



**Legislative Assembly
of Ontario**

First Session, 41st Parliament

**Assemblée législative
de l'Ontario**

Première session, 41^e législature

**Official Report
of Debates
(Hansard)**

Monday 11 May 2015

**Journal
des débats
(Hansard)**

Lundi 11 mai 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

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**SELECT COMMITTEE
ON SEXUAL VIOLENCE
AND HARASSMENT**

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

Monday 11 May 2015

Lundi 11 mai 2015

The committee met at 1400 in committee room 1.

**STRATEGY ON SEXUAL VIOLENCE
AND HARASSMENT**

The Chair (Ms. Daiene Vernile): Good afternoon, everyone. The Select Committee on Sexual Violence and Harassment will now come to order. I'd like to welcome our presenters this afternoon and any guests who are here with us today.

Let me share with you the mandate of this committee. We are here to listen to your experiences—survivors, front-line workers, advocates and experts—on the issue of sexual violence and harassment. You are going to inform us on how to shift the social norms and barriers that are preventing people from coming forward and reporting abuses. However, I do want to stress that we do not have the power or the authority to investigate individual cases; that is better left to the legal authorities.

We welcome you and thank you for adding your voice to this important issue.

**ABORIGINAL LEGAL SERVICES
OF TORONTO**

The Chair (Ms. Daiene Vernile): To our first presenter, with the Aboriginal Legal Services of Toronto, I say welcome. You will now have 15 minutes to address our committee. That will be followed by questions from our committee. Please start by stating your name, and begin any time.

Ms. Christa Big Canoe: Certainly. Hi.

Remarks in Anishinaabemowin.

Hello. I'm Christa Big Canoe. I'm the legal advocacy director at Aboriginal Legal Services of Toronto, whose Anishnawbe name is Gaa kina gwii waabamaa debwewin, which means "All those who seek the truth."

First of all, I would like to thank the committee for inviting me and allowing me the opportunity to make my presentation. The fact that there has been a select committee struck, and the work that you're working on, demonstrate a willingness to address these issues, really serious matters to the survivors of sexual violence, so thank you.

Of course, one of the things that Aboriginal Legal Services of Toronto often does is to try to contextualize the

aboriginal perspective and the aboriginal lived experience. Aboriginal Legal Services is a legal clinic and also an aboriginal legal service that has both Canadian mechanisms of law that we represent on, as well as ADR or internal aboriginal-driven processes.

Our office does a large amount of work with victims, particularly with victims of sexual violence, through the IAP, the Independent Assessment Process—those are Indian residential school survivors. We've assisted with CEP, the Common Experience Payment, again for residential school survivors. We also do work in victim advocacy areas, including and not limited to the Criminal Injuries Compensation Board.

I would love to sit here today and say that a lot of our work is varied and diverse, but the unfortunate reality is that a lot of the work that we do for victims through the Criminal Injuries Compensation Board is mainly for survivors of sexual violence and abuse, particularly historical ones and ones who are survivors of childhood sexual abuse.

It goes without saying that Aboriginal Legal Services, pretty much on a regular basis, always tries to draw that context back to the historical harms of indigenous survivorship. So it goes without saying that in Canadian society, indigenous people—and I'm going to use the words "indigenous," "First Nations" and "aboriginal" somewhat intermittently, because I am also familiar with how the select committee, in preparing for today, in other locations has also heard those terms used interchangeably. With "indigenous" and "aboriginal," in both contexts, I'm using the language of the reports or the acts I'm referring to, but for all intents and purposes they mean the same thing.

I'd be remiss if I didn't touch quickly on the impact of the colonial legacy: things like the Indian residential schools or the Sixties Scoop, which have had a huge impact on the way that aboriginal people experience life in general, success and opportunity, as well as what barriers it throws up for them to access opportunities to escape things like sexual violence.

The historical context of this violence, in particular the legacies of colonialism, and discriminatory laws such as the Indian Act continue to adversely impact the well-being of indigenous women and girls specifically, yet police and health care professionals fail to adequately prioritize the health and safety of indigenous women. A

lack of culturally sensitive programs prevents the services that already exist from addressing the challenges specific to indigenous women's experiences.

In preparing for today, I did look at a number of the transcripts. Particularly, I looked at the full transcripts from the Sioux Lookout sitting, because it actually aligns most deeply with a lot of the same concerns that Aboriginal Legal Services start with. So rather than rehashing and going over some of the things this committee has already heard, I'm really going to focus the limited time I have on three areas. The three areas include missing and murdered indigenous women, poverty reduction as a larger strategy and criminal injuries compensation and mechanisms.

But I would also like to start with just laying out a couple of things we agree about. You folks have heard from a number of shelter services and crisis centres, particularly rape crisis centres, and the things Aboriginal Legal Services absolutely supports and agrees with from those groups is that there is an acute need for better and enough shelter supports and crisis programs. Many who have been here have echoed this need to meet capacity and that often these are above capacity and overflowing. We experience this daily when we're assisting a victim of crime. They don't have anywhere to go. We're only echoing that, rather than getting really deep into it. Specifically, wait-lists do not help in crisis circumstances. It's that simple. When there's nowhere for people to escape or go to, they're not of assistance.

Aboriginal Legal Services also agrees with the Pace submissions on April 10 in Sioux Lookout, in relation to sections 4, 10, and 16(h) of the Ontario Limitations Act. Again, without getting into details, we simply parrot the submissions they gave and support their submissions in relation to those. Simply said, we believe that continued commitment to the legislative change is important.

I'll start with missing and murdered indigenous women. I know this committee is also familiar with some of the statistics, and I'm not going to spend my limited time painting the really horrific picture that exists in Canada and in Ontario, which is the 1,200 missing and murdered indigenous women. While indigenous women and girls account for 10% of all female homicides in Canada, they make up just 3% of our female population. Those two high-level statistics are what I'm going to rely on because I know that you have a familiarity based on other submissions.

What I do want to talk about and point attention to is, recently there's a national coalition that is called the Legal Strategy Coalition, which has looked at and reviewed 58 studies that have been done. I'm talking federal level, but there's a role for provincial, so please bear with me.

On a federal level, there has been a long-standing call for a national inquiry. The current Premier, Premier Wynne, has also echoed that call, and this province has taken the position that there does need to be a national inquiry. We would obviously encourage you to continue that advocacy and that call. But what I really want the

committee to understand is that in looking at those 58 studies—and the reason the federal government is currently not calling a national inquiry is because they're relying on the information from these studies.

The Legal Strategy Coalition released a report on February 13, 2005, and they looked at these reports, reviews and inquiries that examined the causes of violence and made hundreds of recommendations. In fact, there were over 700 recommendations within these 58 reports. What this particular analysis, or study, did was look at what's being implemented and how. There were placeholders and spots that didn't speak just to federal but also to provincial. So I'd encourage this committee to make sure that they look to the Legal Strategy Coalition's report. They have this handy little spreadsheet that talks about whose jurisdiction it's under and how it has been implemented. Suffice it to say, there are some components where Ontario hasn't implemented recommendations that it clearly demonstrates would assist in decreasing violence.

The reports have been prepared by diverse sets of authors, mostly national or jurisdictional—being province by province or territory—as well as by aboriginal organizations and international organizations. There is considerable agreement between all the reports about the root causes of violence against indigenous women. This is significant: We're talking about 58 reports and over 700 recommendations, and the majority of them all agree that the same root causes exist.

Many reports stress that the economic and social marginalization of indigenous women makes them more susceptible to violence and less able to escape violent circumstances. In particular, a lack of access to education and employment opportunities results in high levels of poverty amongst indigenous women. In addition, according to some reports, indigenous women experience disproportionately high rates of food insecurity, overcrowded housing and homelessness.

High instances of family breakdown and the intervention of child welfare systems further contribute to the vulnerability of indigenous women and girls. In fact, as it relates to child apprehension, we are now apprehending children at a faster rate from First Nation women than we have at the height of residential schools. So when we're talking about basic things like food security and the fear of having your children apprehended, you can see how it's difficult when those basic needs aren't being met, how much more difficult it is to get the resources and access the resources when you're talking about remote communities or disenfranchised, marginalized urban aboriginal people.

1410

Finally, the reports all recognize that with the underlying root causes, there's a chronic underfunding of services to help indigenous women cope with these circumstances. That contributes to their susceptibility to violence and limited ability to leave violent situations.

According to many of the reports reviewed—this is really the important part and segue into my next

section—the poverty and discrimination experienced by indigenous women is a product of continuing racism and sexism in Canada that excludes and devalues indigenous women.

This points to my second issue, which is a poverty reduction strategy. I know this is a select committee on sexual violence, and there is no magic wand that's going to make it able to correct every situation, but there is definitely a need for the committee to also recognize those existing root causes as they apply to indigenous communities, women and families. I know you also spoke with male survivors of childhood sexual assault, particularly a number of them who are aboriginal. So there is a need to push and encourage larger poverty reduction because although it's great to ensure that we have capacity in shelters in crisis, if we're not actually resolving the larger housing, water and education issues, we'll continue to have the same conversations, particularly as they relate to the indigenous community.

With my last five minutes, I'd like to turn to my third issue, which is generally a conversation of criminal injuries compensation. Aboriginal Legal Services, as I had indicated earlier, does a number of victim advocacy representations, and we assist a number of individuals. In fact, the amount that we're assisting is only increasing every year. Unfortunately, a large number of those are sex assaults and childhood sexual abuse. We have actually had success in being able to utilize the legislation and the board's policies to get extensions. Normally, you have to apply within a two-year period, but we've been fortunate enough to find those exceptions that let an individual apply after the two years, and we've done that advocacy work. But quite frankly, it takes a lawyer or a legal service to do that. It is not user-friendly once you get past the basic application. That's my first point, making sure—because there's a large number of self-represented litigants, for lack of a better word, before boards and tribunals.

This is one of the better boards for a self-represented individual to be before, because the board demonstrates a level of compassion and patience with those who are before them. However, there are a number of nuances and small things that, without legal representation, make it difficult for victims or survivors of harm to make presentations to the board and to access, to the fullest ability of their rights and within legislation, the compensation they should be entitled to.

I'm just going to give you a quick example of this. There's the Victim Quick Response Program. It provides immediate assistance to victims of violent crime. Essentially, what happens is that if you go and make a report to the police and charges are laid, or even if they're not laid, there's a referral made to this program. However, one of the eligibility criteria is that you have to make the report to the police and that it's the police referring. So what happens when people are not making their reports? This is one of the actual mandates of this committee: encouraging individuals to make these reports or to speak out on these issues. But when you're talking about aboriginal

communities that are clearly estranged from the criminal justice system, that have historically been over-policed and not had a benefit in identifying as aboriginal or necessarily feel that they've been treated fairly within the system, there's already a resistance to reporting. So if there's a program that fast-tracks assistance to families, that's amazing, but what about those families that aren't reporting? If the mechanism is only going through police referrals or VWAP through criminal crowns' offices, then we're missing a whole host of individuals who could also be using those to assist them.

The Chair (Ms. Daiene Vernile): Ms. Big Canoe, you have one minute left, unless you wish to continue for your full 20 minutes, and then that will not leave questions from our committee. It's up to you.

Ms. Christa Big Canoe: I think, in all honesty, I probably have five minutes more of submissions.

The Chair (Ms. Daiene Vernile): Okay. There won't be any questions from the committee, then.

Ms. Christa Big Canoe: Is that okay?

The Chair (Ms. Daiene Vernile): Yes.

Ms. Christa Big Canoe: Okay. I'll leave it to you because you are the committee, after all.

The program is available to over 50 communities across the province. You can find out right online if you're eligible for this program or not and how to apply for support. Interestingly, though, just to do a sample to see how easy it would be in preparation for this, I clicked on. First, you're in the Criminal Injuries Compensation Board and it sends you over to the ministry of victims and vulnerable persons. Then you get to put in the information and it asks what type of services. I just put in "sexual assault, child victim," which was one of the options. Then I started dropping in geographical locations also to get an idea.

In the example of the greater Toronto area, there are 112 matches for referrals to these types of programs that you or anyone can get online, which is helpful. But, for example, when I pick northern First Nations, such as Poplar Hill, three come up. The three that come up are Nishnawbe-Aski Police Service, child apprehension services, and the band office, which currently doesn't have a position in that role. So they get three options and none of them are going to actually put them on a referral track to the type of assistance they need.

Sometimes it comes up with zero results, so then you have to try another community close. For Manitoulin Island, for example, which hosts four First Nations communities, there were zero results, but the minute I put in Manitoulin district, there became nine.

Part of this is the concept that when we're talking about criminal compensation, it has to be accessible to the people who need it most. If it took me 25 minutes to get that answer, and I'm a lawyer who is familiar with those websites, how long is it going to take an individual who doesn't want to report it to the police to find out how they can stream through to access services?

One of the things that I think would be important would be to help indigenous communities have the op-

portunity to have outreach done prior so they understand how to access criminal compensation and what they're eligible for.

One of the other individuals who presented to this group was Brenda Dovick. She talked about the reluctance to report, especially evidenced by First Nation women who experience the lack of confidence they hold in the system. This is a truth that our clients face, too. They really do lack the confidence and often their experience—for instance, if they have a background of criminalization or if they have a background of sex work, when they contact police services they're often treated differently and we often hear stories of racism. So there's a reluctance to reach out, to pick up the phone to say, "Hey, look, I've been assaulted." That's more normal than I'd like it to be.

Again, this is what Ms. Dovick had presented to you. When you get a smaller community, if they disclose to police services like the NAPS detachment, where there are only two police officers—they're often related to people. Although they may be professional, word gets out pretty quick when in you're in a place of 100 people when you show up at the NAPS office. So there are all of these barriers that occur because of the distrust and geographical barriers.

There are two final things and then I'm just going to give you a short list of recommendations.

In our experience, when we go to the Criminal Injuries Compensation Board, due to current case law, the board is allowed to ask for a criminal record and to consider a criminal record as part of subsection 17(1) of the Compensation for Victims of Crime Act. They can then determine whether or not a person can be compensated. We don't necessarily challenge the board's discretion to look at that, but from an aboriginal perspective, failure to look at that at the same time as looking at the aboriginal circumstances, similar to the Gladue factors or what puts aboriginal people before criminal justice such as over-policing and over-charging, means that more often aboriginal people are going to get less compensation or no compensation—

The Chair (Ms. Daiene Vernile): Ms. Big Canoe, you have one minute left.

Ms. Christa Big Canoe: Yes—compared to their counterparts. So we have to think about criminal record versus criminal behaviour and keep a mind to balancing the harm of the offences, taking into consideration the reality of aboriginal people.

On that basis, I do have four recommendations, if I might.

Like Pace's submissions, Aboriginal Legal urges the committee to follow through on Kathleen Wynne's commitment to eliminate the remaining limitation periods for civil sexual assault, so that it's clear, understandable and fair to all victims.

As it relates to murdered and missing indigenous women, ALST asks that you continue to support and vocally advocate for a national inquiry and look at Ontario's solutions or what recommendations you could

be putting into place. Poverty reduction must stay on the radar; you cannot disassociate sexual violence from the experiences of poverty or the inability to thrive in society because of poverty.

1420

The Chair (Ms. Daiene Vernile): Ms. Big Canoe, you're out of time, so could you please wrap up very quickly? We have quite a few more presenters to listen to today.

Ms. Christa Big Canoe: I'm on my very last point.

My very last point is on communications and relationship with aboriginal agencies, communities and survivor groups; more information about the criminal injuries compensation and eligibility resources and mechanisms to assist those who do not report but need assistance are very important; and that there must be a recognition that all victims of sexual violence are worthy victims, regardless of the possibility of criminality or trajectory of crime. Therefore, it's important that we acknowledge that all survivors of sexual violence are worthy by treating them equally under the law and within the policy's framework. Thank you.

The Chair (Ms. Daiene Vernile): Ms. Big Canoe, thank you very much for coming and informing our committee. If you would like to hand in your notes, we'd appreciate it, or if you want to email them to us—your recommendations—that would be very helpful. We invite you to join our audience now, if you wish to.

DISABLED WOMEN'S NETWORK ONTARIO

The Chair (Ms. Daiene Vernile): I'd like to call on our next presenter, Marianne Park, with DisAbleD Women's Network Ontario. Please come forward and make yourself comfortable.

Mr. Taras Natyshak: Chair, a point of order: The last presenter referenced a legal strategies report. I'm wondering if we could ask research to gather that information for us and present it to the committee.

The Chair (Ms. Daiene Vernile): We'll certainly do that.

So you will have 15 minutes to address our committee, and that will be followed by questions from our committee. Please start by stating your name, and begin anytime.

Ms. Marianne Park: My name is Marianne Park. I live in Woodstock, Ontario. I represent DAWN Ontario, DisAbleD Women's Network Ontario, and also represent an ad hoc coalition of survivors, researchers and experts in the field of workplace harassment and sexual harassment.

Just to give you a bit of a background, I bring a distinction to my submission. The distinction is that I am a woman with a disability: I am legally blind. I also have albinism—that's what give me the unique hair colour, the platinum blond. I will let you know—and I was born this way—I am also a survivor of sexual harassment.

As we've heard the various pieces of sexual abuse and sexual violence, one component of that is sexual harass-

ment: sexual harassment in the workplace, but also street harassment, and in our faith communities harassment can take place. It also can take place in our work lives. Now, from the vantage point of those of us with disabilities, you folks, being learned, probably know that we indeed have a much higher rate of being abused because of our actual and perceived vulnerabilities. We also experience high unemployment. So if we are experiencing workplace harassment, there's a good chance that we will not report it, and if we do, that elusive dream of full-time employment will go up in smoke, and we will be left on a woefully inadequate system known as ODSP, Ontario Disability Support Program.

But the devastating effects and impact of workplace harassment cross all socio-economic and cultural boundaries. One of those big impacts is isolation. Before you are harassed at work, you feel isolated; that's probably why the perpetrator chose you. Then, after you're harassed, you feel you can't tell anyone, or if you do tell anyone, no one will believe you, because—you've heard it so often—it's your word against theirs. That isolation—your co-workers are afraid to speak with you because they know what's going on. They just don't want to acknowledge it because, if they acknowledge it, then something may have to be done. The other thing, too, is that they're afraid it's going to happen to them. So you're on this island, alone.

The isolation that takes place—because you're constantly having this chat within your own head: “Why is this happening to me? What did I do? How could I have avoided it?” The reality is—because it's the choice of the perpetrator to act that way—there's no possible way you can avoid it. It's constantly with you. Even when you're not at work, you're thinking about it. Now they may harass you at home, they may phone you, send you text messages, but it's always with you.

Something out of that isolation that starts to happen: Your family and friends see that you're different, you're more reticent, you don't want to engage in talking to them about what's going on in your life, and you become withdrawn. I've even heard victims who will say, “I don't even want to go to the mall because I might see that harasser. I might see somebody who knows what's going on.” So there's that fear and you become more and more withdrawn.

One thing that we know through research—and later on you'll hear from Dr. Sandy Welsh from the University of Toronto. She's one of our collaborators, shall I say, with our little ad hoc coalition—a very scholarly pursuit that she does. We at DAWN Ontario wholeheartedly support her research and the recommendations she'll be coming up with. But as I say, we know that through that isolation, victims break off relationships with family and friends because you just don't want to tell what's going on.

Or the other extreme: You're talking about it all the time. And although the most sympathetic and empathetic friends and family feel you should draw a line under it and just get over it, that's not how it works. Workplace

harassment, sexual harassment, has cast a long shadow over your life.

So you've disclosed; now where do you go? The system's not self-navigating, that's for certain. Legal representation is hard to find and it's expensive. Counseling—does somebody know that a lot of victims don't want to go to a sexual assault centre because they'll say, “Well, that's for when it's really serious.” The reality is, they belong there as well, but many sexual assault centres—one, they're not funded to look at the issue of workplace sexual harassment, and the other thing is that they're overwhelmed and underfunded as it is. So where do you go? It's a long process.

One of our survivors that's in this little ad hoc group, Sharon Scrimshaw, talked about her abuse going on for close to 20 years. She was employed by 3M, and the web of trying to get out of that and trying to get it addressed was arduous, to say the least. She admits, as other survivors admit, that eventually you become agoraphobic; you're frightened to go out because you're going to maybe see the person who harassed you, or you will be shunned by workers. She talks about people who she had known for 20 years and they would not speak with her or they would cross the street because they didn't want to be involved, because they were frightened of what would happen to them.

A lot of victims, after they've been harassed at work, if they didn't have a disability beforehand, they will become disabled because of the stress and the long-standing problems that you are facing. We know that it becomes like a snowball rolling down a hill. It becomes even more and more pronounced in your life, because you lose your job, or you can't go back because you're on sick leave. So your economic status is impacted. Maybe your kids were in organized sports but now you can't afford that because you're not bringing in any money. And then it comes out that sometimes you'll lose your job because you're not fit to go back to work or you end up on disability. And if it's in a community and everybody knows that you brought some type of action against an employer, who's going to hire you then? And everyone—I can tell you this, because I'm from small-town Ontario—everybody on the street is going to go, “Oh, there's that woman there. Do you know what she said Joe Blow did?” And so your chances of employability can be slim to none.

And then your self-esteem: Even if you had okay self-esteem, after enduring this harassment your self-esteem goes steadily downhill, and trying to convey that to somebody is very problematic. There are very few resources available to you. As I said, many victims will not go to a sexual assault centre or are hesitant because they think they're taking up resources of someplace else.

That, actually, is one of our major recommendations: There needs to be some centralized yet outreachable—I don't even know if that's a word, but I'll say it is—location where victims of workplace harassment can turn to so that they would have advocates that understand—guides through the system, if you will—and those folks

would assist them in the legal, the social, the psychological aspect of workplace harassment.

1430

A 1-800 number is a good thing; there's no doubt about that. But I'm going to tell you right from the—I'm wearing my "person with a disability" hat here. A 1-800 number is good, but it has to be completely accessible. There has to be a TTY line. There has to be a mindset that we are going to be as inclusive as possible. Also, that mindset needs to be in any type of organization which is set up that will be specifically trained around workplace harassment: how to respond, how to support victims, how they can navigate the system. The recommendation we would be making is that that type of support would be put into already existing organizations. So it would lend a sustainability—and it has to be sustainable, not something that stands and then two years later it's gone.

There is so much work that has been done around the issue of workplace harassment. I believe you all have a copy of a 2004 report which I had the privilege of being involved with. That was from the Centre for Research and Education on Violence Against Women and Children. That's out of Western University. Interestingly enough, the same recommendations that we were making there in 2004 are basically the same recommendations we're making again: that there be some centralized location, some centralized service, if you will, that is throughout the province, though, perhaps operating through sexual assault centres or some other mechanism; where there is a body of knowledge where groups can be organized and information can be handed out, and navigators of the system will be there.

One thing people will tell you is that oftentimes some of the problems are that they may be negotiating two systems at the same time, such as if there was a complaint against—right now, we have a task force on the sexual abuse of patients that is going on. Many patients will say about that issue of, "I'm going through a regulatory process, but then I have to go through a legal process through the criminal courts," that many times there are time restrictions—so how you can get in on those processes. So that has to be looked at.

Any type of legislative changes around the issue of workplace harassment—I know we have Bill 168—has to take into account all employers, even non-profits. Our province still operates sheltered—it's not the province that operates them but transfer payment agencies—workshops for those of us with disabilities. Harassment needs to be covered in that area, yet it is not, and is not, really, in the disability community fully understood—fully understood. "Understood"? I'm creating my own language here.

The other piece, too, is that we have to see that harassment is looked at in all areas—in the faith community. A person could be sexually harassed in their faith community. They could be as they're doing volunteer work. They could be as they're doing recreational activities. All aspects of that have to come into play, and I cannot overemphasize the devastating impact it has on people's

lives—a long-standing impact, both physically and mentally. One of the things that will traumatize people once again is to relive it. So you have to keep retelling your story. You have to keep reliving it.

Then sometimes, in some mediated settlements, there's a gag order: You can't talk about your experience. For some people, that talking is the true healing. That's how you can heal, by talking, and by pulling all the threads of your life of how this came about into a fabric that will assist in your healing. In some mediated settlements that still is the case, that they cannot access psychological services to talk about their trauma, and that should be made illegal.

With that, I will conclude my discussion. You have a copy of my presentation. You also have a copy of the report from 2004. I will entertain any types of questions, if you have.

The Chair (Ms. Daiene Vernile): Thank you very much. Ms. Park, our first question for you is from our PC caucus, from MPP Randy Hillier.

Mr. Randy Hillier: Thank you very much, Marianne, for being here. I'd like you to just clarify a couple of things on two of the recommendations that you had included in your report, just for a better understanding. The first one is the last comment you made about the mediated settlements, with some of them having gag orders on speaking with health care professionals. I had not heard of that sort of gag order ever previously, so I was just wondering where we might have seen that or how prevalent it is.

The other point is: In your recommendations, you mention that there are different avenues and vehicles for a complaint approach, but that they cannot be done concurrently. So if you can just give us some clarification on what some of those complaint vehicles are so that we can have a better understanding.

Ms. Marianne Park: Certainly. I'll do the last one first. For example, if someone had lodged a complaint with one of the regulated health colleges, say the College of Physicians and Surgeons, but there was also a criminal complaint or a human rights complaint, a lot of times the criminal complaint will not be looked at until the college has made a decision on that, so that can tie your hands—or if you want to do a civil litigation, so you want to sue, that will tie your hands. Sometimes there are time restrictions on that, so you have to decide what avenue you are going to take for that one.

For the first piece, research found that a number of—particularly through places where it's unionized, where there have been negotiated, mediated settlements, that gag order has been placed on both perpetrator and victim not to ever say anything about that at all, and that includes to a health care professional. Now, where that becomes very problematic—obviously, you want to talk to heal. The other thing, too, is that where it will oft time happen is where a person is not represented by legal counsel. They've negotiated themselves, thinking they're doing the best they can. Particularly if the perpetrator is represented by legal counsel, it will be, "Well, this is the best you're going to get. You need to do this now."

The Chair (Ms. Daiene Vernile): Thank you very much. Committee members, I just want to stress that we do have a really full afternoon, so I encourage you to be very concise with your questions.

Our next questions now are from our NDP caucus.

Mr. Taras Natyshak: Thank you, Marianne, for your comprehensive and articulate presentation. I make up my own vernacularisms all the time, so don't worry. It was really comprehensive, really great.

Ms. Marianne Park: I'm in good company, then.

Mr. Taras Natyshak: Just on the two recommendations that you pointed us to, have you seen any other jurisdictions which have implemented similar mechanisms, what have the outcomes been and have they been studied? Can you point us in the direction of what your recommendations are in practice?

Ms. Marianne Park: Where you can see them in practice—Ontario, of course, has been groundbreaking with Bill 168, with workplace harassment to be included in health safety. There are no other jurisdictions that have that comprehensive of coverage. But there are still gaping holes in it, unfortunately. That's what my main focus is.

Certainly, Dr. Welsh, this afternoon, will talk about health and safety. She would be much better suited, probably, to answer that completely than myself.

The Chair (Ms. Daiene Vernile): Thank you very much. Our final question for you is from our Liberal caucus: MPP—oh, you've got the wrong name in front of you—MPP Lalonde.

Mrs. Marie-France Lalonde: In front?

The Chair (Ms. Daiene Vernile): Yes.

Mrs. Marie-France Lalonde: On this side, it's "Lalonde."

The Chair (Ms. Daiene Vernile): You have a different name on this side.

Ms. Marianne Park: I could be facetious and say it looks good to me, but I will not.

Mrs. Marie-France Lalonde: Thank you, Ms. Park. As you know, we've heard from many aspects that there is that risk factor. But I want to be a little bit more particular in terms of the demographics among disabled women. Based on your perspective, is there a higher risk in certain demographics of women with disabilities? And why is that?

Ms. Marianne Park: We do have a much higher risk of any type of violence at all because, historically, we have been deemed poor witnesses, not reliable, craving attention, many things like that. For women who cannot verbalize, it's a much higher rate of sexual abuse. Although, even for someone such as myself, as a woman with a disability, I am 150 times more likely to be abused than if I did not have the disability.

I'll just give you very, very quickly an anecdote: If I'm on a subway or a streetcar or a bus, if I have my white cane out, most times I'll get groped by someone. If I do not have the white cane out, it won't happen. Now, I do have the ability to cuss like a sailor, and so I will cuss them out like the rapper DMX. I have no problem doing that—a mouth like an absolute sewer.

The Chair (Ms. Daiene Vernile): And on that note, I will say thank you very much for coming and informing our committee today, Ms. Park.

Ms. Marianne Park: Thank you so much for your kind attention. Best of luck.

The Chair (Ms. Daiene Vernile): To all of our guests now who are in the committee room, I would kindly ask that you vacate as we are about to do an in camera session. We're going to be speaking to our next witness in private. I invite you back for 3 p.m. You can go and come back. Thank you.

The committee continued in closed session from 1442 to 1500.

RISING ANGELS

The Chair (Ms. Daiene Vernile): We resume our public hearings now with our committee. I'd like to welcome our next guest: Rising Angels. Please start by stating your name. You will have 15 minutes to speak to our committee, and that will be followed by questions for you.

Ms. Katarina MacLeod: My name is Katarina MacLeod. Do I just start?

The Chair (Ms. Daiene Vernile): Please begin.

Ms. Katarina MacLeod: First of all, thank you for allowing me to discuss this very crucial and time-sensitive topic on how we, as a province, can give support to someone who has suffered sexual violence and exploitation, and how we can reduce this from maybe even happening in the first place. As someone who was sexually and physically abused as well as sexually exploited for almost 30 years, I believe that if there were more resources or support out there, I could have avoided some of these traumas.

My name is Katarina MacLeod, and I am the founder of Rising Angels. Rising Angels is an organization that helps women leave the sex trade. We offer mentoring to these women so that we can help them to get their lives back, as well as educate and advocate on the truths of exploitation.

For me, it all began at the tender age of five, when I was raped over a three-year period by a friend of the family. I didn't tell anyone for a few reasons, one being the threats and the fear, but also, this man convinced me that this was what girls did and this was what men wanted. Never mind the fact that no one noticed the signs or the trauma that I was going through—bedwetting, nightmares, defiant behaviour. In my mind, if no one noticed, it was no big deal. I was raped again at the age of nine, and this time I did tell, but it fell on deaf ears.

When my parents divorced and I lost my daddy, I went on a mission to fill this daddy-hole in my heart by using the things I had been taught by my rapists to get the attention I longed for from men. I became sexually active at 12 and addicted to drugs and alcohol. All of the men I was involved with—and yes, I say "men" because they were twice my age—were physically and sexually abusive, something that had become my normal. I ended

up getting married at 17 to an abusive man who was in and out of jail. Then I was held captive for three years by a man who murdered my husband. I have been whipped, kicked, punched, burned with cigarettes, and the list goes on.

I ended up attending a support group for abused women, where I was recruited into prostitution. I will say that in my desperation, I thought that if I could make some fast cash, I could escape my abusive captor. I spent 15 years in the sex trade being spit on and punched—my jaw was dislocated—and anally raped, all by my customers.

Prostitutes are looked at by most as disposable. These men believe there is an ownership when monies are exchanged and that we are all there for their pleasure, no matter how degrading, sick or violent that is. A person does not enter into the sex trade because she truly wants to or because she loves sex. She enters this dark world because of lack of choice. Whether it be coercion, physical force, financial, no education or lack of self-worth, whatever the reason, I have found that all of the women who I have worked with in and out of this so-called business had some form of abuse before ever entering. When you are traumatized and do not get help, something shifts in your brain.

Women and girls, even boys, are being lured into the sex trade. There are people who recruit girls into this by grooming them through what we call the “boyfriend” scenario, where a man will pay attention to a girl, shower her with gifts, and then she becomes so emotionally attached that he can convince her to become a prostitute. The even scarier part of this is, it does not just happen to vulnerable girls; it can happen to anyone. These men lure girls from bus stops, shelters, parties, group homes, social media and schools. They are predators.

Media plays a huge role in the exploitation of women. There are video games that have exploitation and violence against women in them. Music videos are all about sex and women, having a harem of scandalously dressed women draped around one man. Television and commercials are full of sexual innuendos. That is what our children are growing up with. Most children have access to an electronic device. Did you know that the average age of a child viewing porn is 11? Our boys are seeing women being degraded and sexually abused, and by the time they become sexually active, they believe this is what women like, and our girls believe this is what they are supposed to do.

The women I am working with now, who have either been human-trafficked or have left prostitution, are so damaged. All of the women I mentor suffer from post-traumatic stress disorder or, like myself, complex post-traumatic stress disorder. You have to understand, when you are stuck in a world of sexual violence and abuse, you lose skills, if you had any before entering. Now your whole world is based on manipulation, lies and sex. Sooner or later, the facade you put on to be able to prostitute spills over into your personal life and you cannot separate the two anymore. You become addicted

to drugs in order to numb the realities of this job and hide your own shame.

When a woman gets out, she is like a child. She has to be taught how to live in a normal society and this is very hard. You have to teach these girls life skills, social skills, how to dress, lose the slang, build back self-confidence, teach them how to be a parent and job skills. It’s insane, the damage that is done.

When I got out after 15 years, I thought that I would just jump right into a different work role and life itself. Was I ever wrong. Not only did I need to learn and relearn these skills, but I was filled with anger, hatred and I had serious trust and addiction issues. This healing does not happen overnight, it happens over a lifetime.

In saying all of this, this is where you come into play. We need long-term housing for these women. There is nowhere for them to go while they heal except shelters. Let me tell you that that is the worst place you can put a woman who has been exploited. First of all, the staff does not have a clue as to what these girls are going through or need. There are a lot of working girls in these places trying to recruit fresh meat, lots of drugs, and pimps are hanging around outside just waiting for these vulnerable people.

I can say this because, unfortunately, I have had to put all of the girls I helped in shelters. They call me crying because they are being triggered or the staff discriminates against these victims. Women are high, there is sexual abuse in some of these shelters and the list goes on.

Also, the welfare system is horrible. All of the women I am helping have had to go on assistance, which does not even allow you to pay for shelter. For a single person you receive \$667 a month. Where can you find a decent place and feed yourself? Let’s not sugar-coat this: How do I say to a woman who is used to making a lot of money, “If you leave, I can help you”? What do we have to offer her? Nothing. Statistically, over 90% of women who are in the sex trade want out, but they don’t know—and frankly, I don’t know how to keep them out either when there is not enough support.

We need to stop this madness before it starts. Education is key. We need to be allowed to go into the schools—not just high schools, but elementary schools—and teach the students the red flags. We need to educate the public, the mothers and the fathers, about the warning signs—and the police, other social service agencies and NGOs. We need to train staff in shelters and hospitals—everywhere and anywhere that these victims may come into contact with someone. We need to educate on the harms of media and social media. This world is all about sex and everyone is buying.

We have to stop the brainwashing that is happening in our society, that women are less and that men hold this power and control. What if this were your daughter? Well, I’m somebody’s daughter. It takes a whole system to raise a child, and we need to be that. We can stop the violence before it starts. We need to teach self-worth and to teach children that they can speak up if they are being abused and that these predators are just liars.

If we do not work together, we are going to have an up-and-coming generation of trauma. Instead of people looking at children as, “Oh, they are bad or smoking pot or drop-outs,” look at the underlying issues that have made them start to behave like this in the first place. I can guarantee there’s trauma there.

Victims should be allowed to receive immediate, basic assistance and support based on their individual needs that directly pertains to their sexual exploitation or abuse. The province of Ontario should implement support and assistance on medical care, legal services, support to deal with the psychological effects of the experience, and immediate care such as food, clothing and safe housing.

All assistance and support should be provided in a manner that does not increase the trauma suffered by the victim. Victims of sexual exploitation and abuse cause further damage or exclude or discriminate against other victims of sexual exploitation and abuse.

Assistance and support should be provided through existing services, programs and their networks. However, where necessary, the province of Ontario should consider supporting the development of new services while not developing or duplicating existing services. Thank you.

The Chair (Ms. Daiene Vernile): Thank you very much, Ms. MacLeod. Our first questions for you are from our Liberal caucus, from MPP McGarry.

Mrs. Kathryn McGarry: Thank you so very much. It really does help encompass some of the areas that we needed to know more about.

A quick question, then: In your estimation, what’s sort of the best practice in preventing sexual violence among women and men, I guess, in the sex trade?

Ms. Katarina MacLeod: I don’t think you really can prevent sexual violence in the sex trade. I’ve heard a lot of women complain, when Bill C-36 came into effect, that they needed time to be with their customers to make sure that they weren’t violent, to kind of screen them. It doesn’t matter. People are crazy, whether they’re crazy or not. I personally have had customers who I had seen for three years, four years, who were regular clients, and one day they just snapped and beat me up. So there’s no way to keep any woman in this industry safe.

1510

Mrs. Kathryn McGarry: Just to sort of end up with not having the industry.

The other thing that I was interested in in what you had to say is support for the victim. You’re looking at the support for somebody who’s been exploited in the sex trade for a long time as being just a little bit different from others who experience sexual violence or harassment?

Ms. Katarina MacLeod: Definitely. It’s totally different. Abuse is abuse, regardless of where it happens, how it happens, but when there’s sexual exploitation, there’s something that changes inside of you. There’s a shift in the way that you feel, in the way that you think, how you think men are. Your body is being used and degraded over and over again. You’re being raped every day for a service that is provided to men. So the long-

term damage that is happening to these women is very crucial, and I, being one of them, am still suffering and will probably suffer the rest of my life.

Mrs. Kathryn McGarry: What is a quick and immediate need?

Ms. Katarina MacLeod: Shelter.

The Chair (Ms. Daiene Vernile): Thank you very much. Our next questions for you are from our PC caucus. MPP Scott.

Ms. Laurie Scott: Thank you very much for the work you do. Thank you for sharing your story with us. I’ve actually been working on the human trafficking angle, which you spoke to later on in your presentation. It was brought through loud and clear in the meetings that I’ve been having that the shelter systems that exist now do not fit, and so that’s something that has to be addressed.

I’m actually going to debate a motion this Thursday—you’re more than welcome to come to the Legislature—about bringing in a provincial strategy to deal with human trafficking. We’ve heard, obviously, in the news the prominent stories that have come forward—and working with police services and victim services. It’s more complicated than what I’ve just stated, but I thank you for your work within that.

There are some good shelters, I know, in British Columbia. I know that we’re working on some in Ontario, and I know that the non-profits, the church groups, are involved. I’ve heard the very narrow window of time that you can reach these girls. It has to be done immediately.

I just wondered, from whichever angle you want to approach it, what is the best thing that you’ve seen that’s been out there with a type of enforcement or getting to these girls and giving them the option? You’ve said that 90% want out; 97%, I just want to tell you, are Canadian-born in human trafficking right now, which is a statistic that not many people know about.

Can you add anything to that? I know that you work with them—but just that short window of time that we have to reach these girls before their trafficker comes after them, because it’s minutes.

Ms. Katarina MacLeod: It is. It’s very crucial. Again, offering a girl a way out—there has to be a plan. There has to be something there for them. Where are we going to put them? This is the biggest struggle I have. If we don’t have a plan of action where these women can stay for the long term—it’s not short term; it’s long term. They need time to heal. They need support systems. Unless we have that, I don’t even offer them an out. It’s pointless. It’s better off for them to stay where they’re at than for me to bring them out and give them false hope, to where they’re going to have to go back in.

The Chair (Ms. Daiene Vernile): Our final question for you is from our NDP caucus.

Mr. Taras Natyshak: Thanks very much for your presentation. I just want to give you an opportunity to have some final thoughts. I know we always miss some things we want to say, so you can have the final three minutes, I guess.

Ms. Katarina MacLeod: There are a lot of women who are trapped in sexual exploitation, whether it be human trafficking or a choice that they've made. Seeing these girls who really are trying to get out and the girls that I do end up getting out and have had to put in shelters, every day it's a struggle for me to convince them not to go back in. The money is the biggest issue. There's no housing. They feel alone. There's no support. Their families are unsupportive. Girls are getting their kids taken away from them. There's all kinds of situations happening around these women. It's very heart-breaking, because I know that if we had something in place for these women, they could make it. I know that 110%. I know that with all my heart.

My hope is to have a transitional home long term for these women, but that's going to take years. Until we can get something—if the province can give us something, I'll go in, I'll run it. I'll do it, because I know exactly what it's going to take for these women to come out, how their mind works and the trauma and how to deal with that.

If we were just given a chance to have something and everybody would take this as a serious issue—these people are not there because they want to be there. They're there because of lack of choice, and because of it they are traumatized.

I've only been out six years and I'm actually starting sex trauma therapy in two weeks, but it's taken me years even to get to this point, to be able to sit in front of people and feel like I'm kind of normal and talk. I'm now married, but these women don't have that hope. What I'm trying to give them is that hope, but it's discouraging when I say, "Okay, you can have all this, there is hope, but I have nothing to offer you in the meantime."

The Chair (Ms. Daiene Vernile): Ms. MacLeod, we want to thank you very much for coming and speaking to our committee today. It's greatly appreciated.

Ms. Katarina MacLeod: Thank you.

The Chair (Ms. Daiene Vernile): We invite you to sit in our audience now, if you wish to.

Committee members, we are having some difficulty reaching our next presenter by teleconference, so we're going to move ahead to our next presenter.

BARBRA SCHLIFER COMMEMORATIVE CLINIC

The Chair (Ms. Daiene Vernile): I would ask that Amanda Dale come forward. Please take a seat. Make yourself comfortable. You've done this before, so you know what you're in for. Ms. Dale, you're going to have 15 minutes to speak to our committee, and that will be followed by questions. Begin anytime.

Ms. Amanda Dale: Sure. Thank you. Hello again, everyone. I'd be interested to hear also from you any points of clarification that it would be helpful for me to speak with you about, since you've obviously got a rich experience now which, in our first conversation, wasn't part of the mix.

I have spoken to this committee before about the pressing issues of access for multiply marginalized women. You know that that's the work that I'm familiar with and the work that our clinic does every day. You know that we see about 4,500 women a year who fit that profile, women for whom the criminal justice system is inaccessible and who have language barriers and all kinds of other barriers to accessing service. That's one of the reasons we're there.

I don't in any way want to detract from the direct experience of the survivors who have come before this committee by speaking about the institutions, but that's something that I want to do at this point: speak about the institutions that respond to the need.

In thinking about speaking to a multi-party committee on this issue, I want to make it clear that under every government that I have worked under in the sector for 30 years in Ontario, we have had challenges with respect to the stabilization of these services.

It is not a partisan issue. It is an issue of public service that I think all parties can have a role in speaking to when this committee reports back, and that is that if we are to address what is a pressing need in the province, we know for a fact that the incidents of last fall, which gave rise to this committee—we know how widespread they are and how unspoken they have been. Unless we address the shortfalls in the sector that is actually there to receive those women when they identify their issues, we are going to be in a bottleneck situation where we've raised awareness and we haven't raised access to the supports and services that are required to respond to either this public health issue or global pandemic or any of the names that can be given it, which are statistically grounded in the fact of how frequent an occurrence this is in Canada and around the world.

When I was last here, I spoke with you about Toronto in particular being a receiving centre for all forms of violence that occur against women around the world, and that part of our duty as a receiver of people who are building our country is to respond to the forms of violence that they have experienced globally; and that there's also, of course, the privatized forms of violence that are very common here behind closed doors in domestic violence and sexual abuse situations.

All these forms of violence do come forward to the service sector that delivers on the government goals to respond. Over the last 15 years, we've had very good relationships with government in terms of policy-setting, in terms of these kinds of conversations identifying gaps, having a common agenda to deal with this issue, but we have not seen a corresponding investment in the sector that makes up for the attrition of 15 years of rising costs. So although an agency like my own, as an example, and we're certainly not the only ones in this position, is funded—and has been through the last 30 years, so several different governments, through four or five different ministries—to deliver different aspects of the violence-against-women agenda of the province, we are continuously in a mode of trying to ensure annually that we can actually keep the lights on.

1520

So as a crucial service that serves up to 5,000 women a year and that is often a spokesperson at public policy tables, the dichotomy that I see is between the high regard in which we are held for the services we deliver and for the expertise that we offer on the one hand, and the attitude of the funding formula, which communicates that we are seen as well-meaning volunteers. So we are on the one hand experts, and on the other hand paid as volunteers. I want to be really clear that I see this as an aspect of the stability or instability of the response we have to the folks that have come out and been brave enough to speak to you across the province about their experiences.

When I have a wait-list—my numbers, for instance, have gone up from 2010 until now. The requests for service have gone up by about 70%. I think we saw 3,200 women a year when I started at the clinic in 2010, so five years later this month, in fact, and we've seen over 5,000 women in the last year, with no increase in actual infrastructure.

The reason I'm bringing this to your attention—this is not in self-interest. If you looked at my salary, you would know this is not self-interest. This is about the stability of the sector that is being asked to respond to an ever-growing awareness. As we have an ever-growing awareness, we see a deeper complexity of the issues that women are bringing forward. These are not met by the goals of cheaper, faster, better, which is the kind of public policy framework that we have seen develop in the last 10 or 15 years: Do more with less. Nobody can do more with less like our sector. The amount of chewing gum and spit that sort of joins together the parts really is a lesson for the corporate sector in how to be resourceful, although our business model would not make a profit for anyone.

The profits, of course, are social. I think we're being torn in two very separate policy directions. One is that not-for-profits are being encouraged to be more like business, with business being assumed to be a model of efficiency. So on the one hand, as the ratio between government investment in the work that we do is on the decline relative to cost—even if you put it against inflation, even if you stabilize and do not cut the amounts of money we're getting, and you put that against rising costs, you're seeing an erosion of service. So in the context of an erosion of service and asking for greater efficiency, you are inviting the danger of gapping between a thorough job of assessing danger and assessing response from the perspective of danger, and a throughput system where you're counting numbers and just trying to respond to the volume at the front end.

I want to be really clear that what we're talking about is a conversation with government about how to set priorities that can last across changes in government, that will look at this issue, which I think all parties agree is a public policy issue, and look at a stabilization of how this funding works. You can't have one ministry pulling in one direction and another ministry pulling in another

direction on a single issue and have one ministry perhaps destabilizing the programs of another ministry, because there is no across-government purpose in how we're developing this sector.

I don't think there's any argument that that's not an efficient way to fund your public policy outputs, but I think there needs to be political will behind it, to be able to erase some of those disarticulations between the different ministries that actually share the responsibility for responding to the issue of violence against women.

In the context, as I said, of every single party that is represented here having been a government at some point during the time that I've had these experiences, I think we can agree that this is not about an individual mandate. It's about a structural issue, supporting a sector that is responding to a public policy problem.

If we look at the ratio of money that goes into formalized health care, for instance, as opposed to community-based care, we see an inverse ratio of where prevention could happen, where crisis has already occurred and we're intervening a little too far upstream, with a lot of money, after problems have developed.

That's my kind of snapshot agency perspective on some of the issues that you will be hearing, as front-line personal issues that need a response structurally to be able to actually change the nature of victims' experiences in the future.

The Chair (Ms. Daiene Vernile): Thank you very much, Ms. Dale. Our first questions for you are from our PC caucus: MPP Jones.

Ms. Sylvia Jones: Thanks for returning. I'm quite interested in the shift that you've seen in your own agency, because, from a personal standpoint, I've seen it with my own agencies operating in Dufferin-Caledon. They talk to me about the more complex issues that women are coming in with. So 15 years ago, they didn't need someone on staff who necessarily had mental health or addictions specialities. Now they're needing that, just because of who they're attempting to help. I'm interested in whether you have found the same thing.

I'm also interested in—because we all understand that there has been a freeze, and there have been pressures through pay equity, through expanded service; we can all list them. Have you had to shift, from a management standpoint, how much fundraising or outside-of-government funding you were looking for, as your funding from government has stayed consistent?

Ms. Amanda Dale: Those are very insightful questions. The answer to your first question is yes. We have noticed an increase in complexity in all areas of service. We have always offered mental health services of some sort, so it's not new to deal with the issues that come up in the context of trauma or lifetime trauma, and they are inherently complex. However, the nature of the desperation of the complexity has shifted qualitatively.

The research on this is very thin, so what I'm going to tell you now is my observation, verified by no one except my colleagues who I share my observations with: There has been some erosion also in the standard of living of

the women who are coming to us, either through downward turns in their area of the economy or because of erosion of social assistance rates, or any combination of the above. They have lived in deeper poverty for longer, and so the issues that they're coming forward with are more complex and more entrenched. Their responses to try and survive those circumstances are often more embedded in areas that you're indicating. Mental health and addictions issues are more at the fore of what they're identifying.

In the case of our legal services, again, our legal services have always dealt with the complex intersections between different areas of law when violence against women is present. Most lawyers, as you know, practise in an area of law and know its bounds very well, but when an issue is identified in violence against women, it generally involves multiple areas of law, where, if you don't understand the issue of violence against women, you might give advice that was pertinent to somebody in one area of law that might actually harm them in their claims in another area of law. So the intersection between family and immigration is an excellent example of that.

1530

We are seeing increased complexity in the cases above and beyond the legal complexity that I've identified. There are additionally more issues around outstanding orders or, again, entrenched legal problems that have gone on unaddressed for a very long time, so that by the time we're seeing women, the urgency is absolutely paramount. This changes the nature of the service, if you follow this sequence through, so that you are now using more time for an individual whose issues are more complex than for somebody who has a routine issue.

The Chair (Ms. Daiene Vernile): Thank you. Our next question for you is from our NDP caucus.

Mr. Taras Natyshak: Thanks, Ms. Dale. It's great to see you again. Thanks for coming back. To summarize your deputation, I would say that you are asking us to find more resources to devote to sexual assault and sexual harassment. Some would say that you can't simply throw money at a problem and expect to fix it; I would say this is exactly the type of problem that you could throw money at and expect to fix it. My question to you is very simple: Where do we find that money? Where would you suggest we find that money? Thank you.

Ms. Amanda Dale: I think I am saying that, but I'm saying more than that as well. I'm trying to look at how, even if we don't invest more, we can stabilize the nature of the funding. The amount of time spent administratively in defending, applying, reapplying, dealing with the instability of year-to-year funding in a place that's been offering service for 30 years, seems to me an absurd use of my time. That's one thing.

I have some ideas about sources of money which I'm not necessarily super keen on putting at this table, but I think at a table that we were invited to to have a policy discussion—I think there are some hidden pockets of public funds that are going into parts of the system that could be better used. I don't necessarily think that that

granular level of discussion is helpful here, but they do exist and I think solutions are there. But I do think the nature of the structure of the funding is inherently problematic, and a great deal could be done—revenue-neutral—just to stabilize the existing funding so that it isn't a scramble to justify your existence every year.

Mr. Taras Natyshak: Thank you.

The Chair (Ms. Daiene Vernile): Thank you very much. The final questions for you are from our Liberal caucus: MPP Malhi.

Ms. Harinder Malhi: Thank you again for being here. I want to get a little bit further away from funding and I want to talk to you about, outside of funding, what else do you think we could do to make it easier for survivors?

Ms. Amanda Dale: In relation to?

Ms. Harinder Malhi: To reporting—to everything; the whole experience. How can we support our survivors outside of—not just the financial aspect of it but everything else? What services could we provide?

Ms. Amanda Dale: My response is going to be two-part. One is that if we aren't looking—and I know treasury has a kibosh on any expansion of public spending, so in that context, I would be wary of spreading existing public resources even thinner. I would want to look at where we already have some stability and some good results, and try to expand those interventions.

One of my observations, which I think I shared with this committee some while back, is that we've had a very good result by having an accompaniment process through the Family Court system for victims of domestic violence.

The risk factors, as we know, in the aftermath of domestic violence when a family matter is involved and before the courts really prompted us to lobby for some sort of supportive network of professionals that would be able to guide a woman through the Family Court process, where she's at highest risk, and ensure that she had the proper supports that already exist. So no new additional supports, but the support itself of someone who knows those supports and can connect her to them.

Something similar for the criminal justice system makes sense to me. I know we have some existing institutional partners who are adjunct to the police, who are funded through MAG, but I'm talking about community-based resources where women who are not accessing the traditional services and women who are repelled by the adversarial nature of the criminal justice system in their claims would have some appropriate and realistic support for what they can expect from that system and how to navigate it.

Ultimately, I would love to see women have some independent legal representation. There are reasons why that's not going to necessarily fly, but I think some kind of additional support that's community based, that mirrors the successes we've had with family court and, I would say, also with immigration processes through the shelters and through the community-based women's services.

The Chair (Ms. Daiene Vernile): Ms. Dale, thank you very much for coming and speaking again to our committee. We really appreciate it.

Ms. Amanda Dale: Thank you.

The Chair (Ms. Daiene Vernile): If you're interested, you may join our audience as we are continuing with our witnesses now.

Committee members, just so you know, we have had difficulty reaching Sherry Anderson, who we were trying to contact by telephone, so we're going to reschedule her for another day. We're going to continue now with our witnesses.

PROVINCIAL COUNCIL OF WOMEN OF ONTARIO

The Chair (Ms. Daiene Vernile): I would call for the representatives from the Provincial Council of Women of Ontario.

Please make yourself comfortable. You're going to have 15 minutes to speak to our committee and that will be followed by questions for you. Begin by stating your names, and start any time.

Ms. Mary Potter: My name is Mary Potter and I'm president of the Provincial Council of Women of Ontario.

Ms. Thelma McGillivray: I'm Thelma McGillivray, vice-president of status of women with the Provincial Council of Women of Ontario.

Ms. Mary Potter: The Provincial Council of Women of Ontario was founded in 1923 as an affiliate of the National Council of Women of Canada, which was founded in 1893, and the International Council of Women, which was established in 1888.

The Provincial Council of Women is an umbrella group for local councils, and they're established in London, Ottawa, St. Catharines, Toronto, and there's a study group in Oakville. It's also an umbrella group for provincially organized societies—we have eight of them. Some examples are Business and Professional Women's Clubs of Ontario, Elementary Teachers' Federation of Ontario, the Ontario Dental Hygienists' Association and the Ontario Home Economics Association.

PCWO presents its brief annually to the government of Ontario, bringing to the government's attention matters of concerns that have been studied by many Ontarians. We always look forward to a dialogue with the appropriate ministers or their representatives and to the responses of other political parties on the content of our resolutions and our ongoing issues, which are presented in our brief.

PCWO is a non-partisan, self-funded group of unpaid volunteers who have a wide variety of skills, knowledge, expertise and experience. We thank the select committee and their staff for the opportunity to speak with you today on a matter that has been a concern for a long time with the provincial council, specifically regarding the prevention of violence against women, men and children. We especially appreciate your openness to hear from groups, such as ours, as volunteers.

The following list is offered as an example of our resolutions pertaining to this issue that we have studied to make recommendations to the government of Ontario: in 1984, sexual education; 1998, sexual harassment in the workplace; 2000, education of parents; 2006, prevention of violence against aboriginal women on and off the reserve; 2007, rental housing rights for victims of domestic violence, sexual assault and stalking; and also in 2007, psychological harassment in the workplace.

1540

This past year, we sent letters to the government covering an assortment of public concerns. Among these were our concerns about sexual harassment in the workplace and psychological harassment in the workplace. In order to raise awareness, we asked the Premier to prominently post her government's policy on sexual harassment and sexual assault in every department within government.

Media coverage of sexual harassment and sexual assault on university campuses stated the shocking revelation that only nine out of 78 national universities, and none of the 24 public colleges, had policies or procedures on the sexual harassment and sexual assault of students and staff. More alarming was the lack of resources to help those who alleged that they had been assaulted, forcing these students to leave their studies. Indeed, there did not appear to be any prevention strategies in place.

In response, some of our members wrote individual letters to their alma maters to register their concern with regard to this criminal behaviour and to inquire if they had policies, procedures and prevention strategies in place and, if not, urging that these must be their priorities in the near future.

PCWO has also endorsed the Up for Debate campaign of a blueprint for a national action plan on violence against women and girls.

We commend the Premier and the minister responsible for women's issues in their commitment towards working to end such violence against women, and for the formation of this select committee and offering the PCWO the opportunity to present our views toward eliminating such violence for the purpose of developing recommendations.

However, this is also an opportunity to express our disappointment that for the last 17 years, and we are here today addressing exactly the same concern—17 years, which equals one generation of youth, for this unwelcome behaviour, sexual violence and harassment, to continue.

Based on overwhelming fact-finding evidence from numerous organizations in addition to ours, this scourge has become even more repellent and more overt. In fact, this behaviour is endemic, not only in our workplaces, but in our many public institutions, including our schools, our House of Commons, our military forces, our police forces, our long-term-care homes, our foster homes, our sport organizations and on the Internet.

Indeed, it is also in our own homes by those we trust, and by online predators who no longer hide in the bushes. Instead, they trick and prey upon our children, who are unlikely to tell their parents. These are all places that women, men and children deserve to live and/or work safely, free from hostile and violent behaviour.

Ms. Thelma McGillivray: I also thank you. Good afternoon.

I want to share with you some of my own personal and professional experiences. I became a member of PCWO through my work with the Hamilton and District Council of Women in 1988, 27 years ago. I volunteered for different positions because this organization addresses issues that were, and are, relevant to my life experience both personal and professional.

On a personal level, I am a survivor of violence—I didn't expect that, sorry. Excuse me.

I have worked since the age of 14 in a variety of employment. I experienced unwanted sexual touching and harassment from my employers and colleagues, which was a common occurrence among my peers. I, like them, didn't confront them. I quit my job and found another only for the same thing to happen again.

Years later, while earning three university degrees—a BA in sociology, a bachelor's in social work and my master's in social work—as a mature student, younger women, students, came to me for advice because our professor was coming on to them. Yesterday being Mother's Day, I heard from my three daughters, who are all university graduates, and I asked them the same question. They all admitted, "Yes, that happened," but they kept quiet about it. Not to them personally, but they knew about that happening.

During my employ in a variety of social service agencies working with families, I came to understand the many connections between my own early environment and theirs with its entrenched sexist and ageist attitudes that endorse a "spare the rod and spoil the child" philosophy and the socially accepted total power and control of the head of the family, impressed upon children through legal violent spanking behaviour. It was also understood that you must have deserved it.

I worked with many individuals and families that experienced different forms of dysfunctional behaviours that made their lives miserable. Today, I want to share some examples in the area of my profession that are relevant to this select committee. My work in the 1980s and onward until my retirement in 2005 and my ongoing volunteer work during that time and now have been connected to government policy, in particular how it impacts on women and children. As a case worker and subsequently a front-line department head in child abuse for a children's aid society, I and my staff assessed and intervened into many family situations. We need to remind ourselves that in the 1980s, child sexual abuse was not categorized but lumped in with neglect.

A classic example of going beyond one's role was a case that called for extraordinary intervention. I received a phone call from the sister-in-law of a woman who

confided that she suffered from violent sexual abuse. The victim was also the mother of two young children, so I was concerned, but I convinced the woman that unless the mother phoned me to complain, I could not help. Thankfully, she did phone me, and her sister-in-law brought her and her two children into the agency early one morning. The woman did not speak English, so I called on a staff person who was able to translate her story. In private, with her children out of the room, she exposed her breasts, which were bruised and bitten to the point of infection. She was terrified of her husband, even to make a phone call because when he came home, he would demand to know who she was talking to, and he would beat her. She said he raped her every night, and she wanted to kill herself. I called the agency's doctor, who looked after her immediately and who also consulted with a psychiatrist, who called the police. The father was picked up when he returned from work and was institutionalized for a 30-day mental health assessment. The mother and children were safely returned to their apartment where she was connected to the local sexual assault centre for ongoing support. We did all of this in one day.

Without this type of intervention, two children would have been apprehended unnecessarily for their protection. The mother learned that the health and legal system was there to help her and provide for her needs. A horrible situation was stopped.

Since that time, I've advocated that it is appropriate for the aggressor to be removed from the home, not the mother and the children. I share this experience with the committee to demonstrate that there is great intervention work done, when called for, which goes on daily by social workers and other professionals who are not curtailed by their mandate. But we need the laws to back it up.

Violence was an event that happened in my work often. For instance, during my work as a mediator in Family Court assisting divorced parents with their parenting agreement, one of my woman clients was stalked and shot by her ex-spouse after she left the building. The mothers of children who have alleged they were abused by their father or stepfather were often forced by court order to take them to spend time with that other parent; if she did not, she ran the risk of losing custody of and/or access to her children.

In my private practice as a family therapist, I dealt with clients under employee assistance programs, and I also did a lot of pro bono work. One woman confessed she was in a relationship of rough sex that led to being choked, which frightened her very much. The woman knew it was wrong, but she refused to report the aggressor because she blamed herself.

This was not pleasant work, but it was work that I was trained to do. I hope I made a positive difference in their lives, if it was only to help them to remove themselves from harm.

Mary?

Ms. Mary Potter: In closing, PCWO, through our recommendations, has communicated with the govern-

ment to address certain issues that may require a new or updated policy. Today, we have attempted to make connections between the current sexual violence and harassment, and the past neglect of governments to endorse, legislate and enforce what has been required for many years to prevent such crimes.

1550

At the same time, we firmly commend this government for its action plan to address this unwanted, hostile behaviour, recognizing that it will not change overnight. We also strongly commend the government for the introduction of a new and up-to-date sex education curriculum in Ontario schools to start in September of this year. We are hopeful and think that this is an essential program that will bring about important social change.

Studies have shown that the earlier a child is taught to respect themselves and others and learns to have a healthy relationship with the opposite sex, the more positive their attitude will be towards one another as they grow older. Having workshops for parents to work with the schools would be helpful to back up what is being taught in the schools.

We still have to deal with the current situation of sexual assault and harassment, and from our policies we recommend the following:

(1) Reduce sexual harassment in the workplace by posting sexual harassment policies in a prominent place.

(2) Designate sexual harassment as a workplace hazard under the Ontario health and safety act.

(3) Allow a victim of sexual assault or stalking to end a lease or rental agreement with 14 days' notice, do not require the agreement of another person who co-signed the lease in order to terminate the lease—because the other person who may have shared the lease is the person who is doing the assaulting—and allow the locks to be changed without the permission of the landlord so that they can be changed quickly.

(4) Ensure that the police are trained to react appropriately to domestic sexual assaults.

PCWO is hopeful that once this younger generation of children become the adults of the future, they will be the changing force for more equitable, respectful and dignified attitudes between genders and cultures. We also hope that the sexual harassment and sexual assault of women, men and children will be part of our regrettable history.

Thank you once again for the opportunity to address these urgent issues.

The Chair (Ms. Daiene Vernile): Thank you very much for presenting your information to this committee. Our first questions for you are from our NDP caucus.

Ms. Teresa J. Armstrong: First, I'd like to thank you both, Mary and Thelma, for coming on behalf of the PCWO to present. Thank you, Thelma, for sharing your story. I think we all need the reminder of the lifelong effects that sexual harassment can have on people; it certainly is very traumatic. I'm sorry that you had to go through that in your lifetime.

You guys originally highlighted, in the first aspect of your presentation, about post-secondary education and

how it was surprising that a very small amount of institutions actually have a policy in place for sexual harassment. So could I ask you: What would be some of the recommendations or steps that you could suggest that would help the post-secondary education sector maybe move forward in that direction?

Ms. Mary Potter: Do you want to address that?

Ms. Teresa J. Armstrong: Because that seems to be a neglected area that has been highlighted recently.

Ms. Thelma McGillivray: I'm not sure I understand your question. What more could be—

Ms. Teresa J. Armstrong: Yes, what are some ideas you might have to help the post-secondary education system or institutions start thinking about implementing those policies—like, I think nine out of 28, you mentioned, have some policies. How can we get the others on board or get that started?

Ms. Thelma McGillivray: Well, I'm glad you asked that question because it's quite alarming to think that our funded universities and colleges have not been required previously to have that covered. It was very shocking to discover that. I'm happy that the media covered that and made us aware. I think it's important for everyone just to individually have their voices heard on that, especially those of us who have children and grandchildren in university.

But other than bringing it to the attention of those authorities, in particular the government that does the funding of those schools, I'm not too sure what else we can do about it. We can talk to each other. I think it's important to tell stories. It's not easy to tell your story, but that's important.

The Chair (Ms. Daiene Vernile): Thank you very much. Our next question for you is from our Liberal caucus, from MPP McMahon.

Ms. Eleanor McMahon: Hi, Thelma, nice to see you; nice to meet you. Thank you for coming. This is extremely powerful. The historical aspect of the conversation that we're having now is particularly important to remember—I say that for those of us sitting around the table who have grey hair—yet we continue to have these issues.

I'm going to ask you a little bit more, building on my colleague's question, about the university sector, with which you're both familiar. I know, Thelma, you work with the Canadian Federation of University Women, too.

Ms. Thelma McGillivray: Well, I'm a member, yes.

Ms. Eleanor McMahon: Yes. If we're still having issues—and we're hearing this from some of our hearings across the province—are there perhaps any further suggestions from you around university campuses? The issue of consent seems to still be one of complicated conversation. We're hearing that. Are there any insights you might have on that conversation about consent and why it's still a pervasive issue, and “he said, she said,” and it's a barrier to report and so on?

Ms. Thelma McGillivray: Well, I think it sounds a little trite to say that I don't think anyone consents to be sexually assaulted and raped. I think that, given the age

groups on university campuses, they're young and vulnerable. It's very difficult to get into university. I know it was very difficult for me, given my background. I had a 0.4% chance of getting into university. But I had come through an earlier divorce. I paid my whole way through there. It's very difficult now for these people. It's just such a challenge, really, to be able to stay in a class and at the same time report. I have students come to me, as I said, saying the same thing. There isn't very much that they can do about it if they want to continue there.

Those support systems have to be there and be evident to everyone on campus; also, that they're not going to become a target because they report. We can well understand that it's easier to walk away.

So if there was that kind of an enforcement—I think, too, it has to be very publicly signed everywhere. I know they get funding in certain areas, but some universities have chosen to improve lighting or cut down bushes. I think some of that money has to go into support services.

The Chair (Ms. Daiene Vernile): Thank you very much. Our final questions for you are from our PC caucus. MPP Scott.

Ms. Laurie Scott: Thank you very much for coming forward today and your years of dedication. It was 1984 that the provincial council started and the—

Ms. Thelma McGillivray: It was 1923. We're only 92.

Ms. Laurie Scott: All right. Well, I guess you've just been making recommendations since 1984, so I thank you for that.

Ms. Thelma McGillivray: My personal belonging to PCWO is since 1988.

Ms. Laurie Scott: Okay.

Ms. Thelma McGillivray: I don't know about Mary.

Ms. Laurie Scott: You can tell us, Mary.

Ms. Mary Potter: It's been probably 35 years, whatever date that is.

Ms. Thelma McGillivray: We watch you on TV all the time, I want you to know. I'm a question period addict.

Ms. Sylvia Jones: My apologies.

Ms. Thelma McGillivray: We come to you every—

Ms. Mary Potter: Every November.

Ms. Thelma McGillivray:—every November with our semi-annual meetings, so you'll see us again.

Ms. Laurie Scott: Okay, that's wonderful. I appreciate that.

I'll take just a little bit of a tack that may include some of what was discussed before. I had mentioned earlier in the day about human trafficking and bringing in a resolution. I know that we were talking about universities and colleges in some of the meetings that I've had too. It's interesting: Some of the ladies that are human-trafficked are from universities.

Anyway, I just wondered if you had anything to add about the human trafficking component in anything that you've come across before.

Ms. Thelma McGillivray: Mary, do you have a comment? Well, I'll start. I watched the federal com-

mittee on C-36 and I paid a lot of attention to that. But it did occur to me that we do have a lot of criminal code already on the books to look after a lot of that.

The human trafficking: We're aware even in our own community that it has happened. I don't know really how we can put up barriers other than to welcome people who are new to our country, because a lot of them are victims of that. What more could we do except to teach children to be very aware of their own bodies, that they have a right to speak out, that they have a right to talk to people?
1600

When I was with children's aid, this was one of the things that we were working on all the time: to help these children learn that no one was allowed to touch their bodies. But in those days, it was mainly the children's aid services that did that. I think the more awareness, the more education there is on it, the more it helps, and we have to help those young people who are trapped in that and make sure—we heard a young woman earlier saying how difficult it was to get out of the sex trade, and that's the beginning of it. Although this is provincial, I don't think the \$20 million that was offered at the federal level is even going to touch that problem.

I hope that answers something.

The Chair (Ms. Daiene Vernile): Ms. McGillivray and Ms. Potter, thank you both very much for coming here today and informing this committee. Keep tuning in to question period. It is the original reality show, as you know. Thanks, ladies.

Ms. Thelma McGillivray: Yes. It is to listen to the policy; I'm not too interested in the back-and-forth.

The Chair (Ms. Daiene Vernile): We invite you to join our audience if you wish to and to continue listening to our presenters this afternoon.

SEIU HEALTHCARE

The Chair (Ms. Daiene Vernile): I will now call on the SEIU Healthcare Canada representative to come forward. Please have a seat. Make yourself comfortable.

You will have 15 minutes to address our committee, and that will be followed by questions from our committee members. Start by stating your names and begin anytime.

Ms. Brenda Snider: I'm Brenda Snider. I'm the provincial workplace safety representative from SEIU Healthcare.

Ms. Natasha Luckhardt: I'm Natasha Luckhardt, research associate with SEIU Healthcare.

Ms. Brenda Snider: We are a labour union that represents over 55,000 front-line health care workers throughout Ontario, nearly 90% of whom are women. Madam Chair, Vice-Chair and members of the committee, thank you for accommodating us this afternoon to share with you the voices of front-line workers and the stories of sexual abuse, violence and harassment in the workplace that are all too often kept quiet.

On behalf of SEIU Healthcare, we would like to commend this government and all members of this committee for engaging in this constructive process of con-

sulting with women, men, students, aboriginal groups, not-for-profit organizations and workers.

All of us are affected by sexual violence and harassment. It happens in bars, on campuses, in our homes and in the workplace. Today, of those participating in this consultation, SEIU Healthcare would like to bring the voices of front-line health care workers to this conversation, since almost one in five incidents of violent abuse in Canada occurs in the workplace. Again, that's almost one in five incidents of violent abuse in Canada that occur in the workplace.

For me, for SEIU Healthcare, for our over 55,000 members, this is not merely a statistic. Statistics ignore the pain and suffering experienced by workers alone. With statistics alone, we are made to believe in some transactional event that starts with the abuser and ends with the abused, but by listening to workers, we know that sexual violence and harassment in the workplace have further implications on their families and the patients for whom they care so deeply and so professionally.

In the following stories, I have taken deliberate steps to protect all parties involved, will maintain their anonymity and privacy and will omit important details. I will not share the names of the worker, patient, employer or location of the incident.

The first story is that of a nurse. As she was walking a patient down the hospital corridor, she was violently shoved up against a wall, and in that moment the patient groped her and then wrapped his hands around her throat. She cried out for help but no one heard her, and so no one came to her aid. This is not an uncommon story of the male-female power struggle between patients and workers.

Another member, who already deals with domestic violence in her personal life, spends time caring for a patient who repeatedly tells her he's going to rape her and cut off her head. At home, away from the public, and at work, serving the public, she's in constant fear of abuse, sexual violence and harassment.

In both these stories, the employer said that since there was no medical treatment sought and no lost time, there was, by definition, no injury, yet these workers suffered an invisible emotional injury and, as is all too common, did not take further steps with the employer for fear they would lose their jobs.

As you know, front-line health care is delivered in a multitude of settings. Some are more public places, like hospitals, and others more isolated, like in a home.

A PSW who worked in a long-term-care facility was providing for a patient who was known to be an aggressive resident, and he punched her in the stomach. This member and her husband were looking forward to the birth of their child in a few months' time. With the punch into the stomach, she had a miscarriage. She suffered an emotional injury no one should ever have to experience.

Another is when a home care worker was in the course of performing her duties and a client sharply bit down on her hand. He tore her hand open like this. Many of her female co-workers have been bitten by the same client—

a client deserving and in need of professional care, but a client who, nonetheless, is known to dislike women and targets females only. Remember, this is a client who targets females in an industry that is overwhelmingly represented by women.

In my capacity as SEIU's provincial WSIB workplace safety representative, I sat at a member's kitchen table with a group of front-line workers from a group home who told me chilling accounts of violence. Since the workers are entering the clients' homes, knives are not locked up, and workers told stories of having everything from pitchforks to axes thrown at them. One of the women suffered a punch in the head for simply entering the home, and she was gripped by the mouth and jaw, and pulled down to the ground.

Committee, it should be noted for the record that it is just the second week of May, and all these events have happened since January, most of them towards women. Considering four out of five workers say they had unwanted experiences which they did not report to their employers, you can imagine who remained and continues to remain silent.

SEIU Healthcare is eager to work with all parties involved to ensure that measures are made to break the silence. While imperfect, Ontario's Occupational Health and Safety Act offers a legislative framework to help break the silence. Further amending section 23 of the OHS Act was an extremely important step in the right direction as far as outlining the forms of violence and the worker's responsibility to report and address incidents.

It's Never Okay, the Ontario government's newly released action plan on sexual violence and harassment, adds another much-needed development to the discussion, and it is commendable as far as opening up discussions about rape culture, gendered violence, indigenous issues and sexual assault.

Issues raised in the report, such as the pervasive culture of sexual violence in the workplace and on campuses—it's especially impressive, as there has been an overwhelming silence in these areas.

It is the position of SEIU Healthcare that recommendations are swiftly put into practice and that all of the commitments are followed up with, such as training and enforcement.

Before we provide further recommendations, it is important to situate the issues of violence in the workplace, both of a sexual and non-sexual nature, with the larger context of workplace dynamics.

Some of the key barriers to workers coming forward are the fear of repercussion, the lack of job security, language and culture hurdles, staff retention and turnover, gaps in scheduling, stigma and a larger culture of violence. For these reasons, workplace violence has become one of the largest occupational health and safety issues today. We've referred to both sexual and non-sexual at times, as the issues are not mutually exclusive.

1610

At SEIU Healthcare, we believe it is important not just to highlight changes, but to provide solutions. With that said, our recommendations for your report are:

- mandatory training and ongoing assessment of staff's knowledge of the training material;

- ensure services are provided in a culturally sensitive manner and in a variety of languages to reflect Ontario's ethnic diversity;

- acknowledge that violence can be perpetrated by anyone, including coworkers, strangers, supervisors and managers;

- acknowledge emotional injuries resulting from harassment of both a sexual and a non-sexual nature as compensable injuries;

- reinforce an employer's accountability to prevent workplace violence and follow the mandatory steps outlined in section 23 of the Occupational Health and Safety Act when a violent act occurs;

- ensure that, if enforcement teams are used, the protocol of the team will be limited to addressing breaches of the OHSA. They should not override the jurisdiction of the police or emergency services, as the incident may be of a criminal nature and therefore would require a criminal investigation;

- emphasize the need for victims of violence to file a formal report, and provide them supports to do so without fear of job loss; and

- ensure that those who suffer from mental illnesses are cared for by appropriate staff in appropriate settings and that facility changes occur when necessary.

Furthermore, there is a growing need to ensure that a culture of safety is ingrained in the infrastructure of our many health care settings. The most impressive recommendations have been put forward by the Public Services Health and Safety Association, a provincially funded initiative. We support the implementation of the following measures:

- flagging of patients who exhibit aggressive behaviour;

- equipping staff with personal response devices appropriate for their setting;

- providing enhanced security conducive for that setting;

- conducting client risk assessments; and

- conducting organizational risk assessments.

Not only are these measures designed to create a safe environment for the workers, but also for the patients, who have an equal right to a safe environment. Patients are there to be served and cared for by the health care system. Therefore, we do the people of Ontario a disservice by not ensuring front-line workers are adequately supported, and we do the front line an injustice by providing that "We've done enough." We wouldn't be here today if we'd done enough. Again, we commend this government and all members of this committee for acknowledging that more is needed.

Finally, we recommend the creation of a permanent round table, including labour, employers, government, police and others who have a contribution to make to discussions of workplace sexual violence and harassment. The creation of the section 21 committee by this government was a great initiative, and we hope a similar

dialogue can be created to ensure continued collaboration, solutions and actions.

In conclusion, we are not interested in pointing a finger at any one person, any one politician or any one government, past or present. The conditions as they exist today are the responsibility of us all, and we believe it will take all of us to make continued improvements to stop sexual violence and harassment in the workplace.

As I mentioned earlier, nearly 90% of our membership is women, yet many managers are men. And how many health care CEOs are men? Frankly, how many MPPs are men? For the first time in our province's history, we have a female Premier, and we are long overdue to make progress for health care workers, who are repeatedly faced with incidents of sexual violence and harassment and repeatedly encouraged to remain silent in the workplace because it's just easier.

As the work of this committee concludes, we ask that the work of consultation continue. Saying "It's never okay" necessarily requires a comprehensive strategy. We can work to stop sexual violence and harassment inside and outside of the workplace, but plans to stop it in one environment without plans to stop it in all environments will see this societal scourge continue to creep in the dark shadows that we ignore.

You can count on SEIU's over 55,000 front-line health care workers and their families to join you in a collective force in this effort. We thank you for this opportunity to speak today, and I'm happy to take questions.

The Chair (Ms. Daiene Vernile): Thank you very much. Our first set of questions for you is from our Liberal caucus. MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation. As a long-time nurse, I worked in community and I also worked as a care coordinator most recently, before I was elected. I know that health care workers are particularly vulnerable at home. I heard of lots of situations as a care coordinator of patients who were sexually abusing—or trying to—or harassing the workers. Sometimes we would send in male workers, and if that didn't work, then we'd have to pull them from service. So it's a particular vulnerability, because there's nobody else there.

What recommendations would you have for insisting that employers take these incidents seriously and also to protect their workers and provide services in the event that they're exposed to something like that?

Ms. Brenda Snider: That has to be something that we all strive for. At the moment, I actually am sitting on the PSHSA initiative steering committee. If we were able to put forth all of the toolkits that are being put together instead of having somebody put them on a shelf to gather dust—it's a tool to help employers and workers and other organizations, labour as well, to help the workers within those settings.

Mrs. Kathryn McGarry: What about recommendations to prevent sexual violence and harassment in the workplace in general?

Ms. Brenda Snider: In general? I'm not prepared to answer that today. That's more to sit at a round table and discuss further with all parties involved.

Mrs. Kathryn McGarry: Thank you very much.

The Chair (Ms. Daiene Vernile): Thank you very much. Our next questions for you are from our PC caucus. MPP Jones.

Ms. Sylvia Jones: Thank you. I appreciate your recommendations and suggestions.

I wanted to get a little more detail on the client risk assessment. I can see how that would be quite valuable in longer-term settings—long-term care, group homes, that type of setting. I can also see it being more challenging in a hospital setting, where the turnover would traditionally be quicker, faster—

The Chair (Ms. Daiene Vernile): MPP Jones, could you speak up more? Our audio person is having difficulty hearing you.

Ms. Sylvia Jones: Okay—and how it relates to FIPPA, the freedom of information and protection of privacy. How do we get an accurate client risk assessment knowing that we have the FIPPA legislation and the traditionally very quick turnover that happens in a hospital setting?

Ms. Brenda Snider: Actually, the initiative that I'm sitting on right now with PSHSA—it is being piloted with different employers, and it's also being applied to the acute hospital setting. You still need to do an assessment of a patient, regardless of the quick turnover. With that assessment comes the other tools—the flagging also.

When you talk about FIPPA, we also, in that group, were able to get a legal opinion on FIPPA and the constraints of confidentiality that will help employers. That is also a part of the toolkit; it can be used by any employer.

The Chair (Ms. Daiene Vernile): Thank you very much. Our final questions for you are from our NDP caucus.

Mr. Taras Natyshak: Thank you for your presentation. Thank you also for the representation that you provide to your members on the front line. It's definitely valued. I know first-hand from speaking with many of your members that they appreciate the broad support they receive.

My question is specifically around your third recommendation, to acknowledge emotional injuries as compensable injuries. Could you elaborate on that and where you see or how you see that playing out? Would it be through the WSIA?

Ms. Brenda Snider: Currently, if a worker is—and we can have further discussion on this as well at another time. But currently, WSIB doesn't cover cumulative emotional injuries, and we find that most unfortunate.

Mr. Taras Natyshak: So you'd like to see reforms to the Workplace Safety and Insurance Act to reflect personal injuries as being compensable injuries?

Ms. Brenda Snider: Yes, that would be a discussion we would like to enter into.

1620

Mr. Taras Natyshak: Very good. Thank you very much.

The Chair (Ms. Daiene Vernile): Thank you very much for coming and speaking to our committee this afternoon. We invite you now, if you wish, to sit with our audience as we continue with our presentations.

BRIDGENORTH

The Chair (Ms. Daiene Vernile): I'd like to call on the representative from BridgeNorth to come forward.

Please have a seat, make yourself comfortable. You will have 15 minutes to speak to our committee, and that will be followed by questions for you. Begin by stating your name, and start any time after that.

Ms. Casandra Diamond: My name is Casandra Diamond, and I thank you for the invitation to be with you today and join in on the discussion of sexual violence and harassment. I'm the founder of BridgeNorth. It's an organization that exists to renew and restore the inherent value and dignity of all persons involved in the sex trade, whether they have been trafficked or simply prostituted.

I want to focus in on one specific aspect. By narrowing our focus on structural violence by way of municipally licensed adult facilities, I'm hoping to contribute to a deeper understanding of its significant harms and how sexual violence and harassment promises to continue if we do not intervene in this structure. I am by no means trying to exclude or minimize others who are involved in the sex trade through non-licensed avenues. I'm speaking about women who are involved through escort agencies, cam girls or Internet girls, or condo or apartment bordellos. I must inform you that sexual violence is endured by all women in the sex trade.

I know of a case where a teenager engaged in survival sex—a victim of childhood sexual abuse—was in the Toronto core for personal reasons. The young teen used drugs to cope, and she stopped off at a drug dealer who told her to hold on while he reloaded. Really what he had done was gone and called a pimp who came and picked her up with three of his buddies in a truck and drove her around Toronto in a van raping her and recording it. At that point, they gave her enough drugs to incapacitate her. They dropped her off at a place where men were already waiting to buy her. She was very clearly a child and she was very clearly unable to give consent—not that she could have because of her age. These men were still purchasing her.

This kind of sexual violence is not uncommon for any girls and women in the sex trade. Many other women I know had pimps as well, and they had quotas that they had to meet. If they fell short, there were often violent consequences, including being raped, burnt, beaten and whipped, their children being threatened and removed from them, then forced out of their living areas until they made their quotas. I could speak about the numerous abductions, hospital visits, drug overdoses, suicides and murders that these women endure on a daily basis.

An outdoor woman is taught to walk around the car that she's entering to make sure there's no one inside and to make sure that there's no weapons inside. This is essentially actually making any violence her fault. Any indoor woman who's in a massage setting—they're lined up and they're paraded before a buyer who then selects them. She does not have a choice to say no. Plying the trade indoors often means more pimp control and with no place for the person to turn to for help. Owners, managers and their friends often ask for unpaid sexual services—favours—that if you refuse mean you'll get slow shifts or you'll get passed up when it's busy. These are only a couple of glimpses into the daily events of the lives of commercially exploited persons, many of whom are bought and sold in municipally licensed establishments for sex in Ontario.

I lost 10 years of my life to the licensed sex trade, both in GTA strip clubs and bawdy houses. I have no memory of a time in my life when sexual violence did not exist for me. By the time I was seven years old I had amassed nine abusers, one rapist and a generational pedophile convicted—my maternal grandfather. Abuse became normalized in my mind and it became an ordinary part of my life. The lens that I used to make sense of life was based on the only thing that I knew, and those were my experiences as a child. Over the course of my childhood, sexual violence, verbal abuse, neglect, physical and emotional abuse, social marginalization and finally abandonment left me unable to live in a state that many would consider normal. I was just barely surviving.

I entered the sex trade a few months after turning 17, and what I had experienced as a child had really groomed and prepared me for a life of exploitation and for exploiting others. My prostituted reality was based on my past experience. My coping mechanisms and my rationale for interpreting life were all based on what I thought was normal. Sexual violence devastated my home. It left my future in peril. It rendered me hopeless. I no longer had dreams for a future or a hope for better things. It made harassment invisible because sexual violence was normal.

A term coined by Johan Galtung in the 1960s, "structural violence," is one way of describing social arrangements that put individuals and populations in harm's way. Structural violence is embedded in the economic, political, legal, religious and cultural organization of our social world. It causes injury to people, and it stops them from reaching their full potential. Structural violence as it relates to sexual violence and harassment includes physical and psychological harm that are direct results of exploitive and unjust social, political and economic systems. Structural violence withholds from women basic needs such as food, clothing, shelter for herself and for her children, equal access to education, health care and the fundamental right to possess and protect her own body and not be abused.

The sex trade, in and of itself, is violence against women and girls, and it is a human rights violation. It creates an underclass of women that gives them a degraded status everywhere. Most simply put, it is the

power to purchase another human being for 100% of the buyer's sexual preference and 0% of the seller's preferences, feelings and/or emotions. I've never had someone buy me and then ask me what I would like to do.

Legitimizing the sale and purchase of sex through licensing sanctions violence against women, and it reinforces the inequality of women and girls. If we continue to license, we become a huge contributor to the perception that sexual violence and harassment are a normalized part of society, and it gives the impression that buying and selling women is just business, licensed like any other.

In what other business is the main duty of the job sexual violence? Legitimate employment does not include sexual harassment or discrimination. The option of hiring someone based solely on their breast size, hair colour or weight—we have laws that protect us from that because it is unhealthy and because it does not align with societal views.

In what other industry is one forced to be subjected to numerous diseases like gonorrhea, syphilis, HIV/AIDS or herpes? Who in a legitimate employment system has to fear being arrested or incarcerated? Violence against women and inequality are amplified when licensed. Each and every prostituted person, every day, would be able to make a claim under WSIB had they had been in any other industry.

Licensing may be well intentioned, supposedly to minimize harm, or it may be a very lucrative business venture for the municipalities in which it exists, but neither of these rationalizations offer protection, safety or a real way to combat sexual violence and harassment for its citizens.

Harm reduction—whether in high-end escort, street, indoor or condo settings—only suggests that the seller isn't being hurt very much. Harm minimization does not eliminate harm. We must also factor in the overwhelming evidence that shows that PTSD, dissociation and depression are very prevalent amongst this population. Licensing, in fact, is the reason that many victims are not even aware that what is happening to them is wrong because it is socially sanctioned.

Did you know that women have to purchase an individual licence to engage in the trade within these facilities? By-law enforcement typically issues fines to any who hold the licence and contravene its regulation. But that leaves a procurer, pimp or trafficker who is supplying and exploiting that person with no obligations or consequences within this licensing system.

In my 10 years of experience in the sex trade, I have never not worked for organized crime or gangs. These networks traffic women and girls both domestically and internationally into bawdy houses across Canada. We have seen evidence of this most recently when the RCMP intervened against two major cells of a network and arrested six people in the greater Montreal and Toronto areas. The accused are allegedly part of an Asia-based organized crime ring that operated bawdy houses in Montreal, Toronto and many other major cities across Canada.

1630

Sexual violence and harassment keep prostituted women and girls acutely vulnerable to continued abuse and exploitation. There is so much proof that sexual violence and harassment exists within licensed venues, and yet there is still a conscious decision made by officials to ignore the disturbing truth about this reality. We must call municipal officials to account to accept their own role as systemic contributors that perpetuate sexual violence and harassment.

I submit to you, as a 10-year survivor of the municipally licensed sex trade, that you must consider and include the role and structure of municipally licensed sexual services within your scope of inquiry if you are to reach your goal of reducing, diminishing or ending sexual violence and harassment in Ontario.

The truth is that while there are a small number of women who say that they choose to be in prostitution, studies and my own experience show that the majority of women in prostitution have been pushed into it through poverty, gender inequality and a lack of alternatives. Municipal licensing normalizes prostitution. It renders it invisible and allows us as citizens to believe that we do not have a problem. The city makes lots of money, the parlour operators get rich, buyers get any sexual performance they want and society does not have to deal with the reality of sex for money on their streets. It sounds bleak.

There are ways to deconstruct the system that currently upholds the framework of sexual violence and harassment: Choose to no longer municipally license any aspect of the sex trade that relates to and permits the sale of sex in Ontario. Do not open up any more licensed categories, because there is no way to control them. Create and implement campaigns for all levels of society that inform and teach about gender equality and offer alternative ways of talking about sexual violence and harassment that focus on the demand for paid sex.

This is not a women's issue. We must reframe our conversations because it is the male demand for access to women's bodies that is very much a part of the framework of sexual violence that allows and permits sexual violence to flourish. If we do not address the demand that creates the violence, sexually exploited persons will remain abused and invisible. Thank you.

The Chair (Ms. Daiene Vernile): Thank you very much, Ms. Diamond. Our first questions for you are from our PC caucus. MPP Scott.

Ms. Laurie Scott: Powerful. You were just incredible. I hardly know where to start. You have hit a topic that we've been approaching a bit today, but your recommendations are incredibly excellent and, I think, pretty revealing on the municipal side of what really goes on.

I know that on the Internet there are daily online sex ads. Do you have any idea how many girls in those ads are actually being trafficked?

Ms. Casandra Diamond: Currently, today, unless the woman is actually advertising herself, it's trafficking. It's no longer legal for anybody else to advertise herself but her.

Trafficking versus prostitution: That's kind of a bit of a funny conversation to me because of the consent piece. Women are forced into prostitution because of a lack of alternatives and options, much like trafficked women. They have a lack of alternatives and options as well.

Ms. Laurie Scott: Thank you for providing the care that you do and being a survivor yourself, and being able to be strong enough to provide alternatives to those who can't get out. I can't thank you enough for that.

I know we have limited time and I'm being cut off, but I can't thank you enough for coming forward today.

Ms. Casandra Diamond: Thank you.

The Chair (Ms. Daiene Vernile): Our next questions for you are from our NDP caucus.

Ms. Teresa J. Armstrong: I just want to say thank you very much. Your story was very compelling. We had heard from someone earlier about the same topic, the sex trade, and they identified that the first key way of helping was stable housing. This topic seems to be a very unique way of delivering services. What would be the next specialized service that's unique to this area so that we can help survivors?

Ms. Casandra Diamond: Excellent question. When I'm working with women, I care about the recidivism rate. I don't want them going back. So there are two things that we have to concern ourselves with. Katarina MacLeod was right: Housing is primary. Then it's like a tie for second: counselling and job opportunities. If you cannot make enough money to provide for yourself or your family, again, the vacuum just sucks you right back up and you're stuck. Instead of working in the industry full-time, maybe somebody will be a weekend warrior and ply their trade on the weekends, just to make enough.

Ms. Teresa J. Armstrong: Right.

Ms. Casandra Diamond: I see a lot of that, where people try to exit because they truly don't want to be there, but because there aren't other social support systems or because of a lack of education—90% of the women that I had worked with have disclosed childhood sexual abuse. These are women who really haven't been able to receive the counselling that they needed as a child.

The Chair (Ms. Daiene Vernile): Thank you very much. Our final question for you today is from MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much. I do echo the comments of my colleagues across the table about how valuable your testimony and your suggestions are today.

It's interesting about structural violence being a male issue; I would have to agree, having listened to so many stories. Do you have any recommendations or suggestions on how we stop that pervasive male-against-female sexual violence in our society?

Ms. Casandra Diamond: Very good. I recognize that, in society now, men are really having a rough go. Everything is a very hyper-sexualized content. Everything is kind of drawing on their basic instinct. It's just a sexualized environment that they're living in.

But that plus women being constantly objectified—women are constantly wearing less and less in music videos and media. There is so much more pornography that's available. In the past, what used to be in print is not the same as what you're seeing on the Internet.

I think that we need to create a respectful and healthy dialogue in which men are not shamed, but they're respected, and they have an opportunity to really talk about what it feels like for them to be a man. We've got terms like "metrosexual." "Metrosexual" is a term used for men in part because they're not big, burly and manly enough. So how are they supposed to navigate through that?

We need a deeper conversation where they're included, and they have—that's a tough one. That's all I've got. That's really a tough one.

But we need them involved, we need them engaged. We need them to be more respectful towards women.

The Chair (Ms. Daiene Vernile): Ms. Diamond, thank you very much. We're grateful that you came here today and shared your insights with us. We invite you, if you wish, to join our audience now, as we are going to continue with our final presenter for today.

MS. SANDY WELSH

The Chair (Ms. Daiene Vernile): I would ask that Sandy Welsh come forward. Please make yourself comfortable. You will have 15 minutes to address our committee, and that will be followed by some questions for you. Begin any time.

Ms. Sandy Welsh: Thank you for providing me with this opportunity to speak to you today concerning the Premier's Action Plan to Stop Sexual Violence and Harassment.

Without a doubt, there has been a lot of interest this year in sexual harassment and violence. We've had Jian Ghomeshi. We've had the Dalhousie dentistry gentlemen Facebook group. We have had the federal Parliament issues. Most recently, we have had the report that was released by the military on sexual harassment and how they're going to move forward on that issue.

With my time today, I want to address the issue of sexual harassment at work by discussing three issues that I believe are central to our ability to prevent harassment and support those going through it. These three issues are ones I've been asked about throughout my career by lawyers, politicians, human resource managers and women trying to make sense of their experience. The fact that I continue to be asked these does not mean we've made little progress. Rather, to me, it means our work is not done yet, and we need to continue working on these issues long after the media spotlight is gone.

1640

My contribution today is based on my role as a professor of sociology at the University of Toronto and my 20-plus-year record of academic research focused on the study of sexual and workplace harassment. This work ranges from the analysis of survey data, analysis of

confidential complaints to the Canadian Human Rights Commission, and the analysis of an interview- and focus-group-based study of women's experience with workplace harassment and violence, especially in terms of their ability to seek legal recourse or remedy for their complaint.

I've also provided oral or written evidence in numerous Ontario and Canadian Human Rights Commission tribunals, to the 2013 federal Parliament's Standing Committee on the Status of Women's report on sexual harassment, and—I think it's very relevant for today—in the 1997 coroner's inquest into the deaths of Theresa Vince and Russell Davis, where Theresa Vince was sexually harassed and then murdered by her boss, Mr. Davis, in Chatham, Ontario.

My opinions are based on my research, my experience talking with women who have experienced harassment, and my understanding of the larger research literature in this area.

So what are these three issues? They are: What is sexual harassment and where is it likely to occur? Why do women not report? And how can we best prevent harassment and violence? I'll follow these with some specific recommendations related to Bill 168, the Occupational Health and Safety Amendment Act, and the Premier's action plan.

First, what is sexual harassment and where is it most likely to occur? Most people understand workplace harassment as the list of behaviours, from sexual comments to touching to assault, that's found in almost every single workplace harassment policy. While outlining this list is important, as a sociologist, I believe we need more than lists of behaviours to understand what harassment is.

First, the focus on a list of discrete individualized behaviours ignores how harassment is experienced by women. In my research, in the cases I've been involved with, women will mention how the range of behaviours they've experienced, from putting up with jokes to being touched, is not a series of discrete events, but one prolonged, cumulative experience of harassment. I think you may have heard earlier today from some survivors speaking about harassment experience that captured just what I'm talking about here in terms of how these are experienced as one long, cumulative event. I'm going to return to this issue when I discuss Bill 168.

For me, it's what underlies this list of behaviours, what they all have in common, that provides the roadmap for how we may improve our policies and procedures around harassment. Sexual and other forms of workplace harassment are, first and foremost, an organizational issue, not an interpersonal problem. It's not just about people behaving badly or needing their attitudes adjusted. Whether the behaviours are sexualized, gender-based or more generalized forms of abuse, at their core, these behaviours are meant to be hostile and demeaning. As a range of studies suggest, sexual harassment behaviours often signal an individual or a group is not welcome or is a competitive threat.

Because harassment is an organizational problem, it helps us understand why it is more likely to occur in

certain contexts, such as where job insecurity or competition for jobs exists. This includes workers in temporary positions, workers on probation, or those in any kind of trial period for a position. Sexual harassment is also more likely where there are gender, racialized or other workplace power differences. This is why women in male-dominated workplaces have a higher risk of harassment.

Here it is also important to note that other types of harassment may co-occur with sexual harassment. For example, in my analysis of complaints to the Canadian Human Rights Commission, approximately 10% of the women complainants were also physically abused, such as being spat upon, hit or kicked.

What can we conclude from this? Any policy or training recommendation we may contemplate needs to incorporate the organizational components of sexual harassment and how sexual harassment intersects with other forms of inequality and harassment experienced by women.

Second, I am often asked—actually, the most common question is “Why didn’t she just report it?” when testifying in sexual harassment tribunals. Study after study documents that only a small number of women experiencing harassment file formal complaints. Why? Because they fear losing their jobs, retaliation, not being believed; they don’t have family or coworkers to support them, or they simply don’t have the right information about what all their options are. In addition, women from certain communities may face unique barriers to reporting; for example, women with disabilities or for whom English is not their first language.

In our study of women in Ontario, women’s willingness to report was also affected by their citizenship or newcomer status. For example, a recent immigrant to Canada did not report because she did not think her experience was serious enough. She did not define her experience as harassment. It was not serious enough to be considered a complaint in the Canadian context.

Most women do not report until one of two things happens: The harassment escalates in severity, where they feel like they can’t handle it anymore, or they lose their job or some other severe employment-related outcome happens.

Just because someone does not make a formal complaint, it is important to remember that this person may have signaled that there is a problem in numerous ways. Again, the research literature is clear: Women may avoid the harasser by taking days off work or use other strategies to avoid contact.

During the inquest into the death of Theresa Vince, I testified to the multiple ways she signaled there was a problem. This long-time employee in her late fifties decided to take early retirement to get away from her boss. She moved her desk to another part of the office and would have her colleagues intervene on her behalf when her boss phoned her. Her behavioural reactions were well known by managers and co-workers.

In the recently released report concerning the CBC and Jian Ghomeshi, managers did not follow up

adequately when information about his behaviour came to them through informal mechanisms. Employers and managers have a responsibility to pay attention to these informal ways that women and, I would say, men say there is a problem.

While reporting is an important part of reducing harassment, it must be emphasized that there is a cost to reporting in terms of time, money and health. Reporting is not often straightforward. Women in our Ontario study discussed what I call the legal runaround. Depending on the workplace, whether there was a union and whether it was federally or provincially regulated, women may have been told to file a grievance through the union, through a workplace complaint procedure or to a human rights commission, and they found themselves bouncing around trying to find the best place to start. Clearly, more attention to women’s access to legal recourse is needed.

Finally, how may we best prevent harassment and violence? There are three options discussed in the research literature that I will mention here:

(1) A supportive and co-operative workplace culture where organizational leadership visibly supports anti-harassment cultures and policies, where gender, racialized and other inequalities across work groups are reduced, and where interpersonal competition and job insecurity are reduced, or at least the effects of these inequities are recognized by management, may help reduce workplace harassment.

This has been something I’ve been saying for years. If you read some of the recommendations and conclusions in the Ghomeshi report, Janice Rubin is saying the same thing: that this is what we need to do as one of our first steps in preventing harassment.

(2) Proactive policies and procedures encourage reporting and hence may help reduce harassment. That’s the second thing we need to think about. It is important to note that the reporting and filing of complaints is not necessarily a sign of a problematic workplace. I often hear managers say, “One complaint is too many.” At the same time, my experience is that one complaint means someone believes she can complain and that her complaint will be taken seriously. So complaints are not the best measure of whether a workplace has a harassment problem or a university has a sexual assault problem. Rather, complaints may mean an organization has a culture and policies and procedures that are doing what we want them to do: enabling workers to come forward when something problematic happens.

1650

(3) Training that encourages bystander interventions may make a difference. Programs where workers are trained not to ignore the harassment and violence, including developing strategies to push back earlier, may help. In practice, these range from interventions on the spot, such as calling out colleagues engaged in inappropriate or disrespectful behaviour, to confidential complaint hotlines, especially for more serious offences. I am pleased that some of these are mentioned in the action plan.

What does this mean for Bill 168 and the Sexual Violence Action Plan? Based on my academic and profes-

sional experience and some discussions with colleagues in preparation for my being here today, I'd like to point to some areas of concern that I see in both Bill 168 and in the Sexual Violence Action Plan when it comes to the issue of sexual harassment in the workplace.

Since its inception, Bill 168 has separated harassment from violence. Employers must do a risk assessment for violence but not for harassment. This separation, or dichotomy, of harassment and violence ignores what many scholars and many women living through harassment recognize is a continuum of violence and harassment. As I mentioned earlier, harassment is part of a continuum. By separating violence out, the potential for escalation can be ignored in workplaces. While every instance of verbal harassment does not necessarily lead to violence, it can. Let's not forget about Theresa Vince and her family. Harassment can be deadly.

By separating out harassment and violence, it leads to different solutions for these. As we see in Bill 168, it does not provide the same protection for harassment in that employees cannot refuse unsafe work in the same way they can when violence, or the threat of violence, is occurring.

The Chair (Ms. Daiene Vernile): Ms. Welsh, you have one minute left.

Ms. Sandy Welsh: Sure.

We need to ensure that our definitions of unsafe work reflect this. We also need to emphasize that formal reporting isn't the only way forward, that informal matters.

I would like to commend what I see as the unapologetic and intentional gendered focus of the action plan. This is a welcomed change. It does not at all ignore or discount the violence that's experienced by men at work. Rather, it shows what my research says, that we need leadership at the top, like the Premier is doing and like all of you here are doing, to take this issue seriously and recognize the increased risk that girls and women face when they're in the workplace and when it comes to sexual harassment. Thank you.

The Chair (Ms. Daiene Vernile): Thank you very much. Our first questions for you are from our NDP caucus.

Mr. Taras Natyshak: Thanks for your presentation and for playing a large role in the narrative of what we're trying to do here through your academic endeavours and also just through your testimony here today.

Ms. Sandy Welsh: Thank you.

Mr. Taras Natyshak: I guess I'd just like to give you some more time to give us some final thoughts. I know you skipped over particularly your last bullet point there.

Ms. Sandy Welsh: They really were to emphasize what it is that works, and it's about leadership in organizations. It's about policies that don't just sit in a drawer, that are brought out, dusted off and reviewed. I think it is also about giving the people within workplaces the right guidance and the right kind of training—not training that's off the shelf, not training where somebody has hung their shingle and says, "I'm going to do harassment

training now and make a bunch of money," but training that is really done thoughtfully, that takes into account the different communities that women are coming from.

I think that was a theme that I saw in the action plan that was very much appreciated: an understanding that while there are certain ways forward around policies and the work we do on the culture that can translate over other workplaces, the devil really is in the details. How a policy looks and how it works within an organization, we need to pay careful attention to this.

One of the good outcomes of Bill 168 is that pretty much everywhere in Ontario with over five employees has a policy now. Some of them look kind of cookie-cutter. Are those the right kind of policies for every kind of workplace? I don't know. Organizations don't let people like me into their organization to study what's going on. This is where organizations themselves, the really strong organizations that are trying hard to combat this and take it seriously, are the ones—and it doesn't matter what their size is. Managers are walking around and making sure. They're keeping an eye on things. Larger organizations are doing climate surveys of their workplace.

It's not just asking, "Have you experienced harassment?" but asking about different kinds of behaviours that might relate to that. Are people taking a lot of days off? Are people taking up a lot of sick leave? Maybe those are indicative of people who are really sick, but sometimes those are indicative of a sick workplace. So helping employers understand what the signs are and then not just doing it once when everybody is watching but making it part of their regular processes, I think, is very important.

The Chair (Ms. Daiene Vernile): Thank you very much. Our next questions for you are from our Liberal caucus.

Ms. Eleanor McMahon: Hi, Ms. Welsh. Thanks so much for being here. This is just brilliant, and your work is really enormously helpful.

When I knew you were coming today, I wanted to ask you—and you've covered it in your presentation: In a utopian universe, what does a harassment-free workplace look like? And while we know no such thing exists, you've certainly laid out in a really comprehensive way, I think, how we can get there and our pathway forward on that, which is brilliant.

Two quick things: Our Minister of Labour, Kevin Flynn, as part of the overall action plan, is going to be seized with workplace harassment, and so we'll ensure that he gets a copy of your presentation.

Also, you mentioned a little bit under your recommendations—I think these are recommendations you were talking about—the lack of information about options for reporting. We've heard that in other places, and I certainly think, anecdotally, that that's the case. A lot of people, particularly young people, don't know exactly what their options are. Any thoughts on how we can really further that along and change that dynamic?

Ms. Sandy Welsh: I will answer that, but I just want to make a comment on your point about a utopian work-

place where harassment doesn't exist. When I was younger, 20 years ago, I was idealistic, and I thought we could create truly harassment-free workplaces. I'm older; I don't know if I'm wiser. I've thought about this a lot, and I think the reality is that in every workplace something can happen. While we still need to aim for that harassment-free workplace, we need to make sure that when something does happen, we have the right things in place. So I guess I'm maybe more pragmatic; it happens with age and children.

In terms of options for reporting, I think you may have received a copy of a report that I did with a number of colleagues on harassment and violence. When you talk to women and to the non-profit social support community out there, there isn't an organization that says it's a sexual harassment centre. So I think some of it is in the places—universities, colleges, sexual assault centres—where people go to get information, that they have that information.

I think there is a role to play for our regulated health care professions. I was presenting at an Ontario training session for a number of lawyers, and I was pleased that a number of the people from those bodies were there because they were trying to get better information about how they handle complaints with their own professions. But I think it's also an opportunity for them to be the first ears and eyes when these issues come forward.

I think with young people, we have some particular challenges. This is partly as a researcher and as a mother of a 15-year-old and a nine-year-old girl. Whether they even know how to define it was something that came up in our research. People who are new to Ontario and Canada, young people who are new to the workplace, too, don't necessarily understand that a comment, a joke, a touch or an invitation to go out for a drink is something that they can say no to.

Again, I think there are things that we can do that enable people to talk about it. There is the behaviours and attitudes part. But then we need to ensure that the organization—we can't just stop there. The organization has to have the kind of training and information that they're providing to new workers, especially young workers and especially temporary workers, when they start a job as to what their rights are and how we are defining these things.

1700

The Chair (Ms. Daiene Vernile): Our final questions for you are from our PC caucus.

Ms. Sylvia Jones: Thank you for your presentation. I'm particularly interested in your point 1, "Since its inception..." I actually sat on that committee, and we had very optimistic views of how we were going to improve the situation. I'm curious as to how you see, in a very practical way, the separation of harassment from violence. You say that employers do not do a risk assessment for violence, and you're absolutely right: There was a huge boom in the consultancy industry when every business over five had to have a workplace harassment policy in place. But tell me how this translates into that business with six employees.

Ms. Sandy Welsh: Well, I think that's a good question, because I will admit that the challenge we have is not the big companies or the big universities and colleges; it is that small, family-owned business. Those are a lot of the cases, I would say, in the last few years—When I'm called to testify, it's an owner-operated kind of small business. So how do we get that across?

I know that for many years, the Canadian Human Rights Commission used to have various kinds of information on their website that was there and available—the extent to which our Ontario Human Rights Commission is providing that kind of information, too. To me, the first step would be that someone is able to say, "This is an unsafe workplace and I don't feel safe." I'm first and foremost concerned about that separation we see between harassment and violence, that that is part of a policy and part of an understanding.

I think there's also a lot of support, but how do we get the support to those owner-operators, whether they want it or not? Figuring out ways that people can join together in terms of their resources, to be part of groups of businesses that may be in a local area where they've come together and either a lawyer or someone is able to help them—these, I think, are the really hard and tough questions. There may be a role for the Ontario legal association as to working with them and working with the Ontario Human Rights Commission about how we can come together.

I should say that I think Bill 168 was a great step forward. I was part of some of those conversations, but just like an organization's policy, I really welcome this as an opportunity to take it out, dust it off, kick its tires and see if it's still working in the way that we want it to work. So thank you for that question.

The Chair (Ms. Daiene Vernile): We thank you very much for coming and informing this committee today of your important work. Thank you to everyone who was here today at our hearings.

Committee members, I have some housekeeping duties to take care of with you, if I may, beginning with information I want to pass on to you. I've asked the Clerk to inform Hansard that we ought to be a priority with our information and with our interim report. We're competing with a number of other committees. We want to make certain that we get our information, so we have asked Hansard to make us a priority, so we'll get our information when we need it.

Secondly, you may have noticed that you all received one of these. This is your report handed out to you. I believe that we had some committee members who were asking for research and background, and here it is.

Thirdly, next Monday is when we travel. We're going to be departing from the Legislature at 4 p.m. sharp. So please be ready to go, unless you've made prior arrangements with our Clerk.

Now, you may have noticed that the days that we're in Kitchener and Ottawa, those days are very full; we're oversubscribed. So I have a suggestion, and that is, we begin our hearings on those days at 8 a.m. That's going to allow us to get more people in at the start of the day

versus our staying very late in the day. For instance, the day that we're in Ottawa, if we add all the additional people, we may end up going quite late that day. So in the interest of starting at 8 a.m. and being done at 5:40 p.m. in Ottawa versus an hour later, are you okay with that? Your thoughts on that? Very good. Okay.

Does anyone have any questions about next week? All right. Thank you very much, committee members, and to our guests who are here today.

We will see you on Wednesday at 9 a.m. This committee stands adjourned.

The committee adjourned at 1706.

CONTENTS

Monday 11 May 2015

Strategy on sexual violence and harassment	SV-291
Aboriginal Legal Services of Toronto.....	SV-291
Ms. Christa Big Canoe	
DisAbled Women’s Network Ontario.....	SV-294
Ms. Marianne Park	
Rising Angels.....	SV-297
Ms. Katarina MacLeod	
Barbra Schliker Commemorative Clinic.....	SV-300
Ms. Amanda Dale	
Provincial Council of Women of Ontario	SV-303
Ms. Mary Potter	
Ms. Thelma McGillivray	
SEIU Healthcare.....	SV-306
Ms. Brenda Snider	
Ms. Natasha Luckhardt	
BridgeNorth	SV-309
Ms. Casandra Diamond	
Ms. Sandy Welsh	SV-312

SELECT COMMITTEE ON SEXUAL VIOLENCE AND HARASSMENT

Chair / Présidente

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

Vice-Chair / Vice-Présidente

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Mr. Han Dong (Trinity–Spadina L)

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

Mrs. Marie-France Lalonde (Ottawa–Orléans L)

Ms. Harinder Malhi (Brampton–Springdale L)

Mrs. Kathryn McGarry (Cambridge L)

Ms. Eleanor McMahon (Burlington L)

Mr. Taras Natyshak (Essex ND)

Ms. Peggy Sattler (London West ND)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

Substitutions / Membres remplaçants

Ms. Teresa J. Armstrong (London–Fanshawe ND)

Mr. Peter Z. Milczyn (Etobicoke–Lakeshore 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