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Ms. Marie-Claude Morin

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• (1800)

[English]

The Vice-Chair (Mrs. Tilly O'Neill Gordon (Miramichi, CPC)): Good afternoon, everyone.

The order of the day is pursuant to Standing Order 108(2), study of sexual harassment in the federal workplace.

We are happy today to welcome by video conference all the way from Brisbane, Australia, Paula McDonald, who will speak to us for 10 minutes. Following that, due to the short time that we have because of a vote in the House, we will share the questioning time of five minutes for each party. We will have to be very exact with our time. I don't like to intrude and interrupt all the time, but in this situation I really must in order to keep us on time and get us back to the House in time for the vote.

I welcome all of you, especially Paula McDonald. You may begin right away please, for a total of 10 minutes.

Professor Paula McDonald (Business School, Queensland University of Technology, As an Individual): Hello. I thought I'd begin with a synopsis of my experience in the area of workplace sexual harassment in order to put some parameters around the scope of my work and experience in the area.

I am a professor of employment relations in the business school at the Queensland University of Technology in Brisbane, Australia. I've held an academic role for the last 10 years, prior to which I had clinical and research roles in the health sector. I've studied the phenomenon of workplace sexual harassment for most of the last 10 years, but most intensively in the last three years through an Australian Research Council-funded large grant.

In this project my co-investigator, Associate Professor Sara Charlesworth from the University of South Australia, and I explored a number of what we feel to be important data sets which comprised in-depth interviews with over 70 expert policy and practitioners from around Australia. We interviewed 30 targets of sexual harassment and talked to each of those for a couple of hours. We have looked at published legal decisions over the time. We've analyzed around 400 media articles from Australia, the U.K., Canada and the U.S. The most intensive and we think innovative part of the project involved an analysis of around 300 detailed hard-copy files of sexual harassment complaints from all nine federal, state and territory equal opportunity jurisdictions. In looking at that data we saw detailed patterns of the nature of complaints, the characteristics of the people involved, how complaints proceeded through formal alternative dispute resolution mechanisms, and the nature of settlement outcomes, including financial settlements.

We have published some of this work, but as you'll appreciate, the academic pathway to publishing is a long one and there is still a lot of work which hasn't quite hit the public realm.

Concurrently, while undertaking this research, I have worked closely with the Australian Human Rights Commission in developing two successive prevalence surveys on workplace sexual harassment that were administered to a largely representative sample of the Australian population. These kind of prevalence surveys, particularly over time, are somewhat unusual in the world. I've also written an extensive report for the Australian Human Rights Commission that discussed the critical role of bystanders in preventing and responding to workplace sexual harassment.

The committee members are no doubt well aware of the continued prevalence of sexual harassment and its damaging consequences, so in the time I have left I thought I would briefly review some of the key findings from our work that really point to the ongoing challenges beyond the prevalence and consequences of sexual harassment. I believe these issues warrant specific further attention in order to redress what's a persistent, pervasive and obviously gendered problem. I can only raise these issues briefly, but there may be some issues that you may want to pick up in terms of further questioning.

First, our research showed—and this is very important—that grievance mechanisms in organizations were frequently inadequate. Indeed, many of the complaints we saw that escalated outside of the workplace to commissions were as much related to dissatisfaction with organizational processes as they were to the sexually harassing behaviours per se. Key concerns were around formal and informal channels of reporting; long timeframes in responding; issues around vicarious liability and legal risk; line managers who dealt with complaints as an interpersonal issue rather than a legitimate concern that required attention; and reprisals experienced by targets who reported the problem.

Second, we have argued for a focus on bystanders in more effectively preventing and responding to sexual harassment. Bystander interventions have been found to be very effective in other areas of violence prevention, including dating and intimate partner violence, and we argue could be potentially adapted to the workplace. Our empirical work in the area showed that sexual harassment has ripple effects that extend well beyond the individual target in that bystanders—and we define bystanders broadly—both within and outside the workplace can and do have active roles in supporting the target and preventing further incidents. However, we also found, unfortunately, substantial evidence of bystanders who could have acted but did not act, and worse still, of bystanders who joined in with the behaviours. This had particularly devastating consequences for targets.

● (1805)

Third, we've argued that sexual harassment is too often characterized as a sexual advance by one individual, a bad apple, towards another, the victim. In particular, sexual harassment is often thought of as salacious conduct by a male boss towards a female subordinate. This characterization, we argue, relegates the problem to the private sphere and identifies it as one that should be principally resolved between one individual and another, while neglecting the fact that some work settings are more oppressively gendered than others. We've argued that different workplace contexts can shape the perceptions of workers, the conditions and power dynamics that underpin sexual harassment, and also, importantly, non-sexual forms of harassment and discrimination that disadvantage women and some men. We concur with Margaret Thornton that these more subtle forms of discrimination and harassment may actually reveal more about gendered practices in organizations than the blatant sexualized conduct that's often equated with the high profile media cases that we read about.

Fourth, evidence from details of settlements of sexual harassment complaints in equal opportunity files showed that even within the acknowledged individualized limitations of alternative dispute resolution, or ADR, which is that the process fails to address broader systemic issues that allow sexual harassment, ADR is limited in what it can provide sexual harassment complainants. For example, our data showed that complainants rarely achieved an acknowledgement of wrongdoing and injustice, and that's often what they came to the process seeking primarily. The process is also limited in providing financial compensation. Our data showed that the main financial compensation in these cases was around \$8,000 Australian. This hadn't changed a lot over time, and in fact, this figure is slightly inflated because it also included, in some cases, statutory employment entitlements, including annual leave.

Another important finding from the analysis of complaint files was that only around one in six complainants remained employed in the organization where the sexual harassment allegedly took place. We think it's possible that the severing of employment relationships is a particularly problematic issue in relation to sexual harassment compared to other forms of discrimination because it's a particularly personal and affronting issue. Nevertheless, the fact that few complainants remained employed in the organization where the sexual harassment took place is problematic for the conciliation process, because it is an interest-based process in which it's assumed

that the parties come to the table with some kind of motivation to restore and repair the relationship at hand.

Finally, the essentially privatized nature of the conciliation process works to constrain the ability of both parties, but particularly the complainant, to come to the table with informed perspectives. We've argued for a more systematic aggregation and publication of de-identified data so that both complainants and respondents can come to that process with more informed perspectives.

That concludes my opening statement.

● (1810)

The Vice-Chair (Mrs. Tilly O'Neill Gordon): Thank you very much.

We'll begin our questioning with Ms. Truppe, for a round of five minutes, please.

Mrs. Susan Truppe (London North Centre, CPC): Thank you, Madam Chair.

Thank you, Paula, for being here today. It's nice to finally have your report with us. It's a very important study that we're doing.

Your 2012 article entitled, "Encourage. Support. Act! Bystander Approaches to Sexual Harassment in the Workplace", highlights the importance of the intervention of bystanders in the response to incidents of sexual harassment in the workplace. Two of the reasons you highlighted as a reason people do not report incidents of sexual harassment in the workplace are fear of reprisal or the expectation that the response, once the incident is reported, may be inadequate.

You also note this has to do with the difficulty of recognizing the harassing behaviour as harassers do make efforts to keep their behaviour from being recognized, making it difficult for bystanders to identify the act and support the victim's claim. What sorts of training solutions would you propose to prevent harassment in the first place? What sorts of training solutions would you propose to empower and encourage bystanders to speak out?

Prof. Paula McDonald: There are a lot of issues there. We've proposed in that report and also subsequently a framework of prevention and response that takes a primary, secondary, and tertiary approach.

Training is an important part of primary prevention. There is, I think, a need for evaluative research to objectively analyze the effectiveness of particular training programs, but in our interviews with them, expert practitioners advocated training approaches that were complex, in the sense that they used both a carrot and a stick approach, the stick approach being to inform employees that sexual harassment is illegal and that there will be discipline and punishment for those who perpetrate it. The carrot approach is a more humanistic approach in training wherein professional codes of conduct are at the heart of them and whereby people attending training can use scenario-based sorts of approaches to play out sexual harassment.

The trainers use other sorts of strategies that our expert practitioners advocated around making clear that sexual harassment is not just the typical salacious conduct between a male boss and a female subordinate, but a very complex phenomenon that can be perpetrated by either men or women, and particularly by men against men as well, which is a common problem.

In terms of bystanders, there's very little empirical evidence of the way bystanders behave in workplaces, but in our empirical work, which is currently unpublished but under review, we used a two-dimensional framework that looked at the level of involvement of bystander behaviours and the immediacy of the involvement. We found that most bystander interventions or bystander actions—because it wasn't just active interventions, but also the providing support to the target—were relatively lower level and relatively non-immediate. There was a wide variety of actions taken, but they were oftentimes lower level and sometimes just based around support.

• (1815)

Mrs. Susan Truppe: How long do I have, Madam Chair?

The Vice-Chair (Mrs. Tilly O'Neill Gordon): You have 30 seconds left.

Mrs. Susan Truppe: What sort of training should be provided to supervisors and management in order to make this possible, so that more bystanders are involved at a higher level? If you could answer that very quickly, that would be great.

Prof. Paula McDonald: From the work that I've done, I would advocate a collective underpinning to a training program, in the sense that people who work together have a collective and collegial responsibility to look after one another and to understand the subtle gendered processes that often occur in organizations. These often are covert and not well understood by employees.

The Vice-Chair (Mrs. Tilly O'Neill Gordon): Thank you.

We'll now move to Ms. Ashton for five minutes.

Ms. Niki Ashton (Churchill, NDP): Thank you very much for joining us, Ms. McDonald; it's a real pleasure. Thank you also for the first time that you tried to join us. Our schedule is quite hectic, but we appreciate your time and the fact that you're sharing such critical work with us as well.

I understand that one of the research projects you're working on is called "Sexual Harassment in Australia: Causes, Outcomes and Prevention". Can you tell us a bit about the causes of sexual harassment, as you have found them?

Prof. Paula McDonald: As to the causes of sexual harassment, it's important to note that sexual harassment comes in many varied shapes and forms. As I've alluded to, the typical sexual harassment scenario that we often read about in the media, and which employees understand, is the salacious conduct between a boss and a subordinate. But it comes in various manifestations and the behaviours range from sexual assault, which is a criminal offence, right through to very subtle language that permeates organizations. I think these more subtle forms of gendered organizational processes are almost the most problematic in terms of causing sexual harassment, because they're not widely recognized.

In our research, we found that a lot of sexual harassers are serial offenders, and that organizational processes don't adequately deal

with those harassers. These men are often Teflon-coated. I'm not sure if that's a Canadian term. They're often not disciplined as a consequence of their behaviour, so they're given licence to continue to treat women in very demoralizing ways.

Ms. Niki Ashton: Ms. McDonald, I'm wondering if in your research you've found that the causes vary by workplace, across different industries, or between the private sector and the public sector. Have you seen any differences there?

Prof. Paula McDonald: We've seen no great differences, and I think that's actually been an important finding of our research. It's still the case that male-on-male sexual harassment is often a problem in male-dominated workplaces, particularly in blue-collar male-dominated workplaces. I think it's important to note that sexual harassment is widespread across a whole range of different workplaces. Having said that, the mining industry in Australia is a blue-collar male-dominated industry, but it seems to really have its act together in terms of adequately preventing the problem.

It's not so much about whether the organizations are public sector or private sector, male dominated or female dominated, gender balanced, or even the industry it occurs in. It's often not so much about an entire organization, but the particular context of a work group, that sort of milieu. I hesitate to use the word "culture", but at the department level, it's the ways and practices that are embedded in work systems which allow sexual harassment to flourish. I think that's more important, or it seems to be more a problem than divisions between public and private, small and large, male dominated and female dominated.

• (1820)

Ms. Niki Ashton: You've argued for systemic aggregation of de-identified data around all forms of discrimination, including sexual harassment. Can you inform us of why the collection of such data is so important?

Prof. Paula McDonald: The collection of that data is very important particularly for complainants because complainants often come to the conciliation or ADR process with absolutely no idea of what to expect, of how much financial compensation to seek, or what other non-financial settlement outcomes might be possible. It is in order to inform the perspectives of both complainants and respondents, but particularly complainants, because they often have less power in the processes that ensue.

The Vice-Chair (Mrs. Tilly O'Neill Gordon): Thank you.

We'll now move on to Ms. Sgro for five minutes.

Hon. Judy Sgro (York West, Lib.): Thank you, Madam Chair, and thank you for being here, Ms. McDonald.

Much of what we have heard in relation to some of the particular departments we have been dealing with has more to do with the whole culture of the organization. I think just changing the person who is at the head of a very large organization sends a message that any kind of harassment, including subtle remarks and those kinds of things will not be tolerated. Is that enough to shake up and change the attitude in a organization that's predominantly male?

Prof. Paula McDonald: Leadership is absolutely important. Those messages that sexual harassment won't be tolerated do need to come from the highest levels of any organization. However, I think a really important and missing piece of the puzzle in terms of that leadership is that leaders need to create practices in organizations that deal adequately with sexual harassment after it has already occurred.

So yes, primary prevention is important, but secondary prevention is really where a lot of organizations are falling down. Our work has really shown this very clearly. The way investigations take place and the timeliness of responses to complaints of sexual harassment are incredibly important not only for the individuals involved, but the way those complaints are handled sends clear messages to everybody in the organization that the organization and the leadership team are competent in dealing with discrimination in all of its forms and that the problem won't be tolerated.

Hon. Judy Sgro: We heard from a professor last week at our meeting who, similar to you, Ms. McDonald, had done a lot of work on the issue. The professor pointed out that especially where there is a female working in a male-dominated culture, the pushback often comes out of concern for their own jobs as males. They have a female now working beside them in a similar capacity, and generally the women tend to be assertive and outspoken, and the men feel threatened by that. The consequence is a variety of harassment techniques that are often used on the women.

What are your comments on that?

• (1825)

Prof. Paula McDonald: Yes, I would agree, again, that male-dominated organizations can be like that, but oftentimes female-dominated organizations have a concentration of men at the top as well. This kind of issue can be a problem in those organizations as well.

I also want to say it's important to note that in a lot of sexual harassment—in fact in more than 50% of cases in the Australian Human Rights Commission prevalence survey—the harassment comes from co-workers, not from people in more senior organizational positions. That probably needs to be more widely understood, because it's a different kind of phenomenon. Even when men and women work together at the same level—from a feminist or gendered perspective—men often hold the cards in organizations, even if they're working at the same hierarchical level.

This is what I meant. It's important to understand sexual harassment as a multi-faceted and complex phenomenon. If those kinds of nuances were better understood, it would allow targets to name sexual harassment more frequently and more appropriately, and also to come forward and report it more often, because that's obviously another problem. Reporting levels are very low, around one in five, actually.

Hon. Judy Sgro: Thank you very much.

Are there any last comments that you would like to make, Ms. McDonald? I have 20 seconds. I'll let you add anything that you think the committee should know.

I'm sorry that we've put you in such a spot. Essentially we've run out of time.

Prof. Paula McDonald: It's all right.

The Vice-Chair (Mrs. Tilly O'Neill Gordon): Thank you very much, Paula, for being with us today, and giving us such worthwhile words of advice. We hate to be rushing like this, but that's just the way it is here when we're called for votes.

Thank you.

Prof. Paula McDonald: No problem. It has been a pleasure. Thank you.

The Vice-Chair (Mrs. Tilly O'Neill Gordon): Thank you very much.

Are there any other questions?

Seeing none, the meeting is adjourned.

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