

**Opening Statement
by
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Conflict of Interest and Ethics Commissioner**

**To the
House of Commons Standing Committee on the Status of Women
In the context of its study on
Sexual Harassment in the Federal Workplace**

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CHECK AGAINST DELIVERY

Introduction

Madam Chair, I would like to thank the Committee for inviting me to appear before you today as part of its study on sexual harassment in the federal workplace. I recognize the importance of preventing and dealing with sexual harassment situations, among other types of harassment, and I commend the Committee for its work.

With me this morning is Denise Benoit, Director of Corporate Management.

To provide some context, I am going to start with some background information about the Office of the Conflict of Interest and Ethics Commissioner.

Then, I will review the policies that we have put in place to prevent and deal with harassment, including sexual harassment. I have provided the Committee with copies of those policies. I will also outline the legal framework within which my Office operates.

I will end my opening statement with a brief look ahead.

About the Office

My Office was created under the *Federal Accountability Act*. The part that relates to my Office, the *Conflict of Interest Act*, came into effect in July 2007, the same time I was appointed Conflict of Interest and Ethics Commissioner. My Office replaced the Office of the Ethics Commissioner, one of several predecessors.

Along with the Senate, the House of Commons and the Library of Parliament, my Office is part of the parliamentary infrastructure. The Commissioner is an Officer of Parliament who is appointed under the *Parliament of Canada Act*, so my Office is totally separate from the public service and is not subject to Treasury Board policies. We are a small organization, with a staff of 50.

Historical Case

During the more than five years that I have been Commissioner, there has been no formal complaint of harassment in my Office. One informal complaint was submitted in July 2007, the month I was appointed, and it was quickly and successfully resolved.

That case highlighted for me the need to strengthen my Office's ability to prevent and deal with harassment, and thus served as an impetus for developing an effective policy framework in this important area. Since that time, we have received no harassment complaints, whether formal or informal.

Although, as I have already noted, my Office and its employees are not subject to Treasury Board policies, in developing the framework we drew on best practices used in the public service, as well as those used by the House of Commons administration.

Policy Framework

As I mentioned, my Office has its own terms and conditions of employment. Given that employees are non-unionized, that document performs a function similar to that of a collective agreement in a unionized workplace.

Our Terms and Conditions of Employment became effective in 2004 with the establishment of the former Office of the Ethics Commissioner, and were revised in 2009 and again last year to reflect our current structure and work environment. They clearly recognize the right of employees to work in an environment free from any form of harassment, and state unequivocally that harassment and abuse of authority will not be tolerated.

Our Terms and Conditions of Employment also empower employees who believe they have been harassed to seek redress through the procedures established in our Policy on Prevention and Resolution of Harassment in the Workplace. That policy reiterates employees' right to work in an environment free of harassment, and articulates their right to be treated with respect and dignity, as well as their duty to treat others the same way.

It sets out a working definition of harassment, supported by concrete examples of what generally constitutes harassment, including sexual harassment and abuse of authority. It addresses prevention by providing for training. When the policy was introduced in June 2010, we undertook an Office-wide training session. As well, copies of the policy are given to anyone who joins the Office.

The policy establishes confidential informal and formal resolution processes that employees who believe they have been harassed can follow, and provides for mediation.

Steps in the informal process range from self-resolution, obtained by addressing the matter directly with the alleged harasser, to resolution through an expert resource. The formal process, which is triggered by a written complaint, is coordinated by the Director of Corporate Management and may include conducting an investigation. Mediation by a neutral party can be used at any time in the informal or formal resolution processes.

The policy also identifies various corrective or disciplinary actions ranging from oral reprimands to dismissal. Such actions may be taken not only against harassers, but also against managers who are aware of harassment but fail to act, anyone who hinders the resolution of a complaint through threats, intimidation or retaliation, and anyone who files a frivolous complaint.

The Policy on Prevention and Resolution of Harassment in the Workplace is supported by the Policy on Discipline and its related guidelines, which took effect in March 2011, and the Delegation of Human Resources Management Authorities.

Last April, after an extensive consultation process, my Office issued a Code of Values and Standards of Conduct that all employees are required to read and sign when they join the Office, and again each year.

In addition to underscoring the key values of the Office, the Code sets out expectations for behaviours in all activities performed by the organization. To support our values, we went beyond general statements, and identified behaviours that are specifically encouraged and those that are specifically prohibited. In support of the value “Respect for People,” the Code recognizes employees’ duty to help create and maintain a workplace that is free from harassment and discrimination, and specifically prohibits behaviours related to the harassment of an employee with actions or words.

Other Tools

My Office also has in place several non-policy tools that, I believe, may also contribute to preventing and resolving harassment issues.

The Joint Labour Relations Committee manages labour-management issues and undertakes employee consultation. Along with our human resources team, it has played an important role in policy development within the Office.

We also have an electronic suggestion box that employees can use to raise issues and concerns anonymously.

Resourcing

We recognize the importance of providing adequate resources to implement our policy framework, and are prepared to do so to resolve any cases of harassment that may occur.

As I have noted, there are various processes that employees who believe they have been harassed can follow.

While we will try to resolve harassment cases through internal mechanisms first, we will contract with someone from outside the Office if needed. The employees involved must have confidence they are being treated impartially and fairly and, because we are a small organization, we may sometimes have to engage external assistance in order to give them that assurance.

Legal Recourse

I am confident of the effectiveness of the policy framework that my Office has developed for preventing and resolving harassment, including sexual harassment. However, employees also have recourse to several other mechanisms.

Employees of my Office are unrepresented; terms and conditions of employment establish the work conditions affecting them. Under the *Parliamentary Employment and Staff Relations Act*, employees can use the internal grievance process if they are not satisfied with the resolution of a harassment complaint. This type of grievance cannot be referred for adjudication to the Public Service Staff Relations Board.

If employees are not satisfied with the results of the internal grievance procedures, and their harassment complaint is based on one of 11 identified grounds, they may go before the Canadian Human Rights Commission.

Looking Ahead

While I believe my Office's policy framework is appropriate and effective, and we have had no complaints of harassment in over five years, I recognize that we must remain vigilant.

A lack of complaints is not a foolproof indicator that there are not any challenges. I understand people can be afraid to complain because of the perception they could face career repercussions.

Rather than just relying on a lack of complaints, I believe it is important to dig deeper and solicit employees' views about whether the Office is a healthy workplace. To that end, we are planning to conduct an employee satisfaction survey in the next few months, and it will include questions about harassment. The survey will be conducted by an outside firm, which will ensure all responses are completely anonymous, so employees will feel comfortable answering honestly.

We are also looking at more training options related to harassment prevention and resolution.

Madam Chair, I will now be happy to answer the Committee's questions.