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Chair

Mr. Kevin Sorenson

Standing Committee on Public Safety and National Security

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•(1630)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): Good afternoon, everyone. This is meeting number 54 of the Standing Committee on Public Safety and National Security.

It is Wednesday, October 24, 2012. This afternoon we are continuing our consideration of Bill C-42, an act to amend the Royal Canadian Mounted Police Act .

We have two witnesses before us today. Hon. Warren Allmand is a spokesman for the International Civil Liberties Monitoring Group, and he was also a former solicitor general here in Canada.

Yvonne Séguin is the executive director of *Groupe d'aide et d'information sur le harcèlement sexuel au travail de la province de Québec*. We welcome you here. Madame Robichaud is a board member of the said group. Welcome.

We look forward to your opening comments. Mr. Allmand, you know how the process works. We hope you will be open to some questions after your opening statement.

Hon. Warren Allmand (Spokesperson, International Civil Liberties Monitoring Group): Unfortunately, the clerk took my remarks to have them photocopied and he didn't bring them back yet.

The Chair: I never thought I'd ever see Mr. Allmand speechless.

Hon. Warren Allmand: I can say a lot of things, but I want to be relevant.

The Chair: Maybe we could go to Madame Séguin.

[Translation]

Ms. Yvonne Séguin (Executive Director, Groupe d'aide et d'information sur le harcèlement sexuel au travail de la province de Québec): Good afternoon. My name is Yvonne Séguin and I am the executive director and founder of the *Groupe d'aide et d'information sur le harcèlement au travail*.

I wanted to provide you with a brief presentation to explain why we think that our comments may be of interest to your committee.

Our support group was established 32 years ago with the primary objective of breaking the isolation and wall of silence surrounding people who have experienced or are experiencing sexual or psychological harassment in the workplace, and to raise public awareness of this problem.

The organization pursues various objectives, as set out in its charter: to raise awareness of the problem of sexual harassment in the workplace; to counsel women on the steps to follow; to help

women overcome the problem they were or are facing; to prepare, publish and distribute documents, manuals, periodicals and, more specifically, any literature on sexual harassment in the workplace; to raise funds through donations and organize cultural activities.

The organization was founded in 1980. From 1980 to 1984, we were merely a committee affiliated with the organization *Au bas de l'échelle*, in Montreal. We were known as the *Comité d'action contre le harcèlement sexuel au travail du groupe Au bas de l'échelle*. However, given the magnitude of the problem of sexual harassment, we found that it was necessary to develop a specific approach. It therefore became apparent that we had to become an independent group.

In 1984, we incorporated under the name *Groupe d'aide et d'information sur le harcèlement sexuel au travail de la région de Montréal*.

In 1993, the support group received provincial status and its name changed to *Groupe d'aide et d'information sur le harcèlement sexuel au travail de la province de Québec inc.*

Since 2002, the GAIHST is also known as the *Groupe d'aide et d'information sur le harcèlement au travail*. Our group's name refers to both psychological and sexual harassment.

We serve Montreal and the surrounding area. The support group currently has no point of service, but we are trying to open another office in Saint-Jérôme. We should point out that, in many cases, the clients who turn to our group are in so much distress that they cannot travel to Montreal. It is too stressful for these people.

Since the support group provides a range of services, the clientele is quite varied. In terms of victims of sexual and psychological harassment, our clients are primarily women, although the number of men contacting the centre is growing. We have clients of all ages, from all walks of life and from all ethnic backgrounds. In order to benefit from our services, clients must be between the ages of 16 and 65.

I'm now going to talk about the clientele of these awareness and training sessions. Our training sessions are available to all companies, including SMEs, private and para-public organizations. Providing awareness sessions was not the primary objective of the support group, but over the years, more and more companies have contacted our organization in order to obtain information.

Our services include listening to clients over the phone, individual, group and legal interventions, information and references, and an in-house newspaper.

To effectively fulfil its mandate, the GAIHST offers four types of services: the complaints department, the support and information department, coffee meetings and the education department, which works with companies.

The client's first contact with us is through the support and information department, which provides moral support and guidance to victims of workplace harassment as well as information on the options available and on the coffee meetings service.

Coffee meetings allow our members to meet with anyone who has experienced or is experiencing harassment in the workplace. They can come here to meet with one another, validate what they have experienced and share this with other people. Often the topics are selected by the clientele who comes to the support group. Such topics may include, for example, post-traumatic stress disorder, employment insurance, art therapy, common law spouses or movie evenings. The clientele chooses the topic based on requirements. We also offer a coffee meeting that focuses on legal matters, such as issues involving hearsay. We should point out that, when clients decide to take legal action, they often hear a great deal of hearsay. We try to show them that this is not something that is acceptable to the courts.

•(1635)

The complaints department provides short, medium and long-term file follow-up. The department employs one lawyer and four articling law students. These lawyers come from McGill University and the Université de Montréal. This service enables us to conduct research and advocate for our clientele.

As for our education services, information sessions are provided to people who have experienced harassment or who have had knowledge of such a situation. The purpose of these sessions is to demystify the problem. We often hold these awareness sessions in schools and community centres.

Training sessions are offered to individuals who work in the area of sexual harassment prevention. These sessions are often given in small companies. We can help these individuals draft an in-house policy and develop investigative procedures.

We also have a small in-house newspaper, called *Info-GAIHST*, which is produced by the support group. We send out information to members and ensure that harassment files are updated.

Individuals who call our support group can quickly speak to an advocate. Although our workload is growing, the wait time is never more than 24 hours. The support group has been instructed to call people back in less than 24 hours. Do we have a wait list? No, that is impossible. Everyone who calls is provided with quick service. There are no charges for providing services to victims. Everything is free.

I would like to provide you with some statistics on the types of calls received last year. We received approximately 6,000 calls. Of these calls, 73.3% were made by clients and were for the complaints and support and information departments, 1.7% were calls about awareness sessions, 0.4% were calls about the coffee meetings and 24% were about other matters. These calls could have been requests for information, enquiries about the cards, etc.

Who provides our services? We have two employees working in the complaints department and one in the support and information department. Each year, we take on at least six interns in law, criminology and sexology. We also have a receptionist who works with the entire team and a policy advisor who works on special projects. Lastly, we have a director general who oversees the smooth operation of the centre. In all, we have a staff of six permanent employees who work with six to eight interns each year.

The support group relies on the support and dedication of a number of honorary members. These are women from various professional backgrounds who are dedicated to fighting sexual harassment in the workplace.

[English]

The Chair: Excuse me, madam, our time is somewhat limited here, and we're just coming up to the 10 minutes. I know you have a section dealing specifically with Bill C-42.

Ms. Yvonne Séguin: Yes, I can go right to that.

The Chair: I think that might be best. It certainly sounds like you're involved in the community with sexual harassment a great deal, and you're to be commended for that, but perhaps we could move more to the bill.

Ms. Yvonne Séguin: I'm told you have a copy of the documents I submitted to you. If you don't, I have them here.

The Chair: Yes, we do.

Ms. Yvonne Séguin: Okay.

We'll go to page 5.

•(1640)

[Translation]

In our opinion it would be important that our presentation include the definitions provided by the help and information centre. You will find them on page 5 in both French and English.

On page 6, you will also find the definition for psychological harassment.

The comments and suggestions provided by the Groupe d'aide et d'information sur le harcèlement sexuel au travail de la province de Québec pertaining to Bill C-42 deal first of all with the proposed section 9.2: 9.2 The commissioner's power to appoint a person as a member or to appoint a member, by way of promotion, to a higher rank or level, includes the power to revoke the appointment and to take corrective action whenever the commissioner is satisfied that an error, an omission or improper conduct affected the selection of the person or member for appointment.

To this we propose the following addition: "or if he is convinced that the member sexually or psychologically harassed another member".

Section 12 of the bill says: "12. Every member who has contravened, is found contravening... may be suspended from duty by the commissioner". In our opinion, this should be replaced by the wording used by the Commission des normes du travail du Québec: "must take the necessary steps". We believe the bill does not have teeth and must be strengthened.

Paragraph 20.2(1)(l) says, and I quote: "The commissioner may establish procedures to investigate and resolve disputes relating to alleged harassment by a member". This should be replaced by the following: "The commissioner shall establish procedures to investigate and resolve disputes relating to alleged harassment by a member...".

The bill should describe in greater detail procedures that the commissioner must follow in cases of harassment complaints. That should be a stand-alone provision in the bill rather than a subsection.

In short, the will to increase the RCMP's accountability is a good thing. However, this increase should involve the RCMP's duties and obligations, not its rights. In other words, the commissioner would receive too much discretionary power. If any recourse implemented is to be effective, complaints of harassment in the workplace must be dealt with as an obligation and not an option.

[English]

The Chair: Thank you very much.

Ms. Yvonne Séguin: Was that fast enough?

The Chair: You did very well. Thank you.

We'll now move to Mr. Allmand, please.

Hon. Warren Allmand: Mr. Chairman and members of the committee, I am here today on behalf of the International Civil Liberties Monitoring Group, which is a pan-Canadian coalition of civil society organizations that was established in the aftermath of the September 11, 2001 terrorist attacks.

This coalition brings together 40 international development and human rights NGOs, unions, professional associations, and faith groups. Its purpose is to monitor the impact of anti-terrorism legislation on human rights standards, and to advocate against abuses and violations. The ICLMG was an intervener in the Arar inquiry, the Iacobucci commission, and we appeared before the Supreme Court of Canada in the security certificate case relating to Adil Charkaoui.

Our comments in response to Bill C-42 are based on our experience before the Arar commission, and the findings and recommendations set out by Judge O'Connor in his two reports following his inquiry into the Arar incident.

In his first report, tabled in September 2006, Judge O'Connor found that Maher Arar's detention by U.S. officers in New York in 2002, and his surreptitious transfer by them to Syria a few days later, where he was imprisoned and tortured for approximately one year, was in large part due to the negligence of the RCMP who incorrectly labelled Mr. Arar as an Islamist extremist linked to al-Qaeda, and then irresponsibly shared this inaccurate information with American authorities. Judge O'Connor was especially critical of the RCMP for its failure to gather and verify correct information, for its sharing of inaccurate information, and for its inadequate direction and oversight of the investigation team.

In his first report, Judge O'Connor made 23 recommendations to correct these failures and shortcomings. In his second report, dated December 2006, also to correct the problem cited above, Judge O'Connor proposed a new review agency for the RCMP, and a new

review process for five other federal agencies carrying on security and intelligence activities.

● (1645)

As a result of his inquiry, Judge O'Connor discovered that there were 24 federal agencies in Canada involved directly or indirectly in the security and intelligence business, the principal ones being CSIS, the RCMP, Communications Security Establishment Canada, Canada Border Services Agency, Transport Canada, DFAIT, DND, Immigration Canada, the PCO, Justice, and the Coast Guard. He discovered that there were 247 agreements by which intelligence information was shared internationally and within Canada.

In addition, he found that there were an increasing number of joint intelligence operations known as INSETs, integrated national security enforcement teams, made up for example of CSIS, the RCMP, provincial police forces, and municipal police forces. With all this sharing and with all these joint operations, it is easy to understand how errors and mistakes by the RCMP and other agencies might escape review and go undetected. The problem is that the existing review bodies—the CPC, the Commission for Public Complaints, SIRC for CSIS, the CSE commissioner—have different, limited powers and mandates, which in each case are only directed at a single agency. Therefore, how do you get at problems resulting from joint operations and sharing arrangements?

Some of these review bodies have the power of subpoena and some do not. Some have the right to audit and others don't. Some, such as the Canada Border Services Agency, have no review body whatsoever. This leaves us with an impossible situation where issues and violations can easily fall between the cracks.

In chapter 10 of the second report, Judge O'Connor asked the question, "Is the status quo adequate?" He said, "Categorically, no". He said that the RCMP internal controls were not adequate. The existing powers of the Commission for Public Complaints, CPC, were not adequate, and the powers of other accountability bodies were not adequate. He therefore proposed a new body to replace the RCMP's CPC, to be known as the independent complaints and national security review agency. The name doesn't matter. For what you're proposing in this bill, that name would do as well. The purpose of this new body would be to review the RCMP and the Canada Border Services Agency, with increased powers to audit and to investigate complaints.

He also proposed that SIRC be given additional powers to review the security and intelligence operations of Immigration Canada, DFAIT, Transport, and FINTRAC, in addition to CSIS. He leaves the CSE commissioner as is to review the activities of the Communications Security Establishment. However, to coordinate these three bodies, to review all national security practices, and to make sure that nothing falls between the cracks, he proposes an integrated national security review coordinating committee.

Mr. Chairman, and members of the committee, six years after O'Connor's two reports, we have Bill C-42. Since it is a very large and complicated bill, some 120 pages, amending nine major statutes, I have not had the time to examine and analyze all parts of the bill. Therefore, today I will deal specifically with those issues raised by the Arar commission, that is, the work done by the RCMP and others in security and intelligence, and especially in joint operations such as the INSETs. I will deal with both joint operations and sharing within Canada, as well as cross-border.

There are two parts of the bill that might be relevant in this respect. Proposed section 45.75 states:

45.75 (1) If a complaint concerns the conduct of a member or other person appointed or employed under Part I and a law enforcement officer of any other jurisdiction, whether in or outside Canada, the Commission may conduct an investigation, review or hearing of that complaint jointly with the authority in that other jurisdiction that is responsible for investigations, reviews or hearings with respect to complaints against law enforcement officers.

(2) The Governor in Council may make regulations respecting investigations, reviews or hearings conducted jointly under subsection (1).

• (1650)

The problem is, do the words “any other jurisdiction” include the other review authorities under federal jurisdiction, such as SIRC, the review agency for the CSE, and so on? That has to be clarified. I say that because most of the RCMP joint operations include two or three of the other federal security authorities. I remind you that Judge O'Connor found that there were 24 of them. Does the application of this article regarding joint reviews, the purpose of which is good, extend not only to provincial and non-Canadian authorities, but also to the other authorities under federal jurisdiction?

What about those federal agencies, such as the Canada Border Services Agency, which has no review or oversight whatsoever? How do we investigate joint operations between the RCMP and CBSA, of which there are several? Judge O'Connor said that the new review agency should deal with both the RCMP and CBSA.

As a result, this article may require amendments and clarification. We should also know more about what the government means by “regulations” under proposed subsection 45.75(2).

In the same vein, we should seek clarification of part VII.2, starting with proposed section 45.88 and following. This part is entitled “Review of Integrated Cross-Border Law Enforcement Operations”.

First of all, in reading the bill, I can't quite understand the relationship of these proposed sections with proposed section 45.75 to which I just referred. Will these sections, for example, allow the new civilian review and complaints commission, CRCC, to investigate, review, and hold hearings on cases like those of Arar, or El Maati, Almalki, and Nureddin, who were dealt with under the Iacobucci commission?

I read the minister's testimony before this committee, and it is my view that the minister should be invited back to the committee and asked to clarify these articles that I've referred to about joint reviews—joint reviews within Canada and joint reviews cross-border—and, if necessary, propose amendments.

I think the government had the right intention in mind in allowing for joint reviews with other oversight bodies, but those sections are not clear at all. There must be clarification. Maybe amendments will be required.

The cases studied by Judge O'Connor and Judge Iacobucci should not be overlooked and forgotten. Judge O'Connor spent three years. Judge Iacobucci spent two years. They used millions of taxpayers' dollars to look into these cases. They cannot be ignored.

I would like you to remember that Judge O'Connor was able to get to the bottom of the Arar tragedy because he had full powers to look at all agencies, joint operations, and all information-sharing agreements. If this new CRCC is to do its job correctly, it must have similar powers.

Thank you very much, Mr. Chairman.

The Chair: Thank you very much, Mr. Allmand.

We'll go into our first round of questioning, which is a seven-minute round.

Ms. Bergen, please.

Ms. Candice Bergen (Portage—Lisgar, CPC): Thank you very much, Mr. Chair. Thank you to both the witnesses for their presentations.

I have two areas to cover, so I'll try to be quick.

I first want to talk to you, Ms. Séguin, in regard to harassment. I know you deal specifically with sexual harassment and work with individuals who are victims of sexual harassment. You see the consequences, the aftermath, and the long-term effects it has on people who have to deal with that in the workplace.

It seems to me that you would support what the bill is doing, which is to modernize and to provide more accountability to the RCMP and to those who hold the RCMP accountable through various investigative bodies.

If I'm hearing you correctly, though, you would like to have a subsection that deals specifically with sexual harassment. Is that correct?

Ms. Yvonne Séguin: Yes, to make it a lot clearer.

I'm not a lawyer, so I'm not sure about the law. I did read it; it's very complicated. It's not easy to find the sanctions that apply if somebody is found guilty of sexual harassment, the interventions that are taken, or the steps that have to be taken.

Ms. Candice Bergen: I'm happy that you brought that up. There are a couple of things that I think are important.

First of all, whether it's in a private workplace, a government organization, or a small business, it's important to have certain procedures in place to deal with harassment of all kinds. There should be zero tolerance for harassment, whether it's sexual harassment, racial harassment, sexual-orientation harassment, or any other kind. Strong businesses and private and public organizations have policies in place to deal with that.

What's happened under the RCMP is that the complaints process is so onerous. It's a very long process. Direct supervisors cannot deal with issues like this when they arise, and that's been a huge problem. What Bill C-42 does is it modernizes the whole system. It gives direct supervisors an ability to deal with it.

My concern with your suggestion is that if we start pulling out different types of harassment and try to deal with them in a piece-by-piece way, we would not be dealing with the foundational premise, which is that all harassment is wrong.

I wonder if you could comment on that, the idea that no harassment should be tolerated. If we start to break it up, it could become confusing, or we might miss a piece.

• (1655)

Ms. Yvonne Séguin: I would certainly suggest that we do break it up and that we do talk specifically about the sexual harassment. With respect to the cases that came up this summer in the RCMP, when you find that people have been sexually harassed for two decades, then you know there is a problem. When you hear that 150 female Mounties have gone through the process of pressing charges in a civil suit, it's screaming out loud that the system doesn't work. I know that for a long time it was popular to try to group all the harassment charges together and call it maybe "violence at work". But I think as long as there's sexual harassment in the workplace, as long as there's not the necessary education in place, we should be very specific.

Ms. Candice Bergen: I know the bill is a big piece of legislation, but it gives not only individual supervisors, but also the RCMP, the ability to enact procedures for discipline, education, mitigation. I think when you put something like that directly in the legislation, as opposed to later on in the regulations, it can become more detrimental.

I really appreciate your comments and your commitment to this.

Mr. Allmand, on the issue you brought forward in regard to investigating a cross-border incident, it doesn't have to do with CBSA officials. Right now, we have a pilot project and we're moving forward in an integrated way to police the borders, where the RCMP can work together with American law enforcement officials on different cross-border issues. This would include those RCMP in this entire process. Does that clarify it?

Hon. Warren Allmand: No, it doesn't. There are two parts to the bill. I referred to them. Proposed section 45.75 talks about joint reviews with other oversight bodies.

Ms. Candice Bergen: Yes, I knew that was important.

Hon. Warren Allmand: It says within and outside of Canada. Then there is part VII.2, which refers to cross-border law enforcement operations. In other words, it refers to oversight. There seems to be some lack of clarity.

Ms. Candice Bergen: Those are RCMP.

Hon. Warren Allmand: My main point has to do with joint operations. We know now that there are joint operations between the RCMP and CBSA. All I want is clarification. I'm pleased that you provided for joint reviews, but it's not clear that it covers the territory.

Ms. Candice Bergen: What I think is important is that the former complaints commission is being replaced. The bill is following many of the recommendations of Justice O'Connor. One of the main things Justice O'Connor recommended, and something which this bill addresses, is the ability for the new complaints commission, the civilian review and complaints commission, to have access to information. I'm going to read from the bill:

Subject to sections 45.4 and 45.42, the Commission is entitled to have access to any information under the control, or in the possession, of the Force that the Commission considers is relevant to exercise of its powers, or the performance or its duties and functions....

It goes on. It also can subpoena information where it feels it's necessary. If an investigation crosses over from a complaint that would be handled by the complaints commission to a criminal investigation, that's where it would go to an investigative body that is already set up. There are four provinces where they are set up. It then becomes a criminal investigation. The same powers that any—

• (1700)

The Chair: Quickly, you have 20 seconds.

Ms. Candice Bergen:—investigative body would have would be extended to those jurisdictional investigative bodies.

I do hear what you're saying, where you want it to be very clearly laid out, that they are able to have joint investigations with, as you said, SIRC—

Hon. Warren Allmand: Not just with provincial organizations. Most of the INSETs—

Ms. Candice Bergen: No, but these are the investigative—

Hon. Warren Allmand: If I may be clear, most of the INSETs—

The Chair: Quickly, Mr. Allmand, because our time is up.

Hon. Warren Allmand: Okay.

The Chair: You might get it in on another question.

[*Translation*]

Ms. Doré Lefebvre, you have seven minutes.

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Thank you, Chair.

First of all, I would like to thank you Mr. Allmand, Ms. Robichaud and Ms. Séguin, for being here today. We greatly appreciate your comments on Bill C-42. My questions pertain to Ms. Robichaud and Ms. Séguin's work, and their opinion of Bill C-42.

I know that you have done a great deal of work on sexual harassment in the workplace. You have mainly focused on helping people who are not unionized and your work has been done on an individual basis. I am certain this is greatly appreciated by people who enjoy less protection under labour standards.

You mentioned Bill C-42's inadequacies and lack of firmness. In your opinion, handling harassment complaints in the workplace should be an obligation and not an option, as is currently the case. It will remain so since the commissioner will still have the power to decide whether or not to implement the internal review committee's recommendations.

Do you believe Bill C-42 does not take sexual and psychological harassment cases seriously enough? Would it be possible to go to greater lengths in order to treat this problem more seriously?

Ms. Yvonne Séguin: I had a quick look at the code of conduct and didn't find any references to sexual harassment. I am in favour of Bill C-42, but I do not understand all of its content. However, when people experience harassment, they try to find a way out, places that will help them. When they don't find them, they think they have nowhere to go.

These things are often dealt with at the Labour Standards Commission, which supports non-unionized employees. Employers have to act. They don't have any alternatives. That said, the response can vary, but it nevertheless makes small businesses do something. I think it would be good for the RCMP to have to do something.

Ms. Rosane Doré Lefebvre: Certainly, the obligation to act must be taken into account. Since it is not mandatory for the RCMP to take action when there is a case of employee harassment, do you not believe that that undermines the confidence of women who want to work for the RCMP?

Ms. Yvonne Séguin: We can see that with the articles that have been published this year. We see people ready to come testify today, after having waited 20 years to tell us what they experienced. They stayed silent because they valued their jobs. It is also because they did not trust the system that was supposed to help them.

Our organization has found that employers who take their responsibilities very seriously receive fewer complaints. People who work at those places know what the limits are and what the employer's position is. Employees are educated at those kinds of companies, which leads to fewer complaints. When complaints are filed, there is a mechanism to resolve them quickly.

Does that answer your question?

Ms. Rosane Doré Lefebvre: Yes, that answers my question very well.

Do you believe that is an example of the right way to address harassment, whether psychological or sexual, in the workplace?

Ms. Yvonne Séguin: It should be an obligation.

Ms. Rosane Doré Lefebvre: It should be an obligation, in your opinion.

Ms. Yvonne Séguin: Yes, an obligation and not a choice.

• (1705)

Ms. Rosane Doré Lefebvre: In your opinion, what is missing from Bill C-42 that could give it more substance?

Ms. Yvonne Séguin: We think it lacks a structure. The structure is not put in place. Even if it is in another section, it's not clear. In any case, it is written with words that suggest that recommendations can be made.

Personally, if I were a victim of harassment, I'm not sure I would make a complaint. If I made a complaint, what would happen next is far from clear.

Ms. Rosane Doré Lefebvre: You have worked on many cases of workplace harassment, especially regarding women. Do you have examples to provide us with on this? Here, we are trying to work on

changing the RCMP's internal culture. In your testimony, you mentioned a little earlier the 150 women looking to launch a class action lawsuit.

Have you seen a similar type of internal culture that needed to be changed in workplaces? Could you give us concrete examples of that?

Ms. Yvonne Séguin: I know that once a year, the help group targets an organization that calls us to give training. As I said, our main goal is not to give training, but rather to help people who experience this problem. We give training to Montreal's firefighters. When they approached us, it was mostly to address the issue of the culture that existed among firefighters.

It was an everything-goes environment. We had to raise awareness and educate people a lot about the fact that workplace culture can change. It has to change. The change is difficult for everyone, but once it's done, it's crystal clear. In the 1980s, CN made changes to discrimination and sexual harassment policies. This institution was the first to say it feared being flooded with complaints after the decision. However, on the contrary, it received fewer, because things were straightforward.

Ms. Rosane Doré Lefebvre: Excuse me for coming back to this subject. When you made presentations to Montreal's firefighters, they admitted to you that it was part of—

Ms. Yvonne Séguin: Yes. When they came to us to offer training, they asked us to help them establish their policies against harassment and conduct internal investigations. The way people talk to each other was part of their culture and it included jokes. However, it is important to understand that it takes two people to make a joke. When one person isn't laughing, it is no longer a joke. When one person in particular is laughed at or isolated, it is no longer a joke. Therefore, we had to work a lot on that. It wasn't so hard. It was harder to convince senior management that that culture had to change.

[English]

The Chair: Very quickly.

[Translation]

Ms. Rosane Doré Lefebvre: By helping them change the internal culture, did you see progress?

Ms. Yvonne Séguin: Yes. We saw a lot of progress. What's more, it was their decision. There are internal investigations. Montreal firefighters will call Laval firefighters to do an investigation and if Laval firefighters have a problem, they call Montreal firefighters to investigate. In short, their cases do not drag on for three or four years.

Ms. Rosane Doré Lefebvre: Thank you.

[English]

The Chair: Thank you very much.

We'll now move back to Mr. Leef, for seven minutes.

Mr. Ryan Leef (Yukon, CPC): Thank you, Mr. Chair, and thank you to our witnesses today.

Ms. Séguin, we've talked a lot about legislative means that we can employ when a behaviour has occurred, and you've made some suggestions around how the act could or should deal with behaviour that has occurred. A significant part in the change in the culture starts right away with the training. In the RCMP it begins with a group of people going to the RCMP academy in Regina. They have an opportunity with one centre, which I think is a positive idea, where all the recruits go, get training, and move out from there.

Let me point something out and then I'll give you an opportunity to comment on whether or not you see this as a positive step in the legislation. I'd like to look at some of the things in the legislation that appear to me, as a former member of the RCMP, to be moving in the right direction.

Proposed section 20.2 would allow the commissioner to determine the learning, training and development requirements of members and fix the terms on which the learning, training and development may be carried out.

I see that as being translated in a framework fashion to the academy itself, to the recruitment structure, and the training structure. Could you comment on whether you see that as a positive remark in the legislation? What recommendations would you have in terms of guiding philosophies around training to start the preventive measures that are needed in the RCMP?

Ms. Yvonne Séguin: I don't have any personal knowledge of this, but I would say that this is a very good start. It should be at the training level that you start the education, but it's soon forgotten. Therefore, it's something that has to be repeated many times. Once a year could be fine. That's what my recommendation would be. It would be that there always be amendments made to the internal policy on sexual harassment or violence at work, whichever form that it wants to take, that there be a committee that works on it to see if it's working and that is watching, because people tend to forget.

We meet a lot of people who don't even know if their company has a policy. Usually when they are hired, they get a copy of it, but they're just so happy that they got the job, that it's filed away and they forget to look at it again.

• (1710)

Mr. Ryan Leef: Is there a component you think this should take in from your experience, working across a number of groups where you see this becoming an unfortunate part of an employment culture, not just within the RCMP but in other organizations?

There are some groups and organizations that will run a one-day harassment program, a two-hour harassment program, or an online harassment program. In your mind, what does it take at the initial stage, at the training stage, to ensure that it's meaningful, longer lasting, and resonates with the recruits who get in, respecting your recommendation that it continues throughout their career?

Ms. Yvonne Séguin: With the 32 years of experience that we have, what we have found is that it has to be a training session where the employees have to go to it. When we first started off in the eighties, employees could go to the session if they wanted to. Now employees have to go to it. It's a refresher course. It doesn't have to take all day. We work with small companies, so they don't want to lose the time of their employees in these training sessions. We're always available either before the shift starts, during the lunch hour,

or after the shift ends. There are different mechanisms that can be put into place where it doesn't have to take a day and a half. We do a day-and-a-half training session when we are training people on how to investigate a sexual harassment complaint. If it's a refresher course for the employees, it can take a lot of different forms. It doesn't have to be that long. It's always in the minds of people. They know what the RCMP stands for, what they won't accept, and what they will accept. It just makes it clearer for everybody involved.

Mr. Ryan Leef: It's probably like no other organization in the country. The RCMP has an opportunity here with a centralized recruitment group, in a centralized area, with a standardized length or period of time for their training, and a dedicated training day within a week where there isn't an option to attend or not attend. It's a competency-based program in every sense of the word and it could deliver that.

You said that the part of the section where the commissioner may direct the learning and training of the RCMP is a really positive step toward dealing with the prevention aspect of some of these challenges they're facing.

We move now to the comments you made around the continuing education aspect and maybe the growth of it, because challenges and reality change and so too must the training and awareness of this.

Do you see it as a positive step now that the legislation is different from the past, where these kinds of issues can be dealt with now at the first instance? In the past, if an issue of harassment, whether sexual, psychological, or any other form of harassment, occurred in the workplace, the past system engaged a very legal framework. A manager in his own detachment in rural and remote Canada, who would love to sit the member down and tell the member that what was done was inappropriate and it needed to be corrected couldn't do that because the legislation and the system didn't allow it. Now with the change in this bill, a detachment commander can sit down with the person involved and deal with it right away, at the very first instance.

Do you see that as a positive step to slowing the unfortunate growth of this kind of inappropriate conduct within the force?

Ms. Yvonne Séguin: I would say that it sounds good, but we would have to see it once it's applied to see if it works well. Again, while people will be given the possibility to do it, are they going to do it? And how are they going to do it?

Mr. Ryan Leef: It's a fair point. The proof is in the pudding and delivery, of course. Does it work well in the other organizations that do this?

Ms. Yvonne Séguin: With the 32 years of experience we have, we have found out that when companies do have a clear policy, when employees do know what is acceptable and not acceptable, it makes it much easier for management to deal with the problems. Not everybody is a harasser. A lot of times when you just clarify what it is for them, it stops. Sometimes they say that they were just joking around. Sometimes you have to define to them what is a joke. When I am giving training sessions mostly where there are men, men are usually scared of the fact that it means they can't flirt anymore. When I say that flirting is fine, that it's acceptable, but when someone says "no", they have to stop, I see their shoulders go back up. They are okay with that now. We didn't change that culture. We're just saying they have to learn how to respect the other person's space.

It sounds good, but we have to see who these managers are, what kind of training they are getting to do this. The timeframe is very important. I can tell you in the eighties, at the provincial government, I saw specific case which took three years to investigate. That's not acceptable.

• (1715)

The Chair: Thank you very much.

We will now move over to the Liberals for seven minutes, please.

Mr. Scott Andrews (Avalon, Lib.): Thank you, Mr. Chair.

On that last point, in talking about the timeframes on investigating, do you have any idea right now what the timeframes are? Do you think this legislation with shorten the timeframes? It is a good point to look at how long these cases take to get resolved.

Ms. Yvonne Séguin: I don't think I would be the expert on that. I think maybe Mr. Leef would be the expert on that. However, I can tell you that what we have found out is when a case is denounced immediately, it can take two to three weeks to resolve. If you let it get into the legal system, it can take five to six years to resolve.

Mr. Scott Andrews: Mr. Allmand, I'd like to get back to the conversation you were having about these joint reviews. You spoke about them near the end of your testimony, so you can add anything that you'd like to them. How do you see these joint reviews working? What kinds of powers do these reviewing bodies need to have in order to function properly? What information would they have to have to do the reviews?

Hon. Warren Allmand: I don't think this has been fully understood. When the RCMP acts in joint operations, such as the INSETs, with other security and intelligence groups, when they act jointly like that, and there's negligence and somebody is hurt, as Mr. Arar was hurt, to the extent that he was tortured for over a year in Syria and sent there based on inaccurate information, if you have one oversight body, such as the CPC that only focuses on the behaviour of the RCMP, they can't investigate the other partners in the joint operation. You need to have a system where you can look at the entire joint operation, and not just the commissioner for the Communications Security Establishment looking at one part. They have to get together.

Proposed section 45.75—and I'm thankful for that section—says that when an RCMP officer works at a joint operation, there can be a joint review between the CRCC and the review body of the other group, but it says in other jurisdictions, meaning, I guess, provincial jurisdiction or the United States. It doesn't say with the other federal

security and intelligence bodies under the federal government. Justice O'Connor found out there were 24 of them. If this proposed section were amended to allow not only joint reviews with other jurisdictions, but with other intelligence and security oversight bodies within the federal government area, and provide one as well for the Canada Border Services Agency, which has none at all, and by the way, is providing a lot of information and doing a lot of investigative work with respect to enforcement and so on in border matters, then you'd have a very good section here.

I also asked about the interrelationship between proposed section 45.75, which talks about joint reviews both inside and outside of Canada, and then these other sections at the end of the bill, under part VII.2, proposed sections 45.88 and following, which talk about cross-border law enforcement operations and a review for them. There seems to be some contradiction. It's not clear at all what's covered. What you must be clear on is to make sure in the bill that the sorts of things that happened in joint operations to Arar, to El Maati, to Almalki, to Mr. Benatta, a lot of the people who were seriously hurt by negligence by the RCMP and others in joint operations, can be properly reviewed and those responsible are held accountable.

That's the point I'm making. I'm asking the committee to seek clarification on whether these sections do apply to joint operations between the RCMP, CSIS, CSE, CBSA, the Coast Guard, whatever, these other 24 groups that do security. Does it cover them or not? If it doesn't cover them, I think you should make an amendment to make it clear that the joint review will cover them. Otherwise, things will continue to fall between the cracks.

How should they work? They should work just like Judge O'Connor's commission. Judge O'Connor was able to get to the bottom of what happened to Arar because he wasn't just mandated to look at the RCMP alone. He looked at the RCMP, CSIS, all the organizations and ministries in Canada that were dealing with security and intelligence operations in law enforcement. Because he could look at all of them, look at all the agreements, he was able to find out what really happened, and he found out that Mr. Arar was completely falsely labelled. The government compensated him later on for the negligence that happened. But if it hadn't been for the powers given to O'Connor in that commission, we never would have known what had happened.

The International Civil Liberties Monitoring Group is arguing that this new body, the CRCC, should have the powers to get to the bottom of a joint operations case to find out really what happened and who is responsible when somebody is hurt by a joint operation.

• (1720)

Mr. Scott Andrews: When you talk about joint operations with the United States, how do we know that we'll be able to get to the reviewing bodies of those in their legislation as well? I'm no expert. I'm not familiar with this, but are you familiar with what they do on the other side of the border for these types of reviews, or do they not have any?

Hon. Warren Allmand: Part VII.2 attempts to deal with that. I only had a short while to deal with this very complicated bill. I read through this part several times. I was trying to find out exactly what you're asking me, and I couldn't really find out from reading these sections. The bill amends, as I point out, nine other statutes, so it's not an easy task to get to the bottom of and understand. That's why I recommend very strongly that you try to get the minister back, or the officials back, and ask them to explain. It says that there would be a review of integrated cross-border law enforcement operations, but how it will take place? From reading the articles, I don't get it, and it needs clarification.

The Chair: Thank you very much.

Before we go to Mr. Garrison, I'm just going to go to our analyst, because we have a former solicitor general who has some concerns about these two sections. Maybe we can get some clarification for you.

Then I'll go to Mr. Garrison. Mr. Andrews, your time was up, and you had good questions.

Mr. Dominique Valiquet (Committee Researcher): Yes, I can address your second issue, Mr. Allmand, on part VII.2, the review of integrated cross-border law enforcement operations. You mentioned proposed section 45.88 of the bill.

Hon. Warren Allmand: I'm following.

Mr. Dominique Valiquet: That part is a consequential amendment, so it's not really part of the bill. It's just modifying some wording, because Bill C-42 creates a new commission. That part, which is called the ship-rider part, was already adopted by Parliament in Bill C-38, so this is already law. Bill C-42 is just making some consequential amendments.

To address your second issue on joint investigation cross-border, maybe you can find your answer at section 45.95. I can read the first paragraph, "If a complaint concerns the conduct of a designated officer," for example an RCMP officer who is working cross-border with the FBI, or DEA, or cross-border law enforcement—an American officer—the new commission created by Bill C-42 may "conduct an investigation, review or hearing of that complaint jointly with an authority that is responsible for investigations, reviews or hearings with respect to complaints from the public against law enforcement officers in any relevant jurisdiction, whether in or outside Canada."

• (1725)

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Could I get that section again?

The Chair: It's 45.95

A voice: Could I ask something?

The Chair: Very quickly, I don't want to cut Mr. Garrison.

Hon. Warren Allmand: What if the cross-border operations included not just the RCMP, but the RCMP with the CBSA?

Mr. Dominique Valiquet: That's dealt with by another section of the bill, 45.75, which is your first issue, and that is a matter of interpretation of that section. I don't have any answer.

The Chair: That's what we'll have to check on. Thanks for bringing that up.

We'll quickly go to Mr. Garrison. He has five minutes, and probably the last question.

Mr. Randall Garrison: Thanks very much. Thanks to both witnesses for appearing today. I have a quick question for Madam Séguin.

Mr. Leef read proposed paragraph 20.2(1)(a) about training. It says that the commissioner may:

determine the learning, training and development of members and fix the terms of on which the learning, training and development may be carried out;

If I understand your position, you're saying that by not listing sexual harassment specifically, it leaves it too open to this being omitted from the training and development process. Is that correct?

Ms. Yvonne Séguin: Yes, that's correct.

Mr. Randall Garrison: Okay, thank you.

Mr. Allmand, thank you for bringing those questions about joint operations to the attention of the committee. When Bill C-38 was being discussed, I actually did raise some of those same concerns in the finance committee where, strangely, we were dealing with Bill C-38's provisions on the ship-rider.

You talked about Justice O'Connor and his very thorough review and his thorough recommendations. One of the things that some have suggested—I think including Mr. O'Connor—is that the civilian review and complaints commission be very independent, yet in this proposal we have before us, it would report to the minister.

As a former solicitor general and someone who had a commission report to you, do you think it would be better for the commission to report to Parliament, and become an officer of Parliament, and then allow it to review all these agencies and report back to Parliament, or is it sufficient to continue to report to the minister?

Hon. Warren Allmand: No, I don't think it is sufficient.

I didn't have time to deal with that in my opening remarks, but I read through the whole bill, which was a task in itself.

No, I think it says that the report should go to the RCMP, to the complainant, and to the agency that does the oversight, but not to Parliament or to the public. I think it has to, because it could undermine public credibility in the institutions if the public doesn't know.

For example, if it hadn't been for the public campaigning on behalf of Mr. Arar and the other people who were hurt by these renditions to the Middle East to be tortured and so on, if the public hadn't clamoured, we wouldn't have had the Arar commission. We wouldn't have had the Iacobucci commission, and so on. I think to maintain credibility in government institutions it's necessary to give those reports not just to Parliament, but they also should be made public.

This is the second report of Judge O'Connor. Anybody can get it. It's good that they can get it. It can be studied by academics. Further, it can contribute to a better understanding and better support for our oversight system and our public security system.

Mr. Randall Garrison: One of the provisions in this bill, which Ms. Bergen mentioned, is that it provides greater access to information with the complaints commission, but it does not provide the same access to information that SIRC has with regard to CSIS. In other words, as we've heard from other witnesses, it has some very large categories of privilege where the commission would not be allowed to have access to the information if the RCMP decided to withhold that.

I know you've dealt with both SIRC and this. In your opinion, as a former minister dealing with this, should it have the same powers as SIRC?

Hon. Warren Allmand: Absolutely. Judge O'Connor recommended that the new body have the same powers. I know that former chairs of the CPC, like Shirley Heafey, finally quit. She was frustrated because she couldn't get the information to do her job. Other chairs of the CPC have had the same problem.

There's an improvement in this bill, but it doesn't go far enough. It doesn't have the same powers as SIRC does and it should have. There's no reason why it shouldn't.

Mr. Randall Garrison: Somewhere near the beginning of the bill—I have forgotten the number of the section—it says that the chair of the commission can only undertake independent investigations if the chair is convinced they have the resources, and if there's no other investigation going on by any other government entity. Do you have any reaction to those restrictions on the ability of the commission to undertake investigations?

Hon. Warren Allmand: I found them rather amusing. It would seem to me that if an investigation has to take place and it's important, you get the resources. You don't decide you won't have the investigation. You make sure you have it.

I haven't got the exact figures, but millions of dollars were spent on both the Iacobucci and O'Connor commissions, and there were others, because of these problems, that weren't properly dealt with by the CPC, etc. You end up spending more money in the long run when you have to have a special royal commission to deal with these matters. Better that they have the powers to deal with them.

It would seem to me that the chair and the people who run the new CRCC should have the resources available to do what they have to do. If they didn't have the resources, like any agency of the government, they would request more special resources to do the job, but not give up, I hope. I found those rather strange provisions.

● (1730)

Mr. Randall Garrison: Thank you very much, Mr. Allmand. That was very valuable, and as you are a former minister, we do appreciate it.

The Chair: I want to thank both groups for attending today, for bringing your expertise to this committee, and for your input certainly in two different areas.

The meeting is now adjourned.

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