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Wednesday 4 March 2015

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Mercredi 4 mars 2015

**Select Committee
on Sexual Violence
and Harassment**

Strategy on sexual violence
and harassment

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

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

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**SELECT COMMITTEE
ON SEXUAL VIOLENCE
AND HARASSMENT**

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

Wednesday 4 March 2015

Mercredi 4 mars 2015

The committee met at 1605 in committee room 1.

**STRATEGY ON SEXUAL VIOLENCE
AND HARASSMENT**

MS. AMANDA DALE

The Chair (Ms. Daiene Vernile): Good afternoon, everyone. Welcome to the Select Committee on Sexual Violence and Harassment.

You might have noticed that we have a guest with us this afternoon: Ms. Amanda Dale. This committee was struck by the Legislature. Our job is to make recommendations to the Legislature on the very serious issue of sexual violence and harassment. We're very pleased that you are joining us here today. We want to examine this issue. We want to look at ways to shift social norms and other barriers that are keeping people from coming forward to report abuses.

In the weeks and months ahead, this committee is going to be hearing from people who will be sharing information with us of a very sensitive nature. We want to receive them with respect and sensitivity, and this is where you come in. We're hoping that you can guide and direct this committee on the appropriate language that's going to help them to trust us with their information.

I welcome you to instruct us on how to interact with our witnesses. Following your discussion, we'll have some questions for you. Ms. Amanda Dale.

Ms. Amanda Dale: Thank you. I did not come with a prepared PowerPoint, a set of handouts—this is not a training. It's my understanding that you're at the beginning of your work and that what would be most fruitful is an assessment of what's going to help you most and where you're feeling the gaps in information or the anxieties about what might go wrong. So I'm really hoping that we have a discussion.

I do have some notes that I will leave behind that are sort of big-picture, framework kinds of matters that we know from the research about what's most effective in working with survivors of various forms of violence. But I don't want to sit here and go off on what I think is a very interesting tangent and have it not actually be directly related to your concerns.

Let me tell you a little bit about the clinic that I work for and some of the high-level principles that we work from and that inform how I look at this issue. I'd really

like, as I'm speaking—as you're coming into the room, so to speak—to settle into what some questions are that you might have that are burning for you. What are the things that you're concerned about that you're afraid the committee might not do well, that you would like to hear more about—questions you've always wanted to ask that you won't be asking in a public forum, which you'd like my assistance with. I'm here at your disposal for anything of that nature.

I deliberately did not prepare—well, truth be told, I didn't have time to prepare. It was a very short notice period. I did warn, in my discussions with the various folks who called me from the Clerks' office, that I wanted to diminish your expectations of having a formalized training.

What I can tell you is that I have more than three decades' worth of experience of working in the area of various forms of violence against women, including sexual violence. I am not a front-line worker. I don't currently sit in counselling sessions with women, although I did at one time in my past. So that informs the work I do.

Currently, I work more at the policy level and more on legal reform. So those are the two areas that I've focused my time on now. But again, that work comes from that experience of sitting, back in the early days of the 1980s, in shelters with women in the middle of the night, hearing stories, all the way through to being an individual counsellor in the 1990s. That experience is part of who I am, but it's not what I do particularly now.

My understanding is that the committee is concerned to create an environment that will be a respectful forum for disclosure, and that essentially is what this piece of the work right now is about. You have many other objectives, but at this stage, that's one of the concerns.

I'm going to give you some high-level principles, and then I want you to ask me questions about why I've said that. That might get us into a more fruitful and meaningful discussion.

At the highest level, I want to say that violence, for one thing, is never a single event—or seldom; I shouldn't say “never”—seldom a single event.

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We know statistically that violence is on a continuum and it erupts across the lifespan of women—domestically, in their childhoods, in the schools, in their partnerships, in their migration process. It's an impetus to

migration, often. In fact, just at the big-picture level, the UN has declared it a global pandemic. Just in terms of the scope and range of what we're talking about, I want to be clear that it's not going to necessarily fit a particular box when somebody comes forward to disclose to you.

It's also a common mistake, I think, to ascribe violence to culture. I want to be really, really clear and have you really think carefully about that common mistake. Violence is not cultural; it's destructive of culture. Violence against women, in the context that we're speaking about it, is actually a manifestation of patriarchy or patriarchal values—control over women—and that in itself is often interwoven with or excused by culture, but it's not actually the culture. It's found in every culture, unfortunately. It manifests differently depending on each cultural context, but it's not absent from any culture that we know of.

It's important because culture is also a source of belonging, meaning and strength for women. So when we confuse a manifestation of violence with something that is "your culture," we tend to then put a barrier for women in being able to express themselves because they feel that they can no longer state what has happened to them because we're asking them to demean their culture or separate themselves from their culture or blame their culture. This is really an important distinction that we can come back to. It's a very commonly made mistake.

Culture can tell us something about how to combat violence but not that it exists or whether it should be excused. No culture condones violence. Every culture has a patriarchal narrative that allows us to excuse violence, including the dominant culture in Canada. But that's different from saying it's a product of culture.

I hope I'm not being too convoluted. This is important to you practically because you are going to see women who are going to come before you, and even they themselves will sometimes say to you, "My culture says it's okay." What they're saying is that the community around them is condoning the behaviour, but it doesn't have to be core to who they are culturally.

It's the same when we heard all the disclosures that were happening around the Ghomeshi affair. These women were pretty mainstream women with middle-class expectations—for the most part, white women. They had access to all kinds of society's social goodies, and yet they believed that it was part of the culture that they should not speak out. So when we say "culture," we have to be very careful that we're not ascribing to particular groups or racialized populations that there's some excuse for violence in their community.

The voices of those who experience harm, of course, are crucial to the design of solutions, which is why you've designed your committee this way. So in reaching out to them and hearing from them, we need to be careful that we are never in a position of being paternalistic—I'll give you examples of that as we go forward—not rescuing. These are not conducive to an experience of restoring power over one's own experience.

There's a difference between compassion and pity, and I encourage you to really think about the difference

between compassion and pity. Compassion is what we humanly experience when a story affects us and we want to show that we're human and it's affected us. That's different from, "Oh, that poor thing, I don't know how she survived;" "Oh, my goodness, that woman was incredibly resilient." Those are two different ways of looking at the same story.

I think it's important for you to have a working definition of violence. I know you've called it "sexual violence and harassment." I think it's helpful to have a working definition. That doesn't mean that you're necessarily going to exclude—I don't want you to get stuck on that. Oh, my God, three parties trying to come up with a definition. I can't even imagine.

However, I have provided you in my notes with the UN definition of "violence against women," and it's a useful start—and you don't have it yet. I didn't want you shuffling paper. So I'm leaving it behind; I will leave that with you. Consider it just a backdrop, because it gives you a picture of the range of contexts in which violence can take place. You may hear from all those different contexts.

The Chair (Ms. Daiene Vernile): Could you please, for the record, just read that definition for us now? Is it very long?

Ms. Amanda Dale: No, it's not super long. I have a modified version of it, because I made it a little more plain language and a little less global in focus because of my clinic's context. I have a definition of women too, which is also going to be helpful to you—somewhere I have it. Violence—

Interjection.

Mr. Taras Natyshak: Chair, she doesn't have to read it out. If you want to leave it for our reference, that's fine.

Ms. Amanda Dale: No, no, I have a smear on my glasses and I don't have a cloth. That's the truth of what's going on here.

Mrs. Marie-France Lalonde: I can help you with that.

Ms. Sylvia Jones: First problem solved.

Ms. Amanda Dale: These human problems.

Interjections.

Ms. Amanda Dale: Oh, you've got the whole thing. Wow. This is, like, super prepared.

Okay. I am not entering middle age very gracefully at all. I'm like, "What is this thing on my face and why is it there?" I've never worn glasses until I had to for reading.

Interjection.

Ms. Amanda Dale: I'm really bad. I put them on my head and I do all sorts of things that I'm not supposed to do. Okay. Thank you very much.

Violence against women means any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering, including financial, structural, institutional or spiritual, to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

It is also true, as I mentioned to you before, that it happens in all cultures, that it's based on an abuse of

power, whether that power is immediately observable to the person who's hearing about it: "But you have your own source of income. Why did you put up with it? Why did you stay?" That's often the kind of question that is being asked. So when I say "power" here, it doesn't necessarily mean transparent to the observer; the power dynamic can be deeply psychological. It can be embedded in wider social mechanisms of feeling ashamed or feeling, "Maybe I had an experience of violence when I was very young and this is triggering my sense of powerlessness in the moment, even though externally to the world I look like I've got it all." That can be important: to not show incredulity in the face of a description of something that doesn't meet your expectation of what a situation of violation might be to the person who's testifying to you.

It's also true that women in every culture have ways of working together to stop violence, and it's important to not assume that there isn't some network of support, although, in some cases, women are completely isolated, so both things are possible.

I guess the overarching proviso would be not to assume you already know before the person has spoken to you and to check your assumptions as you're hearing them play in your head: How is that possible? Why would she do that? Why did she put herself in that situation? All of those kinds of things that come into your head are going to affect the way you respond.

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As a committee, you want to be analyzing your own reactions to stories so that it's not written all over your face. I don't know about you, but I have been told by the people close to me in my life that I have no aptitude for poker. Whatever I'm thinking is written completely all over my face. So I need to be mindful, when I'm struggling with something that I don't understand, to have a dialogue in my own head that this is me having trouble. I shouldn't translate it into disbelief of the person who is across from me.

I think the primary thing you need to know in your role, and to know very deeply, is that these kinds of experiences are about a loss of power—being overpowered—a loss of autonomy, a loss of a sense of control. So in your process to hear such stories, you're going to look for every opportunity to restore that sense of control. That's where my difference between compassion and pity comes in. Pity is a disabling emotion, I think. It tends to diminish the strength of the person, who must be incredibly brave and strong—and I don't mean that in a patronizing way. This person must be incredibly resilient to have gone through something and to be willing to come to a room full of strangers to make that statement because they know that greater social change is going to come from their own experience. So treat them with the same dignity and peer-to-peer respect that you would any other member of the committee or someone like me.

I realize that this is a difficult balance, because at the same time, somebody may be needing to express their emotion. Political processes are not generally the best

places to be expressing raw emotion. The rest of society isn't so good at it, either. In a public forum, if somebody is brought to tears, we tend to think, "Oh, my God, we have to shut everything down because they must be traumatized." We need to be careful that we don't make that assumption.

There's a very interesting juxtaposition between our justice system in the dominant part of Canada and in aboriginal justice systems, which see the moment of emotionality as the turning point in the legal process, and that staying with the emotion is actually an important part of the legal process; whereas in our courtrooms, we adjourn. So just bear in mind that you may see displays of emotion which are uncommon in these kinds of committee rooms or whichever rooms you are in in whichever parts of Ontario, but that that emotion, if given space and respect and time and the autonomy of the person to respond to it the way they need or want to, is actually part of what needs to happen for them to tell the story.

It would be important for you to also think about ways of providing for what, in research, would be an ethical framework for asking somebody to impart these very personal stories for the use, if you will, of the committee, by thinking about whether you can partner with local agencies wherever you're having these hearings to ensure that there's access to some kind of support for anybody who really—for everything I've said about resiliency, we need to be mindful of providing adequate support so that people aren't just revisiting their stories in a way that leaves them worse off than when they came in. That's something that you might consider. I don't know exactly how you would make that a mechanism, but certainly in research ethics, we have very clear guidelines about not extracting information without some benefit or some support. You're obviously in a different situation, but I think maybe there's also a way—and maybe we can talk about this when you're further on into the process—to make sure that there's a clear understanding on the part of the person who's giving you information about the effect that their information is going to have on bettering the environment in Ontario.

For most survivors of any form of violence, one of the main things that helps them heal is a sense that they can make change for others. This is why women, no matter how awful their—oh, sorry. Go ahead.

Mr. Taras Natyshak: Sorry, can you say that again? Can you say that entire sentence again?

Ms. Amanda Dale: I'm not sure I can. I'll try.

One of the main ways women—in my knowledge, it's women, but I imagine it's also true for men—who experience violence can heal is by understanding that they have been part of making change for others, that the next person doesn't have to suffer what they suffered. It's a big motivator for why women, despite all the barriers and all the really terrible things that happen to them in the criminal justice system, do it anyway.

The Chair (Ms. Daiene Vernile): Our job is going to be to listen to the people who are coming to speak before

us, but you're saying that we ought to be interacting with them and recommending that it's important for them to speak up because they may be changing things in the future for other people.

Ms. Amanda Dale: I think it's a good framework to offer them so that they're getting something back. They're giving you a lot, and I think the exchange needs to be a little two-way for them to not experience a hollowing out of their very intimate experiences to a room full of people who are complete strangers, and then they go. There are very few things you can offer in that context, but that's one of them.

The Chair (Ms. Daiene Vernile): Question?

Ms. Sylvia Jones: Sorry. I don't want to interrupt your flow—

Ms. Amanda Dale: No. God, there's no flow. Go ahead.

Ms. Sylvia Jones: Well, actually, there is, because you're giving us lots to think about, so thank you for taking the time today.

There are a couple of things in particular that I wanted to get your feedback on. You talk about the need for the presenters to express their emotion. I think we all get that that's going to happen and that's going to be part of the process. But we as a committee also are looking at the end of this process: to be able to come forward with some consensus-based recommendations. So without asking the presenters to get to the recommendation stage, how do we ensure that we get feedback and suggestions and not only—

Ms. Amanda Dale: A personal narrative.

Ms. Sylvia Jones: Exactly. So help us with that.

The Chair (Ms. Daiene Vernile): I want to jump in before you answer that. Just think about your answer.

I just want to let you know, Ms. Jones, that at the end of this process, each caucus is going to have 20 minutes to ask questions. So if you want to start writing your questions down now—but we'll let you answer that question.

Ms. Amanda Dale: Sure, absolutely.

The Chair (Ms. Daiene Vernile): But then we'll keep the questions till the very end.

Ms. Amanda Dale: A friend of mine uses the expression, "It's not rocket surgery." I think in some ways, it is self-reflective common sense. I'm not dismissing your question at all; I think it's a crucial question.

Let's say you were with a friend, and the friend was telling you some very difficult information about themselves, but you knew that they needed to achieve something by the end of the conversation and you only had so much time. What you would most likely do to be respectful is to say, "Susan, this is incredible, what you're telling me. I'm really glad you're telling me. I have only got 15 minutes, and I'm concerned that this, this and this are going to happen for you unless we get to these elements that you want to relay to me, so I'm wondering if you can tell me what would have helped. What would have made this different for you?"

1630

Ms. Sylvia Jones: And we can definitely do that. We can actually do it in the ads that we send out asking for presenters. I guess I'm concerned about: 15 minutes in, and we want to hear the recommendations, their suggestions for improvements. How do we balance that need for the persons?

Ms. Amanda Dale: Yes.

The Chair (Ms. Daiene Vernile): Again, Ms. Jones, I would recommend that you save your questions until Ms. Dale is finished—

Ms. Sylvia Jones: Oh, I thought you wanted back-and-forth.

The Chair (Ms. Daiene Vernile): —and then we'll have you ask your questions.

Ms. Amanda Dale: Okay. I think what you've got before you is also going to be—sometimes you're going to hear things, and the person themselves may not necessarily give you a specific recommendation, but you may discern from what you've been told that there were a bunch of problems, a bunch of obstacles, that need to be dealt with. You may not know exactly how to deal with them yet, but you may say, "Wow, I didn't know there was such a problem with emergency wards. Can this committee look at what's been done provincially to make emergency wards better prepared to deal with this issue when it comes in the door?" Maybe she herself doesn't say, "I think you need to fix those emergency wards," but she may be telling you a story where she came into an emergency ward and no one asked her the question, and she was there for eight hours and got sent home because nobody asked the right question.

I'm giving that as a random example, but you may get information from somebody who isn't prepared to give you a policy recommendation. In my experience, survivors who are still very engaged in their own material—by "material," I mean their own story and the unresolved aspects of it—are going to have one very specific thing to tell you, and they want your reassurance that you're going to fix that one very specific thing. They may actually have had an anomalous experience, or they may actually not have understood the legal process and not understood why they had to go to two different courts for a matter.

You may take that and say, "We've got a mandate that gives us the potential to radically alter how we hear these issues, and we're going to recommend"—I don't know—"advocates for women who are charging somebody with sexual assault," so that they have someone to walk through the process with them, even though they don't have their own representation as far as the court is concerned. They may have a non-legal advocate who can walk them through that process, and that's how we're going to address what this woman says.

She might come in here and say, "I need my own lawyer. Why am I not allowed to have a lawyer when I charge someone with sexual assault? He gets a lawyer. I didn't get a lawyer." She may not understand that it's not actually in the purview of the court to have a witness to a

crime have her own lawyer. She's theoretically represented by the crown. We know that there are gaps in the legal process, and that the crown's interests aren't the same as her interests, but she's really only there as a material witness to a crime, as far as our justice system is concerned. We may look at that and say, "Wow. That may work in other crimes; it doesn't work in this crime. We need to bring a solution." We're not going to give her what she wants, a lawyer to represent her in every case, but we might find a solution that does give her what's at the heart of her issue.

There's enough information in the folks who've been looking at policy and have been looking at these issues for a good 30 years that there's kind of a basket of goodies you can pull from as solutions to any one of these issues that a woman might bring forward.

How are we doing for time?

The Chair (Ms. Daiene Vernile): You can talk as long as you like. When you're done, our caucuses are all going to ask you questions in order. We have you until—you said 5:30?

Ms. Amanda Dale: I was told five.

The Chair (Ms. Daiene Vernile): Five, okay. Would you like to take some questions?

Ms. Amanda Dale: Yes, I'd be happy to take questions. I don't have a set agenda here.

The Chair (Ms. Daiene Vernile): We are going to begin with the Conservative caucus. Do any members have any questions for Ms. Dale?

Ms. Sylvia Jones: Yes, thank you very much. At the beginning of your presentation, you made reference to your work now, which is dealing with legal reform. I happen to be the Attorney General critic, so my ears perked up. You understand, because of your work, the difference between federal and provincial jurisdictions. Are there areas that you see our committee playing a role in the provincial side on the legal reforms?

Ms. Amanda Dale: I do, and I would say—I'll give you a brief answer and then ask you to invite me back. When you're further along in the process and you're not looking just at creating the climate for survivors and victims to come forward, but looking more at what came out of that process and what you're hearing from Ontarians about this issue, then I would be happy to address specific things that you're hearing and what are some of the solutions that might come out of that.

The non-legal advocate that I just mentioned is something that has worked in the Family Court process, and so it was top of mind because we run the Family Court support program for all the Toronto-area courts. These are non-legal staff who—the legal system is confusing to anybody, including law graduates. So, for a person whose only encounter with the legal system is because of a crime committed against them, it's just impossible for them to understand that the court is not actually there for them, in the main; it's there for a conversation between the state and the accused. Being peripheral to something where you feel you have been the centre of the problem—you've experienced the prob-

lem—is very hard for women to understand, for good reason. So I think that process needs maybe some modification that doesn't interfere with the accused's rights to a fair trial but that is cognizant of the difference between a victim of sexual assault and other kinds of crimes that might come before the court.

The Chair (Ms. Daiene Vernile): All right. Do you have any more questions? Yes, Ms. Scott?

Ms. Laurie Scott: How much time—

The Chair (Ms. Daiene Vernile): You've got a few more minutes.

Ms. Laurie Scott: I just have a technical question—and I appreciate your offer to come back, because I think that's better. If we have witnesses coming in—very sensitive situations, and we're trying to run a structured committee here. If you said 20-minute rotations, is that too much? Is 30 minutes too much—

Ms. Amanda Dale: Oh, okay.

Ms. Laurie Scott: We don't usually have these types of deputants. There are select committees—Sylvia has more experience.

Interjection.

Ms. Laurie Scott: Yes. We want to, as you said, give them time to tell their story. What do you suggest?

Ms. Amanda Dale: I think in some ways it doesn't matter. I don't mean that to sound flippant. If you are clear from the outset about what's being offered, and you're respectful in managing those timelines, and if someone is clearly in a great deal of distress, offering them some alternatives: "We're really appreciating what you're telling us. You don't have to stay till the end of this today. We can invite you back. If there's another time that would be better for you, or if you'd like to come with someone to support you, we're still here. We're going to be here," for whatever duration of time you're in whatever location. "We'll make arrangements for you to come back."

Also, I find we get clients in the clinic all the time who are highly distressed. I'm a very busy executive director; sometimes they want to talk to me because I'm the big cheese and they think that will get them some kind of recognition of their situation that maybe the counsellor won't, and I'm simply really honest: "I will hear what you have to say, for sure, but I need to warn you that I only have five minutes." Then, two minutes before five minutes comes, I say, "We have another two minutes. I just want to make sure you get to tell me what you want to tell me."

1640

One of the things I'm going to say in my notes to you that I'm leaving behind is to be honest. Be direct without being nasty. Direct is very respectful. Starting to roll your eyes, shuffle your papers, get worried or look at each other and go, "Oh, what are we going to do here?"—that's not respectful, because she won't know how to read that. But if you're saying, "I can hear that your story is actually longer than the time we've given you, and I just want to bring you back to what the committee can and can't do here. I appreciate you coming to tell us this,

but I'm afraid we're getting close to time. We have about another 10 minutes. If you could tell us what you want us to know in the next 10 minutes." Just be direct and clear and respectful, and I think that will do you well.

The Chair (Ms. Daiene Vernile): We want to be respectful of time with all of our caucus members, so we'll come over to the NDP. Do either of you have any questions you'd like to ask?

Mr. Taras Natyshak: We certainly do. Thank you very much for your presentation. It's most helpful. I'll take your last bit of advice right to heart, and I will be very direct: I have nine questions for you. They are derived from my colleague Peggy, who is under the weather right now, so I'm delivering them on her behalf.

Number one: Is it appropriate to refer to survivors of sexual violence and harassment as "victims"?

Ms. Amanda Dale: It's a very good question. People are divided on that one. Probably for the person themselves, it's better not to. The legal system uses that term. We use it because the legal system uses that term and we have to be clear about who we're speaking about in the legal process. But most survivors like "survivors."

Mr. Taras Natyshak: When asking survivors to explain their experience, how can we ensure that they feel safe and well supported?

Ms. Amanda Dale: Well, I think we've talked about some of those things. I think being clear about where the information is going is going to be really crucial. Someone's recording what they're saying. What's happening to that recording? Be express and explicit about that. Don't fudge it. Don't sugar-coat it. If you're allowed to—and I don't know if you're allowed to—you might even offer off-the-record. If somebody wants to speak to you, but they don't want it recorded anywhere, it may be useful to you as background information as a committee, but they may not be comfortable with having it recorded. I don't know if that's possible for you.

Ms. Laurie Scott: Yes—

Ms. Amanda Dale: Okay. So be clear about all of those options up front, I think.

Mr. Taras Natyshak: Should questions be closed or open-ended?

Ms. Amanda Dale: I think you should boundary what it is that you want to hear, because your purpose is not to be a counsellor. As a counsellor, in certain modalities of counselling, I would ask open-ended questions, but I'm going to see her for six months, every week. In your context, I think you need to be clear about the difference between a therapeutic process—because people will use a public forum as a therapeutic process—and what the goals of the committee are, and what your limitations are.

Be frank: "We are all members of Parliament. We represent our ridings. We are here to advise Parliament as to the best way to make this situation that you've experienced better for the next person. What you're telling me about what you need in terms of counselling, I will be reporting back as a gap in services in your community, but I won't be able to provide you with that service. We here don't have those skills." However, it

might be useful for you to have a list of resources for all of the communities you're in, so that if somebody comes to the committee and you're concerned about their well-being, you have something to give them to go away with.

Mr. Taras Natyshak: Is the term "rapist" appropriate?

Ms. Amanda Dale: Use the language she uses. "The person who did this to you" is also okay. Not every woman has had the opportunity to engage with the official language of how we in the services talk about this. I've spent 30 years thinking about this. I have shortcuts in language that a woman who has never told anyone this story and doesn't even know if it's really what you're talking about—"Is this actually abuse? I'm not really sure." Most women, when they come forward, don't actually know if what they've experienced was abuse, so they don't use the term "abuse." If I put a flyer out that says, "Group for abused women," all the women who have never talked to anyone aren't going to come. "Oh, what I suffered wasn't abuse."

So use the language she uses, would be my advice.

Mr. Taras Natyshak: Is it appropriate for males or male MPPs to ask pointed questions of the victims of sexual violence and harassment?

Ms. Amanda Dale: I think you need to ask her, "Is it okay if I ask you a question? I have a question. Is it okay for me to ask you?"

Not all women believe the same thing about this. In our clinic, we're all women staff. We've created deliberately an environment where the presence of men is not actually a question. But I believe that not all women feel that way, and in my work with the police I've heard women say that they really appreciated speaking to the male police more than the female police because there was a sense of restitution.

I don't think we always know the answer to that. You could adopt a policy that the women on the committee take the lead and your questions are channelled through the women on the committee. You could adopt that policy. I think it would be a principled stand, but I don't think it's necessarily required.

Mr. Taras Natyshak: Should we ensure that all electronic devices are turned completely off while survivors are describing their experience?

Ms. Amanda Dale: Oh, yes.

Ms. Sylvia Jones: Yes, a thousand times yes.

Mr. Taras Natyshak: Thank you very much.

The Chair (Ms. Daiene Vernile): I'm going to need to go to the next—

Mr. Taras Natyshak: I've got three more questions, Chair. Were we given 20 minutes, or how many minutes?

The Chair (Ms. Daiene Vernile): We're now reduced—

Mr. Taras Natyshak: Oh, you said 20 minutes for the entire—

The Chair (Ms. Daiene Vernile): I apologize. I was unaware that you were leaving at 5 p.m.

Ms. Amanda Dale: I don't actually have to leave at 5, Madam Chair, if you want me to stay a little bit longer. I was told I was leaving at 5, that's all.

The Chair (Ms. Daiene Vernile): All right. Then, Mr. Natyshak, please continue and we'll get your questions on the record.

Mr. Taras Natyshak: I can kind of condense them. How do we ensure that we're validating the experience of survivors, ensuring a respectful environment for presenters and that we approach sensitive issues without making survivors relive their experience?

Ms. Amanda Dale: Tell me what in what I said hasn't helped you with that. What's missing?

Mr. Taras Natyshak: It all has—

Ms. Amanda Dale: That wasn't a defensive question. I don't know a specific answer to that. It's kind of a bunch of things that create an environment.

Ms. Peggy Sattler: You had said at different times in your discussion—at one point, you said have a staff person from a local agency and then at another point you said have a list of local agencies. Would you recommend that this committee have a staff person from a women's shelter available?

Ms. Amanda Dale: In an ideal world, yes. But we know our services are stretched across the province. My sisters in the shelters across the province may be sending me poison-pen letters if they know that this recommendation came from me. I think it's worth reaching out to your local women's services and finding out if there's a way for them to prepare for the possibility that, even if they can't have someone on hand, their number is available and they understand that you're in town and here's the duration. They might want to be prepared for extra calls.

1650

Ms. Peggy Sattler: Okay.

The Chair (Ms. Daiene Vernile): Thank you. We'll now move over to the Liberal caucus. Yes, Mrs. McGarry?

Ms. Amanda Dale: Sorry, can I interrupt myself?

The Chair (Ms. Daiene Vernile): Yes.

Mrs. Kathryn McGarry: I will hand over.

Ms. Amanda Dale: To respond—I am very skilled—I want to respond just a little bit more specifically. It's a bit in the weeds, but in response to your question, I think you also need to be aware that there is a provincial assaulted women's helpline. It would be possible for the committee to reach out to that helpline—because they're provincial and they're a 1-888—to indicate to them what your schedule is and advise them that it's possible that they might see a spike in calls across the province as you come through, and then provide that number to any deputants that you see.

The Chair (Ms. Daiene Vernile): That's very useful information. Thank you.

Mrs. McGarry?

Mrs. Kathryn McGarry: Thank you, Chair. Thank you for your presentation. I've had a lot of experience dealing with women who are just disclosing. I am a nurse by background. I worked for a long period of time at the Hospital for Sick Children, as well as in emergency

departments across Ontario. So I'm fairly sensitive to that.

My question to you is this—and these kinds of things have made me wince in the past when I've been present at some of the situations where women have come in. They're in full disclosure, and either the police officer or the physician or somebody else comes in and asks them questions in an insensitive way. It makes me wince. So my question to you is: If a member of our panel asks a question that seems to be insensitive and uncomfortable for the witness and that questioner doesn't note it, how should we as committee members step in to try and support the witness in a sensitive way?

Ms. Amanda Dale: You have all kinds of cultural issues in your own environment that I'm not sensitive to. You have cross-party issues. There could be all kinds of things that arise between and among you that aren't really about the woman at hand. I guess this is the opportunity to rise above all of that and to know who's important in the room at that moment and to assume that if your colleague is interrupting you to say, "I notice that you look distressed. Please understand that you don't need to answer that question if you don't want to"—so you're constantly reasserting the autonomy of the woman.

This is not a court of law; this is entirely voluntary. The veracity of the story is not really at issue. You're not here to prove beyond a reasonable doubt that this happened, or even on a balance of probabilities. You're inviting Ontarians to tell you what you need to know to change the world that they live in. Constantly reasserting that with each other and reminding yourselves that the person who's in the room giving you this information is giving you all a sacred trust to protect and that together you need to do that—so if you feel genuinely—not for partisan reasons, but genuinely—that your colleague has overstepped a line and you want to offer a lifeline to that woman, I say: Go for it. But do it gently, because the conflict between you is distressing to her.

The Chair (Ms. Daiene Vernile): Mr. Rinaldi?

Mr. Lou Rinaldi: Thank you, Ms. Dale. Although I'm not a regular member of this committee, this has certainly been a huge learning exercise to share your insight.

Part of my question has been answered, but I just want to go a little bit further. As we deal with this particular issue that the committee is dealing with—and I think we all recognize that it has many faces, in some cases many different definitions, because what the definition to me is might be different to you, and we're trying to capture all that. We don't want to, I guess, try to leave any stone unturned, for lack of better words.

You advised us to reach out to centres, to the helpline. I guess a bit of my concern is that some of these women that have become victims—or survivors; you know the terminology—who are not at the forefront, whether it's a shelter—they're reserved, I guess. Any sense of how we reach out to make sure that—after a day's session, I can go home at night and I can say, "Man, we really reached out to the end of the world." Any other, I guess, advice on how we reach out to these stranded women who are a bit reluctant to come out?

Ms. Amanda Dale: I guess my question is: To what end? If you want to reach the most isolated women because you want to make sure that you've heard what doesn't work for them and why they haven't come forward, then you need to also realize that in reaching someone who has never talked to anyone before, you've also been given a responsibility to connect them to something so that they have some support, because you've set an expectation. It's always the perennial problem: How do you know what you don't know?

The women who are the most isolated are going to be reached differently in different communities. We saw, for instance, a huge outpouring of connection through social media during the Ghomeshi affair. These were young women who had never told anyone. Social media, which is absolutely the most public forum, was the way that they connected. There will be other women for whom such a public forum would be the last thing that they would do.

I don't have a single answer for you. Some of the ways that we've reached out in the past have been through community newspapers. There are a lot of ethno-specific newspapers across Ontario. We've reached out, when we've done law reform work, to ensure that those women understood their rights. You will need to look at the possibility of needing language interpretation if you want to make this actually accessible. That's not necessarily in your budget, but I think there are going to be women who would come forward if they knew that they had a skilled language interpreter in their language. Even if they speak some English, these kinds of emotional issues in your first language is always easier—for most people, it's easier. I wouldn't say "always." Some women learn this language in English and don't have it in their own language.

We actually discovered a whole group of women who have never told anyone, who have never had support, who were going into the family courts. It may be the same in criminal court. Women who are only there because of the legal matter have never identified this issue before to anyone and are unrepresented in the courts system are often the most high-risk women. I don't know what your parameters are for outreach, but there will be women experiencing the court—even though we know it's only 10% of all sexual assaults, there will be some women going to the court who don't have any other support.

The rape crisis centres get calls from women who don't take their case anywhere but need to talk to someone. The rape crisis centres across Ontario have an umbrella organization. You might reach out to them and find out, "Is there a way that you believe some of the women that you speak to would find it helpful to their situation to be able to tell a parliamentary committee about what needs to change?"

I haven't given it a lot of thought, but that's kind of just off the top of my head.

Mr. Lou Rinaldi: Thank you.

The Chair (Ms. Daiene Vernile): Ms. Lalonde.

Mrs. Marie-France Lalonde: Thank you very much for this. I found this very interesting. I come from a social work background and I candidly will say that it has been years that I haven't practised social work. But during my social work years, when I used to study, we talked a lot about making sure that we know ourselves, that we understand who we are as a person. I guess for me, and I'll be very frank, is that, although I have studied in this and practised, I'm somewhat concerned sometimes that there may be situations that could potentially conflict us, as members of this committee. My way of asking and reaching out to that witness, that survivor, may feel like an interrogation instead of just empathy and trying to ultimately get to the bottom of their story, or reaching out to this person in the sense of having some recommendations. That's ultimately what this committee—how would you address that?

1700

I think that some situations may confront us, by our backgrounds and by who we are as individuals. How do you manage those concepts internally?

Ms. Amanda Dale: Okay. There are three things that I'm thinking, from what your question is. One I've addressed slightly at the beginning, which was to ask yourself why you are asking the question, before you ask it. It requires a kind of internal delay switch where you allow yourself to rattle around a little bit in yourself.

And now I'm really going to sound like a social worker, even though I'm not: It requires paying attention to your own reactivity. Sometimes that's only in your body; it's not actually a thought. It's like you're tense; you're fidgeting; your stomach is in a knot; you feel irritable. You have to slow everything down to figure out it was just that what she said hit a nerve for you. Why is that? You don't have to get into a big internal discussion about fixing that. Just notice it, and that will help you stop translating it into behaviour to her.

That sounds esoteric, but it's probably a skill that you have to exercise when you're irritated by your colleague or the person across the floor—or maybe not; maybe you just let it rip. But I think there's a way in which we all have to develop that internal delay switch that allows us to reflect on why we're responding in the way we're responding.

I'm going to say this to you, because it's true for any group of people who are hearing this kind of material: It will affect you if there's any stone unturned in your own life. If there are any intergenerational secrets that never got told; if there's an experience in your own past; or if there's an experience from your daughter, your son, your cousin or your next-door neighbour, it's going to start preying on you, because that's what this work does. It makes us all look at the ways in which we are also part of the public that we're hearing from.

I think that's just natural, and it's better to be prepared for it than to deny it and then have it become cynicism, irritation with the witnesses, disbelief that this could

happen to her, anger at her for putting up with it. These are all signs that we've been irritated by something and it has hit home, and we need to figure out what that is, so we can go on with our work.

The Chair (Ms. Daiene Vernile): Thank you. We're going to move on now to Mr. Hillier.

Ms. Amanda Dale: Okay.

Mr. Randy Hillier: Thank you, Amanda. It's deeply appreciated, you being here and sharing your insights and experiences with us, and providing some guidance and advice to us.

Earlier, you talked about how one of the important elements was a respectful forum for disclosure. I just want to dig into that a wee little bit. Not that I've got a wealth of experience, but in my experience in going to women's shelters and talking with survivors, it has always been in a very casual and relaxed—as relaxed, you know, around a kitchen table type of environment.

I want to ask you: You're here today. You see how the general format, layout and environment of a legislative committee operate. Is there anything that you see that is problematic in that layout—or any thoughts or suggestions on how that might be improved upon?

One of the other things that we often did when I attended shelters is that the survivors would use their first name and maybe location of residence, but not fully identify themselves. Do you have any thoughts on the physical environment and how we conduct ourselves in the committee?

Ms. Amanda Dale: Yes, I think those are all good points. I would offer the choice. We recently had the case of a woman who was very disturbed and upset that the courts had automatically protected her identity when she was going through a sexual assault trial. That is the default position, to have a publication ban. She was insulted by it because she felt she wanted her name out there and she wanted to tell her story. She may be the exception, but it is possible that she feels insulted by being overprotected, so I would offer the option and not necessarily have a default position. But I think it's a good idea to offer whatever level of anonymity makes it helpful for them to feel safe, as the environment that you were referring to.

I'm used to these kinds of fora and it's hard for me to remember being frightened by them, but I think they're intimidating, inherently. I think it will too closely replicate the forum of a courtroom, particularly for somebody who wants to tell you about how awful that was.

The degree to which you can—professional but friendly, I think, is what you want to convey. You don't want to go overboard on the casual, but be professional but friendly, and cheerful to the extent that this building could ever be cheerful, or any of the others that you are going to find yourselves in across Ontario—like maybe not the Legion.

But have as much of a professional, friendly environment you can, and maybe there will be certain communities where it will make sense to hold it in a women's service. Maybe there's a women's centre that will have a

meeting room for you, or a health centre or something that's a little bit less rigid. Again, I'm shooting in the dark because I have no idea what's possible.

Mr. Randy Hillier: Yes.

The Chair (Ms. Daiene Vernile): Ms. Dale, I want to be respectful of your time. Are you able to stay for just a few more minutes if we have questions?

Ms. Amanda Dale: Yes.

Mr. Randy Hillier: One follow-up: We've spoken a lot this afternoon. This committee has a broad mandate. I'm just wondering if there are any other specific thoughts or ideas that you might want to share with us when we're dealing with younger women or men. Because this committee, like I said, has a fairly broad mandate. Is there anything unique or different that we should be looking at with teens? I'm not sure what age group we will actually be having here.

Ms. Amanda Dale: I like facts and research and putting things in their wider context. If it were me—and you asked me, so you get it—I would look at what the research is already telling us and then try and tailor the methodology to be able to get at those pockets of people in about an equal separation. So if we know that the largest number of experiences of sexual violence is between the ages of 14 and 25, let's make sure we're able to access that population. Why not ask some of the leadership in that age group to inform the committee about some specific ways they think might inform that process?

There are a number of sexual assault centres across the campuses of Ontario. There is a really interesting group at OISE of young women who have been designing curriculum on sexual assault called the Miss G group. They have lots of great policy ideas and lots of interesting ways of engagement.

I can give you my thoughts, but I'm over 30, just a little bit. My staff instruct me on what we need to do, so I would be giving—it would be a little bit of broken telephone. But certainly I think the environment you do it in—you may have a host that is a local group that folks are already comfortable with. For instance, the YWCA has a girls' centre in Scarborough. If you want to hear from young women what's really happening in high schools, maybe the YWCA will host you to hold an open forum with the girls who come to their programs, and they'll have an opportunity to send out a flyer and get them engaged.

1710

It's not always a bad thing to have a community agency be an access point because, although I know you're concerned to make sure they're not just already the people you've heard from, as it were, it does give them the opportunity to form their policy asks. It's a bit much to ask someone to tell their story and then tell you how to change the system all in one go. You might have a mixture of methods, and that might be one of them.

The Chair (Ms. Daiene Vernile): Thank you. For equal time, we're going to come over now to the NDP.

Do either of you have any more questions you wish to ask? Okay.

To our Liberal caucus, do you have any questions you'd like to ask? Yes, Ms. Malhi.

Ms. Harinder Malhi: Sure. We're talking about culture, and you said that violence is not about any specific culture and it's not a cultural behaviour, but at the same time I think that—could you give us a little more direction on how to approach things with cultural sensitivity? Coming from South Asian descent, I know that a lot of women would be more uncomfortable in a room, like you said earlier, with men. So how would we approach it when we're looking at different values, different cultures? They all have different ideas of what's appropriate and what's not.

Ms. Amanda Dale: Again, I would say that you might get some assistance from agencies that are already working with survivors from those populations. I think you're right, that it's important to create some fora that are women only. That would not necessarily be the whole methodology for the whole committee in every scenario, but it might create those opportunities, and you would clearly demarcate it as such.

Again, the environment is going to be important. A very formal, stiff environment is going to be difficult for a number of women to come forward into, and it will self-select a group of women who are already fairly comfortable with the mainstream bureaucratic process. So to the degree that you have that flexibility, I would activate that.

Again, having interpreters available is going to make a huge difference. Every community in Ontario has an interpretation service where those interpreters have been trained to deal with the issue of violence against women. So, all across Ontario, every region has a stable of those interpreters. How you access those, how all that works mechanically I can't comment on, but it's available and I think it's an important aspect of ensuring that you're getting—and in the far north you need to have aboriginal languages. You need to ensure that you're offering a setting in an aboriginal community that allows folks to sit in a circle and experience this as not another intrusion, not another way to—you know, part of the colonial history. You just don't want to activate all that because you won't get the information you're hoping for, and then you'll have a very skewed, mainstream “only this perspective” kind of result; right?

Ms. Harinder Malhi: I have one other question, if that's okay with you. My second question is around youth. I came from the school board, so you get to see a lot of—at the high school level you see so much of what's going on and what kids are being exposed to. Again, we did go over it a little bit, but how are we going to engage that level of youth? Because either it's peer pressure that won't allow them to come forward, or the acceptance. They won't say things because they feel like their behaviour—what's happening is acceptable. How do we empower the younger group of women to come forward?

Ms. Amanda Dale: There are often girls' groups in various high schools. I don't know outside of Toronto, because I'm—

Ms. Harinder Malhi: I'm pretty sure there are, but there are leadership groups and there are peer help groups, and a number of other things that they try to do to mentor.

I know that in Peel we have a specific focus on mental health issues now because we've been through a lot in the last couple of years. So we've tried to grow and expand on that piece, where teachers and counsellors were able to acknowledge that this person may be facing some difficulties. But we don't have access to that information, and those people obviously are being—at the time, we were requesting, if their friends were seeing that they acted any differently or changed their behaviours, to bring that name forward so we could monitor more closely. At the same time, those are the people who aren't going to come forward, and those are the kinds of people we want to help to tell their story and to feel empowered, so they can share with other members of that age group, that teenaged group, who may be facing it at home or at school.

Ms. Amanda Dale: I'm going to give you two responses to that. One is that you don't have to do original research on every corner of this, because others have done some of that work. The committee can avail itself of some of the work that has been done, and that can still inform your process. You don't literally have to have heard from every individual to have that perspective enter the recommendations that you make. Don't be fearful that you haven't uncovered every stone. There are other people who are better positioned to uncover those stones who have that information for you. That's the first part of my answer.

The second part, to not avoid your question, is to say that, again, there may be community- or school-based intermediaries who can open those doors for you. You may go out to Danforth Tech, as long as it's still open, and hold a forum in the gymnasium, but it may be three or four guidance counsellors and a couple of after-school program teachers who have helped you organize that. In Scarborough, it may be a combination of the YWCA girls' program and something at the local rec centre, and you have a room and you're inviting folks to that and you're using their networks to reach out. There's always peer-to-peer information that passes between kids that might bring them in, as well.

Ms. Harinder Malhi: My last question would be—

Interjections.

Mrs. Marie-France Lalonde: Are we okay?

The Chair (Ms. Daiene Vernile): Is it a fast question?

Ms. Harinder Malhi: It's really fast. I promise. Sorry.

If we were to gain information from teachers, educators or people who are in that environment, do you think that would be adequate to describe the experiences that these students may be facing?

Ms. Amanda Dale: I think it's part of the information. I think you assemble the sources of information and

the kind of information that you're getting from different actors, and you name where it came from.

I've done national research on what happens to women after shelter, and I spoke to the shelters to organize having the women come in and tell me what happened to them after shelter. I didn't have the time or the budget to put a newspaper ad in and find women who would never set foot back in that shelter. I got women who came back to the shelter to tell me their story. Arguably, it was skewed. There could have been lots of things I didn't hear, but what I heard was certainly useful.

Ms. Harinder Malhi: Thank you.

The Chair (Ms. Daiene Vernile): Do we have any more questions?

Ms. Laurie Scott: Not for now.

The Chair (Ms. Daiene Vernile): All right. Ms. Dale, thank you so much for coming and appearing before this committee and informing us on some very important points of view. This is very useful to us. May we call you back, should we need to hear from you again?

Ms. Amanda Dale: Absolutely.

The Chair (Ms. Daiene Vernile): All right. Again, thank you, and please stay tuned for our work.

Ms. Amanda Dale: I will. I've got some bump to leave behind for you.

The Chair (Ms. Daiene Vernile): Our Clerk will take these from you.

Ms. Amanda Dale: These are basic notes that are the backbone of what I said to you, I hope. This is our annual report, in which you'll find a couple of stories that may be similar to the kinds of stories you might hear.

The Chair (Ms. Daiene Vernile): Thank you kindly. We may see you in the future.

Ms. Amanda Dale: Yes.

COMMITTEE BUSINESS

The Chair (Ms. Daiene Vernile): Back to our regular business, committee.

Interjections.

The Chair (Ms. Daiene Vernile): Committee members, we're going to get back to our work. We have a couple of motions that were on the floor from last week and we're going to readdress them, as they're being deferred to this week.

The very first one we have is from Ms. McMahon. It was an amendment to an amendment. Would you like to speak to that?

Ms. Eleanor McMahon: I'd like to share with the committee that it is our intention to withdraw this motion, Madam Chair.

The Chair (Ms. Daiene Vernile): All right. The motion is withdrawn.

Now we have another motion, the main amendment—

Ms. Eleanor McMahon: We withdraw that as well, Madam Chair.

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

We have a subcommittee report, and I understand that there is a desire for this to go into—

Interjection.

The Chair (Ms. Daiene Vernile): I'm going to ask that this motion be put on the floor. You all have this before you? This is on the floor.

Ms. McMahon, would you like to speak to this?

Ms. Eleanor McMahon: In light of the withdrawal of the two amendments on our part, Madam Chair, I wondered if I might suggest that we adjourn this committee and meet as a subcommittee, in order to discuss the report moving forward, and then come back to the committee at our next meeting. I table that for consideration and discussion, Madam Chair.

The Chair (Ms. Daiene Vernile): We need full agreement from our committee in order to do this. Are we in agreement? All right. This is now going off to subcommittee.

Thank you all very much. We'll see you in the House, and see you all next week. We are adjourned.

The committee adjourned at 1722.

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Substitutions / Membres remplaçants

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Also taking part / Autres participants et participantes

Ms. Sylvia Jones (Dufferin–Caledon PC)

Clerk / Greffier

Mr. William Short

Staff / Personnel

Ms. Erin Fowler, research officer,
Research Services
Ms. Carrie Hull, research officer,
Research Services