Danley: I'm sorry; I'm not understanding your question.

Ms. Laurie Scott: In the States, is there a specific state, or do you know of any other jurisdiction—

Ms. Sharon Danley: Like I said, I don't have researchers; I don't have lawyers; I don't have staff.

Ms. Laurie Scott: Okay. I just wondered.

Ms. Sharon Danley: I'm a single, lonely—I have my own computer. That's all I got, folks. That's the best I can do.

Ms. Laurie Scott: Well, you're doing well with that. But I was just wondering if there was anything else that—

Ms. Sharon Danley: Well, you see, people cross borders. They cross countries. Let's take the CPSO as an example. If they lose their licence here, they can often-times go to another province or they can go to another country. Did you see the news last night on CBC, about that very thing? It has to be broad, it has to be across Canada, but Ontario has to do its job. It can set the tone for Canada if it really wanted to.

Ms. Laurie Scott: It's a big issue.

Ms. Sharon Danley: Yes.

Ms. Laurie Scott: That's why I was wondering if there were other jurisdictions you may have been able to talk about.

I agree with you in the fact of the element of sexual abuse. They do not have the qualifications to deal with this. I'm a nurse in my other profession. I've certainly seen it with the medical profession.

You've made some recommendations, pretty powerful ones. I don't know if you were here when Mr. Yakabuski was making a dissertation about why we are still, 40 years later, discussing the same issues. So you don't feel the government's campaign, the It's Never Okay campaign, the ads—

Ms. Sharon Danley: Well, like I said, I presented, for the third time in 25 years, to the sexual abuse task force. It was presented July 31 by the Chair, and it's been embargoed. Why? Why are we not getting to it? I, as a deputant, deserve the right to see what that task force report was from the Chair. If it was never okay, then why aren't we doing a better job? Why can't I get a meeting with the Minister of Health or the Premier? I'm sorry, the round table and the select committee—these committees aren't working together.

1100

Ms. Laurie Scott: Well, we're trying.

Ms. Sharon Danley: I'm on one of them. They're not really. I'm on one of them, and I can't say anything, but I've got to tell you: I'm not impressed. I'm not impressed at all.

And what is it costing for all of these things? They're like silos, working in all of these different groups. There are all kinds of groups working on it. Why can't we bring that under one umbrella, making simple, straightforward changes? They may not be that easy, but they're straightforward.

Changes in law have to be done. Self-governance has to be removed as far as the sexual abuse component is concerned, because it's a Criminal Code violation. If you were to rob them or to break into, let's say, the CPSO—any other kind of crime would be reported to the police. These people at these self-governing institutions haven't got a clue; trust me.

Ms. Laurie Scott: I hear you. Thank you very much for your deputation today and your recommendations.

The Chair (Mr. Peter Tabuns): Thank you very much.

Ms. Sharon Danley: Thank you.

ONTARIO NURSES' ASSOCIATION

The Chair (Mr. Peter Tabuns): The next presenters are the Ontario Nurses' Association. Good day. As you've heard, you have up to 10 minutes to present, followed by questions. Please introduce yourselves for Hansard. It's nice to see you here.

Ms. Sharan Basran: My name is Sharan Basran. I am the manager of litigation and legal counsel at the Ontario Nurses' Association. I am joined by Lawrence Walter, who is ONA's government relations officer.

ONA is Canada's largest nurses' union. We represent 60,000 registered nurses and allied health professionals, as well as 14,000 nursing student affiliates. The majority of our members are women, and are often the victims of sexual harassment and solicitation in the workplace.

Too often in my role, I constantly hear reports of our members suffering violence and harassment. Just to give you an idea of what our members face, in the last year, we had a nurse who was beaten beyond recognition. We had another nurse who was stabbed by a patient, narrowly missing an artery. We had a nurse who was required to undergo a finger amputation due to a violent attack.

Sexual grabbing and assault are not uncommon. I just had a report yesterday of a nurse in a mental health facility at a major hospital in Ontario who was subject to sexual assault by a patient.

Unfortunately, there are also threats from co-workers. A nurse was recently subject to repeated sexual harassment and solicitations from a physician.

These are repeated and daily events for our female membership, so we feel that we are well positioned to provide recommendations in relation to the bill. We have a number of tweaks that we think are important to consider, so we'd like to turn to Bill 132 and generally give you an overview of our position. There are five issues and concerns that we have, and we have corresponding recommendations that we'd like to make to the committee.

Our comments are largely directed to schedule 4, which focuses on the Occupational Health and Safety Act. We think that it provides important enhancements to the harassment provisions, but we think that they fall short in several respects.

We want to commend the government, the Premier and the committee for your commitment to eliminate and address sexual harassment. We share this important legislative objective with you, but we do think that there are some unintended consequences to the bill if there are not specific amendments. So I'm going to go through my list and make the recommendations.

The first is about prevention. We deal with this on page 4 of our submission. We think that Bill 132 is more

reactive than proactive or preventative. The very heart of occupational health and safety legislation is to be preventative. So while the new legislation requires employers to investigate based on a complaints-driven process, the new provisions do not explicitly require the employer to take preventative measures to deal with potential hazards of harassment before they happen and workers are placed in harm's way.

The legislation as it stands now does impose a preventative duty on employers when it comes to violence, but it carves out harassment and, in our view, respectfully, creates a double standard. So we say whether it's harassment or violence, they need to be treated equally.

We have drafted an amendment to require the employer and supervisors to take every precaution reasonable in the circumstances to protect a worker from harassment, including sexual harassment. Section 32.0.5 is currently in the present legislation. What we're proposing is it that be expanded to just not address violence but also harassment.

Our second point is in relation to a program to implement a harassment policy. We think there are a couple of flaws here in that there is no requirement to consult with the joint health and safety committee in coming up with this program. This is really about taking a harassment policy and putting it into action. What are the measures and procedures that you are going to put in place as a practical measure? We're not just dealing with a policy on the books, but we're talking about policies that are effective to protect workers.

For the proposed amendments under section 32.0.6, we think that to achieve the legislative intent to stop harassment in workplaces, employers need to consult the joint health and safety committee in regard to developing the program. The committee is well situated; they are experts in the field and I think not to consult with them is a significant gap.

I noted that in another schedule, dealing with universities and colleges, there is a requirement to seek student input in relation to coming up with a policy on sexual violence. I think that is a great example, and we want to have parity in all of the sectors. Whether I'm in a workplace or whether I'm in a university or community, we think that there should be similar input when it comes to workplaces in Ontario.

The other piece of it is that there's no requirement for the program to be in writing. We simply say, when it comes to a program, measures and procedures should be in writing.

Next, the bill currently doesn't recognize mental injury caused by sexual violence. Again, we notice that there is a bit of a difference when it comes to the different schedules under the bill. The amendments to the act covered in schedule 3, which deals with universities and colleges, and schedule 5, which is private career colleges, contain a proposed definition of sexual violence. Interestingly, that refers to sexual acts, whether the act is physical or psychological in nature. Yet when you go to the Occupational Health and Safety Act in schedule 4,

workplace violence is limited to physical force that could cause physical injury.

As a recent example, we had a nurse who was sexually assaulted in the workplace and was made to perform a sexual act on a perpetrator in circumstances where her life was threatened. She wasn't physically injured during the assault. However, she experienced trauma, psychological harm and was mentally injured. I would argue that more often than not, when you're dealing with sexual assault, when you're dealing with sexual harassment, psychological harm is a huge component and to not recognize psychological harm is a major deficiency, I would say, in the bill.

We recommend that there needs to be explicit reference to psychological harm and injury and, quite frankly, there seems to be this dual treatment, that you've got workplace harassment over here and you've got violence over here. Why not create a single definition instead of creating this hierarchy of "Is this violence? Is this harassment?" and having an endless debate about categorizing the nature of the act? According to the legislation, there are different things that happen if it's violence versus if it's harassment. We suggest that you have a single definition of harassment and violence, invoking an identical and equal duty to prevent and respond to incidents at all points on the continuum.

1110

The Lori Dupont inquest is a case in point. The acts against Lori Dupont started with harassment and gradually escalated over time into violence. The inquest identified 84 missed opportunities. In applying that in terms of the recommendations that we're saying, if there's an overall duty on the employer to take preventative action, you need to start acting on that very first act on the continuum. That may not be viewed as serious on its own, but it can escalate into violence.

The fourth point that we want to talk about is confidentiality. This is a really, really important balancing act. Currently, under the present provisions—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're actually out of time.

We'll go to the third party: Ms. Sattler. Under our rules, she'll have five minutes to pose questions. We won't be rotating at this point. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for your presentation and for your expertise that you're bringing to this committee on the occupational health and safety issues. I'd like to hear what your concerns are about confidentiality, if you could just elaborate on some of those.

Ms. Sharan Basran: Great, thank you. Currently, under the provisions, what I was going to say is there is what we think is absolute confidentiality over the investigation process. We understand that, for victims of sexual harassment, confidentiality is very important so that they can feel comfortable making a complaint. However, on the flip side of confidentiality is: Are there circumstances where very limited disclosure should be made where there is a risk to other workers?

What we want to recommend is: An employer should have the ability, where there is a hazard presented to other workers, not just the complainant—because there are times where it's not just purely private or between two people. We think that an employer should be able to disclose only that information which is necessary to protect other workers. I've reviewed the current legislation and I see no ability right now for an employer to warn other workers or even to tell the joint health and safety committee, "Look, we have very serious harassment in this particular unit. We think that several workers are at risk." I see no exception to that circumstance, and quite frankly, it worries me. An employer could be in possession of very relevant information and have no ability to warn anyone, and that frightens me, quite frankly. So that was one thing that we noted.

The second thing that we noted is what the legislation says right now is if there is an investigation and you get a report with results of the harassment investigation, it's shared with the complainant and the alleged harasser, but it's not shared with the complainant's union in a unionized workplace. So we say, why not allow employers to share the results with the complainant, if represented by a union? I can tell you, from personal experience, you have great employers out there who will share a lot of information, but the effect of these legislative provisions—and I know this—is that I'm going to hear from employer counsel and they're going to tell me, "You don't get anything. The Occupational Health and Safety Act says that I can only share it with the complainant." So the net effect of that, in my view, is that you put the entire burden of enforcement on the complainant, and that causes me concern. There is no help for the complainant because, arguably, if you read this literally, she can't even share it with anyone. I think the confidentiality is important. I just think it's so absolute that you haven't carved out important exceptions.

Ms. Peggy Sattler: Okay. We've heard previously in this committee recommendations for mandatory training in the workplace, particularly because of the weakness of Bill 168, which was supposed to address the Lori Dupont circumstances. What's your view on mandatory training in the workplace?

Ms. Sharan Basran: In my experience, training is an important preventative tool. I think that you need to have training. I believe that there should be mandatory training because I think it's awareness that leads to prevention, which is going to stomp out harassment in the workplace. To me, it's only by educating and creating awareness by the people who are going to be implementing the policy programs that you get effective enforcement. You could have the best policies in the world, but if you don't have someone who is educated and knows how to apply those policies and programs, you've just weakened and undercut all of the great work that you've done in this bill.

Ms. Peggy Sattler: You talked about the need for a single definition of sexual violence that would put sexual harassment on a continuum. Did you include language for a recommended definition? Is that at the back?

Ms. Sharan Basran: Yes.

Ms. Peggy Sattler: Okay, I'll take a look later. In the appendix?

Ms. Sharan Basran: Sorry, we haven't actually. What we did is we worked within the present framework, I think.

Ms. Peggy Sattler: If you have some language that you would like to see replace what's in the present framework, so that there is a single definition, I'd be very interested in that.

The last question is about the role of the joint health and safety committee. Are there other places in the Occupational Health and Safety Act that the joint health and safety committee has a more proactive role in terms of policy development that's not reflected in this schedule?

Ms. Sharan Basran: I would say, generally, the employer has to report hazards to the joint health and safety committee—

The Chair (Mr. Peter Tabuns): I'm sorry to say that we've run out of time.

Ms. Sharan Basran: Okay, just one quick point: Would it be possible to email? There has just been a request to come up with a single definition.

The Chair (Mr. Peter Tabuns): Yes, our Clerk will talk to you, and we'd be happy to have that.

Ms. Sharan Basran: Thank you.

The Chair (Mr. Peter Tabuns): Thank you. It's good to see you both.

TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC

The Chair (Mr. Peter Tabuns): Our next presenter is the Toronto Workers' Health and Safety Legal Clinic. As you've probably noticed, you have 10 minutes to present. There will be questions afterwards. Please introduce yourself for Hansard.

Mr. John Bartolomeo: Good morning. My name is John Bartolomeo. I'm a staff lawyer at the Toronto Workers' Health and Safety Legal Clinic. We are a specialty legal aid clinic in that we serve a specific subset of law: We handle occupational health and safety unlawful reprisal applications before the labour board. Through that, as well, we have corollary issues that we cover, such as sexual harassment. We proceed with those types of applications in front of the labour board, but also at the Human Rights Tribunal of Ontario.

My comments today will be limited to schedule 4 of the act: amendments to the Occupational Health and Safety Act. In respect to our suggestions towards the proposed bill, we have to say that we are encouraged by the proposed amendments to the Occupational Health and Safety Act, but we feel there is more to be done and that we can step forward and present a cohesive plan, incorporating what the bill hopes to achieve, but also the suggestions in It's Never Okay and the final report of the Select Committee on Sexual Violence and Harassment.

When you contemplate all those documents together, I think we have an opportunity to refashion a workplace that assists my clients. My clients are generally low-income, new Canadians, young Canadians. They do not have the benefit of union membership, and given our financial eligibility requirements, they are entirely low-income wage earners. Those circumstances do not lend themselves to workplaces that have a health and safety committee or a health and safety rep to assist them, so they are essentially alone until they come to our clinic. We have to assist them based on recent changes to the legislation. While the proposals, as I indicated, are positive, there is still more to be done.

With respect to the changes that I am going to suggest today, I have four recommendations.

The first one I would like to address is with respect to the definition of workplace harassment. Nine times out of 10, when an employer has harassed a worker, the response from the employer is, "This is just management of our workers. It has nothing to do with harassment." That is the first line of defence employers will generally submit to the labour board or to any application we submit. The danger I see in Bill 132 is that you have effectively codified the first line of defence of an employer by suggesting that management of employees does not constitute workplace harassment. By putting that barrier to any harassment complaint or investigation, you've given the employers an arsenal that I don't think they need. I think workplace harassment should be investigated and the reasons behind employer decisions should be investigated and not given a way out at the first instance.

1120

So my first recommendation is to strike subsection 1(3). "A reasonable action taken by an employer or supervisor relating to the management and direction"—that should be struck. If there is some belief that there must be some kind of initial protection, our proposal is that we include wording that focuses on respect for the workers. We suggest in our alternative that phrasing include that so long as workers are treated with dignity, integrity and respect, then management of workers is a reasonable action.

The second recommendation we have is the inclusion of a code of practice. This is one of the recommendations we made in front of the select committee. Stopping workplace harassment and workplace violence is more than just rooting it out when it's raised as an issue. What we propose is making a positive workplace. There is a best method and a best practice to how we choose to organize our workplaces, and that's giving the respect that workers deserve, the dignity that workers deserve; that they are treated not simply as subordinates but as individuals with rights. That is why we propose that in any policy, there is a declaration that employers are to provide a workplace free of harassment and that we promote respect and dignity for workers in the workplace.

The third recommendation we have is with respect to access to investigation of complaints. The wording, as it

is currently phrased, is that a worker, and/or the assailant if they are an employee, is informed in writing of the results. The way the wording is, in my view, does not allow the worker or grant the worker a right to the report itself.

This comes up on occasion, as a practitioner in these types of applications before the labour board. I can give you an example: An employer can simply give you a summary of what the report said. That doesn't necessarily mean the summary is correct. That doesn't necessarily mean the summary tells the whole story. It is only after we demand a copy of the investigation report that a worker gets a full picture of whether or not the investigator actually paid attention to the specifics, whether or not the investigator interviewed the correct people and whether or not the worker's complaints were treated with the appropriate response.

One example I can give is whether or not an incident has been weighed correctly by an investigator. We can see that, not from a written summary or an executive presentation from the employer, it is from the document itself.

We propose in our amendments that the individuals involved get a copy of the report. I acknowledge that there is some need for privacy concerns if there is an investigation that involves interviewing witnesses. These individuals don't necessarily want to have their names attached to these types of reports. So we contemplate some subjective or objective level of privacy for third parties who are pulled into the report through investigation. But for all intents and purposes, why can't a worker have access to their own report? That needs to be expressed clearly in the legislation.

The fourth and final recommendation we have with respect to schedule 4 is one that we made before the select committee, and it's one I've already heard from previous deputants: We cannot differentiate between the treatment of workplace harassment and workplace violence under the Occupational Health and Safety Act. In this regard, I mirror the select committee's recommendation in and of itself, which was recommendation 33, I believe, that the opportunity in Bill 132 before you is the chance to give clear indication to the labour board, to parties, that workplace violence and workplace harassment are to be treated the same, in that we proposed an amendment that clearly identifies that the employer duties, the supervisor duties and the worker duties, as set out under the Occupational Health and Safety Act, apply as appropriate with respect to workplace harassment.

This will alleviate any concerns I have as a practitioner when I appear before the labour board because, as I had the opportunity to tell the select committee, the labour board recognized, or at least their vice-chairs recognized, that there was a difference between how the Legislature chose to treat workplace harassment and workplace violence. Noting that, there is a vice-chair decision that is quoted that says, effectively, that if the Legislature wanted harassment and violence treated the same, they would have used the same language. Since

they didn't, it's clear that harassment doesn't get the same types of protection that violence does. That has changed through a couple of decisions that we had the opportunity to argue, but now is the opportunity for the government to make the change recommended by the select committee. Change the language so that workplace harassment gets the same coverage.

In summary, this is an opportunity to improve Bill 132 with our changes, to protect workers, to make it clear that harassment is to be treated just as seriously as workplace violence. Thank you.

The Chair (Mr. Peter Tabuns): Thank you for that presentation. Given the time limits, the next five minutes of questions will go to the government. Ms. Malhi?

Ms. Harinder Malhi: Actually, no, it's Mr. Rinaldi.

The Chair (Mr. Peter Tabuns): Oh, Mr. Rinaldi. My apologies.

Mr. Lou Rinaldi: That's fine. Thank you, Chair.

Thank you, Mr. Bartolomeo, for being here today, and for your presentation.

Chair, just with your indulgence, just a quick comment this morning: We talk about education, from past presenters, and I just thought—I had this in my mind that I'm quite impressed with the number of deputants we have from colleges and universities, and that's where we talk about education and its importance. I just wanted to make that comment. I didn't mean to interfere with your time.

The last thing you talked about, and as you mentioned, there were other deputants that brought the issue up—just bear with me here—on your sheet is the difference between workplace violence and workplace harassment. We treat them as two different things, and there's confusion.

Not being a lawyer, I guess what I would ask from you is, do you have a recommendation on how we could marry the two together, or if there's a possibility, understanding that there are some differences, I think, from a layman's perspective, but yet in the end, the meaning could be the same? Do you have any sense of how you could marry the two together?

Mr. John Bartolomeo: You have two options in that regard. There is already a provision for workplace harassment under the Occupational Health and Safety Act. You could choose to add in the simple words "and harassment" to the appropriate section. Or, as I have drafted, I have effectively mirrored the section that says employer duties, supervisor duties and worker duties apply, as appropriate, with respect to workplace harassment, so that when employers, supervisors and workers fulfill their obligations under the act, they are to keep in mind that this is also in respect to workplace harassment.

Mr. Lou Rinaldi: So you think that would satisfy that, from a legal perspective?

Mr. John Bartolomeo: That would at least remove a few weapons in the arsenal that employer counsel uses against me when I make these applications.

Mr. Lou Rinaldi: Switching to recommendation number 1 that you have here, can you maybe provide a little bit more clarity on your recommendation?

Mr. John Bartolomeo: When you read the transcript—and I say to you, "You have to work late tonight," and I'm not making eye contact—I'm staring at another part of your body—that could be deemed simply management, because I'm telling you that you have to work late tonight. If I'm putting you in an uncomfortable position where I am not treating you with the dignity and respect as an individual, it should be clear that that type of behaviour doesn't have an escape route or a clause that an employer can hinge themselves to by saying, "Well, this was just me trying to tell them they have to work late."

1130

There are many examples of how people are not treated with respect and how they have to endure harassment. To effectively put into the legislation a section that says, "Well, if you're being reasonable, that's okay"—that's the first place every aggressor will go to to defend themselves. I don't think that needs to be in the legislation.

Mr. Lou Rinaldi: I'm going to change the subject a bit. From a legal perspective—it's a two-part question, if I may. One, the bill as it stands now: Will it help the legal profession to defend the victim? Secondly, can you comment on the elimination of the two-year limitation period for survivors—whether this would enhance the process to bring the issue forward?

Mr. John Bartolomeo: There's no doubt that the bill will help. My thinking when I made these submissions—and they're co-written by our lawyer director, Linda Vannucci, who is unwell and can't make it today—is: How does this bill present itself in a way that we can do better at the labour board? How do we make our case easier?

The recommendations I have made are largely to stop us from having further impediments and barriers in making our case, so that's why we've asked for the removal of the notion that a reasonable action can somehow exempt employer actions from the definition of workplace harassment. That's why we've asked for a code of practice. That's why we've asked for inclusion of the concepts of dignity and respect and that's why we've asked for further protection for workplace harassment under the Occupational Health and Safety Act. Yes, there are positive steps forward, but we can always do better. This is the opportunity we have to follow through with the recommendations of the select committee, so while we're here, we may as well do it.

The Chair (Mr. Peter Tabuns): I'm sorry to say that, with that, we've run out of time. Thanks very much for your presentation.

Mr. John Bartolomeo: Thank you.

UNIVERSITY OF TORONTO

The Chair (Mr. Peter Tabuns): The next presenter: the University of Toronto, office of the vice-provost, students and first-entry divisions.

As you've heard, you have up to 10 minutes to present. That will be followed by questions. Once you're settled, if you'd introduce yourselves for Hansard.

Dr. Mayo Moran: Hello, I'm Mayo Moran. I'm the provost of Trinity College, and before that, I was dean of the faculty of law at the University of Toronto for nine years. I was the first woman to hold that position.

My research focuses on equality and inclusion. I've done quite a lot of work on law reform in the area of sexual violence. I recently reviewed the AODA for the government of Ontario and I am currently chair of a committee that oversees a tribunal that adjudicates claims of sexual and physical abuse in the Indian residential schools settlement agreement.

Ms. Andrea Carter: Hello. I'm Andrea Carter. I am the director of high risk and AODA at the University of Toronto. I help to oversee crisis and critical incidents and the management of those incidents on all three of our campuses. I work very closely with faculty, staff and students in the prevention and response to sexual violence. I am also a member of the Council of Ontario Universities reference group on sexual violence.

The University of Toronto is committed to a safe working and learning environment on all of our campuses. We applaud the government of Ontario for its commitment to establish a fair and equitable society. We fully support the efforts and intention of the government of Ontario in recognizing the benefit of living without the threat and experience of sexual violence, sexual harassment, domestic violence and other forms of abuse. We appreciate the opportunity to speak with you today regarding the proposed act.

The University of Toronto has over 85,000 students, over 15,000 employees, three campuses in two municipalities, and is affiliated with teaching hospitals across Toronto and Peel regions. Our faculty includes leading experts in the areas of sexual violence, intimate partner violence, legal reform, consent, trauma and workplace harassment.

The university is committed to creating an environment that is free from discrimination and harassment and is safe for all of our students, staff and faculty. These efforts are supported by a range of policies and resources which, over 20 years, have continued to evolve, showing a long-standing and progressive effort to address these issues.

The university has a range of professionals who work to provide education and training related to the prevention of sexual assault. Many of the training efforts concentrate on first-year students during orientation, and others continue throughout a student's time at the university. We address sexual assault, the threat of sexual assault offences, and sexual violence under our code of student conduct and our workplace violence programs. We work to ensure that our students, staff and faculty understand the range of options and resources that are available for them should they require any assistance following an assault or have safety needs while on campus.

We do wish to raise three areas of challenge with the proposed bill that we believe, if addressed, will create

effective and efficient legislation that supports the goal of the elimination of sexual violence and its impact.

Dr. Mayo Moran: I will speak to the first one. It won't surprise you, since I'm a lawyer, that I'm going to direct your attention to the proposed definition of sexual violence in the act. What we recommend is that that be amended to remove a phrase that is included. That phrase states "whether the act is physical or psychological in nature." Let me just explain to you a little bit why we think that's important.

First of all, I think it's important to say that we support a broad definition of sexual violence that includes both physical acts and acts that are not physical but that cause psychological harm. We think the definition should include physical harm, psychological harm or both, as is often the case.

The definition of sexual violence in the act as it's laid out already specifically refers to threats and attempts as well as committed acts. It encompasses activities like stalking and voyeurism. These elements of the proposed definition, therefore, I would suggest, already cover acts where there is no physical contact but there's a psychological impact on the survivor: examples like cyberbullying, threats and those kinds of things.

In this context, I would suggest that the addition of the clause "whether the act is physical or psychological in nature" is likely to create uncertainty. Even an utterance or a communication is an act, so it's very hard to see what an act that is psychological in nature could be. The clause, therefore, I would worry, introduces an element of confusion. Since the definition of sexual violence is at the very core of the legislation, it's extremely important that that definition be very clear. What we would suggest is that that goal of covering psychological impact is already there in the legislation, and that clause that refers to acts that are psychological in nature only introduces confusion, is unnecessary and should be removed.

Ms. Andrea Carter: The second area that we would like you to consider looking at more closely is the proposed collection of information for the minister. I know that you've heard from several universities today about the positioning of a climate survey being the best option for this type of information gathering.

We do believe that it's very important to gather relevant and reliable data in order to understand the prevalence of sexual violence on our campuses. We also know that research indicates that the best means of accomplishing this goal is through the use of climate surveys, so the university recommends that climate surveys, rather than the data collection outlined in subsection 17(7), be adopted to facilitate the legislative goal.

We understand that most victims only disclose when they are confident that their confidentiality will be respected. Reporting any information from counselling and support services may discourage victims from coming forward. There is a difference between disclosure and formal reporting, a difference that is very important to the individual who has experienced sexual violence. We believe that the collection of data from universities in

the manner proposed in the bill may prevent confidential disclosures.

It's also very important for this committee to know that when a victim discloses to the university, it does not have to be a formal one in order to receive supports and accommodations. We would like confidential disclosures to be protected. We believe that this would be achieved through the utilization of climate surveys. We are fully supportive of understanding the experiences of our faculty, staff and students on our campuses and their perception of safety, and we also fully support the need for incoming students and their parents to make informed decisions about where they would like to experience their education. We do believe, though, that climate surveys will assist in bringing us benchmark data for comparison and improvement over time.

1140

Dr. Mayo Moran: And then I'm going to address—sort of back and forth here—the last issue, which is some of the elements around the sexual violence policy.

First, I think it's important to say that we support a stand-alone policy as outlined in the bill, and we believe that policy should set out the process to deal with complaints of sexual violence. However, we note that the legislation contains no guidelines for that process. Therefore, we would suggest that it would be important to work with the Ministry of the Attorney General very early on to develop guidance for institutions that are seeking to develop processes to ensure that they're effective and procedurally fair.

The process for handling and, in particular, adjudicating complaints of sexual violence on campus, as I'm sure you can imagine, is likely to be very closely scrutinized. Often, both parties are members of the university community and the stakes are high for both of those parties. Designing a process that works well and ensures procedural fairness in that context is extremely important, but it requires expertise and resources. As a lawyer, I would say that it is extremely easy to go wrong.

Where such processes are not well thought through or where they're perceived to be unfair, unfortunately, the experience elsewhere suggests they end up getting challenged in court, with lengthy proceedings that are not good for anyone. As I'm sure you're aware, in the United States, title IX of the Civil Rights Act has been used to respond to incidents of campus violence. I think many aspects of that are very welcome and have made a big difference on campus. However, the unevenness of the procedural elements of hearings and that sort of thing has resulted in massive litigation in the courts, which, unfortunately, has very bad consequences for all of the parties involved. It prolongs the events and it's not desirable.

We would suggest that the government has an excellent resource: lots of wonderful lawyers in the Ministry of the Attorney General. It would be very desirable to connect with them and to ensure that there's some guidance given to institutions so that the processes are procedurally fair and effective in adjudicating these complaints.

That's the end of our formal remarks. We'd like to thank you for hearing us. As my colleague said, we're very supportive of the bill. And since the University of Toronto is a big research powerhouse, we'd be happy to have any further discussions or consultations if that would be helpful. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. Given the time limitations that are available, this rotation for five minutes goes to the official opposition. Ms. Scott.

Ms. Laurie Scott: Thank you very much for appearing here today. Your input has been very valuable. We've heard a lot about the definition and the amendment that you brought forward, and I think that coincides—you might have heard some earlier presenters' discussion on that. I think that leaves it open to a possible amendment for that definition.

We've also heard a lot about the climate survey; different arguments. My concern is, how does one know, when someone comes forward, a student comes forward or anyone comes forward—because we are looking at not just students being encapsulated into the bill, but including faculty and everyone in the campus community. How do we know that person who has come forward has gotten proper treatment? We're wanting to track it to make sure that that treatment is followed and the best treatments are made available. How can we, the ministry or whoever, monitor that and feel safe that there is enough treatment offered?

Ms. Andrea Carter: I think that there's a difficult task ahead of you. I understand your desire to want to know that the victim is fully supported and I think that the solution around collecting numbers on where that victim may go to receive support doesn't actually answer the question that you're trying to get at with that data collection.

What we try to do at our university in particular is to have structures in place where those services are supported by levels of additional resources and other services around them so that they're able to help to navigate the student when they come in to the door for assistance, that a formal report does not need to be made in order to have access to those services. When they come in to, say, accessibility services and are requesting an accommodation for an exam because the incident has happened and it has prevented them from being able to embark on their studies for that examination, we're able to put those things in place, working through that service and through our professors, and make accommodations as needed.

We also have a complement of services that work very closely together, and so the student then can move through into counselling services, if the student is in crisis. We have partnerships with Women's College Hospital, for example, which has been a phenomenal partner in this area in supporting our student needs. What we've tried to do in our framework and structure is make sure that each of our services are interwoven so the student isn't having to bounce around, but in fact, we

work behind the scenes as services to help identify the needs and get those into the students' access of care.

Ms. Laurie Scott: I think my colleague wants to have a question here.

The Chair (Mr. Peter Tabuns): Mr. Yakabuski?

Mr. John Yakabuski: Thank you very much for joining us today and appearing before the committee.

I want to play a little bit of devil's advocate on this climate survey, because we've heard a lot about it from the university sector. I want to speak hypothetically for a moment, because I don't have an 18-year-old daughter who might be starting school; all my children are older than that. It might be viewed by some people that universities are trying to avoid publication of statistics with regard to how many sexual assaults or harassments or whatever would be covered by the bill have been reported at their institution.

I live in rural Ontario, so there's no university at home. Wherever my daughter did go—my daughters did go away—it was far away from home. I'm a father; I'm worried. I'm worried and I want to make sure that the university I'm sending my daughter to has a good record. If my only access is a climate survey, I'm not going to feel that comfortable. If someone came to the university on behalf of their daughter, or the student came directly and said, "I'd like to know what the statistics are with regard to your campus. How many sexual assaults have been reported? How have they been dealt with?" would that information be available to them?

Ms. Andrea Carter: We do track formal reports through our campus police services or on other campuses' campus security services, and also formal reports that move through either the code of student conduct or our workplace violence program. This is where I think that distinction between disclosure and formal reporting is critical to your analysis of these questions.

I would also like to put forward that the committee consider that, when you're looking at creating data for comparison purposes, just because one university might actually have more reports of sexual violence, it may mean that they're actually doing a good job of managing those issues.

Mr. John Yakabuski: Fair enough. I would disagree with that, however.

The Chair (Mr. Peter Tabuns): With that, I'm very sorry to say that you're out of time.

Ms. Andrea Carter: Okay, thank you.

The Chair (Mr. Peter Tabuns): Sorry, Mr. Yakabuski.

Mr. John Yakabuski: Was it my question?

The Chair (Mr. Peter Tabuns): I have no comment on that.

Thank you, all. The committee stands recessed until 1 p.m.

The committee recessed from 1148 to 1301.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We're back this afternoon to resume public hearings on Bill 132, An Act to amend various

statutes with respect to sexual violence, sexual harassment, domestic violence and related matters. Please note, members of the committee, that additional written submissions have been distributed to you.

CANADIAN FEDERATION OF STUDENTS

The Chair (Mr. Peter Tabuns): With that, we'll go to our first presenter. Members of the committee, please note that we'll go first to the Canadian Federation of Students, and then go back to the Ontario Confederation of University Faculty Associations.

Ms. Laurie Scott: Canadian Federation of Students?

The Chair (Mr. Peter Tabuns): Canadian Federation of Students. You have up to 10 minutes to present and then we'll go to questions. If you want to start by introducing yourselves for Hansard and just take it away.

Ms. Gabrielle Ross-Marquette: Sounds good. Thank you. Hi, everyone. My name is Gabrielle Ross-Marquette and I am the Ontario representative for the Canadian Federation of Students. I represent over 350,000 college and university students across the province.

The Canadian Federation of Students, Ontario is the largest students' organization in the province, representing full-time, part-time, university and college students from all levels of study, such as undergraduate students, graduate students and professional students. As well, we represent students on English, French and bilingual campuses.

Ms. Rabbia Ashraf: My name is Rabbia Ashraf. I am the women's constituency commissioner of the Canadian Federation of Students. I represent women-identified students in the province.

I am also the vice-president internal for the Continuing Education Students' Association of Ryerson, which is the students' union that represents 16,000 part-time students at Ryerson University.

Ms. Gabrielle Ross-Marquette: Campuses are a reflection of greater society and as such are not immune to the systemic issues that plague our communities at large. However, campuses are unique in that post-secondary students experience a disproportionate number of sexual assaults as compared to the general population. One in five women experiences sexual assault while attending a post-secondary institution, and gender-based violence continues to be a serious issue at every single college and university campus in Ontario.

Universities and colleges possess unique tools to prevent, mitigate and address sexual assault. From lecture halls to dorm rooms, post-secondary institutions have numerous avenues to implement mandatory consent education programs as well as the possibility to clearly outline and enforce rules and procedures around combatting sexual assault.

Ms. Rabbia Ashraf: The Canadian Federation of Students has been working on the issue of sexual assault since its beginnings, when we were founded in 1981. The Canadian Federation of Students developed "No Means No," a campaign against rape culture and sexual violence

on campus. Since then, students have been at the forefront of this fight. We have been a source of collective action against sexual violence on campuses for decades and have pushed our campus communities to face uncomfortable realities by building and nourishing cultures of consent at our colleges and universities.

We know one in five women experiences sexual assault while attending a post-secondary institution. It is no understatement that sexual assault continues to be a very serious issue at every single college or university campus in Ontario.

Post-secondary institutions are meant to be safe spaces with the mission to educate students and engage the community in critical thought and discussion. Although colleges and universities foster academic and social activities, they can also create environments where women face sexual violence from the first day they step foot on campus.

Ms. Gabrielle Ross-Marquette: This year, though, students finally saw leadership on this issue from our provincial government. Premier Wynne acknowledged that not enough was being done on the part of post-secondary institutions to prevent sexual assault on campuses, nor was enough being done to support those who had experienced sexual violence.

Her promise to introduce legislation that will mandate colleges and universities to adopt stand-alone sexual assault policies and to involve students in this process will build the foundation for safer campuses. These policies will help to acknowledge the reality of rape culture on campus and they will also help create a culture of believing those who have experienced sexual violence, and will encourage the entire campus community to take responsibility for their healing and accommodations.

Our first recommendation to the committee concerns the definition of sexual violence being used. Though the definition provided in the proposed act is correct according to the Ontario Human Rights Code or other superseding acts, the federation believes that we must bolster the definition to more accurately reflect students' experiences on campuses. Our recommendations to add definitions include, but are not limited to, intimate partner abuse, solicitation, verbal and non-verbal conduct that implies sexual suggestion, and cyber-harassment.

Clearly stating "intimate partner abuse" in the definition would encourage students to report this type of sexual violence. Few people realize that sexual assault policies do protect women from cases of intimate partner abuse. Various statistics illustrate that women between the ages of 16 and 24 experience the highest rate of dating violence, more than any other age group. More than 80% of rapes that occur on college and university campuses are committed by someone known to the victim, with half of these incidences occurring on dates.

Also, students are in unequal positions of power throughout their academic careers, which often places them in vulnerable situations. Including "solicitation" and "verbal and non-verbal conduct that implies sexual suggestion" to the definition of sexual violence would

validate students' experiences of being harassed or taken advantage of by supervisors, teaching assistants, administrators or other persons in positions of power.

Finally, sexual harassment takes place in person, but it's increasingly occurring through online technology like social networking sites, email and text messages. Including "cyber-harassment" in the definition of sexual violence is important, especially due to the anonymity afforded to individuals online.

Ms. Rabbia Ashraf: Our second recommendation is under the sexual violence policy. The federation recommends that the clause which would require every college or university described in subsection (2) and private career colleges to have a sexual violence policy that specifically and solely addresses sexual violence involving students be amended to remove the word "solely," and that "and members of the campus community" be added following "students."

Currently, a majority of the sexual assault policies, if not all, include the entire campus community. All members of the campus community—faculty, staff and students—share responsibility for addressing the problem of campus sexual assault and should be represented and protected by sexual violence policies. While faculty members and staff may be provided protection through various codes like the Ontario Human Rights Code, the Occupational Health and Safety Act and their collective agreements, non-unionized staff should have further protections afforded to them. Every member of the campus community deserves to know that their interests will be protected by a policy offering consistent and standard responses to incidents of sexual assault.

Our third recommendation is under student input. The federation recommends that campus community members, specifically students, drive the policy development process. To ensure effectiveness and legitimacy of the policy, institutions should identify key stakeholders, particularly students, student groups and providers of victim support services, like local rape crisis centres, whose expertise and input should be incorporated into the drafting process. Currently, students involved in the creation of sexual violence policies have noted that students' participation is treated more as a consultation process or that students are entirely underrepresented. Stronger language in the act other than "student input is considered," such as "student input is included" or "student input is mandatory," would ensure that students are meaningfully involved in the creation of the policies that directly affect their campus life.

Ms. Gabrielle Ross-Marquette: Our fourth recommendation is under the review portion. The federation recommends that the clause to require colleges, universities and private career colleges to review their policy at least once every three years be amended to every two years. Reviewing the policy every two years would ensure that students who are involved with developing the institutional policy are more likely to be present on campus when that policy needs to be reviewed, ensuring consistency and thoroughness, because of how quickly

our campus demographics shift depending on program times, specifically at colleges.

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The federation further recommends the legislation to be amended to include a permanent standing committee that reviews the policy and protocol of institutions as issues arise on campus. Students come to rely on their institutions, and when they act or fail to act in a way that harms students, it can make students who experience sexual violence have symptoms of stress and anxiety in the wake of trauma.

Students deserve more than a minimum standard of policy review, and deserve the best practices possible to ensure their living, working and studying environments are safer. Reviewing the policy every time it fails to protect the students means that the institution believes that the safety of students is a priority.

The review process should also include a survey of the student body's experience and awareness of the existing policy, which should be facilitated by an ongoing oversight committee comprised of, for example, student representatives, first responders, faculty administration and community-based organizations with expertise in sexual violence.

Our last recommendation is under the information for minister section. The federation recommends that the information meant to be collected and provided to the minister, in the case of publicly funded colleges and universities, be collected through climate surveys, not through official counts of the number of times support services and accommodation relating to sexual violence are requested and obtained by students enrolled at the college or university. Climate surveys will produce far more reliable information than counting formal and informal incidents, complaints and service use.

Here's some background information to inform the previous statements. Statistics related to sexual and gendered violence are often based on incidents that are formally reported to police. However, unlike other types of crime, sexual assault gets reported at a significantly lower rate. Less than one in 10 incidents of sexual violence are reported to the police, and date rape is the most underreported crime in Canada. This high level of underreporting shows that statistics reports largely underestimate the prevalence of sexual violence—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you're out of time.

We'll go to the third party. They get to ask questions. Because the time is short—there will be five minutes—there won't be a rotation.

Ms. Peggy Sattler: Thank you very much for the presentation. In the document that we have in front of us, where you were just about to go into the section on information for the minister and to give some rationale for why you're recommending a climate survey—the paragraph just above that refers to a review process including a survey. Is that the same thing? Are you thinking that the climate survey could be conducted on a regular basis, whether that's annually or every two years,

and then that could inform the review of the policy? Or were you thinking of two different surveys—a climate survey plus a different survey—for the review?

Ms. Gabrielle Ross-Marquette: Thank you so much for your question. We were thinking of two separate ones, just because, for the policy, it would be a standing committee per institution that would review their policy and make sure that there's a separate body that exists so that the policy remains a living document and doesn't just stay on shelves. The standing committee would be able to alter it when issues arise, whereas the climate survey we're envisioning to have a provincial scope that would be able to gather information from students across the province, pertaining to sexual violence, to make sure that we have accurate numbers concerning reports.

Ms. Peggy Sattler: Thank you for that clarification. Are there any other specific recommendations that you briefly wanted to highlight that were in this submission, which you didn't get time for?

Ms. Gabrielle Ross-Marquette: No, we were on our last recommendation. In the brief that we submitted, there's a bit more rationale concerning why we believe the climate survey is the best way to go under "Information for the minister." So if you want to take some time to review that—that's the only thing I wanted to add.

Ms. Peggy Sattler: Previous submissions to this committee have talked about the difference between disclosure and reporting, and I think maybe the text in your document would get at that a little bit. That's one of the rationales for the climate survey, in fact: because you can disclose something without it being officially recognized in the counts that would be submitted. We've had some recommendations about trying to tighten the language in the bill around disclosure and reporting. Was that something that you had identified as a concern at all?

Ms. Gabrielle Ross-Marquette: Yes, absolutely, and that's what we get into when we talk about the difference between—at the University of Ottawa, there was a survey which reported that as many as 44% of female-identified students experience some form of sexual violence. But when they looked at reported incidences over a five-year period, there were only 10 students who had reported an assault.

We see quite a big difference between disclosure and official reporting. We believe that a climate survey would be able to give us a better understanding of the prevalence of sexual violence and how to address it.

Ms. Peggy Sattler: Right. I liked your recommendation that community organizations, like violence against women service provider organizations, be involved in the development of the policy. We've also heard that from other deputants.

I'm wondering if, perhaps, on the sexual violence policy, some of the elements that are spelled out in the legislation—maybe one of those elements should be something around the role of the community organizations in supporting the campus policy. Do you think that would be a good direction?

Ms. Gabrielle Ross-Marquette: That would absolutely be a great direction. Those students are experts of

their lived experiences on campus, and that's why they need to have significant input into it. Community organizations that deal with sexual violence are the actual experts on how to mitigate what happens, and so their input is absolutely valuable.

That being said, they also need to be supported, whether that be financially or through various supports through the province, because with this new bill, they're being asked to be stretched very thin, because their expertise is being required at various bodies across the province.

We are very big proponents of supporting community organizations to do this work, because it is very important, but they need to be financially supported.

Ms. Peggy Sattler: Okay. I'm not sure if I'm going to run out of time, but in case I do, I did want to acknowledge and congratulate and thank CFS for your advocacy, because I don't think we'd be here today if not for the work that you had done all those years with "No Means No" and the other kinds of tool kits that you developed. Thank you very much for that work.

Ms. Gabrielle Ross-Marquette: Thank you so much.

The Chair (Mr. Peter Tabuns): And with that—you're right—you're out of time. Thanks for the presentation. We appreciate it.

Ms. Gabrielle Ross-Marquette: Thank you.

ONTARIO CONFEDERATION
OF UNIVERSITY FACULTY
ASSOCIATIONS

CANADIAN ASSOCIATION
OF UNIVERSITY TEACHERS

The Chair (Mr. Peter Tabuns): Our next presenters, then, are from the Ontario Confederation of University Faculty Associations. As you may well have heard, you have up to 10 minutes to present. That will be followed by questions. If you'd like to have a seat and introduce yourselves for Hansard.

Ms. Judy Bates: My name is Judy Bates, and I'm president of OCUFA, the Ontario Confederation of University Faculty Associations. With me this afternoon are Mark Rosenfeld, OCUFA's executive director, and Brynne Sinclair-Waters, OCUFA's community and government relations policy analyst.

Today, I'm presenting on behalf of both OCUFA and CAUT, the Canadian Association of University Teachers. Together, OCUFA and CAUT represent 68,000 members at academic staff associations across Canada. In Ontario, OCUFA represents 17,000 university professors and academic librarians at 28 member associations.

Faculty and academic librarians across the province are encouraged by the government of Ontario's efforts to address sexual harassment and sexual violence. Students have been calling for action on this issue, as you know, for many years, so that every student is able to learn and pursue their education in a safe environment. We commend students for their role in the leadership on this issue.

Sexual harassment and sexual violence also affect faculty, whether in the classroom or elsewhere on campus. Many faculty members who have experienced sexual harassment or sexual violence in the workplace report that the supports and processes they accessed did not lead to adequate recourse and accommodation.

OCUFA and CAUT recognize that these challenges may be experienced disproportionately by faculty from equity-seeking groups and those teaching in particular fields, such as gender studies, women's studies and sexuality studies. Recent incidents involving threats of violence against faculty working in gender and feminist studies at the University of Toronto have also prompted faculty to reflect on how well-equipped our universities are to deal with this type of situation.

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For faculty, collective agreements will often provide access to processes for addressing situations involving sexual harassment and sexual violence. Where that is not the case, faculty can file complaints under the Human Rights Code because of their status as employees.

As employees, faculty also have limited protections under the Occupational Health and Safety Act. Students, however, do not have the same access to these processes. In the absence, therefore, of campus policy, recourse for students alleging sexual harassment or sexual violence against a fellow student is generally limited to a civil action.

Therefore, OCUFA and CAUT welcome the new requirement in Bill 132 that all universities must have a sexual harassment and sexual violence policy that sets out processes for responding to and addressing incidents and complaints. We recognize that the implementation of these policies is particularly urgent for students and could play a crucial role in filling the significant gaps in recourse available to them.

We also believe that the development and implementation of these policies will provide a framework for improving campus-wide practices that address both individual incidents and systemic issues related to sexual harassment and sexual violence.

The disclosure of data and other information related to sexual harassment and sexual violence on campus is a positive step laid out in Bill 132. It's widely acknowledged that incidents of sexual harassment and sexual violence on campus are underrepresented, both due to pressures felt by universities about their public reputation as well as victims or survivors choosing not to report or not reporting due to fear, apprehension, lack of awareness of supports and services available, or other factors.

We believe that the collection and provision of data related to sexual harassment and sexual violence on campus will inform good policy-making and help track progress.

OCUFA and CAUT also support the amendments to the Occupational Health and Safety Act in Bill 132, including requirements to specify how employees report incidents when their supervisor is the alleged harasser; how complaints will be investigated; and how the em-

ployee will be informed of the results of the investigation.

To ensure that investigations under the act are timely and effective, we also recommend that additional amendments be included in Bill 132 to require that all investigations under the Occupational Health and Safety Act be reasonably conducted, be concluded in a reasonable time frame, and that both complainants and respondents have access to reasonable information about the status of the investigation and the process being undertaken.

Another measure that we believe will make campus sexual violence and harassment policies more effective is to include separate definitions for sexual violence and sexual harassment in schedule 3 of Bill 132. The inclusion of sexual harassment and sexual violence in one definition in Bill 132 is a departure from current legal definitions in the Occupational Health and Safety Act and Human Rights Code.

While all acts of harassment and violence exist on a spectrum, for the purposes of this legislation it would be more effective to make a formal distinction between the two. Providing separate definitions of sexual harassment and sexual violence will improve consistency with current legislation, build on existing case law in human rights and employment law which reflect the evolving complexity and nuance of sexual harassment, and better recognize the distinct legal implications of sexual harassment and sexual violence for respondents and complainants.

Our final recommendation is that Bill 132 and its accompanying regulations require that all campus groups affected by the sexual harassment and sexual violence policy have the right and the opportunity to be consulted in the development of the policy and every time it is reviewed or amended.

The requirement for student input currently included in the bill is a welcome step, but this commitment must be expanded. In instances where faculty are affected by sexual harassment and sexual violence policy, their participation in policy development and review should be coordinated through local faculty associations. Faculty will have unique and helpful experience in many areas, including how these policies should interact with existing university policies and collective agreements.

The centrality of academic freedom at the university must also be recognized as campus sexual violence and sexual harassment policies are developed. Academic work addressing these issues, which might include research and teaching in fields such as sexuality studies or social work, plays a key role in advancing knowledge and informing policy. They should not be hindered by these newly required campus policies.

Overall, meaningful participation by campus stakeholders in policy development, implementation and evaluation will be key to their effectiveness. It will help to ensure the policy is responsive to the needs of the campus community and will help foster a shared concern and responsibility for creating a safe, respectful and inclusive campus.

In conclusion, OCUFA and CAUT believe that the measures in Bill 132 are positive steps towards ensuring that victims or survivors of sexual harassment and sexual violence are supported at university campuses.

We are also encouraged that the bill provides a framework that will support our campus communities in challenging the underlying attitudes and behaviours that perpetuate sexual harassment and violence.

Thank you for listening to me.

The Chair (Mr. Peter Tabuns): Thank you very much. We'll go to the government. We have about two minutes per caucus. Ms. McGarry?

Mrs. Kathryn McGarry: Thank you for coming. We've heard from a lot of student and university groups. It's wonderful to hear from faculty as well, so thank you for your presentation.

I know that employees currently are protected with the policies from OHSA. Students to date have not had policies protecting them, and it's one of the reasons we're moving forward with Bill 132.

Do you have some more specifics on how you can see yourselves working along with the student groups, the university groups, and other groups to develop this policy?

Ms. Judy Bates: Do you want to answer that, Brynne?

Ms. Brynne Sinclair-Waters: I think, specifically, faculty are very welcoming to the opportunity to participate in local consultations on their campus. As policy development processes get started—or, as we know, they're ongoing at a lot of university campuses in the province—faculty are ready to contribute to those conversations. In particular, their experience contributing to other existing university policies on workplace harassment and workplace sexual harassment, as well as their experience using the grievance and arbitration process and managing their own collective agreements, I think will be a really valuable contribution to that conversation.

Mrs. Kathryn McGarry: Further to that, when it comes to looking at wording that's inclusive of all members on campus, do you have suggestions on how we can reword or amend the current proposal about working together?

Ms. Brynne Sinclair-Waters: I think, specifically, whether it's included in the legislation or regulation, what faculty would like to see is the right and opportunity to provide input in both policy development and review, whenever the policy is reviewed.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say, you're out of time. We'll go to the official opposition: Ms. Scott.

Ms. Laurie Scott: Thank you for appearing today and for your submission. Right now, the legislation says that the review is every three years. Do you have any comment on that length of time? We've heard—from other presenters—yearly, at least two years, three years. Do you have any comment on the review?

Ms. Brynne Sinclair-Waters: Currently, our workplace harassment policies under the Occupational Health

and Safety Act are reviewed every year, so that's something we have experience with. We haven't taken a specific position with respect to the bill, but we understand the value of reviewing policies regularly.

Ms. Laurie Scott: You probably weren't here for other presenters earlier, but the climate survey that has been brought up: Can you make any comments on how you feel about a climate survey in comparison to what is in Bill 132 about mandatory reporting, if you wanted to comment on that?

Mr. Mark Rosenfeld: We believe that every initiative that captures the dimensions of sexual violence and sexual harassment on campus should be supported. If there are gaps in the actual reporting of statistics, then a climate survey that captures, as the CFS was referring to, would be an effective mechanism as well.

Whether one is preferable over the other, we aren't commenting, but we want to see initiatives taken that capture the dimensions and the full, comprehensive situation that exists on campus.

1330

Ms. Laurie Scott: Thank you very much for appearing today. That's all, Chair.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much. We'll go to the third party. Ms. Sattler?

Ms. Peggy Sattler: Thank you for your submission and for appearing here today.

We've heard a lot about the definitions. Each schedule of this bill, almost, has a different definition of sexual violence. You have recommended that the schedule 3 definition, the TCU definition, be parallel with the OHSa definition.

This morning, we had another presentation that talked about the value of a single definition, where it puts sexual harassment on a continuum within the umbrella term "sexual violence." Can you talk to me more about why you feel it's so important to keep that separation between sexual violence and sexual harassment?

Mr. Mark Rosenfeld: I'll comment briefly, and then Brynne could. It's an initiative, essentially, to build on existing case law that exists with both the Human Rights Code and the Occupational Health and Safety Act. There is case law that could build to strengthen that definition.

What we're concerned about as well are conflicts within the pieces of legislation as this plays out and as we're working with a new definition. That's our concern as to why it would be good to build on existing definitions.

Ms. Peggy Sattler: Brynne, did you have anything?

Ms. Brynne Sinclair-Waters: No.

Ms. Peggy Sattler: Okay. The other question I have is around the link to academic freedom. That's an interesting nuance to this legislation that I hadn't considered before. Do you have language, an amendment, that you think would be important to ensure the protection of academic freedom? Or are you just raising this as an issue that has to be considered as this policy moves forward?

The Chair (Mr. Peter Tabuns): I'm sorry to say you've run out of time.

Ms. Peggy Sattler: You can talk to me.

The Chair (Mr. Peter Tabuns): Perhaps you should chat when we're done.

Thank you very much for the presentation.

ONTARIO FEDERATION OF LABOUR

The Chair (Mr. Peter Tabuns): Our next presenters, then, are the Ontario Federation of Labour. Hi, Carrol Anne. Hi, Vern. You have up to 10 minutes to present, then we go to questions. If you'd introduce yourselves for Hansard, you're away.

Ms. Carrol Anne Sceviour: All right. My name is Carrol Anne Sceviour, and I'm the human rights director of the Ontario Federation of Labour. My colleague is Vern Edwards, who is the health and safety director for the Ontario Federation of Labour.

I would like to thank you for the opportunity to present to you this afternoon, because we believe this is an absolutely critical piece of legislation, and frankly, we have recommendations in order to make them right. We have experience around Bill 168, so we're building in terms of our recommendations on that.

To give you just a very quick thing: The Ontario Federation of Labour is basically the voice of workers in this province. We represent some 54 unions, and the work we do, we do with a gender and equity lens. You'll see that reflected in our presentation. Also, over half of our membership, quite frankly, are women, so we have expertise in addressing these issues.

We approach the bill from the perspective that diversity in our society must be protected, promoted and celebrated. As such, we view sexual harassment and violence as both a human rights and a health and safety issue. A gender and equity intersectional lens must be employed by all involved to address the impact of sexual harassment and violence for women, because of other discriminatory factors such as race, ethnicity, religion, disability, indigenous status, migrant status, sexual orientation or identity, as well as age.

Comprehensive changes such as these come along once in a generation. We have an opportunity now to provide workers with better protection from harassment and violence, and it is important that we get it right for all workers, particularly for girls and women who have borne the brunt of sexual harassment and abuse.

We will focus our remarks today on the role of this legislation and the impacts it will have in the workplace. You've heard from a number of organizations who have addressed other amendments in the act. While we welcome the amendments that are there and we do have recommendations, we want to point out that there is one glaring omission from this bill, and that is legislation similar to what Manitoba has introduced around women trying to escape or leave abusive situations having access to the right to unpaid leave under the Employment Standards Act. We know that many women stay in situations—they cannot transition—because if they take time to find homes or go to court, they actually can put

their jobs into jeopardy. Thus, that prevents them from leaving a violent situation or an abusive situation.

We know, through a study through the Canada Safety Council, that 72% of workplace bullies or harassers are people in positions of authority. The victims tend to be the ones who lose their jobs. In fact, the study showed that 64% of these victims either quit or were terminated, another 13% are transferred out of their jobs, while in only 23% of the cases did employers actually discipline or punish the harasser, the bully.

Ontarians need additional requirements or duties of employers and supervisors under the Occupational Health and Safety Act to make it illegal for them to engage in harassment or sexual violence. Our proposed legislation is provided in the appendix of our fuller brief. Employers must have a clear duty to take steps to prevent harassment in the workplace.

There have been two decisions by the Ontario Labour Relations Board that actually support this position. The decision stated, “In the case of an employee who complains that he has been harassed, there is no provision in the OHS Act that says an employer has an obligation to keep the workplace harassment-free. The only obligation set out in the act is that an employer have a policy for dealing with harassment complaints.” The legislation could easily be amended to require the employer to have an obligation to provide a harassment-free workplace, but it does not at this point.

Our experience around what is presently in the act: So long as you have a piece of paper that says there is a policy and a procedure—that has not proven to be effective. That’s why we welcome, as we say further in, the powers of an inspector. We know from experience that, as I said, you can have the best policy and procedure on paper, but it doesn’t always carry through into the reality of addressing the situation in the workplace. We also know that there is additional targeting that goes on when workers complain under those provisions.

One of the things we see as an effective measure would be to have the inspectors have the ability to issue cease-and-desist orders, especially in cases where it is someone of higher authority, such as the CEO, who is engaging in the harassing behaviour. We say that not only for the workers who are being targeted, but what is often not talked about is the impact on other workers in the workplace. They may not be targeted, but if they’re witnessing another worker being targeted, another worker being harassed, that has a huge impact on their psychological health.

The other thing we want to talk about in some respects are exclusions. There are a number of workers who are excluded under the present act, such as domestic workers and migrant workers. There are several incidents that we actually identified in the fuller brief where, by virtue of being excluded, that adds another level of vulnerability to these workers. We feel that all workers should be covered and protected by the legislation.

If you take a look at the definitions of the various forms of harassment and violence, it is important that we

have clear definitions in the act. In some ways it cuts down on ongoing litigation about not whether it happened or not, but whether the definition of the act actually covers the incident.

1340

Through experience—there’s case law—we know what harassment is, so it needs to be in the act. One critical thing that should be in the act, as well, is the definition of domestic violence as it follows women into their workplaces; we recommend the definition of that.

I’m trying to cut down so I can have time for folks to ask some questions. At this point, I’ll turn it over to Vern.

Mr. Vern Edwards: One of the promises made under the government’s It’s Never Okay action plan was the use of codes of practice. One of our recommendations is around the Canadian Standards Association, who partnered with the Mental Health Commission of Canada to develop a standard for psychological health and safety in the workplace. Labour, employer and government representatives should work with provincial mental health providers to develop the standard. It’s our position that that CSA standard should be adopted by the Ministry of Labour as a code of practice under the Occupational Health and Safety Act.

Whatever language we end up with under the Occupational Health and Safety Act, we know enforcement is key in driving compliance with those provisions. Therefore, Ministry of Labour inspectors are going to need comprehensive training on harassment issues.

The MOL will also need to be sensitive to cultural and religious restrictions, which will prevent women from interacting with male inspectors during investigations. Therefore, women who have been harassed or suffered sexual violence in the workplace will need to be provided with the option of being able to speak to a female inspector.

Investigators will also have to have additional training on interview skills and investigative techniques around these issues. They will also need to be provided with the enforcement tools.

The Chair (Mr. Peter Tabuns): I’m sorry to say that you’re out of time. Given that we just have five minutes remaining, all the questions will go to the opposition. Ms. Scott?

Ms. Laurie Scott: Did you have much left to say? I’ll give you some time if you wish.

Mr. Vern Edwards: No, I’m good. This is just an edited version of what’s in the printed materials.

Ms. Laurie Scott: Okay. You made a lot of recommendations—33—so I’ll try to start. You were speaking last about the education of the Ministry of Labour—more enforcement, and they’ll need more resources to enact this. I agree: The women should have an inspector that’s another woman if they feel they need to.

We heard a lot in committee, and in the select committee especially, of young women working late—say, in the bars at closing or something. There actually wasn’t a Ministry of Labour inspector to call who would come out

at that time of night. That's one example that I can remember in my head. Can you speak a little bit more of what you'd like to see for the Ministry of Labour inspectors, like hours that they are working? Because we saw that that was an inhibition of the Ministry of Labour in that field.

Mr. Vern Edwards: Yes. The hours of work for inspectors are, unless it's an emergency situation, basically a day job. They'll come out and respond to work refusals and critical injury and fatality investigations off-hours, but it's not like they're the police and they have rotating shifts and they can come out at any time. They'll respond to complaints perhaps the next day.

It's also why we are concerned about that issue and why we are asking for enabling legislation in the health and safety act that would allow the Minister of Labour to develop a working-alone regulation in Ontario, and then move forward and develop a working-alone regulation so that we can ensure that a lot of those young women who are working late into the evening or overnight shifts in stores, even just in other small operations—that there be processes and procedures in place to protect their health and safety. We've seen, across the country, young workers in particular who have been killed working alone; other provinces have implemented working-alone legislation. We've asked that that be added to the legislation because, to draw up a regulation, we have to have the enabling legislation in the act.

Ms. Laurie Scott: Okay, fair enough. You mentioned earlier about women fleeing abuse and time off work. You mean that women who are in an abusive situation, whether at home or somewhere, are having a difficult time going through the process of trying to leave that relationship with their employer? Is that what you were referring to?

Ms. Carrol Anne Sceviour: Yes. Often when women are transitioning from an abusive situation, they actually sometimes need time off to heal.

Ms. Laurie Scott: Absolutely.

Ms. Carrol Anne Sceviour: They also need time to find housing. There are often court issues involved, where they need time off to get a restraining order. Or it may be time to bring their children to some mental health care facility or even themselves.

Right now, women can actually put their jobs in jeopardy, and if they lose their jobs, how do they find safety in their own lives?

Ms. Laurie Scott: Yes, I agree. Did you have a specific amendment?

Ms. Carrol Anne Sceviour: Yes. I referred to the Manitoba legislation that has been tabled by the government there. I do not believe it has received assent as yet, but we are recommending you actually follow that language. It is in the brief.

Ms. Laurie Scott: It's in the brief? Okay. Sorry; I couldn't read it all in the short time. I just wanted to make sure I had that piece.

How am I doing?

The Chair (Mr. Peter Tabuns): You have a minute.

Ms. Laurie Scott: There's a balancing act here. You mentioned harassment-free workplaces. We all agree, and I'm sure employers want a harassment-free workplace too—the majority of them. How do we balance that, in 40 seconds, if you can tell me, or point me to—

Ms. Carrol Anne Sceviour: Here's my experience, because I've been around a long time; I have seniority. When one introduces a law, initially, as the law settles in, there are all kinds of, "This can't happen" and, "This won't do anything," but the reality is, especially on health and safety or equity or equality legislation, as you move forward, in fact it changes culture.

Ms. Laurie Scott: Yes.

Ms. Carrol Anne Sceviour: That in itself will change culture, because you clearly identify what can and can't be done and what is expected. A harassment-free workplace isn't any different than an asbestos-free workplace. We know what causes the problems, and we should be addressing them and eliminating them.

The Chair (Mr. Peter Tabuns): With that, we're out of time. Thank you very much for the presentation.

Ms. Carrol Anne Sceviour: Thank you.

HUMAN RESOURCES PROFESSIONALS ASSOCIATION

The Chair (Mr. Peter Tabuns): Our next presenters are the Human Resources Professionals Association. As you have probably observed, you have up to 10 minutes to present, to be followed by questions. If you want to introduce yourself for Hansard, it's all yours.

Mr. Scott Allinson: Thank you. Good afternoon. My name is Scott Allinson. I'm the vice-president of public affairs for the Human Resources Professionals Association. I'm pleased to have the opportunity to come before you today to speak on Bill 132.

As you might be aware, HRPA is a professional regulatory body and the professional association for HR professionals in Ontario. It oversees more than 22,000 members in the province. The association issues designations that certify knowledge and competence at three levels of HR practice: entry—the certified human resource professional; professional—the certified human resource leader; and executive—the certified human resource executive.

The HRPA's primary statutory object is to promote and protect the public interest by governing and regulating the practice of members of the association and firms in accordance with its act and its bylaw. The association has the responsibility of regulating and governing the conduct of its members in the practice of their profession through the members' adherence to the rules of professional conduct and standards practice. The HRPA's regulatory authority comes from the Registered Human Resources Professionals Act, 2013.

You might ask why I make reference to this in the above section and what relevance it has to us being here today. The answer is, it's relevant to our concerns over subsection 55.3(1) in the bill.

1350

Before I get into that, we would first like to offer our full support for this bill. The expanding of what constitutes workplace harassment to include sexual harassment will ensure the safety of workers in the workplace. We also welcome the provisions in the bill that employers shall ensure that an investigation is conducted into incidents and complaints; the alleged victim and harasser, if a worker, must be informed in writing of the results of the investigation and any corrective action taken as a result of the investigation; and the workplace harassment program is to be reviewed at least annually to ensure it adequately implements the employer's workplace harassment policy.

That being said, I'd like to go back now to focus on subsection 55.3(1), which states, "An inspector may in writing order an employer to cause an investigation described in clause 32.0.7(1)(a) to be conducted, at the expense of the employer, by an impartial person possessing such knowledge, experience or qualifications as are specified by the inspector and to obtain, at the expense of the employer, a written report by that person."

What does that mean to the average business owner? Notably, the inspector can order that the employer pay the costs involved of engaging an impartial person. In practice, this can result in an inspector taking the issue out of the hands of the employer and outsourcing an investigation to a third party. But more important to the association and its members, it would add additional powers to the Ministry of Labour inspectors to order an employer to investigate a workplace harassment incident and to engage an impartial person who the inspector believes is qualified to conduct the investigation and to issue a written report.

There are currently no guidelines dealing with the circumstances in which an inspector may do this. Under the current provision, it would be up to the inspector's own discretion. What we are looking to have is this section amended, or that the regs provide an approved list that identifies individuals that are qualified to act on that section. What we're asking is that designated HRPAs members in good standing be part of that list. There is already a precedent in the Ministry of Labour for having an approved list for providers for arbitrators and certified training providers. We believe that this tool—an approved list—will assist inspectors in being truly impartial when informing businesses where they can look when deciding to hire an investigator.

We have seen in the past what has happened to small and medium-sized businesses when it came to compliance under the accessibility standards. Since 2012, HRPAs has received 158 calls from the public wishing to file a complaint against an HR professional who provided erroneous information or took financial advantage in charging outrageous fees for their service. After reviewing our public register at the time, none of these individuals were members of HRPAs; thus, a complaint could not be investigated and we could do nothing for these business owners or individuals. If these complaints

were against a member of HRPAs, our complaints investigation process and our discipline process would ensure that serious concerns about the conduct of members are properly investigated and appropriately resolved. They are key to HRPAs's mandate to regulate its members in the public interest. Our members and the association strongly urge the committee to consider this amendment to ensure the protection of the public interest with regard to this bill.

Thank you for your time. I'd be happy to answer any questions, if you have any.

The Chair (Mr. Peter Tabuns): Thank you. We have about two and a half minutes per party. We start with the third party: Ms. Sattler?

Ms. Peggy Sattler: Thank you very much. I attended the breakfast that HRPAs held for MPPs in the fall. I also heard of the MOL blitzes where infractions under the ESA were from none of the firms who had HRPAs members, so it does sort of reinforce what you're saying about the value of having an HR professional who understands how the legislation works as part of the workplace.

You mentioned these other examples of arbitrators and certified training providers. Are there any other models—maybe in other jurisdictions—where there is an approved list of HRPAs members available to be drawn on to deal with human resource types of issues?

Mr. Scott Allinson: I could get back to you, but off the top of my head, I don't have any information on other jurisdictions. We just focused on what the Ministry of Labour had done and what precedents they had within the ministry in regard to approved lists, like I said, for arbitrators and for certified training professionals.

Ms. Peggy Sattler: Okay. That is really the only amendment that you wanted to propose today? Having the third-party investigation conducted, you think, is good—it's an improvement to the act—but you just want to ensure it is a qualified HRPAs professional who is engaged to do that third-party investigation.

Mr. Scott Allinson: It's not just us. We would like a list; we would like to be on that list. I am sure that there are others who do workplace investigations who have private investigator licences that are issued by the government through the ministry of correctional and public security. They could be on that list as well.

What we're saying is what we would like to do is to make sure that the inspector is as impartial and unbiased as possible. I don't want to say the burden is on them, but don't put them in a position of saying, "Well, you should hire this person," when you already have businesses that always feel like or have a perception of a suspect or what have you, when it comes to any sort of inspector, when you hear the word "inspector." This takes them out of that decision-making process: "We have a list. Look at this list. You can pick from these professionals"—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but your time is up. We go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation. Ms. Sattler actually asked all the questions I was going to start with, so thanks for that.

As HR professionals, you're uniquely positioned to see directly what happens when we amend the OHSA, and how it's going to play out in the workplace. How do you see these changes in Bill 132, if passed, and how that's going to help employees you work with?

Mr. Scott Allinson: I think for medium- and large-sized businesses, they already have the plans in place. A lot of them have the budgets to do investigations. We think that making this now available at all business levels, whether they're under 75 employees or under 10 employees or what have you, is a positive thing. Our main concern as HR professionals is that employees have a safe workplace to come to, and this bill really does go the full gamut in ensuring that that can be done.

Mrs. Kathryn McGarry: That's very helpful. Thank you. How will the changes influence the work that you do, as professionals, especially if you are added to—

Mr. Scott Allinson: For us, for our members, this is going to be like what we said with the accessibility standards. That was like pay equity all over again. We actually have a lot of new members coming in who specialize in that.

We see, with this, that this is going to be great for our members, in a sense, and for our membership. But also, in a sense, what we're hoping for is that—we have our requirements for a designation as a university degree. This is going to have another specialty added to it, so it makes the profession not a generalist but more full around. We think it's wonderful for us and our members.

Mrs. Kathryn McGarry: You mentioned training. What kind of extra training, if any, would be required for your members?

Mr. Scott Allinson: On this?

Mrs. Kathryn McGarry: Yes.

Mr. Scott Allinson: The CHRP is the entry-level one, so they'd be the generalists. They would get most of their training during their three-year internships of learning that.

For those who have already been in the business for X amount of years, who have the CHRL and the CHRE, they already know what's in place. They know what the rules are. They know what they have to do. This is more—

The Chair (Mr. Peter Tabuns): I'm sorry to say you've run out of time again. It's a very short round when we go to these. To the opposition: Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for appearing today. At the risk of saying I'm sounding like a Liberal, I'm going to sound like a Liberal.

The Chair (Mr. Peter Tabuns): Never.

Mr. John Yakabuski: Yes. Ms. McGarry has captured much of what we would be asking here, to really show us the difference about what's here, as to whether or not your organization would have a field of qualified inspectors.

The bill currently says they have to be qualified, they have to have knowledge etc. They're chosen, as designated by the inspector. Where is the weakness in this? Are there going to be especially qualified people out

of your organization that would be more qualified to conduct these investigations?

Mr. Scott Allinson: In most of the third-party investigations, our members are consultants. What brings their level up, or their training or their professionalism, over anybody else is the fact that there's recourse for the public to file a complaint. They have to follow the rules of professional conduct like any other member. Once you join the association, you sign your rules of professional conduct and you follow those.

1400

Let's say an inspector referred a third-party investigator who is not a member of HRP and there were problems—a bad investigation, a bad report, the fee that was involved. There's no recourse for that business to take any action. As a self-regulator in the province, we are given that power to investigate our members if a complaint is filed.

As we saw with the accessibility standards, there were issues out there. We think this issue is too important to have that kind of side-track. It's all about the victim. It's ensuring that the investigation is done properly and a professional report is filed.

That's the key: You want the best. We're saying our members are the best. The Ministry of Labour owns us. They appoint public appointees to our board. Use us. Put us on—as well as any other who they think is qualified—an approved list, so it takes that bias out of the inspector's hands; so that they are truly unbiased when they're referring somebody and that they're qualified.

The Chair (Mr. Peter Tabuns): With that, we've come to the end of the time. Thank you very much.

ONTARIO COALITION OF RAPE CRISIS CENTRES

The Chair (Mr. Peter Tabuns): Our next presentation: Ontario Coalition of Rape Crisis Centres. As you've seen, you have up to 10 minutes to present, and then there will be questions. Please introduce yourself for Hansard.

Ms. Nicole Pietsch: Thank you so much for having me appear here before you today. My name is Nicole. I'm with the Ontario Coalition of Rape Crisis Centres. We are a network of 26 sexual assault centres which provide services at a community-based level to survivors and victims and their support people and families, through front-line counselling, 24-hour crisis lines, accompaniment to formal reporting and public education. Those individual centres across Ontario do the front-line work with victim-survivors. OCRCC itself—I'm here on behalf of them—does the big picture work in terms of addressing systemic pieces.

I'm happy to say that we have an appreciation of how sexual violence really can't be divided from a broader context, where the victim, the offender and the offence itself or even the threat of it sometimes are informed by social norms and other practical pieces in our day-to-day lives, and because of that, we really appreciate Bill 132.

Right off the top, we think it has the ability to foster practical supportive practices or responses through public policy that's fairly concrete. As my colleague from labour suggested earlier, it also has the ability to shift cultural and social attitudes about sexual violence over a long time, which I think is really valuable.

I'm going to commend in some areas and also recommend some pieces about implementation and just go through a number of pieces of Bill 132.

Under the Compensation for Victims of Crime Act and the Limitations Act—we support both of these amendments, so that there are no longer any limitations on applications for compensation for victims of crime and there's a removal of limitation periods in sexual violence cases in the amendment to the Limitations Act. We know from our work that there are all kinds of reasons why survivors take a long time to come forward: There are often repercussions; they fear not being believed; often, the offender is known to them. So we really support that there are no limitations because that can impact on people's ability to even define what happened as sexual violence or to resist or even report what has happened to someone else.

I want to comment quite extensively about the pieces around the Ministry of Training, Colleges and Universities Act. We agree with the amendments. We say bravo on this detailed component and we absolutely support it. But there are some pieces around implementation that I wish to comment on.

Number one, we're concerned that the policy specifically and solely addresses sexual violence involving students enrolled at the college or university only. I mention this because sexual violence is a crime that's facilitated by power differences—often power and control of the victim by the offender. The relationship between unequal balances means that people often get trapped in situations of sexual violence and harassment. That's very relevant to, let's say, violence or harassment that occur between teaching assistants and professors, administrators and students, professors and other teaching staff and students.

We also believe that limiting the scope to students only can create complexities for campus folks who have to implement this policy. That might inadvertently create a hierarchy of sexual violence offences, where some offences or some perpetrators see repercussions where others don't, and I don't think that's the intention of the way this is phrased. Just to say, clearly the recommendation would be that it includes all of the campus community, so that would be employees and staff as well as students.

Number two, we're concerned that the policy for colleges and universities is highly interested in counting and reporting incidents. While I think diligence and understanding prevalence is really important in understanding sexual violence, counting incidences or having a very narrow focus on it can unintentionally create misinformation, or even reproduce myths about low prevalence.

For example, a low count can suggest that it's just not occurring. A high count can suggest that one campus is

having a lot of problems, where maybe they just have a really good, transparent, user-friendly process for reporting. It's not always clear what a high or low count of incidences means.

In order to address sexual violence, as you know, and as you've probably heard from a lot of my colleagues here, we need to shift the conversation away from reporting only. We know a lot of survivors are interested in formal reporting and seeing offenders held to account, but I would say that for a large majority, that's not the route for their healing process. We want to be able to capture all those different pieces of what support to survivors means. That's the name of your bill. Right?

Our recommendation is to ensure that the bill doesn't prioritize counting and recording sexual violence incidents on campus only. We think there should be a comprehensive response mandating campus sexual violence prevention, education and training. As well, I would support the notion of implementing a climate survey to measure attitudes and shifts of attitudes that, let's say, pieces around reporting and counting incidents might completely miss.

We are also concerned that Bill 132 doesn't currently appear to distinguish between sexual violence reporting and disclosures. I just think that that's an important distinction. For many survivors, support is found in a caring and respectful response or referral to supports. They may not necessarily want to see the offender held accountable or go through a formal process where they testify.

In addition, while disclosure—just telling my story to a support person—can afford survivors a high level of control over their story and confidentiality, reporting usually reduces control and confidentiality. It usually has to go through a number of other people. For those reasons, it's really imperative, we think, that survivors ought to be afforded the opportunity to report formally and just disclose, because there could be different outcomes for both.

In terms of a recommendation, what does that look like in that legislation? We just ask that Bill 132 allows colleges and universities the latitude to distinguish between reporting and disclosure and ensure that survivors have access to confidential services in that context. I think they're connected.

To support those colleges and universities—let's say that they're encouraged to make those partnerships with violence against women and sexual assault centre sector folks in order to be able to support the confidentiality of survivors who want to disclose, but may not want to report. I think there are options that are possible, but Bill 132 needs to make that distinction.

Under the Occupational Health and Safety Act, we really appreciate the inclusion of a description around a sexual violence definition in the workplace context. We really think it's an improvement. While that amendment is positive, we feel like mandatory training on those topics at work continues to be absent.

That was supported by findings in the tabled report for the Select Committee on Sexual Violence and Harass-

ment in 2015, which said, “During its hearings, committee members learned about the persistent inadequacies in training provided to some employees about workplace sexual violence and harassment, and on their rights and recourses under workplace legislation,” and how to respond to disclosures. That’s even before the investigation piece. Employers need to be equipped with how to operationalize this important policy.

The select committee report went on to say, “While under the Occupational Health and Safety Act (OHSA) employers have the duty to create policies and programs with respect to workplace violence and harassment ... there are no measures in place to assess their quality or ensure that they adequately address the issue.” I think those two are connected.

On behalf of OCRCC, we agree that those pieces in Bill 132 are really helpful. That’s one place where you could really strengthen how it’s going to roll out in day-to-day practice.

We agree with the changes to the Residential Tenancies Act. We think that’s really key, and it will reduce or at least mitigate financial implications of survivors and their children who may need to relocate from where they’re renting their home if they experience sexual violence, so thank you for that.

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In closing, we think that Bill 132 is fairly comprehensive and we ask that you integrate our recommendations wherever it’s possible and, again, thank you for working with the public, survivors and those who have expertise in this area. We hope you continue to do that because many of the really successful laws and policy changes have been informed by survivors and experts in this field. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. We have approximately two minutes per caucus. We’ll start with the government. Ms. Malhi?

Ms. Harinder Malhi: Thank you for being here today and for all the great work that you do. I know that you commented on a number of different parts of Bill 132, and I just wanted to talk to you about how you think some of the aspects of the bill would help the people you’ve supported. How do you think it will strengthen their ability to come out and share their experiences, whether it be disclosure or whether it be pursuing legal action when it comes to the Residential Tenancies Act? How do you think that it will help the women you work with?

Ms. Nicole Pietsch: I would say that, in a front-line setting, often survivors will say, “I wanted to talk about this a long time ago but I thought there would be implications to breaking my lease,” or “I thought that it would be all on my back to explain to my landlord about why I should have the right to be able to break the lease under those conditions.” So they’re in a position of having to advocate for themselves.

If you had someone who had awareness or, let’s say, had received disclosures before, you might get a really helpful response, but in a lot of cases—or let’s say some-

body didn’t know the legislation, if this was in place. You would get an inconsistent response. You might get a landlord who would say, “Yes, there are financial repercussions to that,” and then some that didn’t.

We know sexual violence can be best understood in terms of what could be lost. You could lose your sense of dignity, but there are also really practical concerns in terms of losing your place of residence because it’s no longer safe, or the financial piece and money you lose in work loss and having to move from place to place or get a new job. Those are really practical concerns.

I know there have been some Canadian studies done in the last year or two that also showed there are a lot of third-party losses financially that are owing to sexual crimes. Many of those are taken on the backs of survivors, so we think this is really key.

The Chair (Mr. Peter Tabuns): And with that, I am sorry to say, we’re out of time for the government. We’ll go to the opposition. Mr. Yakabuski?

Mr. John Yakabuski: Thank you for joining us today. I know it seems to be that there is a lot of support around the climate survey versus mandatory reporting. Is it not possible to have both? What would stop an institution from having a climate survey, which, for them, is an indication in a maybe less intrusive way? The mandatory reporting, I think, puts a lot more onus on that institution to show results for the success of their sexual assault and sexual harassment policies, anything that is covered under the bill. I don’t think there’s anything in the bill that prohibits a climate survey. If all universities, colleges etc. were able to conduct climate surveys, would you be more comfortable then with the continuance of the mandatory reporting provisions in the bill?

Ms. Nicole Pietsch: Yes, and to clarify: We’re not saying there shouldn’t be mandatory reporting, but I think to look at that and say that that’s what’s evaluating the successes or failures of addressing sexual violence on campus doesn’t cut it. I would support both together, but also the piece around differentiating between formal reports and disclosures is really important because you want to be able to support survivors to make it actually worthwhile. Part of it is for the public to understand the prevalence and the issue and to be able to say we’re accountable.

Mr. John Yakabuski: Where the disclosure part is good.

Ms. Nicole Pietsch: Yes, that’s right. The other piece is around providing the support. I think that those pieces together are really worthwhile.

Mr. John Yakabuski: So it can work together, then?

Ms. Nicole Pietsch: Yes.

Mr. John Yakabuski: Thank you very much. I appreciate that.

The Chair (Mr. Peter Tabuns): Thank you very much. We go to the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for being here today and also for reading the report of the select committee. You referred to some of the findings of the select committee around the implementation of Bill 168

and those amendments to the Occupational Health and Safety Act on workplace harassment and the limitations of that bill, which has led to these amendments.

One of the recommendations the select committee made that you didn't refer to was around mandatory training, just more broadly, for everyone in the workplace, not just the employer who is getting the disclosure or is having to investigate, but for everybody in the workplace. Is that also something that you would support?

Ms. Nicole Pietsch: Yes, I think so. Certainly, we think the best thing you can do, other than respond to incidents, is education and prevention. Of course, that should always be a key piece of a program that addresses sexual and relationship violence. Certainly, I would support that. People in leadership roles, in terms of your organization—you could be a front-line person who knows your rights around disclosures, but if your employer can't implement those in the workplace and make it happen, you're limited because you don't have the same power, in terms of response, of somebody in a leadership or management position, as an employer. I would distinguish that, but certainly, I would support education for all kinds of folks.

Ms. Peggy Sattler: The other question was around the definition; you mentioned how it's helpful to have sexual harassment clearly defined in the Occupational Health and Safety Act. We've had some other deputants who've talked about the need to have a single definition for sexual violence that puts sexual harassment as part of a continuum of sexual violence. Do you have any feedback on that?

The Chair (Mr. Peter Tabuns): I'm sorry to say, with that, you're out of time.

Ms. Nicole Pietsch: We'll check in later, if you wish to. Thanks very much.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

ONTARIO NETWORK OF VICTIM
SERVICE PROVIDERS
VICTIM SERVICES OF BRANT

The Chair (Mr. Peter Tabuns): Our next presenter, then, is the Ontario Network of Victim Service Providers. As you've probably heard, you have up to 10 minutes and then we'll go to questions. If you'd introduce yourself for Hansard.

Ms. Penny McVicar: Thank you for the opportunity to be here today. I'm Penny McVicar and I'm the executive director for Victim Services of Brant. Victim Services of Brant has been actively serving the Brant, Brantford and Six Nations of the Grand communities for the last 25 years.

As a front-line victim services provider, we primarily offer 24/7, on-scene, early intervention and practical assistance, needs assessment, development of a personalized referral form or service plan, safety planning and court support, and support to victims as they navigate the

Criminal Injuries Compensation Board process, as well as providing referrals to counselling and relevant community and government support services, enhanced support and follow up.

We also support victims in our community by delivering the Victim Quick Response Program, which is funded by the victims and vulnerable persons division of the Ministry of the Attorney General. This allows us to provide timely assistance to eligible victims of the most violent crimes. The program's objectives are to provide short-term assistance to victims in the immediate aftermath of a violent crime, to lessen the impact of violent crime through immediate support services to victims of violent crime, and to increase the immediate safety of victims of violent crime and to help prevent revictimization.

Victim Services of Brant also plays an active educational role in our community through participation in committees such as BRAVA, which is the Brant Regional Association of Volunteer Administrators; BRAVE, which is Brant Response Against Violence Everywhere; the Brant Elder Abuse Committee; the Brant, Brantford and Six Nations distracted and impaired driving committee; the Brant Youth Wellness Coalition; the Emergency Service Providers Committee; and the Brant Crisis Table.

In my experience, in these cases that we're talking about today, we become referral partners and also provide a role as case management workers.

I've also had the pleasure of serving as a board member for the Ontario Network of Victim Service Providers, or the ONVSP. The ONVSP is the largest representative organization for victim service providers in Ontario. Today, I'm speaking on behalf of both my site and the ONVSP.

Both my site and the network strongly support the goals and objectives of Bill 132. As victim service providers, we interact with survivors, mainly women, who often have been victims of sexual violence on a daily basis. We are thrilled that this government has taken the brave step to prioritize this important social issue.

That being said, while we welcome Bill 132, particularly the schedules related to the Limitations Act and the Criminal Injuries Compensation Board, we do feel that these necessary additions will add a layer of complexity when serving victims, particularly those who need assistance connecting with the appropriate service providers or navigating the criminal injuries compensation process. This is because historical cases of sexual assault and abuse require, in our experience, a higher level of client support than more recent assaults. This is largely due to the complex needs of the survivors, who have repressed a horrific or traumatic incident for many years and suddenly have to go through the difficult process of seeking justice and restitution.

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As referral partners and also case managers supporting these victims, we have to assume a very important role,

and we are proud to do this. Otherwise, many victims will drop out of the justice system or the victim support process. Our service is designed to provide rapid support and to transition victims to appropriate support services in the most expedient manner possible. In most cases, this works well. However, with high-needs clients, additional support is required. With the passage of this legislation, we expect to see more of these high-risk clients coming through our offices.

Victim services providers may need greater flexibility within specific criminal categories, such as historical sexual abuse, human trafficking or child abuse, to ensure that victims receive the support they need and deserve. That is why we support the bill strongly and wish for its quick passage.

We also encourage this committee and the government to work with all community partners, including victim service providers, throughout the regulatory development and implementation of the bill, to ensure that downstream pressures are effectively managed and victims get the help and support they need to heal.

Thank you. I am able to take questions.

The Chair (Mr. Peter Tabuns): It's three minutes per caucus. We'll start with the official opposition. Ms. Scott.

Ms. Laurie Scott: Thank you very much for appearing before us today and for the work you do for victim services. You're right; you have a large number of volunteers and a smaller proportion of paid staff in victim services, and it's never enough to supply all the needs.

You mentioned human trafficking, and I know that I talk a lot about human trafficking, but it's an issue—providing services. Human trafficking is very complex. I don't know if you wanted to expand more on, maybe not just human trafficking, but the victims who are of higher needs that you need to support.

Ms. Penny McVicar: When they have higher needs, they're often reluctant to come to some of the services that are provided. They tend to connect well with the people who provide that initial support. They need help. They need somebody to help walk them through the process to get them connected with the appropriate services. If they run into roadblocks, they stop; they give up. If there's not somebody there to hold their hand and work them through the process, they may never complete making the reports that they need to make, whether to police—or just getting connected with the appropriate support services in the community that can help them heal.

Ms. Laurie Scott: Thank you.

Mr. John Yakubuski: I want to thank you for the work that you do. We have victim services in my county, Renfrew county, and I recognize the work they do and the challenges they face every day.

You're speaking favourably about the bill but also about the challenges that are out there. I encourage you to continue to communicate with your MPPs, with the government, with the ministry, when you have suggestions that I'm sure can be helpful as we try to improve the

services we provide for victims of sexual harassment, sexual violence and all of the things covered in this bill.

I know that victim services are the people who are on the ground. They're out there all the time. We appreciate all of the submissions we've had from educational institutions—it's wonderful—but it's also great to have people like you coming forward from the general population, speaking on how the victims are out there and they don't have a voice. So I do appreciate what you're doing.

Ms. Penny McVicar: Thank you.

The Chair (Mr. Peter Tabuns): We'll go to the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for your presentation. You focused mainly on the first two schedules of the bill, the Compensation for Victims of Crime Act and the Limitations Act.

I just want to make sure I understand: Your victim services organizations only really intersect with the system when there's police involvement? Is that right?

Ms. Penny McVicar: Not necessarily. We often get victims who self-refer or may possibly be referred by another community agency to us because we have the expertise to help get them connected with services. Especially with sexual assault and domestic violence, they haven't always been through the police process.

Ms. Peggy Sattler: Are there the other sections of the bill, the TCU amendments for the stand-alone sexual violence policies on campus or the Occupational Health and Safety Act—is there a role for victim services in those pieces of the bill?

Ms. Penny McVicar: There could be. It's not something that we're as actively involved in. In Brantford, obviously, we have the Laurier campus. We are, from time to time, supporting students who are involved at the university who have become victims of sexual assault, or domestic violence, in some cases.

Ms. Peggy Sattler: Okay. But the main concern was schedules 1 and 2, on the limitations and the compensation, that that is going to bring forward more victims who have experienced historic abuse or trafficking or some of these high-needs kinds of experiences, and that will increase the resource pressures on your agencies.

Ms. Penny McVicar: That's what we anticipate, yes.

Ms. Peggy Sattler: Okay. Thank you very much.

Ms. Penny McVicar: Thank you.

The Chair (Mr. Peter Tabuns): To the government: Ms. Malhi.

Ms. Harinder Malhi: Thank you once again for your presentation today. I wanted to talk to you a little bit more about the challenges faced by the victims that your members are assisting. How do you think that the proposed changes in this bill will help those victims and make it easier for them?

Ms. Penny McVicar: It's very hard. Especially with criminal injuries compensation, there's nothing worse than having somebody come forward and disclose, and finding out that some of the avenues are no longer open to them at this point, such as making an application to criminal injuries compensation. I think that's going to be

a big piece right there. But to do those applications, it often requires a lot of support and help; those applications, when somebody just looks at it, can be very overwhelming. A lot of people, as soon as they open it, they're done; they quit.

In the past, to have to tell someone, "Well, you know, if you had come forward two or three years earlier"—especially for historical sexual assault, and they're just past the age limit, and to say, "We can't do that for you. We can't help you with that"—it's heartbreaking. It really is. This will open up some additional avenues for people.

Ms. Harinder Malhi: How do you think that removing the limitation will change their experience as a whole? Do you find that we'll have more people reporting now that we've removed the time limitation?

Ms. Penny McVicar: I think that you probably will. It may not happen immediately; it will take some time for knowledge to change in the community overall, but I think it will change the number of people who come forward and make reports.

A lot of people have been afraid, or they just feel that there's no point because there's nothing that can be done about it at this stage.

Ms. Harinder Malhi: How do you think that we can bring more awareness to the changes, so that we can start to see more immediate results?

Ms. Penny McVicar: Public service announcements, getting the word out there, making sure people know that there are other avenues that they can access.

Ms. Harinder Malhi: Great. Thank you.

The Chair (Mr. Peter Tabuns): Ms. McGarry.

Mrs. Kathryn McGarry: How much time have I got?

The Chair (Mr. Peter Tabuns): You have a minute.

Mrs. Kathryn McGarry: Okay, great. More along the training and education, we've heard a lot from organizations and community members that have come in during these hearings who talked specifically about training—training in the workplace, public education, some of the changes to the health and physical education curriculum that we've got going on right now. Do you feel that would assist in changing generational attitudes and changes to avoid sexual violence in the future? What kinds of suggestions might you have around that?

Ms. Penny McVicar: I think that training is always beneficial. The more people know and understand, the better able they are to respond. Information is power, and the more information people have, the better they are able to make decisions that are appropriate for their own lives.

Certainly, we heavily enforce training as part of the BRAVE committee, Brant Response Against Violence Everywhere. We've been heavily involved in a "No More" campaign in our high schools and universities locally to raise awareness about issues like domestic violence and sexual assault, and to make sure that students have a better understanding of what those issues are and where they can go for help, and the fact that it's not okay.

The Chair (Mr. Peter Tabuns): And with that, we're out of time.

Mrs. Kathryn McGarry: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

Ms. Penny McVicar: Thank you.

RYERSON UNIVERSITY

The Chair (Mr. Peter Tabuns): Our next presenter, then: Ryerson University. As you've observed, up to 10 minutes to present, then questions. If you'd introduce yourself for Hansard.

Dr. Heather Lane Vetere: Okay. Hi. My name is Heather Lane Vetere. I'm the vice-provost, students, at Ryerson University. Thank you for the opportunity to speak today. I appreciate being given the opportunity to share some thoughts with you.

First, I'd like to say that Ryerson applauds the government of Ontario's efforts to protect Ontarians from sexual violence, harassment and domestic violence. We support the province's vision to ensure better outcomes for survivors, including those on our university campuses, through its action plan and the introduction of Bill 132.

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Today I'd like to talk just a little bit about what Ryerson is doing to support survivors and to create a consent-comes-first culture; and some considerations for Bill 132 related to data collection, reporting and the responsibilities of employers.

In June 2015, the Ryerson board of governors approved a single stand-alone policy that clearly articulates that all members of our academic community, not only students but faculty and staff, will have access to support if they are subjected to sexual violence, regardless of when, where or who perpetrated the violence. This means that support is available even if the sexual violence occurred prior to the survivor's arrival on campus to undertake studies or employment, the sexual violence occurred off-campus, and/or the perpetrator was not a member of the Ryerson community.

As is the practice at most Ontario universities, this policy resulted from extensive community consultations. I attended over 32 meetings with individuals and groups, some of whom included staff and faculty, but the strongest, loudest and most influential voices were those of our students—in particular, those who met with me to bravely share their stories of survival and how they navigated the complex systems and resources within the university and within the community after facing sexual violence.

The creation of a policy was one of 18 recommendations made to the provost in a review of how we respond to sexual violence through policies, practices and procedures. It's important to understand that this work is not new. Dedicated individuals have been working for years at Ryerson and other universities to raise awareness, educate, support survivors and manage response to sexual assault.

What is new is ensuring that this work is no longer living in the margins. We have established a dedicated

office of sexual violence support and education, with social worker Farrah Khan appointed as its inaugural coordinator. The hope for this office is that it becomes highly visible in our community, that it's known as a first stop for someone who needs support, and it will also lead education and awareness campaigns, training and workshops.

We are happy to report that we're currently in compliance with all the terms in Bill 132 as they apply to universities. I would, however, like to mention in particular the references to data collection and reporting outlined in schedule 3, impacting the Ministry of Training, Colleges and Universities Act, and schedule 4, impacting the Occupational Health and Safety Act.

Our work at Ryerson is informed by a consent-comes-first perspective. We believe that survivors should guide the process. We recognize that there are a myriad of reasons why survivors don't feel safe or comfortable to report the violence, so we don't pressure them to disclose or report in a way or in a place that they choose not to. The need for a survivor-driven process makes some of the suggested requirements for collecting and reporting data on services and supports sought and obtained a challenge. With respect to providing data on numbers of cases, the numbers may not include information which tells more about what is happening on any one campus. There is a complexity to these issues that can't be reflected in simple numbers.

Please know that we are very open to transparency and ensuring that our community and that government decision-makers and the public understand the nuances of this issue. This is why getting the data collection and reporting piece right is so very important. The data we provide needs to be accurate and tell the complete story about sexual violence in our communities.

I want to share some of the recent stats and reflections from our own campus to highlight this and why, as you will learn, we support an anonymous survey of all members of our community as the preferred tool to meet legislated reporting requirements.

Since joining Ryerson, our new coordinator has been contacted by 10 survivors. Because we all know that most sexual violence goes unreported, this number doesn't reflect the true number of incidents that our community members actually faced during this time. Of those 10 cases, only two of the alleged perpetrators were from our own community. For the other cases, the sexual violence was either historical, was partner abuse or was committed by a non-community member off-campus. Four of the 10 cases included some form of police involvement, where survivors contacted the police before coming to our office.

What does this tell us? First, it confirms what we know: Sexual violence is not contained within a university campus, and the support we deliver isn't either. Support goes beyond academic and workplace accommodations, and can include safety planning not only on campus but in all aspects of a survivor's life, be it online, at their home and at their place of work.

Second, it demonstrates that understanding occurrence of sexual violence can't simply be achieved through a count based on disclosures and reports. An anonymous survey helps us get at the complexity of the issue more accurately than we can easily track through counting.

We have concerns about collecting data about the number of times each type of support is accessed. This data would be very hard to interpret. For example, one survivor may access counselling and not formally report their assault on campus; another survivor may ask our new coordinator to assist them in getting academic or workplace accommodations; a third may approach individual faculty members directly and request extension to due dates on assignments in one or more courses. In making these extension requests, the survivor may not even disclose that they've been assaulted. The scenarios may also look different for faculty and staff.

How do we accurately record and maintain data that is a true reflection of the support provided without over-counting, under-counting, double-counting etc.?

There are two ways that we can ensure we get as close to accuracy and completeness of the data reported. The first is to mandate that all incidents reported, requests for supports and confirmation of supports received be directed and/or reported to one office on campus. This risks taking the choice, control and anonymity away from the survivor.

The second is to ask our community members themselves through an anonymous survey whether they have been subjected to sexual violence, whether they reported it, where they reported it, how they were supported etc. If we want accurate data, we need to ask survivors. We know that, through this method, we will also collect information about incidents where community members have chosen not to disclose or report to anyone on campus. We may be able to learn why they made this decision. We suspect that this data will give decision-makers a much more complete picture of incidents of sexual violence.

We know that sexual violence strips a survivor of their power and control. As such, when working to support survivors, it is essential that we are able to guarantee that they can retain control over the process of confidential disclosure and determining what the most appropriate next steps are for them: that the survivor determine when the information is shared, who knows about it and how it's counted.

Because our policy at Ryerson also includes faculty and staff, I would just like to make one comment about schedule 4, the Occupational Health and Safety Act. There is some concern that employers will be compelled to investigate and take action on disclosures of harassment or sexual violence against the wishes of the survivor. If this is the case, survivors may be reluctant to seek out the support and services that they need on our campus, in fear that their wishes won't be respected and control will be taken away.

At Ryerson, we hope to maintain our commitment to ensuring that the reporting and disclosure process is

survivor-led, and that we will be able to support survivors through services, referrals and the provision of clear, detailed information, so they can make an informed decision about next steps.

In the words of one of our student survivors, “Survivors should be able to choose how we heal, survive, access services—and when, who and how you tell someone. How we heal and survive is unique to us and is our choice.” Thank you so much.

The Chair (Mr. Peter Tabuns): Thank you very much. With that, we have about two and a half minutes per party, starting with Ms. Sattler from the third party.

Ms. Peggy Sattler: Thank you very much and thank you for the work that you’ve done at Ryerson to create a culture of consent on campus.

I noted throughout your presentation that you referred to members of the community—not students, not faculty or staff, but members of the community. Your approach to the climate survey—this is something that I hadn’t thought of before, but you’re actually talking about surveying all members of the community.

Dr. Heather Lane Vetere: All members of the community.

Ms. Peggy Sattler: So you won’t be collecting data just on students’ experience and perceptions, you would be collecting data more broadly on everyone. Would that be your recommendation: that this should be the provincial approach? Because what we’ve heard is that there should be a provincial survey that could be customized by institution, but it would collect data provincially. Previously, we were thinking of only collecting from students, but you’ve put something new on the table.

Dr. Heather Lane Vetere: I can tell you that—I know some of my colleagues at other universities have taken the same approach—we created a policy for our whole community, so it applies to staff, faculty and students. Obviously, if that isn’t a requirement and the policies that institutions have are just for students, then we want to be able to ensure that institutions are collecting comparable data. Obviously, if we are going to survey all of the members of our community, we need to be able to separate the student data, so that it can be compared with student data at other institutions.

I’m not making a recommendation one way or the other, but I think if the government’s desire is to hold institutions accountable for their work in this area, what they should be mandating is the results of a survey like this rather than just the counts of disclosures and reports because it’s missing a whole lot of what’s happening on campus, a whole lot of the experiences of our community members that we think we would get if there’s an anonymous survey where they can say what’s happened to them. There have been similar surveys done in the past and they always show us that more people indicate that they’ve experienced sexual violence than ever actually report or disclose.

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Ms. Peggy Sattler: Right.

The Chair (Mr. Peter Tabuns): And with that, I thank you. We go to the government: Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you for being here today and thank you to Ryerson for maybe being ahead of the curve a little bit here.

Dr. Heather Lane Vetere: We’re all working hard on it, all of my colleagues across the province.

Mr. Lou Rinaldi: I said in a statement before, I’m really encouraged by the number of post-secondary institutions and students, how they’ve embraced this piece of legislation. They really want to see something happen and they’re the driving force.

Just to understand better: When you talked about what Ryerson is doing about talking to the whole community, can you elaborate who the whole community is from a Ryerson vision?

Dr. Heather Lane Vetere: Really, our whole community is our students, our staff and our faculty. Obviously we want the message in some way as well to get to visitors to our campus, to contractors who are working on our campus. But we’re primarily talking about students, staff and faculty.

Mr. Lou Rinaldi: So when you say that, and this survey that you—I can’t put my finger on it—that you indicated—

Dr. Heather Lane Vetere: Suggest, yes.

Mr. Lou Rinaldi: Suggest—or some of the results that you got from this survey that you’ve done, you indicate a number of people who are outside the family who were—

Dr. Heather Lane Vetere: I think what’s really, really important is that if we just count numbers of reports, that doesn’t tell us that many of those reports are—sexual violence that’s perpetrated by people who are not part of our community. So our ability to influence their behaviour and even to take action against them is limited. If a student comes forward and says, “I went out on a date with someone I met in my part-time job at a retail store and I was sexually assaulted,” we, as a campus, can’t hold that person accountable because they’re not one of our students, staff or faculty. The only option that individual has is through the police.

I’m not suggesting we could hold them accountable. I think people assume that the numbers on campus are students sexually assaulting other students, or staff and faculty sexually assaulting students. What I tried to indicate here is that of the 10 cases that our coordinator has dealt with so far, since she came on board, only two of them were of that type. The other eight—

The Chair (Mr. Peter Tabuns): I’m sorry to say you’re out of time with this questioner. We have to go to the official opposition. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for joining us today. I’m coming back to this survey as well. What I do know about surveys is that the most likely people to answer them are the people who are motivated to answer that survey. In any survey, the response rate—in general, if you got a response rate of 10% on a survey you’d really be very happy with that kind of response rate.

Dr. Heather Lane Vetere: I would like more than that, but—

Mr. John Yakabuski: Okay. What I'm asking about is what we expect to get if a climate survey is the tool. First of all, what would be the acceptable response rate to be considered to make the survey completely credible, and what action comes out of a survey?

Now we have some data as to how many people on your campus have said that at one time or another, or recently or whatever—it's an anonymous survey—they were victims, or whatever the survey would pry out of people; I don't know that. But what action would that precipitate? With the mandatory reporting, there would be some expectations of action. So knowing how much has happened on your campus, what value is that if it doesn't lead to actual action to reduce and eventually eliminate that from happening within your community?

Dr. Heather Lane Vetere: I'll just say two things: I think that if the government is interested in actual numbers, finding out that there were 10 reports or disclosures on our campus during a particular time period versus there were 50 individuals who said that they were victims of sexual violence, I'd rather know that there were 50, not just the 10 who disclosed or reported.

Mr. John Yakabuski: You can do both.

Dr. Heather Lane Vetere: Yes. The other thing I will say is that I think the responsibility for eliminating this on our campuses lies not only with our campuses but with the larger community. What people forget is that at Ryerson, for example, we welcome 8,000 to 9,000 new community members every single year. That work is never done. There are 8,000 to 9,000 new students who come, and I'm really hopeful that some of the changes to the curriculum at the lower levels in education will help change the climate as well.

The Chair (Mr. Peter Tabuns): With that, we're out of time. Thanks very much for your presentation today.

CAREER COLLEGES ONTARIO

The Chair (Mr. Peter Tabuns): Our next presenter is Career Colleges Ontario. As you've probably heard, you have up to 10 minutes to speak. There will be questions, and we'll go to each party. Please introduce yourself for Hansard.

Ms. Sharon Maloney: Good afternoon, ladies and gentlemen. My name is Sharon Maloney. I am the CEO of Career Colleges Ontario. Thank you for giving me the opportunity to speak with you this afternoon about Bill 132 and, specifically, the proposed amendments to the Private Career Colleges Act arising from it.

To begin with, I want you to know that CCO is in support of this initiative and recognizes the importance of providing an educational environment free from sexual violence, and training students, staff and faculty about sexual violence and how to reduce the risk of it occurring.

Having said that, it is important for you to know a little bit about our sector's characteristics, which differ-

entiate it from the public post-secondary educational sector. Those differences may have a bearing on how career colleges implement their sexual violence and harassment policies.

Our members are all privately owned post-secondary career colleges that offer vocational training in hundreds of essential skilled fields, such as engineering, technology, dental hygiene, massage therapy, aesthetics, paralegal and business administration. There are approximately 577 campuses in Ontario, operated by 400 career colleges. CCO represents just under 50% of those campuses.

There is a large variance in the size of career colleges. Some career colleges are large, but the majority of them are small, with revenues under \$1 million. As a consequence, many career colleges have a small number of employees, and in some cases, owners, administrators and instructors are the same people. Their campuses are small and usually consist of some administrative offices and a limited number of classrooms. Classes are small, typically with 20 students in attendance. They do not have restaurants or bars on their campuses, and students usually leave the premises after classes are completed. Career colleges also do not have student residences.

Career college students are typically older, come from visible minorities and are more likely to be females who are married and have child care responsibilities. An increasing number of our students have already earned a post-secondary credential and have come to a career college to obtain vocational training so that they can find a job. They prefer to take the program in a compressed manner, so that they can get to work faster.

Why does this matter in the context of addressing sexual violence on our campuses? Because of their small size, career colleges do not enjoy the same institutional infrastructure and resources as do universities and public colleges. We do not have the same number of administrative or teaching staff and do not have faculty or student labour representation. Therefore, any sexual violence policy needs to recognize the practical realities of career colleges and provide easily effected and understood policies that a small business owner can apply. Importantly, a one-size-fits-all approach does not work for career colleges.

CCO has developed a template into which it has tried to distill the core requirements for a sexual violence policy. The template is intended to provide a baseline for all career colleges, upon which they can expand, while recognizing that they generally do not have significant in-house human resources or legal expertise. We believe we have captured most, if not all, of the proposed legislative requirements in our template, and have adopted the specific language of the proposed amendments in a number of our provisions.

We have also tried to incorporate most of the proposed regulations in the template, with the following exceptions:

(1) With reference to 5(a) to 5(e) of the proposed regulations, it is unclear how much detail is required in a

policy with respect to reporting, investigating and implementing the decision-making process.

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(2) With reference to 5(g) of the proposed regulations, it's unclear how much detail should be contained in the policy with respect to the range of interim measures.

(3) With respect to 5.1 of the proposed regulations, it is unclear how much detail is required with respect to keeping information confidential.

(4) There is no reference in our template to an appeal process because in most cases an appeal process with respect to these issues may be beyond the resources of most career colleges.

With respect to (1) through (3), CCO recommends that the regulations require that the policies contain provisions for these items, but not require that they be in detail in the policy.

With respect to the appeal process, CCO recommends that consideration be given to the creation of an independent panel of experts in the area, managed by CCO, who could be called upon by a career college in the event that an appeal to a decision is required.

Thank you very much. I'm happy to take questions.

The Chair (Mr. Peter Tabuns): Thank you. We'll go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation. We've heard a lot from other campuses, and this is one of our few opportunities to talk to career colleges.

I noted that you had a number of suggestions here. Has CCO submitted any potential amendments to this act?

Ms. Sharon Maloney: We have actually been working quite closely with the ministry with respect to developing our template, and we will be submitting basically what I've said today to the ministry with respect to, specifically, the proposed regulations. We think the proposed changes to the act are actually very good. In fact, we were very happy to see that there was a definition in the proposed changes so that we could just basically adopt that into our template and not have to go through some specifications in relation to that, because it was already contained in the legislation.

Mrs. Kathryn McGarry: Just to clarify: It's partly because you don't really have student unions and a student body as—

Ms. Sharon Maloney: That certainly is an issue. It's not just student bodies; we don't have an infrastructure, we don't have in-house counsel, we don't have senate committees. They just don't exist. You're talking, in many cases, of an administration that could be as small as five people. It becomes quite difficult, especially in relation to the appeal, because if you have a career college where you only have two or three people and you have an incident, and those two people may be married or in some kind of a relationship—then you're supposed to go through an appeal process? I don't really think that's an appropriate process for a student to have to go through. I think there needs to be a third-party process of some sort,

and not just going through the legal system, but something else that would help a student in a situation where they were not satisfied with a decision that came out from the career college.

Mrs. Kathryn McGarry: Would a potential template move toward not only addressing incidents—investigating and reporting—but potentially have a list of resources and support that somebody on campus could access?

Ms. Sharon Maloney: In fact, our template has all of that, and has a list of potential resources for students to go to. To the greatest extent possible, we have incorporated that into our template. But the point of what I'm presenting today is to understand that these are businesses, and they are small to medium-sized businesses—

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say, you've run out of time.

We'll go to the opposition. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for joining us today. I appreciate that you've come in today to give us the perspective from the small career colleges. They vary in size. Some are significant in size, and many, as you say, might have an administrative staff of a handful of people, which presents a logistical challenge to implementing things in the same fashion as what would be considered a traditional post-secondary institution.

When this bill was being drafted, how much input did the career college association, or you as the governing body—how much input was there from you people with regard to drafting this specific—because there's a specific section which deals with only career colleges. How much input did you have into that?

Ms. Sharon Maloney: We did not have direct input with respect to the drafting of the law, but we did have several good conversations, actually, with representatives of the ministry, where we were able to discuss some of these topics. That was very much appreciated. I think they clearly understand that there's a difference between the public and the private, mostly on the basis of size, but also on the basis of—as your colleagues have said, we don't have organized labour unions in our businesses, which removes another level of infrastructure and scrutiny in terms of being able to apply this. We had very good input with respect to that.

Mr. John Yakabuski: It sounds like there's a concern with your ability in every place to—"every college shall," "every private career college shall." Are you going to be able to meet the standards that are laid out in this bill, or are you going to require some adjustment based on the size? Or are you looking for that?

Ms. Sharon Maloney: I think with respect to the template insofar as the requirements of the act, I think we'll be all right because the template is really providing a baseline to people. So that's not of great concern to me. Where the concern for me comes from is some of the provisions in the proposed regulations, where there's this reference to detail—"provided in detail." That's a problem. If we're trying to create a template that's easily understood by one of our career colleges, you don't want that template to run 25 pages because you've got—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time—

Mr. John Yakabuski: Are you going to provide us with something written?

Ms. Sharon Maloney: Yes.

The Chair (Mr. Peter Tabuns): Mr. Yakabuski, I'm afraid to say that you're out of time.

We'll go to the third party. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for joining us today, and for giving us a context for the implementation of this act within the sector that you represent.

Many of the presentations that have been made to this committee already have talked about these sexual violence policies on campus and the importance of them being broader than just students. You just mentioned that the staff who work there are not unionized and that they don't have collective agreement protections, and I totally understand the resource pressures of trying to implement these policies. Do you see a benefit of making the policy broader than just to students, and to apply it to staff, teachers, administrators, as well?

Ms. Sharon Maloney: We are of the understanding with respect to the amendments in the legislation—and our template has been reviewed now by counsel—that what we're being asked to provide is a policy specifically with respect to students. The issues insofar as staff, as we understand it, will be covered by the Occupational Health and Safety Act.

I would certainly support our institutions having broader policies, and I think by virtue of both pieces of legislation, they will have to. I would suspect that several of them have already started with some policies. But the template that I'm speaking to today, because of the requirement under the act that it be specific to students—that's why I've made the comments with respect to issues for that particular portion of it.

Ms. Peggy Sattler: If one of us brings forward an amendment to change the legislation, to say that the policy should be broader than just students enrolled, would that be an issue for the career college sector?

Ms. Sharon Maloney: It would not be an issue. It would really just be for us an issue with respect to how we actually draft that and how we manage that with the legal requirements under the Occupational Health and Safety Act. That would be the issue. But, as a policy perspective, no.

Ms. Peggy Sattler: Okay, that's helpful. Do I have any more time?

The Chair (Mr. Peter Tabuns): No, you don't.

Thank you very much for your presentation.

LAKEHEAD UNIVERSITY

The Chair (Mr. Peter Tabuns): Members of the committee, our next presenter was going to be the Algoma University Students' Union, but we weren't able to finalize that. We're ahead of time, but we do have presenters here from Lakehead University who are willing to come forward.

Please step up. As you've probably heard, you have 10 minutes to speak, and there will be questions afterwards. Once you get comfortable, if you'd introduce yourselves for Hansard, that would be great.

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Ms. Marian Ryks-Szelekovszky: Thank you. My name is Marian Ryks-Szelekovszky. I'm the vice-provost for student affairs at Lakehead University.

Dr. Lori Chambers: I'm Lori Chambers. I'm a professor at Lakehead University and chaired our sexual assault task force.

We would like to start out, on behalf of our president at Lakehead, by thanking the committee for electing to hear our presentation.

Lakehead University stands behind the government in its development of Bill 132 and its goal to eradicate sexual violence and harassment in all parts of life, including on post-secondary campuses. As Lakehead University and also as a member of the university sector, there is unwavering commitment to providing service, supports and response protocols to survivors of sexual violence and to all those who experience sexual misconduct of any kind.

We see many positive aspects to the bill and we applaud it, but we do have a number of recommendations that we believe will strengthen this bill and make it more survivor-centric. We're speaking from our experience here. As some of you may know, Lakehead University was a front-runner amongst universities and took the initiative to establish a stand-alone sexual violence policy well in advance of government action.

Lakehead's decision to take action and to develop a stand-alone policy and bring attention to supports and education was initiated by our president following a letter to our local paper by a graduate who revealed that a classmate had sexually assaulted her during her third year of studies. While she sought assistance to avoid being in the same classes as her perpetrator, she was not accommodated. She faced multiple challenges as a result of being in the same classes as her assailant and faced humiliation as her assailant and his friends taunted her quite openly. While she held the perpetrator responsible for his own actions, she held the university responsible for its lack of education and policy that would have ensured that she was assisted appropriately.

Within two days of the newspaper article being printed, our president launched a task force, instructing us that never again was such an experience to happen to another student. His directions were clear: Establish a stand-alone policy wherein it was clear that any form of sexual violence would not be tolerated; that supports would be available to survivors of sexual misconduct; and that there would be an emphasis on appropriately educating all those within the university community around supports to survivors and about the wider problem of sexual violence and its prevalence in society.

The Lakehead University task force comprised a wide array of stakeholders, including students and community partners from the sexual violence/domestic abuse

treatment centre as well as police colleagues. Marian and I both also served on this committee. Students were instrumental in providing input and feedback as the policy and protocol were being developed, and they sat on the committee as well.

Our task force was unequivocal in its belief, as it drafted the policy, that the policy would be universal. It should be applicable to all members of the university community: students, all employees, as well as reaching as far up the hierarchy as the board of governors.

Lakehead University is firm in its belief that a stand-alone sexual misconduct policy sets a climate for the entire university community that there is zero tolerance for any kind of sexual violence and that this is applicable to all members of the university community, not just students. We are a community together.

The task force recognized that as a university community we are not simply categorized as either a student or a staff member; there is much overlap. Students are also staff and staff are also students. All individuals who experience sexual violence should have access to the supports and resources they need for healing and the accommodations they require to have a safe experience, whether in their educational setting or their workplace. The task force firmly believed that a policy for everyone reflects not only human rights legislation and the right of all to a life free of violence, but also meets the obligations of employers to maintain a safe and healthy workplace for all employees. Hence, our first recommendation is that we would strongly encourage the committee to expand the scope of Bill 132 relating to stand-alone policies for campuses so that those policies are applicable to the entire campus community: students, staff, faculty, other employees, administrators and the board of governors.

Ms. Marian Ryks-Szelekovszky: We have two other suggestions that we believe will strengthen Bill 132. The first of these is around survivor choice with respect to disclosure and reporting. Lakehead University firmly believes that survivors of sexual violence must be given the choice as to whether they confidentially disclose their experience, perhaps seeking support and resources, but the individual has no desire to make an official report or to seek formal action. The other choice is to actually report the sexual violence formally to the university with the expectation that formal action is taken against the alleged perpetrator.

We believe such choices must be left in the control of the survivor, and in order that such an option is available to them, the post-secondary sector must have the discretion to distinguish between incidents disclosed by individuals who simply want to unburden themselves and perhaps seek access to supports, and those individuals who wish to disclose and also wish to formally report such violence and request an investigation by the university.

Often, the students I see in my office who disclose their experience to me are most concerned about their confidentiality. I've had a survivor whose greatest fear,

apart from her parents finding out, was that her disclosure to me would somehow be tracked and subject to some report. She specifically said that she did not want anyone to know. She didn't want her experience, even without her name, to be a statistic somewhere.

Hence, we respectfully request the committee to modify Bill 132, such that there is latitude for post-secondary institutions to distinguish between disclosure and reporting, and to ensure that survivors have the right to confidentiality.

The other recommendation we have to strengthen the bill involves the reporting itself. Lakehead University fully understands the imperative of providing information to the ministry and the public on incidents of sexual violence. However, even as our task force did its work, we recognized that for every one person who came forward and disclosed sexual violence, there are so many more who choose not to disclose and, instead, live with their burden in silence. Unfortunately, what will be tracked by compulsory reporting will still only reflect a fraction of actual occurrences.

We firmly believe that as a university community, we are far better off developing and deploying a campus climate survey for use across the sector as a method of finding out more from our students around attitudes and behaviours, including experiences of sexual violence and their access to supports. Such a climate survey can be conducted without the violation of privacy. Moreover, a comprehensive climate survey can also provide useful information, such that universities are better able to develop and respond with programming for students, as well as education for staff and faculty to better prepare them in their work with students.

With respect to the bill's requirement around reporting, we would strongly recommend that the committee consider a multi-pronged approach to reporting; namely, (1) the development and mandating of a climate survey as one way to report on the frequency of sexual violence and the number of times that services and supports are accessed, which are related to sexual violence, and (2) reporting around the number of formal reports of sexual violence that are actually made to the university, wherein there is an expectation that formal action be taken against an alleged perpetrator.

Dr. Lori Chambers: Once again, as a university that embraced the value of a stand-alone policy on sexual violence as a result of a student's experience, we heartily endorse the government's commitment to ending sexual violence and drafting Bill 132. We hope that our experience and our recommendations will be seen as ways that this bill can be strengthened, as we all work together to end sexual violence and harassment. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. We have about two minutes per party. We'll start with the official opposition. Ms. Scott.

Ms. Laurie Scott: Thank you very much for coming forward today. Certainly, the campus community has been well heard by the committee, so thank you for adding to that.

I'm going to ask a question just because I want to be clear on this. You say that there is survivor choice. Right now, if a 17-year-old or a 19-year-old came in, is there a difference with age, with respect to whether it has to go through a formal reporting? If someone came forward to use your services now but didn't want to go through formal reporting—do you have to report that? It seems like a very basic question, but I just want to be clear on this issue.

Ms. Marian Ryks-Szelekovszky: The age doesn't really make a difference. Once a student is in university, they're considered adults, so their privacy is maintained. If someone comes in to the health and counselling centre, there is no need to report. Everything there is confidential, and it does not come to me. I may not find out.

1510

Ms. Laurie Scott: Obviously, we want to protect confidentiality.

Ms. Marian Ryks-Szelekovszky: That's correct.

Ms. Laurie Scott: You're almost saying that they could lose confidentiality with this mandatory reporting or that survivors don't have a choice. That's really not what's in the bill, right?

Dr. Lori Chambers: Well, there is concern, yes, because even if that's not what the intention of the bill is, if students have the perception that by going in they will be subject to having their experiences reported, even if it's anonymized, it might mean that some students won't come forward, and then they won't get the resources and assistance that they need. In the long term we want to eliminate violence, but in the short term the primary purpose is to make sure that students have access to the supports they need.

Ms. Laurie Scott: Right now, there is survivor choice. They come in and they're comfortable. Do you think that Bill 132 is going to deter, possibly—

Dr. Lori Chambers: Bill 132 is a really good thing, but if people are concerned about reporting, then that could deter them from coming in to access services.

Ms. Laurie Scott: Thank you for clarifying that. It's a question I had on my mind all day.

The Chair (Mr. Peter Tabuns): With that, we'll go on to the third party. Ms. Sattler.

Ms. Peggy Sattler: I'm looking at page 5 and the two specific recommendations you make around reporting. As I understand that, you're saying that the data collection on the actual number of reports is still a valuable thing, but it should be augmented with a climate survey that would provide a much richer, fuller picture of what's actually happening on the campus.

This climate survey—are you envisioning that as something that would be undertaken on an annual basis? Would it be administered to the entire student population, not just at Lakehead but at all campuses across the province? Is that what you're saying?

Ms. Marian Ryks-Szelekovszky: I think that's a discussion that would need to occur. But I would say, for sure, that it should be done every second year. I would see it, as well, going campus-wide to all students. So it

would include our graduate students, full-time/part-time—it should be everyone. It will provide, like you said, a much richer picture of our student population and their experiences.

We can also find out through that climate survey whether their experiences have been while they were at university or whether it was a prior time etc. That's really useful information to have.

Ms. Peggy Sattler: For sure. We heard from one of your counterparts earlier—I don't know if you were here. They talked about a climate survey, not just of students, but of all members of the university community. Do you also see some value in that?

Dr. Lori Chambers: Absolutely.

Ms. Peggy Sattler: Your other recommendation about the ability of post-secondary institutions to distinguish between disclosure and reporting—did you see specific opportunities in the current wording of the legislation, where that could be addressed?

Ms. Marian Ryks-Szelekovszky: I'd have to go back into the specific wording to find it. When I read through it, I thought there could be greater clarity, but I wouldn't be able to tell you exactly where that was at the moment.

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time.

We'll go to the next questioner. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation.

Currently, the OHSA is already a policy that can cover employees. The students had no policy, and this is one of the things that Bill 132 will be addressing. We've heard from a number of different organizations that students and staff do overlap, so any suggestions from you on wording that amendment would be very helpful.

I really want to talk about reporting. We are understanding that this is a challenge—how it's going to be reported, how it's going to look. The government has already made an ongoing commitment to making sure that we are working with our communities around the campuses to come up with something that's going to benefit everybody. My question to you is—again, on page 5, your second suggestion about formal reporting—will the survivor, if they report the incident, have the choice whether to go to police and follow up or not? I'm not sure with your wording here.

Ms. Marian Ryks-Szelekovszky: An individual who discloses a sexual assault to me is always provided with the range of options that are open to him or her, and that includes if the alleged perpetrator is from within the university community. It could be a formal incident that's investigated by the university, but the individual also has the right to file a report with the police and go through that process, and some individuals choose to do both, so I think that it's absolutely important that that choice needs to continue for the survivor.

Mrs. Kathryn McGarry: Okay. And it would be very helpful if you are able to work with the government on ongoing wording. Do you find that having the students involved in creating the policy is—

The Chair (Mr. Peter Tabuns): Ms. McGarry, I'm sorry to say that you're out of time.

Interjections.

The Chair (Mr. Peter Tabuns): I know.

Mrs. Kathryn McGarry: You have the unenviable position of timekeeper.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

Ms. Marian Ryks-Szelekovszky: You're very welcome.

UNIFOR

The Chair (Mr. Peter Tabuns): Our next presentation, then, is Unifor. Just to let you know, you have up to 10 minutes to present, then there will be questions. If you would introduce yourself for Hansard. Go ahead.

Ms. Sari Sairanen: Good afternoon, everyone. My name is Sari Sairanen and I'm the national health and safety director for Unifor.

Ms. Lisa Kelly: And I'm Lisa Kelly, the director of the women's department at Unifor.

Ms. Sari Sairanen: You've had an opportunity of briefly looking at our presentation. It is not a lengthy saga; it is about four pages and a teeny, tiny bit on the fifth page, so light reading for you.

We would like to take this opportunity to present on behalf of our members. We are a national organization, we go from coast-to-coast and we represent over 310,000 members across Canada working in a variety of different economic sectors. The bulk of our members do reside here in Ontario, and the history that we also have is that the bulk of our membership is coming here from Ontario.

We are the children of our two predecessor unions, Canadian Auto Workers as well as the Communication, Energy and Paperworkers Union or CEP. Both of our predecessor organizations have been involved very astutely and very diligently in advocating for the equality rights of our members, and we certainly feel that inequality is shown in gender-based violence, so we're very pleased to be able to participate in these consultations, as well as the round tables that have taken place. As a result, we have a submission for you to look at to ensure that we are on the right road, and that if any tweaking needs to be done, it is done before it is brought in to the workplaces.

In the context of occupational health and safety, we have seen over a number of decades how occupational health and safety has evolved in our workplaces, that it is not just the physical safety of workers, but it is also the psychological safety of workers. They go hand in hand: When you're seeing physical issues that are happening in the workplace, they will have a psychological impact as well.

We saw the recognition of that in Bill 168. As a result of the issues and problems that were taking place in workplaces—we saw some horrific examples of that in the deaths of Theresa Vince and Lori Dupont, the subsequent inquests and the recommendations that came from the inquests—I feel that we've been on this journey

for a number of years. It's the 21st century and we're still meeting on how you make these changes in the workplace.

Bill 168 was a good start of recognizing harassment and violence in the workplace. Now we're moving into the other arenas of what Bill 132 would hopefully be able to look at in terms of some of the gaps. One of the gaps in Bill 168 was that it was only a recognition in the workplace that you have policies and procedures. But, actually giving the workplace parties a mandate to start looking at controlling—and, when you're looking at the hierarchy of controls in the workplace, of eliminating or at least reducing—your exposure to violence, including sexual violence, in the workplace was not taking place at a real rapid rate.

At this point I'm going to have my colleague Lisa talk about Bill 132.

Ms. Lisa Kelly: Just before I do: I think that one of the things that we as Canada's largest private sector union bring to the table is not only the breadth of the types of workplaces that we have—the breadth of our membership—but the type of work that we do, both in terms of Sari being an expert in occupational health and safety and my own department looking at gender equality and the rest of the research that's done with the union. We can bring the holistic approach that we appreciate that the government has brought forward with the It's Never Okay initiatives.

1520

We really see that these things don't start and stop in the workplace. You did just focus on campuses, but our submission today is just about the occupational health and safety changes. What we found out of the Bill 168 promise is that in its actual application and its enforcement, it actually didn't get traction in the workplace. It didn't change things from before to after. If there were any changes, the most egregious thing we found was that employers were actually using it to dismiss problem employees—employees that they found they didn't want to deal with. They would then reconfigure insubordinate behaviour or undesirable behaviour as violent. We actually found it being misused rather than being used for the protection of workers, so we're very happy that there's a revisiting in trying to strengthen it.

One of the things that we've tried to point out in our presentation is that prevention really is the key to avoiding health and safety issues in the workplace. We find that although the bill talks about prevention—to give you an example, in the proposed section 32.0.7, it tells the employer, “To protect a worker from workplace harassment, an employer shall ensure that,” but then it goes on only to list what happens after a harassment complaint has been made, so after the harassment has actually taken place.

We urge that there be an explicit requirement under the proposals to control the risk of harassment by considering, evaluating and addressing organizational factors that may cause or contribute to harassment in the workplace, and those are: work organization, work demands,

roles of conflict, predictability, leadership work values and undesirable behaviours. We recommend that you look at the CSA-Z1003—psychological health and safety in the workplace—standard that has been developed. It's a made-in-Canada, consensus-based document, and I think it would have a place in this legislation.

Ms. Sari Sairanen: When you look at Z1003 and the consensus base, it also talks about the individuals in the workplace. Who are the agents of change in the workplace? Certainly, the central role that's played in the workplace is by the joint health and safety committees.

We know that legislation alone is not enough. You need to look at: How do you create that sense of change in the workplace, and who do workers go to to effect change in the workplace? Even though we have entrenched in our legislation the right to refuse, oftentimes you're very intimidated in the workplace to go to your employer or to even exercise your right to refuse unsafe work. So joint health and safety committees are, we feel, very central in a workplace to effect that change.

The joint health and safety committee members or the committee itself plays that central role of bringing these hazards to their attention. How do you look at, then, mitigating those hazards in the workplace? One of those mitigations is having the knowledge of what is going on in the workplace. We know confidentiality has been an issue: How do you bring these issues forward and who deals with them? We feel that for the joint health and safety committees, in dealing already with physical safety issues, it is a natural extension for them to be part of the knowledge of these hazards in the workplace and how to deal with them. Then, the parties can certainly look at how you deal with confidentiality. Bill 168 had that issue as well. How do you deal with confidentiality in a workplace when it is a known hazard that the employer has? How do you disseminate that information into the workplace? We see that under section 25(2)(1), joint health and safety committees already receive information. This is an extension of that. This is a workplace issue. How do you deal with that? It's already explained in the legislation.

Ms. Lisa Kelly: I think too much of a focus is on whether or not the health and safety committee is looking at the nitty-gritty complaint. Rather, what we're looking at is that they be involved in putting the policies together and advising about the policies, and in knowing as a pattern what is happening in that workplace. We've given, as an example, our language for a joint investigation where both the union and the employer sit down. We have people who do investigations. They are trained. We produce a booklet; I've given you a link to that. We find that the trust in that means that the investigations are well done and then they're well believed, both on the side of when there isn't a consequence that comes out of the investigation and when there is. It's not just about whether or not something has been remedied; it's whether or not that remedy is actually something that is supported and has value and goes forward in changing the culture of the workplace.

We've given you some information on some specifics, and I'll turn it back over to my colleague to speak to those.

Ms. Sari Sairanen: We're very pleased to see that Bill 132 recognizes that sexual violence can involve acts that are psychological in nature. We all hear about the mental health issues in our workplaces and in society at large.

When you look at the continuum of injury—in occupational health and safety, we often talk of mental injury, and you have that prevention piece which we've talked about. On that continuum of that injury if prevention fails, what is available to the victim as they go through on that trajectory and if they fall into the compensation bucket? That, I think, would be another conversation we can—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you've run out of time.

Since we have a short time, all the questions go to the government. You have five minutes, and then we'll resume the regular rotation. Ms. Malhi, please.

Ms. Harinder Malhi: Thank you very much for being here today. I want to talk to you a little bit about Bill 132 and how it has affected your membership and how your membership has actually responded to the introduction of the bill.

Ms. Lisa Kelly: They've been very positive. Again, I think we have a membership that was very active around agitating to have Bill 168 brought in, and so they gave us reflections on that being a disappointment, that it didn't fulfill the promise. They're happy that there is a revisiting.

Just with some of these requests around the training of inspectors and having an independent roster if there's an external investigator that's asked for—they don't want to have to come back again with another request.

Ms. Harinder Malhi: What kind of specific language would you like to see included in the Occupational Health and Safety Act with the sexual violence and harassment changes? When you talked about the Occupational Health and Safety Act being changed to make it more specific to the circumstances, what kind of specific language would you like to see in the act?

Ms. Sari Sairanen: We'd like to have more involvement from the inspectors. The inspectors are often called in to help mediate in the workplace. Currently, with how Bill 168 is written, if you don't have a policy, if you don't have procedures—that's the only avenue that the inspector has to write any orders to the employer. There are no substantial changes.

One of those substantial changes would be having joint risk assessments. Who is involved? Currently, the risk assessment is done by the employer, and the results are shared with the joint health and safety committee. You're not part of the process. You're the front line. You know the issues that are happening in the workplace, so you have to be part of that process.

In our written submission, we also state that in order for risk assessments to be meaningful, you have to have

training. You have to have a template and a direction because you have a whole gamut of different workplaces out there.

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: How much time do I have, Chair?

The Chair (Mr. Peter Tabuns): You have about two and a half minutes.

Mrs. Kathryn McGarry: Thank you. I wanted to just follow up on my colleague, about training. That seems to be something that probably needs to start in our new health and physical education curriculum—just to change that attitude from a young person on up to the workplace. Can you elaborate further on what the perfect training program would be for an employee just starting out, and also what it would look like for the employer?

Ms. Lisa Kelly: I'm glad that you actually raised the curriculum. Again, I think it's really important that right from a very early age, we learn about the equality of the genders and that we learn respect and dignity for each other. The earlier we learn that, the more we're able to build on that.

1530

Again, we do some anti-harassment training within our union, paid for by the employer, developed and delivered by the union, and as a component of that, there is a respectful workplace element. Often, the employers are approaching it in a disciplinary way: "This is what can happen to you if you do this." That winds up being negative and winds up actually having a bit of a backlash on the person asking for dignity.

I don't know if people have been following the Newfoundland firefighters case, but there is an example of someone who stood up, spoke out—and then there's actually a mass resignation against that person, in my mind.

So the training is about why we need to respect one another, the equal value we bring there.

From the employer's point of view, there needs to be a shift of power and a shift of expectation of whether people can bring their whole lives to work.

Ms. Sari Sairanen: The Canadian Standards Z1003—I had the opportunity of sitting on that working group, and that goes into very great detail on the 13 key workplace factors. One of those factors is civility and respect in the workplace. Those are those motherhood issues that we take for granted—but they're not. Somehow, they're sort of forgotten when you come into the workplace. I believe that standard is one of those curriculum items that should be looked at even in our elementary and inter-senior schools: "What do you expect? What do you bring to the workplace and to society at large? You are part of the makeup of society."

The Chair (Mr. Peter Tabuns): With that, we have to wrap up. Thank you very much. It was good to see you.

ONTARIO TRIAL LAWYERS ASSOCIATION

The Chair (Mr. Peter Tabuns): The next presentation: the Ontario Trial Lawyers Association. As you have

probably heard, you have up to 10 minutes to present, and then there will be questions. Please introduce yourselves for Hansard, and then take it away.

Ms. Loretta Merritt: Good afternoon. I'm Loretta Merritt, here on behalf of OTLA. With me is Erin Ellis, who is also a lawyer. I have been representing abuse survivors in civil lawsuits for about the last 25 years. Most of my clients are adult men who were sexually abused as children, but I also represent a significant number of women and children.

OTLA strongly endorses Bill 132. While I am not a psychologist, I have come to understand that the far most serious injuries sustained by people who are sexually assaulted are not the relatively temporary physical injuries, but rather the long-term psychological impacts. These are invisible injuries. When someone is abused, particularly as a child, who is unable to understand and process what is happening, they wrongly form the belief that they are at fault, that there is something wrong with them that this happened, or that they allowed this to happen and are to blame. Blaming oneself is a psychological coping mechanism. This self-blame and the shame and the fear of, for example, not being believed or fear of the perpetrator or fear of the judicial system prevents abuse survivors from coming forward, often for decades. The delay in coming forward works against survivors when it comes to limitation periods or time limits for suing.

At the present time, what we have is a relatively complicated set of exceptions for sexual abuse survivors. What this means is that in civil lawsuits a lot of time and effort is spent trying to prove things like when the survivor understood the causal connection between the assault that happened and the harm that they've experienced, or when the survivor is psychologically capable of coming forward and commencing litigation. Sometimes we need expert evidence for that. This complicates cases for survivors who retain lawyers who are able to do the work and mount the evidence, but it also deters many people from even coming forward and speaking to a lawyer, because they think it's too late to sue. Therefore, eliminating limitation periods in sexual abuse cases, as Bill 132 would do, is a critical step if you want to improve access to justice for abuse survivors. We wholeheartedly endorse these provisions in the bill.

OTLA is proposing two small changes to Bill 132. The first is intended to make it clear that the elimination of limitation periods applies to institutions which are legally responsible for sexual abuse committed, for example, by their employees. There is no valid policy reason to distinguish between the perpetrator and the institution which is legally responsible, whether it be through negligence or vicarious liability or another legal way.

In fact, if you don't include the institutions, a great number of abuse survivors will not get justice because, in most cases, the institution is the only one that can effectively compensate.

This leads to another related point, which is that under the Trustee Act, there is a limitation period for suing a

deceased person, and it's two years from the date of death. In cases where the perpetrator is dead, some institutions argue that that limitation period under the Trustee Act affords them a defence. This needs to be clarified.

The second change needed relates to the exception in the situation where the case has been dismissed. We certainly agree with the exception that if the case has been finally dismissed by a court, there should be a limitation period. However, Bill 132 needs to be changed to say that it is dismissed by a court order. The reason for this is that sometimes cases get administratively dismissed by a registrar because an error was made and then they're later revived and they proceed as though that never happened.

The language you have now in Bill 132 could create a loophole for these situations where a case was administratively dismissed. All you need to do is add the words "by a court order," in which case, that loophole will be closed.

There are a few other legislative amendments that OTLA would like to see, and most of these relate to the Victims' Bill of Rights. When someone is assaulted and forms the belief that there's something wrong with them, their lives tend to become a self-fulfilling prophecy. They cover up the shame and the blame with self-harming behaviours like alcohol and drug use, and they tend to be revictimized.

For this reason, I'm of the view that the psychological injuries arising from sexual abuse can actually be far worse than even a devastating physical injury like losing a leg. You can recover from losing a leg; it's hard to recover from thinking you're a worthless human being. Yet because these injuries are invisible, they're poorly understood and seriously undercompensated in our judicial system.

We are proposing amendments that would eliminate repayment of Criminal Injuries Compensation Board awards, Ontario disability support awards, Ontario Works, as well as the elimination of the cap on pain and suffering for sexual abuse cases and, finally, proposing full indemnity costs to be paid by unsuccessful defendants.

One final point: One of the greatest harms from sexual abuse comes from the fact that survivors stay silent for years. This is particularly true with children who are abused and stay silent and lose the opportunity to have an adult help them process and understand what's happened and understand that they're not to blame.

We're strongly of the view that legislative change is needed with respect to confidentiality agreements in civil sexual assault settlements. Sometimes, even today, defendants ask for complete gag orders in settlements. These gag orders would prevent abuse survivors from ever talking about what happened to them. This amounts to a revictimization. Silencing the survivor can never be justified and legislative action is needed in this area.

Thank you for listening.

The Chair (Mr. Peter Tabuns): Thank you for that. We have about two minutes per party. We start with the third party: Ms. Sattler.

Ms. Peggy Sattler: Thank you very much. I'm particularly interested in the final part of your presentation about the amendments to the Victims' Bill of Rights. Now, I'm not familiar with the legislation. The Victims' Bill of Rights—is that a separate act?

1540

Ms. Loretta Merritt: Yes. It's an Ontario statute that gives victims certain rights to be informed of what's going on in a criminal proceeding. It also relates to civil lawsuits and talks about things like the fact that there is presumption that the defendant should pay a higher award of costs and creates a presumption of damages for certain types of lawsuits based on certain types of criminal offences, including sexual assaults.

Ms. Peggy Sattler: So there are no amendments to the two acts that are currently referenced in this bill—the Compensation for Victims of Crime Act and Limitations Act—that would get at these issues that you identified?

Ms. Loretta Merritt: It would be hard—other than the Trustee Act one; that could be done in Bill 132—the one where the perpetrator is dead. You could do that in the Limitations Act.

Ms. Peggy Sattler: So that's the only amendment that could be—no, I guess you've proposed language for the amendment around institutional defendants.

Ms. Loretta Merritt: Right. The first two points I made relating to court orders dismissing actions as well as making it clear that institutional defendants are caught up by Bill 132—those are absolutely, squarely within 132.

The Trustee Act amendment—you wouldn't have to actually amend the Trustee Act. You could put something in the Limitations Act about that to say—

Ms. Peggy Sattler: Oh, I see.

Ms. Loretta Merritt: Right? But the other things, I think, are really something to—

Ms. Peggy Sattler: Subsequent legislation.

Ms. Loretta Merritt: Something to be done in the future, yes.

Ms. Peggy Sattler: If you've had a chance to review all of the schedules of the bill, it has been pointed out to us that there is some variation in the definitions of sexual violence—

The Chair (Mr. Peter Tabuns): Ms. Sattler, I'm sorry to say, you're out of time.

We'll go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your very thoughtful and very comprehensive understanding of the issue. I don't even know where to begin with questioning.

I'm going to start from the very beginning: the health and physical education curriculum changes that have happened in Ontario schools this year. Are you supportive of those?

Ms. Loretta Merritt: Absolutely. The sooner we can educate our children about these kinds of matters, the better. It's all about creating a space for children to come forward and disclose at a very early stage. All the science backs up the fact that it's the non-disclosure that creates

the greatest harm. Anything that opens the conversation is a good thing, in my view.

Mrs. Kathryn McGarry: It's interesting that you followed that through. You should be a psychologist as well as a lawyer; I'm sure you've heard that.

Regarding the self-harming behaviours like alcoholism and revictimizing: Is there much understanding amongst your members, or should there be more training regarding these kinds of issues?

Ms. Loretta Merritt: I'm happy to say that as more survivors come forward and more medical studies are done and medical literature is available, the legal profession as well as the judiciary is becoming much more aware of these causal connections and links. New information comes forward almost on a weekly or monthly basis. They're now finding links between, for example, schizophrenia and childhood sexual abuse. For many years, we didn't understand there was any connection there. It's something that's constantly evolving.

Obviously, there can't be enough public education on this issue. Unfortunately, it's an issue a lot of people just don't want to talk about.

Mrs. Kathryn McGarry: I commend you for bringing that forward.

What percentage of clients come after two years, with historical abuse, who want to do something about it?

Ms. Loretta Merritt: Longer than two years? In my practice, 99%. I have very few current cases. The current ones are, like I say, the exception—99% might be a little high.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say, we're out of time with this questioner.

Mr. Yakabuski?

Mr. John Yakabuski: Thank you very much for joining us today.

I just want to clarify a couple of things. I'm not a lawyer. We're talking about limitations in civil proceedings. There are no limitations from a criminal—

Ms. Loretta Merritt: That's right.

Mr. John Yakabuski: There was a huge case in my area of sexual abuse of a number of boys by a priest that went back 30-some years. That has been dealt with by the courts. There were settlements; that was part of the criminal proceedings, I suppose. I guess what I wanted to ask on the gag orders, sometimes in settlements, there's an agreement: The victim, in order to get it dealt with quickly, accepts—were you proposing that that practice should be made illegal, for them to accept a gag order, or just never be imposed on them?

Ms. Loretta Merritt: Here's the thing: Defendants ask for it to settle the case. It's fine to keep the terms of settlement confidential, the fact that they settled, how much they paid. But to silence the victim by saying you're never allowed to talk about your experience to your family, to your health care professionals, to speak out at a victims' group—that can't ever be justified. I think they should be unenforceable legally.

Mr. John Yakabuski: So they should be made illegal.

Ms. Loretta Merritt: Yes.

Mr. John Yakabuski: Even if the person wants—I'm just saying—

Ms. Loretta Merritt: But look what happened to Martin Kruze. He made that agreement and years later could not live with it. He breached it, came forward and we're still seeing Gordon Stuckless cases today, generations of people—

Mr. John Yakabuski: I don't disagree with you. I'm just asking you, from a legal perspective, how we would manage that kind of thing.

Ms. Loretta Merritt: I get very passionate about this.

Mr. John Yakabuski: You do, and I appreciate that. It's great to have you here today. Thank you very much.

The Chair (Mr. Peter Tabuns): With that, thank you very much for your presentation.

Ms. Loretta Merritt: Thank you.

Mr. John Yakabuski: We got it in before my time was actually up.

The Chair (Mr. Peter Tabuns): I know. Amazing.

ONTARIO ASSOCIATION OF INTERVAL AND TRANSITION HOUSES

The Chair (Mr. Peter Tabuns): Our next presentation, then, is the Ontario Association of Interval and Transition Houses. As you've probably heard, you have up to 10 minutes to speak, then there will be questions. When you settle in, if you'd introduce yourself for Hansard, we can go from there.

Ms. Marlene Ham: Hello. My name is Marlene and I'm the provincial coordinator with the Ontario Association of Interval and Transition Houses. I have here with me today the chair of our board, Charlene Catchpole.

OAITH serves as a provincial advocacy and educational coalition, which was first founded by women's shelter advocates in 1977. Our membership includes first-stage emergency shelters for abused women, second-stage housing programs and community-based women's service organizations. I am proud to say that in almost a quarter century since our founding we have grown to represent the majority of Ontario's VAW shelter system.

Our mandate is to work with our member agencies to educate and promote change in all areas that abused women and their children identify as important to their freedom from violence. We actualize this through strong government relations, public awareness campaigns, training, research and resources for our member organizations.

It is for that reason I am honoured to be at this table in support of Bill 132, an act which is intended to fight a significant problem in our society: sexual violence and harassment. That being said, while OAITH supports Bill 132 and deeply appreciates the good of government on this issue, we suggest a few areas that can be strengthened, either in legislation or in the regulatory phase to follow, that we believe will help ensure the bill achieve its stated goals.

Firstly, schedule 6 of Bill 132 proposes to amend the Residential Tenancies Act to allow for a woman and her child to break a lease or rental agreement early so as to get out of a violent situation. This is an important policy shift that we support. However, we caution the committee that it must be implemented in a way that does not unintentionally expose women to further harm. Specifically, if the abused party must give 28 days' notice, we must ensure through a legislative amendment or regulation that there will be significant penalties to the landlord or superintendent should they wilfully or unintentionally inform the accused abuser of the notice of termination.

As a result, we would respectfully suggest to the committee that a legislative amendment be included under section 47, which allows for the development of penalties for landlords and/or superintendents who do not meet their obligations under this act and expose women to further risk of abuse and harm. We have included some suggested language in our briefing package to this effect. However, we would be open to this matter being addressed under regulations, although we believe it would be stronger to include this as a legislative amendment with the specific penalties outlined in regulations.

In addition, schedules 3 and 5 of the act propose to amend the Private Career Colleges Act and the Ministry of Training, Colleges and Universities Act, to have sexual violence policies that set out the process that will apply when incidents and complaints of sexual violence are reported. OAITH supports these schedules strongly, as they will add consistency in support for victims of sexual violence.

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That being said, there is a significant gap between victims who report, victims who disclose but don't want to report, and those who don't report or disclose at all. As one of the primary purposes of this bill is to engineer a cultural shift, particularly amongst young people, we must reach out to these individuals who choose not to report their assault and ensure that each post-secondary campus is a safe place for all students. To do this, we recommend that all colleges be mandated, as part of their reporting obligations, to be required to conduct—directly or through a third party—a cultural attitudinal survey of students to determine the level of acceptance of sexual violence and how that is shifting. This will allow for strategies to be developed that will support positive behaviour change among students and empower more people to speak up about the challenges they face. Moreover, it will have the additional benefit of providing a matrix in future years, which will allow you to measure the success of this legislation.

Thirdly—and this is a more thematic comment to the act—I would reinforce to this committee that while this bill is welcome, necessary and strongly has the support of our association, it could benefit from a stronger inter-sectional understanding between sexual violence and domestic violence through a broader gender-based violence lens. The two issues are directly linked, so I would encourage this government and committee to continue

working toward collaborative models utilizing an inter-sectional policy analysis framework to build upon shared supports and responsibility within our sector to address this ongoing problem.

In conclusion, I would like to thank the committee for the opportunity to be here today, and I would like to thank the members here and the government, in general, for their strong leadership on this important initiative. Much of what we have suggested today can be more clearly defined in regulations, and OAITH stands ready to support the ministry in this important work.

I would be pleased to take any questions you may have.

The Chair (Mr. Peter Tabuns): Thank you. With that, we go to the government. We have about three minutes per party. Ms. Malhi?

Ms. Harinder Malhi: Thank you for your presentation and taking the time to be here today.

I wanted to talk to you a little bit about how you see the proposed changes to the Residential Tenancies Act helping those women in need.

Ms. Marlene Ham: Many women who are accessing shelters through our membership are living in situations where they're experiencing financial abuse, so for them to have that option is a great benefit, absolutely. It removes a barrier for them to quickly leave a situation and get into a safe place.

Certainly, we see lots of benefits, but I guess the regulatory aspects that we've really been exploring are a lot of the what-if situations—certainly, if the landlord is the abuser. Those are some pieces of feedback that we've received from our membership—to be cognizant of that and what to do in those kinds of situations.

Ms. Harinder Malhi: Is there any specific language that you would like to see included in the bill?

Ms. Marlene Ham: Yes. We did prepare that for you on the second page of the briefing package.

Recommendation 1:

Under section 47.4 a new subsection be added that reads as follows:

“(2) A person who has the duty imposed by subsection (1) and fails to carry it out is guilty of an offence and on conviction is liable to the penalty as proscribed by regulations.”

Ms. Harinder Malhi: Thank you.

The Chair (Mr. Peter Tabuns): The opposition: Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for joining us today and for your submission. I'll probably touch a little bit on the same things that Ms. Malhi did.

First of all, I share your views on the changes to the tenancies act, and I think that that will be helpful. Quite frankly, not having been deeply versed in this at any time in my own life, I was shocked that it wasn't part of the ability in the past to—and I know that Minister Naqvi, when he wasn't a minister, proposed a private member's bill that would actually do this. I think incorporating it into this bill is positive.

You also touched on the university and college side of it. I have some real problems with the climate survey versus reporting. Can we not do both? If we really want to have all the tools at our disposal, all the arrows in our quiver when it comes to stopping this—because a survey, as far as a tool of action, does very little. There is some information, but we need action. I understand the victim has the right to decide whether or not they want to come forward with this, but we have to be able to show that perpetrators are punished, or else the behaviour continues. Society has to know that there are consequences. So as well as a survey on the campuses, the mandatory reporting—isn't that something we can agree will help in this regard?

Ms. Marlene Ham: It would be the position of our association that there needs to be a broad range of strategies. Some women want to report. The reality is, though, that most women may not want to do that at this point. I think prevention is going to be key to building awareness around the issue—the policies that the universities and colleges are going to have to implement. We believe that will certainly help. But to enforce a reporting structure—

Mr. John Yakabuski: But not by the victim, by the institution.

Ms. Marlene Ham: A lot of women and men won't necessarily come forth if they know that is what's happening with the information.

Mr. John Yakabuski: It can still be that the names don't have to be released.

Interjection.

Mr. John Yakabuski: Okay.

Ms. Marlene Ham: Yes. That has been our experience. That's precisely the problem.

Mr. John Yakabuski: If we want to stop this, we need all the tools—

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say, we're out of time.

We'll go to Ms. Sattler.

Ms. Peggy Sattler: Thank you so much for being here and for your presentation. I really appreciated your comments on the intersectionality between intimate partner sexual violence within a sexual violence framework.

In each of the schedules of the bill, there are some differences in the definition of sexual violence. I hope you had a chance to look at the definition of sexual violence that's proposed, particularly in schedules 3 and 5, and what that includes. Some deputants have made some suggestions for wording that would better capture intimate partner sexual violence within that definition. Have you come across any kind of definition that you think works to incorporate intimate partner violence, sexual harassment and sexual violence all within a single definition?

Ms. Marlene Ham: In the briefing package, we did include research and stats on intimate partner sexual violence.

Another way to look at it is, certainly, a broader gender-based violence against women understanding and

perspective—because it does include all forms of violence in those understandings and definitions. At the same time, sexual violence deserves some attention. Sometimes we have to look at it concurrently, and sometimes it is unique and apart from one another. We just need to make sure that we allow opportunity for us to be able to view all of these issues in certain ways. That's why we would certainly recommend looking at an intersectional framework.

Ms. Peggy Sattler: The other question is about the Residential Tenancies Act. We did have a presentation in Peterborough that talked about a woman who may have experienced abuse who wants the abuser—the perpetrator—removed from the lease. Was that anything that you discussed within your association and do you think that that would be something workable that could be included in this bill?

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Ms. Marlene Ham: We did discuss that as a membership. What we weren't too sure of was, is that legislative or is it regulatory and what would be the nuances to that? So we certainly explored it, but we didn't include it as a recommendation, because we know that women do get a fair number of supports through services that are in the community.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say, we've run out of time. Thank you for your presentation today.

YORK UNIVERSITY

The Chair (Mr. Peter Tabuns): Our next presentation is from York University. As you've probably heard, you have up to 10 minutes.

Mr. John Yakabuski: You're doing double duty today.

Dr. Janet Morrison: Yes.

The Chair (Mr. Peter Tabuns): Yes, you are. Well, you know the whole routine. Just introduce yourselves for Hansard and take it away.

Dr. Janet Morrison: My name is Janet Morrison. I'm proud to be here representing York University.

I want to introduce my colleagues: Robert Castle, a senior executive on our campus, investigating and leading on issues of campus safety—he has been a strong male voice at York; Elana Shugar, a policy and program adviser on the file of sexual violence on our campus; and my co-presenter, Jessica Thyriar, an alumna, a graduate student, representing our York Federation of Students today, who will speak to her own background and experiences shortly.

I want to thank the government of Ontario for their commitment to supporting survivors and challenging sexual violence and harassment. I'm here with Jessica today to speak on behalf of our very large student population, which exceeds 50,000—a richly diverse, socially conscious and highly engaged learning community. Students, faculty and staff at York have sought to be leaders on

issues related to campus safety and, more specifically, sexual violence and harassment in universities.

York is committed to creating an environment where all people feel welcome, valued and safe. We know that these conditions are precursors to people performing optimally and making full contributions as members of the York community. To that end, York was the first university of its size to complete a comprehensive and holistic safety audit through METRAC, and has implemented over 80% of its recommendations. We invest annually in raising awareness about consent culture by hosting an event titled *You Had Me at Consent*. We hired a full-time staff member dedicated to sexual assault prevention and education. We've adopted an active bystander program to engage our community in preventing sexual violence. And we developed the York safety app, which has been downloaded by over 20,000 community members and includes an emergency alarm and links to campus security, emergency contacts, campus maps, goSAFE and shuttles, counselling and support.

I'm going to ask Jessica to introduce herself and speak to three key principles that continue to guide York's overall work on sexual assault, specifically. She's also going to speak to the priority our university has placed on student engagement. Undeniably, students continue to inspire and inform our work on policy development, procedures articulation and practice.

Ms. Jessica Thyriar: My name is Jessica. I'm currently a graduate student at York, with my research focusing on sexual violence. In the past, I was president of my student union, which is when I got involved with my fellow folks around me and York University in combatting sexual violence. I'm currently staff at our students' union for the undergrads and sit on the member list for sexual violence.

I wanted to start by talking about the three key principles that I'm proud to say that York has kept when we've developed our sexual violence policy, along with using different educational tools and programs to combat sexual violence on our campus.

First and foremost, we're committed to eliminating sexual violence in all its forms and in all aspects of our lives.

The second thing is something that I'm most proud of: York is committed to being survivor-centric. Whether it's accommodations and supports for people who have been sexually assaulted prior to attending university or currently, whether it has happened on or off campus, our accommodations go toward all students, and they're more than welcome to come and get them.

Third is something that I think is also important for institutions to take into consideration, and that is that we're committed to due process for respondents, but also to holding perpetrators accountable.

I'm happy to say that the York community, which is our students, faculty and staff, is very happy to see Bill 132 come to the fore. We specifically want to applaud the student involvement in policy development and transparency in reporting.

I'm going to talk a little bit about the background of how we started our sexual violence policy committee. That was around three years ago. Students at the university came together and saw that there was a serious issue on our campus. As you can tell, we just passed our policy, I think, last February, so this came into place two years after that. You may think that's a long time—because I see how the bill is asking for universities to have policies—but I think that time was actually beneficial for us.

We have 10 student members on our committee. I'm going to go over some of them. There are 10 student committees. There is the YFS, which is the undergraduate students' union; the graduate students' union; the Centre for Women and Trans People; the Access Centre; the Trans Bisexual Lesbian Gay Asexual at York; the United South Asians at York; the aboriginal students' association; YUBSA, which is the black students' alliance; SASSL, which is our sexual assault support line; and the Community Safety Council chair, which is also a student. As you can see, we have a diverse background of students on our committee, who have actually developed our policy and been integral to the process of bringing up issues that various communities face that are important to have in policy. We couldn't have done this within a year or within a deadline, because this is very important to having our unique campus atmosphere put into our policy.

That's something I really want to stress: Although it may have taken us two years to develop our policy, this is what has made our policy so effective, and the intersectionality in bringing together important voices that aren't necessarily heard is what has made students feel safe in contributing to our policy.

Dr. Janet Morrison: I want to echo Jessica's comments about York University's support for the Premier's action plan and Bill 132. There is truly a clear and dedicated commitment at all levels of our organization to prevent sexual violence, raise awareness of it as a societal harm, and to respond effectively when members of our community experience it.

However, I would also like to bring to the committee's attention three opportunities that we would propose for strengthening the legislation. Specifically—and some of these will be familiar to you—I want to just talk briefly about scope, reporting versus disclosure, and the value and desired impact or outcome of public reporting. I'm going to be really brief, because I think people have questions about this, so I want to make sure we leave time for that.

With regard to scope, York agrees with submissions made by others that the scope should be expanded to include the entire community. We would just reiterate the example wherein an undergraduate student works as a staff member at an administrative office or a graduate student works as a contract faculty member. In the interests of transparency, clarity of communications and consistency—all values articulated in the bill—all members of our community should be covered by the university's sexual assault policy.

On the issue of reporting versus disclosure, York is unwavering in our position that universities must be empowered to distinguish between a report of sexual violence which is formal and involves an expectation of action and a disclosure of sexual violence confidentially for the express purpose of accessing resources or accommodations. We very much fear that a failure to make this distinction explicit in the legislation and regulations may discourage survivors from seeking help because, for example, they fear judicial processes and/or police involvement. Our accountability is to provide safe, confidential space for disclosures because it will empower us to mobilize and avail a survivor of the wealth of resources on campus and beyond.

Finally, York is concerned that the focus on counting occurrences and the number of times supports are accessed is not the optimal means alone for furthering our primary objectives: eradicating sexual violence and/or providing optimal supports and accommodations. Rather—and I want to be clear about this—notwithstanding York’s acknowledged leadership on the issue of transparent, accessible incident bulletins and crime statistics reporting, we’re advocating for incident reporting and the implementation of a provincial climate survey. This is going to give us better, more reliable data on occurrences, and it will help us improve the efficacy of our programming. It will afford evidence to the public, parents, potential students and current students of the information that they need to make informed choices about enrolment. It will also, importantly, give us the leverage we—colleges, universities, the women against violence sector and governments—need to truly promote and drive cultural change.

Thank you for your time today. We’re happy to take questions.

The Chair (Mr. Peter Tabuns): Thank you very much. We have about two minutes per party. We’ll start with the opposition. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, again, for spending the day with us—or a good part of it.

Dr. Janet Morrison: It’s my pleasure.

Mr. John Yakabuski: On the broadening to the whole community: There was an amendment proposed earlier in the day, by another deputant, removing the word “solely” from schedule 3, section 17(3)(a). Is that essentially what you’re talking about there? Because it refers to solely students.

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Dr. Janet Morrison: Yes. There were two spots. I think Ryerson made the point that, on looking at occurrences, it should be the community. We are speaking more broadly to the policy piece that speaking solely to students, as opposed to a policy that applies across the community, poses challenges.

Mr. John Yakabuski: Thank you very much. And on the climate survey—

Dr. Janet Morrison: I don’t want to feel left out about a question on the climate survey.

Mr. John Yakabuski: I know, I have to. The challenge is that, in a few minutes, I can’t seem to really grasp why there seems to be a reluctance to embrace the reporting side and an almost universal embracing of the climate survey. Maybe if we had some more time, somebody could help me get my head around that.

However, don’t we want to do everything we can do? If the challenge is getting people to feel comfortable about talking about this—the more we understand how much is actually going on, not by a survey, but actual empirical discussions, evidence of actual crimes, the better chance we have of eliminating them. So what can we do, both as government and as institutions, in making people feel more comfortable, making them feel that by coming forward, they are not threatened by—

The Chair (Mr. Peter Tabuns): Mr. Yakabuski, unfortunately, you’re out of time.

Mr. John Yakabuski: Oh, no. Save your answers for someone else.

Dr. Janet Morrison: Sorry, I’ll try.

The Chair (Mr. Peter Tabuns): We go on to Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for your presentation. Just a quick comment: I’ve really been struck by definitions throughout this legislation. I noticed that York’s policy refers to “sexual assault,” rather than “sexual violence.” Was that deliberate, and can you explain the rationale behind that?

Dr. Janet Morrison: Do you want to take that question, Rob?

Mr. Rob Castle: Sure. When we were putting the policy in place—we already have a harassment and discrimination policy which incorporates sexual harassment, so sexual violence, really, is taking sexual assault and expanding to include harassment. Because we already had a free-standing policy that governed sexual harassment, we focused on the current policy on sexual assault. One really is governed by enumeration under the Ontario Human Rights Code; the other governed by the enumeration under the Criminal Code.

Ms. Peggy Sattler: So when this legislation takes effect, you would have to change your sexual assault policy, so that it would become a sexual violence policy and it would incorporate those elements of harassment that are in that other policy?

Mr. Rob Castle: We are already having those conversations, absolutely.

Ms. Peggy Sattler: Okay, thank you—

Mr. Rob Castle: In fact, we see the wisdom of having the umbrella policy of sexual violence.

Ms. Peggy Sattler: Okay. Now, you acknowledge that Ryerson said that they would be interested in doing this climate survey with their entire campus community—that, even if only the student data was reported to the ministry, they would see value in understanding that, just from their own institution. Do you share that point of view?

Dr. Janet Morrison: I think that we share the priority that all members of our community need to feel and be safe. So we survey community members now on their

perceptions and experiences around safety, and we currently report on occurrences that include community members—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time with this questioner. We go to the government: Ms. Malhi.

Ms. Harinder Malhi: Thank you for being here for the second time today. I wanted to talk to you a little bit about York's experience in developing a sexual violence policy, if you just want to tell us a little bit more about your experience, how you've gone about that and what your thoughts are.

Dr. Janet Morrison: Okay. I actually think that Jessica is best positioned to do that.

Ms. Jessica Thyriar: As I said, we started this process three years ago. At first, it was interesting because we needed to map out what certain institutions or departments in the university did regarding sexual violence, to see how we can kind of compromise, make sure that everybody was doing the exact same thing and make sure that we're sending the information out to everyone.

Then, we realized that we needed to expand the amount of students we had on our policy committee, because we really wanted a diverse policy that applied to everyone and that everyone felt safe and comfortable with.

It's not that it hasn't been challenging. We were talking about these things when everyone else wasn't talking about these things. So it was like ideas coming from everyone and wondering what we were missing out on, what could be talked about more, asking people what they were doing on various other campuses and thinking of what programs we could develop.

I would say that with this bill coming forward, and other schools starting to do things and having conferences and talking about it, it has begun to get much easier. I think there's also a trust that has been built with the students and the administrators—not to say “administrators” in a bad way. But we have a sense of we're honest with each other and we're more open. I think that's because we've been a part of this process for so long, and we're capable of actually sharing what works and what doesn't work for both parties.

Ms. Harinder Malhi: Okay. Thank you.

The Chair (Mr. Peter Tabuns): You have 10 seconds; you could make a statement.

Mrs. Kathryn McGarry: Do you use the #WhoWillYouHelp Twitter hashtag in your school?

Mr. Rob Castle: Not yet, no.

Dr. Janet Morrison: Some of our students use it. Some of our students do, absolutely.

Mrs. Kathryn McGarry: Okay, thank you.

The Chair (Mr. Peter Tabuns): Okay, thank you very much for your presentation.

Dr. Janet Morrison: Thank you.

YWCA TORONTO

The Chair (Mr. Peter Tabuns): Our next presentation is from YWCA Toronto. As you have probably

heard, you have 10 minutes to present. If you'd introduce yourself for Hansard.

Ms. Maureen Adams: Good afternoon. I'm Maureen Adams from YWCA Toronto. My colleague is Etana Cain. We're here today as a community-based organization that works with many women who experience sexual harassment, violence and domestic violence.

Our association serves over 11,000 women in the city of Toronto, in 30 programs in 12 communities all across the city. Of that number of women that we serve, 1,400 women are in programs that focus on violence against women. We have a long history of partnership with the province of Ontario in working for equality, and have received funding across all the areas of our work to support women, especially those who have experienced violence.

It was around this time about a year ago that we hosted the launch of the province's It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment. We also appeared in hearings held by the Select Committee on Sexual Violence and Harassment where we made recommendations about how the province could strengthen supports for survivors of violence, and we recently participated in consultations on proposed changes to the Residential Tenancies Act to make it easier for women experiencing violence to flee abuse.

Ending sexual violence and harassment is probably the top priority at YWCA Toronto. We talked with all of the women in preparation for our appearance at the select committee, and they told us that there needs to be a continuum of strategies to ensure that they can find safety, support and justice. These strategies ranged from changing awareness and behaviour, which many of the changes in Bill 132 address, to crisis and trauma counselling, to legislative change and reform. Most importantly, they told us that they fear for their safety as they navigate the legal system and try to rebuild their lives after violence.

We wanted to start by congratulating the government on the comprehensive strategies in the action plan, and the speed with which it is being implemented. The public awareness campaign, which speaks to the issue of gender equality, stepping up and anti-bullying, is hard-hitting and exceptional, and the leadership across government and across all party lines is critically important.

Our association supports Bill 132 because colleges and universities will be required to develop policies to reduce sexual violence on campus and to investigate all complaints fairly and expeditiously, and the new reporting and review requirements will be mandatory, including the strong voice of students to ensure that real change happens on campus. These are very welcome reforms, particularly the inclusion of students on campus.

Employers will now be required to develop sexual harassment prevention programs and will have a duty to ensure that incidents are all investigated thoroughly. As we know from recent incidents in the last year that led both to the formation of the action plan and the select committee, the practice of addressing violence and harassment in the workplace has not always occurred,

and women have found themselves vulnerable and working in discriminatory working conditions. We believe that the steps in this bill will begin the culture change needed to create safe workplaces for women.

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We also strongly support removing the limitation period for all civil proceedings in sexual assault cases. This will enable survivors to bring forward historic sexual abuse claims. In our work, this is common. Just as one of the deputants said before, it takes women a long time to cope with the violence they have experienced and talk about it to anyone, and determine whether they'd like to take action. Our view is that no matter when sexual assault occurs, women should have legal remedies available and the opportunity to seek justice for the violence that they have experienced.

We also feel strongly about removing the limitation period for claims under the Criminal Injuries Compensation Board. This is really important. Many women don't even know about the board. Many were not able, at the time of their assault, to make a claim. They should always have the right to exercise their right to compensation. Under that legislation, we know that many women who make claims get awards that help, especially for trauma counselling and other supports, in their recovery from the violence that they've experienced.

Of course, we support shortening the notice requirements in tenancy agreements because it will make it easier for survivors to flee abuse with less financial penalties. It doesn't mean all financial penalties are alleviated, because there is still a 28-day notice period. If a woman has to leave on the spot, she still has liability for those first 28 days.

So Bill 132 is a good start on many of the key issues developed in the action plan and in the recommendations that we've read from the select committee. We know there is still much room for implementation under the plan, and we know there are very strong recommendations from the select committee that need to be given serious review and consideration.

Our own association has looked beyond this bill, at things that should happen in terms of next steps on sexual violence and harassment, and the first thing is, increasing funding for affordable long-term trauma counselling. This is the number one issue identified by the women we work with. Current time-limited counselling programs are inconsistent with best practices in trauma recovery, and private counselling not funded by OHIP is simply unaffordable for the women who need it.

We also have heard from women that the other issue they're very concerned about is going through the court process, especially cross-examination. We have deputed to the select committee on this issue that there needs to be improved access to independent legal counsel when women are in cases that are proceeding to trial. This is to ensure that women's charter rights are protected and that the rape shield provisions established by the Supreme Court of Canada protect women during cross-examination. The action plan calls for a pilot project in these types of cases and should be strongly supported. If

nothing changes during the court process, things will stay the same: Women will not report, conviction rates will remain low, and the criminal justice system will continue to fail women.

We also feel that strong efforts have to be put in place to tackle misogyny by funding empowerment programs for girls. These are the women who are disproportionately affected by sexual assault at very young ages. This would include a focus on consent and healthy relationships. The girls we meet with have told us they want gender-specific programs where they have the opportunity to talk about violence in an open, safe, non-threatening environment.

Finally, we know from the select committee, and also from the investigative report at the Toronto Star and the national task force on sex trafficking of girls, that immediate action must be taken. This is one of the most extreme forms of violence against women. It includes repeated sexual violence and repeated abuse like you would have in an intimate partner relationship.

On behalf of the women and girls at our association, we urge you to support Bill 132 and the related recommendations. Women across the province are counting on you for strong support to eliminate violence. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. We have enough time for two minutes per party. We start with Ms. Sattler.

Ms. Peggy Sattler: Thank you very much. I think you've set out some very clear goals for next steps once we get this legislation amended and passed.

I wondered if you had any specific recommendations for amendments to Bill 132 that you see as critical, to strengthen the bill.

Ms. Maureen Adams: We've been listening to the deputations throughout the day, so we know there have been issues raised about definitions. We agree that the definitions need to be clear and consistent with the Ontario Human Rights Code definitions. That's the first thing that we would say.

We would also, I think, say that difficult as it is, the 30-day notice on the Residential Tenancies Act still creates a financial burden and liability for women. The 60 days has been reduced to 28, but women are still liable for that notice period if they leave in advance of it.

Ms. Peggy Sattler: We had also heard that just paying the 28 days if they might have to vacate immediately, but also getting first and last for the new place that they're going to move to—the financial burden can be significant.

Do you see the need for some kind of—I know the city of Toronto's new policy proposed, I think, some kind of operational funding that would be accessible to women when they're changing housing because of domestic violence. Do you see that as—

Ms. Maureen Adams: Do you mean putting women on a higher priority list for housing or do you mean financial support?

Ms. Peggy Sattler: No, when they're terminating their lease, their rental agreement, because of sexual violence—

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time. We'll go to the government. Mr. Potts.

Mr. Arthur Potts: Thank you, Ms. Adams, for being here. More importantly, thank you for your leadership work that you've done on the select committee and the It's Never Okay campaign. So much of the work that you have done over the past years with government and with other stakeholders was reflected so clearly in this bill. Having sat here and listened to the depositions, it's heartwarming to see so many people supporting the broad reach of this bill and how it will move forward. There are some tweaks, and we appreciate you raising some of them.

One of the things that I haven't heard about today is in the definition side, whether we should be expanding to catch other forms of bullying and leering and those types of issues within the definition, or whether we should leave that up to the facts of the situation whether it would qualify.

Ms. Maureen Adams: I'm just going to get the definition. I thought the definition could encompass that.

Mr. Arthur Potts: Okay. Then we don't have to put in specifically—

Ms. Maureen Adams: Myself, I thought the definition was broad. Someone else raised a question about does it apply to intimate partners. I thought the definition was broad enough that it would.

Mr. Arthur Potts: I appreciate that. With respect to the Residential Tenancies Act, we heard your concerns about the 28 days. I'm sure there will be further discussion about that. I think you said there are about 1,400 people in your program, and thank you for the support you're giving there, of course. How much of that is coming out of the university and college experience, would you say? Do you have a sense of it?

Ms. Maureen Adams: If it was coming out of that, it would be historic.

Mr. Arthur Potts: Exactly.

Ms. Maureen Adams: Yes. It wouldn't be current. The youngest population we work with are girls, and they're just heading to university.

Mr. Arthur Potts: Right. Okay.

Ms. Maureen Adams: But the other services would be violence against women, shelters and trauma counselling, and that demographic would be a little bit older and not directly from university or college. But they have children and they're worried about them.

The Chair (Mr. Peter Tabuns): Your time is wrapped up with this questioner. We go to the opposition. Ms. Scott.

Ms. Laurie Scott: Thank you very much for all the work you do through the YWCA in Toronto. I know my local Ys do a tremendous amount of work.

Thank you so much for appearing at the select committee, following, knowing our amendments and helping to endorse some that are missing from Bill 132. I especially want to thank you for recognizing the human trafficking priority that needs to occur.

We were talking about improved access to support through the court process. Do you want to expand a little bit more on what you think we could do there?

Ms. Maureen Adams: Are you talking about the select committee?

Ms. Laurie Scott: Right here—

Ms. Maureen Adams: The select committee's recommendations talked about having a non-legal advocate from the beginning to the end of the process. We support that completely, but we're actually calling for independent legal counsel through the court process, because what women are telling us is that even with the changes from the Supreme Court of Canada, they are still cross-examined on their sexual history and there is still an attempt to get their private medical and counselling records into the court. There are cases when they need their own counsel in cross-examination when they get to trial. That's the difference between what's in the select committee recommendation and what we're recommending. We're just recommending something additional.

Ms. Laurie Scott: Right. And a faster process, so more dedicated court—

Ms. Maureen Adams: Totally faster. Yes.

Ms. Laurie Scott: So within a year? Do you want to expand on that a little bit more? We're trying to push for that also.

Ms. Maureen Adams: You mean dealing with trials expeditiously? Well, it's critical. It's very critical, especially—I've done a lot of work on sex trafficking. It's critical in sex trafficking. If you don't get in fast, you lose the women and they're back out and trafficked somewhere else. I don't have a year, but they have to be expeditiously handled.

Then, on the other side, abusers try everything they can to delay court proceedings—adjournments—to prevent that from happening.

The Chair (Mr. Peter Tabuns): I'm sorry to say, that ends our time for today. Thank you for your presentation.

Ms. Maureen Adams: Thanks so much.

Mr. John Yakabuski: Sorry to say the adjournment is coming near.

The Chair (Mr. Peter Tabuns): Well, adjournment may be coming very quickly, but colleagues—members—I have two items I have to check with you.

We've received two requests to make anonymous written submissions to the committee on this bill. That means the submission will be public, but we will not have the name of the people who have submitted it. The reason for both requests is a concern for safety. They're willing to provide more information to committee members if requested. Does the committee agree to these requests? Agreed.

I've also been asked to have an extension of the submission deadline to 4 p.m. at the end of the day, January 28. Is the committee agreeable? Agreed.

The committee is adjourned.

The committee adjourned at 1632.

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