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**Mercredi 13 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

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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**

Wednesday 13 May 2015

Mercredi 13 mai 2015

*The committee met at 0902 in committee room 1.*

**STRATEGY ON SEXUAL VIOLENCE  
AND HARASSMENT**

**The Chair (Ms. Daiene Vernile):** Good morning, everyone. The Select Committee on Sexual Violence and Harassment will now come to order.

Committee members, we have some information we need to share with you concerning a presenter who was scheduled for this afternoon, and we are just going to go in camera now to discuss that with you.

*The committee continued in closed session from 0903 to 0919.*

**The Chair (Ms. Daiene Vernile):** The Select Committee on Sexual Violence and Harassment will now continue.

I want to welcome our presenters this morning and the guests who are here with us in our committee room. I want to share with you the mandate of this committee. We're here to listen to your experiences as survivors, front-line workers, advocates and experts on the issue of sexual violence and harassment. You're going to inform us on how to shift 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.

**CHILD AND YOUTH ADVOCACY  
CENTRES OF ONTARIO**

**The Chair (Ms. Daiene Vernile):** I welcome you, and I'll let you know that you will have 15 minutes to make your presentation, followed by questions from our committee. Please begin by stating your names.

**Ms. Janet Handy:** Good morning, Madam Chair and committee members. On behalf of the provincial network of child and youth advocacy centres, I want to thank you for the opportunity to present to the committee today. My name is Janet Handy. I'm the executive director of the Kristen French Child Advocacy Centre Niagara. I have 30 years of experience working with victims and survivors of child sexual and physical abuse from all walks of life. The network represents 10 centres in

Ontario. Four are open; six others are in various stages of development.

The child and youth advocacy centres support the provincial It's Never Okay action plan to stop sexual violence and harassment. The action plan promises to challenge myths, improve supports for survivors and educate and inform a new generation of boys and girls. CYACs offer a leading response practice to address sexual violence at its roots. We need to start in the present with children suffering child abuse, including sexual violence, in order to change their future.

The problem: Children and youth are five times more likely than adults to become victims of sexual offences. Almost 60% of all victims of police-reported sexual assault are children under the age of 18. The rate of sexual assaults against children and youth is 1.5 times higher than that of 18- to 24-year-olds. Forty-seven per cent of violent crimes against girls under the age of 12 are sexual in nature. Female youth aged 12 to 17 are eight times more likely than male youth to be victims of sexual assault.

Our response to the problem: Child and youth advocacy centres are a seamless, coordinated and collaborative approach to addressing the needs of child and youth victims/witnesses of violence, abuse and crime. We seek to minimize, including system-induced trauma, by providing a child-friendly, one-stop service hub for child victims/witnesses and their families.

We collaborate on services. A highly skilled multi-disciplinary team of professionals responds to cases involving child and youth victims and witnesses. They include police, child protection services, crown attorneys, medical people, mental health, victim support and advocacy services and others.

How do we fit into the action plan? We address root causes, we champion collective efforts, we reduce health risks and we take action from the beginning.

We would respectfully suggest that in order for systemic, generational change to occur, it's not just important that young people learn respectful behaviours from the beginning, but that we learn to respect children from the beginning.

Why should we inform your policy development?

(1) We improve the experience of children, youth and families navigating the criminal justice system.

(2) We blend therapeutic responses with criminal prosecution.

(3) We provide an outcomes-oriented system that focuses on early intervention, reducing repetitive sexual violence in the future.

(4) We provide specialized trauma-informed services.

(5) We train ongoing professional development for multidisciplinary team members.

(6) We provide public education that is prevention-focused.

(7) We provide a supportive system response to children and youth and their families that they are entitled to receive from our systems.

(8) We utilize a best practice approach to support a compassionate and sensitive response from all service sectors.

(9) We utilize a multidisciplinary team approach to enhance the seamlessness of services, building stronger ties between organizations and service providers.

(10) We utilize public assets efficiently.

Child and Youth Advocacy Centres of Ontario meet with people from all walks of life. We urge you to make us part of the solution to the provincial It's Never Okay action plan to stop sexual violence at its roots.

Thank you.

**The Chair (Ms. Daiene Vernile):** Thank you. Will your other presenters be speaking or are you prepared for your questions now?

**Ms. Janet Handy:** They will be answering questions with me.

**The Chair (Ms. Daiene Vernile):** All right. Thank you very much. We begin our questioning with our PC caucus, with MPP Jones.

**Ms. Sylvia Jones:** Thanks for your presentation. I apologize; I am not familiar with child and youth advocacy centres, even though I see that you have the Safe Centre of Peel. So I have to do my homework. How are you funded?

**Ms. Janet Handy:** Most of us are funded in a multitude of ways. We have government funding that is time-limited and project-specific at most levels of government, including municipal. We all, I believe, fundraise like crazy. Some of us have partner support, so some of our multidisciplinary team partners also will contribute to the centre.

**Ms. Sylvia Jones:** Okay. Do I have time?

**The Chair (Ms. Daiene Vernile):** You absolutely do.

**Ms. Sylvia Jones:** Excellent. Okay. I see with the collaboration of services you mention a number of agencies that would obviously be operating in all of your communities where you serve. So in terms of the multidisciplinary team, tell me what a typical CYAC would look like?

**Ms. Susanne McCarroll:** Child advocacy centres or child and youth advocacy centres are developed to include primary multidisciplinary team members. So in every CYAC you would have child protection workers. You would have police. You would have counselling. You would have mental health advocacy and medical.

Not every CYAC will have them co-located on-site, but they will have them as part of that team that supports the child and the family when they come in.

**Ms. Sylvia Jones:** And are they there as almost permanent secondments, or as you need a mental health worker, you call on the appropriate agency? How does that work?

**Ms. Susanne McCarroll:** In some of the centres they're permanent; they're on-site and are utilized. In others, we have partnerships with a particular mental health organization that will see those clients who come through the centre.

**Ms. Sylvia Jones:** One more?

**The Chair (Ms. Daiene Vernile):** Yes. You actually have time.

**Ms. Sylvia Jones:** Okay.

**The Chair (Ms. Daiene Vernile):** A quick one.

**Ms. Sylvia Jones:** So you are obviously not all across Ontario. The locations that you are in currently, was that a community-driven initiative or did your organization choose that this particular area needed help faster, sooner?

**Ms. Janet Handy:** For the most, part we are community-driven. Niagara's certainly the oldest. We've been in operation six years. It was begun by two partners, police and child welfare, with mental health services as part of our child welfare system.

**Ms. Sylvia Jones:** Thank you.

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

**Ms. Peggy Sattler:** Thank you very much for the presentation. The slides refer to—this is a best practice approach. So I'm wondering if in other jurisdictions where this kind of multidisciplinary team approach has been utilized, has there been an evaluation done on the impact of this kind of organization on reducing sexual violence and harassment?

**Ms. LaRee Walters-Boadway:** This movement is relatively new in Canada. The Department of Justice Canada, over the last 10 years, has been providing funding across the different provinces to develop CYACs. Over the last two years, they have been spearheading a research project across four or five sites across Canada to develop Canadian outcome research, and all of the CYACs that are open in Ontario, because a number of them are still in development, are collecting their own outcome data.

We also have a tremendous amount of research coming out of the United States as this movement of CYACs has been in existence for 30 years. So we've been drawing upon that, as well as the National Children's Alliance in the United States, which is the accrediting body that provides that practice standards. But we are in the process of developing Canadian practice standards, and the Ontario network has spearheaded that and taken the lead in Canada to develop those practice standards. We started in Ontario and recently have met in Calgary at the Sheldon Kennedy Child Advocacy Centre

with representatives across Canada to develop Canadian standards.

We still need some support in developing more information about Ontario and Canadian standards. We are working at doing that and embarking on the potential of a project to be collecting similar outcomes across sites so that we can demonstrate the collective impact across the province.

**Ms. Peggy Sattler:** Okay.

**The Chair (Ms. Daiene Vernile):** Thank you very much. Our final questions for you are from MPP McGarry.

**Mrs. Kathryn McGarry:** Thank you very much. I'm very familiar with the Child Witness Centre in Waterloo region. Not only have I toured it, but I've worked with them through my work in the community for the crime prevention council. I wish we could drop your agency into every community in Ontario. It really is very valuable.

I'm interested in your thoughts on what are the root causes of sexual assault in children; and secondarily, how do we prevent that as a society?

**Ms. Jennifer Jackson:** I'll speak to the prevention piece. The root causes of sexual violence against children, or anyone, are very complicated and multifaceted. But the most important piece, in my mind, about prevention is actually educating the adults and the community. I think we do put a lot of energy into educating children, which is very important. They need to know what's okay and what's not okay and how to speak about it. But, quite simply, no child is a match for someone who intends to sexually offend against them, ever. So the most important thing that we need to do is create a conversation in our communities—and we're very passionate about doing that work—so that it's not the taboo subject, that when you do disclose, or when children disclose, that adults are prepared to hear that answer and recognize that it really is a problem that's prevalent in our communities.

**0930**

As organizations, I know that we have the capacity to go out and speak that message and make sure that conversation is being had. I think that that's where we'll have a great impact in our communities.

**Mrs. Kathryn McGarry:** Can you address any details or any picture of a typical sexual assault predator? Paint a picture.

**Ms. Jennifer Jackson:** I could. The most important thing to learn about sexual offenders, actually, is that there's really no typical offender. That kind of thinking can create a dangerous perception in our minds so that we're not recognizing the one beside us, or the one who we work with.

We do know that close to 90% of all sexual assaults against children are familial, so it's somebody within their family, or someone who they know and trust, which creates great access for children. But, outside of that, we have quite a bit of—they are people who children would meet in an authority position, like sports leaders, church

leaders, teachers, and so that's where we're educating the community and those organizations.

There's a program delivered by the Canadian Centre for Child Protection called Commit to Kids. That's a very powerful program that we can use to educate people about grooming behaviour. Sometimes grooming behaviour takes up to two years by an offender, and they're very purposeful in their intent. Even myself, who is well versed in grooming behaviour, I have the potential to be groomed. We need to educate people around us. I need to have someone beside me that might say, "Hey, I'm noticing that that behaviour looks out of line."

There's a lot to do, and it's just about sharing that message. I think it's the most powerful thing. Most of the big cases that we see—if people had that information about grooming behaviour, someone would have spoken up or someone would have answered more quickly.

**The Chair (Ms. Daiene Vernile):** We thank you very for coming and informing this committee today. I invite you, if you wish, to join our audience now.

#### ONTARIO ASSOCIATION OF INTERVAL AND TRANSITION HOUSES

**The Chair (Ms. Daiene Vernile):** I will now call on our next presenters to come forward: The Ontario Association of Interval and Transition Houses. Please have a seat and make yourselves comfortable. You're going to have 15 minutes to address our committee, and that will be followed by questions. Begin by stating your names, and start any time.

**Ms. Anne Armstrong:** Thank you very much, and thank you to the committee for allowing us to have the opportunity to be here today and to share our thoughts around the problem of sexual violence and harassment and how they intertwine with women abuse.

I am Anne Armstrong. I am currently the co-chair of the Ontario Executive Directors Group, or OEDG. That's an ad hoc advisory group consisting of approximately one third of Ontario's MCSS-funded VAW—violence against women—shelters. I am also on the board of the Ontario Association of Interval and Transition Houses, or OAITH. As well, I'm the executive director of Gillian's Place, a violence against women shelter and counselling services agency based in St. Catharines.

**Ms. Charlene Catchpole:** Good morning, everyone. Thank you very much. My name is Charlene Catchpole. I also co-lead the Ontario Executive Directors Group, and I chair OAITH currently. I am also the executive director of the North York Women's Shelter here in the city.

**Ms. Anne Armstrong:** Through these roles, we have developed a unique perspective on the problem of sexual violence and harassment, both as local service providers and as provincial advocates. Sadly, from this experience, it's clear that the problem remains very significant, and far too many people continue to be assaulted and victimized on a daily basis.

As you likely have already heard from numerous other presenters, one in three women will be a victim of sexual

violence at one point in their lives, according to the 2006 Statistics Canada report. One in three will also be a victim of domestic violence from an intimate partner.

Within the shelter system it's clear that we cannot separate these two types of violence towards women, as the vast majority that we serve experience sexual assault within the context of an abusive relationship. Sexual coercion is very common within a power-and-control dynamic.

When we look at young women who are our future, we see that the problem remains very prevalent. Evidence from the American Association of University Women indicates that 20% to 25% of college-aged women will be the victim of sexual assault. As a mother of daughters, and granddaughters, I find this totally unacceptable.

What's even more troubling is that less than one in 10 sexual assaults are reported to the police. These survivors hide their pain, hide their attacks, and they suffer significantly; 80% will face some sort of psychological or physical trauma that will haunt them for the rest of their lives. Research shows that survivors may experience concerns for their safety, the fear, the shame, the anxiety, anger, depression and suicidal behaviours. There can also be physical consequences such as broken bones, reproductive health effects, sexually transmitted diseases and unwanted pregnancies.

This trauma is accentuated in most cases through close and ongoing proximity with the abuser, especially in intimate relationships. More than 80% of rapes that occur on college and university campuses are committed by someone known to them, with one half of these incidents occurring on dates. Imagine for a moment the pressure to keep silent if it was your daughter, away from home and family, at school for the first time, who has been sexually assaulted and has to face the person every day on campus. Imagine the fear and the stress as she faces each and every day having to relive the assault that was perpetrated on her.

At Gillian's Place we have a young woman on our board of directors who lobbied and fought to start the Brock Student Sexual Violence Support Centre where she now works. I just received an email this week saying that they need \$10,000 by May 21 in order to continue their work over the spring and summer sessions. This centre receives between five and 15 new texts every week from students reaching out for help after an assault. These students need our help.

There are so many reasons why we continue to see women, particularly young women, not reporting sexual violence to authorities. It's the fear, the shame, concerns about confidentiality, a distrust of the judicial system, or simply that they may not be aware of the supports available, especially for culturally competent services.

When they do reach out we need to make sure that there is a service out there to help them. We have in Ontario today a number of service providers, such as rape crisis counselling centres, violence against women shelters and victim service support providers, which exist for one purpose: to get the victims the help and support they need.

Despite that fact, most people know services exist in general but we have not done a good enough job yet as a society in ensuring that victims get connected to immediate support and know how to access it.

That being said, I'm very proud of the work that this government has done in this Legislature to begin seriously addressing the work on sexual violence. In the 2014-15 provincial budget, under the leadership of Premier Wynne, I know that there was an investment of \$15 million into supporting agencies, primarily violence against women shelters, that support women fleeing domestic violence and sexual violence.

The government further invested \$41 million in building awareness through a wonderful prevention campaign focused on TV ads and also the development of the provincial advisory table on violence against women.

However, that being said, I know that there's more that we can do to address this problem that affects us all. Towards that end I would like to make a couple of suggestions.

Ensure that there is a holistic approach to the problem of sexual violence and harassment, specifically one that includes a focus not only on prevention but also ensures that there is a robust network of service providers ready to help victims in the event of an assault. It's proven time and time again in our own organization: Every time we do a prevention campaign or an education campaign, more victims come forward for help.

#### 0940

Work with the violence against women sector, specifically shelters, students' organizations, victim services providers, rape crisis counselling centres, and align providers to develop an outreach program targeted towards young women to ensure that they are aware of the services available to them and how to best access them.

I know recently we had a young man on our board from Brock University and he said that the young women at college and university campuses think that you can only come to a shelter if you're a mom with children. So we know that we've got lots of work to do in the public education area there.

Work with the sector to better integrate services, to build a more seamless level of care and enhance partnership within the violence against women space. As part of this work, I would suggest that Ontario fund the rollout of a locally based pilot program that can explore various approaches towards integration at a local level that could then be scaled up based on outcomes. I suggest this approach because, sadly, the problem of sexual violence in Ontario will not be eradicated within my lifetime. I would like to see a difference for my granddaughters.

We must, as the Premier has so boldly and successfully done, raise awareness around prevention and we must balance that with an equal focus around ensuring sufficient support services for those who come forward asking for help. This will ensure that there are fewer victims of sexual violence in this province and that those who are victimized don't suffer in silence but instead find the healing supports that they need to rebuild their lives.

I would like to thank the committee again for the time that you've given us to present today. We would be pleased to take any questions that you have.

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

**Ms. Peggy Sattler:** Thank you so much for the presentation and for coming to present to the committee.

I wanted to ask about something that you said right at the beginning of your presentation. You said that the shelter system should not separate between sexual assault and domestic violence because they co-occur in many situations. Does the shelter system currently do that? Does it separate between sexual assault and domestic violence? And can you tell me a little bit more about your recommendation to fund a pilot project that would integrate services?

**Ms. Charlene Catchpole:** I think that the VAW shelter system in Ontario and the sexual assault centres could certainly be working closer. We do work together, but not as close as we could be. We feel, with our experience within a shelter, that the integration of services in creating those types of hubs offers the best type of service to women when they are coming in.

The majority of the women coming into a violence against women shelter—the perception in the community and for a lot of women is that that is about physical violence or emotional violence. What we find when those women come into the shelter is that they are survivors of ongoing sexual violence within their intimate partner relationships, making the connection deeper with sexual assault crisis counselling centres, which I think society in general views as being if there has been a one-time assault or a rape that has occurred. There needs to be more education and that would come with integrating those two pieces of work together. The sexual assault centres and VAW shelters, for example, have a lot of commonalities within the clients who we service. It's not just immediate crisis work that she needs when a woman comes into a shelter.

**The Chair (Ms. Daiene Vernile):** Thank you very much. Our next question for you is from MPP Lalonde.

**Mrs. Marie-France Lalonde:** Thank you very much, Charlene and Anne, for your presentation. I'm going to try to be as brief as possible but I want to go on to your pilot project. You barely touched it, and I wrote some notes, but I would like you to maybe tell the committee in terms of what exactly—I couldn't exactly capture the intent. So I'll let you speak a little bit about that, in terms of your recommendations.

**Ms. Charlene Catchpole:** The idea is that we would create a type of hub that would really bring those two services together in a much more integrated way, where women coming in, for example—because our experience primarily is working within a violence against women shelter setting. So having the experience of women coming in and then relaying their stories—again, we've known usually that that woman has come in our doors because of fleeing violence from a physical standpoint

within her intimate relationship. Once she's in our doors, her history of abuse has unfolded with our counsellors and the woman, we know, is now safe. She's physically safe. Her and/or dependants are living in a shelter. All of their immediate needs, including safety, are being met—but creating an integrated service where now we're using and utilizing the expertise of those services of a sexual assault centre.

So most of the staff within our shelters, for example, are well versed in counselling from a brief emergency integrated kind of approach where within a sexual assault centre they really have the knowledge, expertise and understanding of dealing with sexual violence and how that affects a woman's whole, if you will. So combining those two as a pilot project, to see how that would better service women.

**Ms. Anne Armstrong:** If I could add to that for just a moment.

**Mrs. Marie-France Lalonde:** Please.

**Ms. Anne Armstrong:** In speaking with my board member who runs the Brock sexual violence centre, I think it's really important—there are a lot of misconceptions in the student population, and it would be really important to weave those support centres into a hub that would help to better educate and support the young people who are there. I think they're really floundering.

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

**Ms. Sylvia Jones:** Thank you. Thanks for your presentation. I'm quite interested in how the role is different with a sexual assault support centre on a university or college campus. I get the part that young students don't necessarily know where the help is available and that they would qualify or that it would be appropriate for them to reach out for assistance. Tell me why we need a unique program on college campuses or university campuses as opposed to the excellent work that is happening within the community?

**Ms. Anne Armstrong:** In speaking with, again, my board member, my understanding of their service is that it's really a linkage to support—

**Ms. Sylvia Jones:** So it's more about referrals.

**Ms. Anne Armstrong:** Yes. They give them immediate crisis support. They might support them to go to the hospital sexual assault centre for the forensic application, but then, yes, they really are a referral—they're not doing the main counselling there.

**Ms. Sylvia Jones:** Okay. That makes a lot of sense to me. Thank you. I needed that clarified.

**Ms. Anne Armstrong:** Yes. Sure.

**The Chair (Ms. Daiene Vernile):** We have more time if you'd like to ask some more questions.

**Ms. Sylvia Jones:** Okay. The second question was, you mentioned an interest in a local pilot project dealing specifically with integration. Can you explain to the committee how you would envision that? What does that look like? You get an extra five minutes to do it, or three minutes.

**Ms. Charlene Catchpole:** Again, because I work and live in Toronto, I'll use Toronto as an example—certainly not to be Toronto-centric, but in the city of Toronto we have 13 funded violence against women shelters. We have one provincial assaulted women's helpline. That is a provincial helpline that is a crisis line. So in terms of creating a deeper connection and integration, in the city most of our referrals either come from an individual or come from a service called 211—

**Ms. Sylvia Jones:** Can I interrupt? Because I know you've talked a bit about how you see it—and I don't want to be Toronto-centric, but Toronto is rather unique.

**Ms. Charlene Catchpole:** Yes.

**Ms. Sylvia Jones:** Now in my community of over 100,000 people, we have one women's shelter, whose work is exemplary. So the integration component—I guess I'm trying to say it that may not be an issue for a lot of our communities. Is that a fair assessment? There isn't an over-supply of women's shelters in the province of Ontario. I've never heard anybody say, "We've got too many of those."

0950

**Ms. Anne Armstrong:** Oh, that's for sure. I actually like the one-stop-shop model, where it's under one roof and it doesn't matter whether you need sexual assault counselling or domestic violence counselling or whether you're just inquiring for information. I actually like that it's all under one roof and women just go there, and it doesn't matter. There are some women who would see a shelter and say, "Well, I'm not going there."

**Ms. Sylvia Jones:** So almost more of a sexual centre, dropping the "assault" word? So, sexual health or—

**Ms. Anne Armstrong:** That would be a big part of it. I know that at the Brock centre, they do a lot of early prevention education work, with condoms and lots of information in bars and things like that.

Yes, I do think under one roof, though, is very helpful, because women don't necessarily separate domestic violence and sexual violence—so the more you can get underneath what's really happening for them and help them understand that, "Actually, both are happening to you."

**The Chair (Ms. Daiene Vernile):** Thank you very much. We're very grateful that you have come and informed our committee today. We invite you to join the audience, if you wish to.

#### THE MEN'S PROJECT

**The Chair (Ms. Daiene Vernile):** I will now call on our next presenter to come forward: Rick Goodwin, with The Men's Project.

For the record, please start by stating your name. You will have 15 minutes to address our committee, and that will be followed by questions.

**Mr. Rick Goodwin:** Okay. Thanks for having me here, folks. My name is Rick Goodwin. I'm the clinical manager and co-founder of The Men's Project, a sexual

abuse treatment centre in Ottawa. The Men's Project is now under—

*Interjections.*

**The Chair (Ms. Daiene Vernile):** Sorry to interrupt.

Can I please ask that that conversation go outside or become a little quieter, so we may hear our next guest?

Continue.

**Mr. Rick Goodwin:** Thank you. The Men's Project is now working under the title 1in6 Canada.

I'm here to talk about the status of services for male victims of sexual violence here in Ontario. I'm here because I got a call from one of your researchers. Your researcher was looking for information on sexual violence, sexual assault and sexual abuse services for men in Ontario, and she was directed to call The Men's Project, as we would be the go-to place to find out about these services. After that discussion, I contacted the committee's Clerk and that brought me here today.

About The Men's Project: We're 18 years old. We started underneath the YMCA/YWCA, believing that there was a gap in community services in Ottawa for male victims of sexual violence. We're one of four free-standing agencies in Canada for male victims of sexual violence—one in four. We have a 16-year funding history with the Ministry of the Attorney General.

Before I continue, I believe it's important to share my credentials with you. I have a master's degree in social work. In 2007, we won the inaugural Attorney General's award of distinction for innovative victim services, essentially because we were serving men.

Our work at the Cornwall inquiry resulted in this book, this publication, building the research foundation for clinical services for male survivors.

Lastly, as my job and training for these services takes me here and there, we are now doing work for the American army. Two weeks ago, I was at a military base in Fort Robins in Georgia, providing training on services for male victims of sexual violence. They're looking at our agency as a model of this service.

The issues: One in six males in Ontario will be sexually abused by age 18. That's a conservative stat that refers to contact sexual abuse. If we looked at those numbers, we would be finding 1.2 million males in Ontario who will be or have been sexually abused.

In terms of sexual assault, the research is much softer. We don't really know. Between 3% to 12% is the best guess we can make on this. If we added those two populations up, we would be looking at about half the population of Toronto being males who have been sexually abused or sexually assaulted.

Before 1999, all sexual violence services under the Attorney General's office were women's services. This has been the historical position on this issue. At that time, Project Truth was building in Cornwall—the OPP investigation into the multi-victim, multi-perpetrator alleged sexual abuse ring. Hundreds of men were contacted by the OPP.

We were brought aboard by the Solicitor General's office, at the time, to provide a basic resource for these men, as well as do a needs assessment of male survivors



in the province, as well as an environmental scan of Cornwall services. The ministry brought us in because there weren't services for these boys and men who were victims, despite the existence of a sexual assault centre in Cornwall. The reason that agency was not serving these men is that the sexual assault centre, like many others, was focused on women survivors. That was when we first came on the scene. So 1999 was the first time male victims of sexual violence were served in a dedicated manner in Cornwall.

The Cornwall public inquiry came around and it investigated the failure of the justice system: 116 criminal charges being laid, yet only one conviction. As an agency, we had official standing with the inquiry. That resulted in some research, a number of conferences and that training manual I showed you. We recommended to Commissioner Glaude this one primary piece: Victim services around sexual violence should be delivered across Ontario without barrier of gender. We were very clear with Commissioner Glaude, and Commissioner Glaude made this his recommendation as well.

In 2009, the Attorney General's office responded to this recommendation and provided funding for male victims of sexual violence—the first time in North America on a jurisdictional basis. This funding was modest: \$2 million throughout the whole province. It was open to competition. Long story short: The funding was directed to a network of family service agencies. We were essentially not included in the funding matrix by the province. Now this was strange, because we were not only first out of the gates in providing these services, our services were in demand. We had wait-lists, and whatever else.

Around the time of that announcement by the AG, I got a call from Mr. Irwin Glasberg, who was the ADM of the ministry at the time, wanting to know what our secret was in getting men through the door, as they were not finding this at the counselling programs where these services were embedded. Of course, we talked about the difference between having an agency in the community with a shingle that says, "All men are welcome here," versus having one of many programs in a generic family agency.

Since that time, our funding has dropped. We were at close to \$300,000 a year. Last year, we were at \$100,000 a year. As of April 1 of this year, the province has defunded us entirely. We don't understand this. We've had project funding for 16 years. As the basis of project funding, as you all know, no reason has to be given for termination of this renewed project funding.

What will this mean? In Ottawa, it will mean that we will be closing the doors on over 100 men who are currently in treatment. Our expected date of that door closure, unless this funding decision can be reversed, is July 31. We provide services not only at the downtown Y, but we work with homeless men at the Mission, which is a shelter in downtown Ottawa. We work with the John Howard Society for men in conflict with the law who also happen to be sexual abuse victims. Between 40% to 80% of men in jail in the USA are sexual abuse victims.

There is a high correlation between victimization and offending behaviour on this issue.

**1000**

I think we know what we're doing. The ministry itself brought in an evaluation study in 2002, and it concluded that The Men's Project has "a very successful outcome."

In 2012, the University of Ottawa published a study in the *Journal of Men and Masculinity* that also determined clinical success of our program. We were told this is the first long-term study of male survivors in treatment in the world.

I think there are broader issues, though, provincially that I want to bring to your attention. We are the only male-identified centre on this issue in the entire province, but the recent funding decisions suggest that this will no longer be the case. There will not be any agencies of leadership on this issue.

We have done things like the first provincial series of training victim service providers throughout Ontario with the Ontario Office for Victims of Crime. We ran the first provincial conference on this topic as well. We've worked with many, many provincial bodies on this issue, including the Ontario Parole Board, that wanted training and they called us for that assistance.

As with the women's services sector, we believe that there needs to be leadership given on this issue or else men and boys will continue to be seen as invisible by the eyes of the public and by the eyes of funding structures for victims.

I want to show you one thing that I think we still have some tricks up our sleeve. I know you folks are looking at campus outreach. This is a blue guitar string. There are six strings on a guitar, one being blue; this represents a one-in-six figure of male sexual victimization. This is a campaign with stickers, information cards and a documentary. We can do campus-based outreach to young men as soon as we get the resources for this.

The average age of guys coming into treatment in Ottawa is 45; the average age of men sexually abused is between nine and 10. That's 35 years of needless suffering. We need to target younger men on this issue. By targeting younger men, we can get men healthier, better, keep families more intact, more men employed, less conflict with the law and fewer men stuffed in our addiction treatment centres. This is why trauma work with men will pay off.

It's often unfair to compare services, and I say this hesitantly: The Ontario government, through the Attorney General's office, funds 36 centres for women victims of sexual violence, and I'm glad they are there. This is not a criticism; I have two daughters myself. In Ottawa, we have three of these centres permanently funded.

The only men's centre in this province has now been defunded as of April 1. We're holding on and running operations until the end of July with our reserve fund, and then it's going to be closure for us. We've already given notice to our clients that this may happen. We've already given notice to our landlord that we can no longer pay the rent. There is a problem here.

I ask you to consider the boys of Ontario and the men that these boys become, and to please reinstate the funding for our services in Ottawa and allow us to play a continued leadership role in Ontario for the development of these services for these men and their families. Thank you for your attention.

**The Chair (Ms. Daiene Vernile):** Thank you. Our first questions for you are from our Liberal caucus: MPP Albanese.

**Mrs. Laura Albanese:** I wanted to thank you for your presentation and for appearing before the committee today, and for your plea. I know that the mandate of the committee is kind of different, but I think that just the sheer fact that you're here and that you're advocating for your agency will certainly be taken into consideration.

I did have some questions in regard to the men who you service. One thing that you said caught my attention. You said it's difficult to get men through the door to get those services. What can be done to help?

**Mr. Rick Goodwin:** We don't have a problem getting men through the door, in part because we're called The Men's Project. That is the name of our agency. We have been working with the Y for 18 years, so we have respectability in the community. We call ourselves The Men's Project because we don't want men to own the stigma of coming into a sexual assault centre or a sexual abuse centre. We don't want to have the men label themselves and feel shame for this—

**Mrs. Laura Albanese:** But what services are needed?

**Mr. Rick Goodwin:** The services we offer are short- and long-term therapy for male survivors of sexual abuse and sexual assault. That involves individual, but primarily group. We also run an anger management program because a lot of these guys have issues of aggression. With our partner agencies, particularly the John Howard Society, we work with men who are victims of sexual violence and have perpetrated sexually.

**Mrs. Laura Albanese:** But I meant on a more general basis, what do you see? Where are the gaps? Where are the services that are needed that are not being provided in general?

**Mr. Rick Goodwin:** After the Cornwall inquiry, services were rolled out in Ontario a mile wide and an inch thick, and those are not my words. There are services in many Ontario communities, again based in family agencies. You would have to talk to the folks at the Attorney General's office around demand for services in that regard. It's all short-term work and we know that this is a long-term treatment issue.

In our program in Ottawa, the long-term therapy component goes up to two years, which we think is a more thorough addressing of the complex trauma.

**Mrs. Laura Albanese:** Thank you.

**Ms. Soo Wong:** I just want to say thank you very much for being here. I recall hearing similar concerns raised at the hearings for the finance committee. I believe we were in Cornwall this year, so I remember hearing the concerns raised.

With regard to your history of servicing the Ottawa community, what is the access for the diverse commu-

ity? Ottawa has become very diverse. How is your agency able to draw out those various groups to come into your centre to get help?

**Mr. Rick Goodwin:** Good question. The issue of trauma and the issue of counselling in terms of overall services speaks more to some than to others. We know in some cultures, in some new Canadian populations even the word "counselling" is foreign in terms of a concept.

Our primary means has been outreach and training of partner agencies that serve newcomer populations. In particular, Catholic immigration services would be one that we have done this formal training with.

All men are welcome to our program, men of any walks of life, and I believe over the years I've been with the centre, we have gotten more diverse in our services. The last entry program that we've run—a man from Nicaragua; there was a man from Iran; we had two men from Germany, which is different than how it originally was for the agency at first. We've always been well served in terms of the gay men's community in Ottawa. There's no doubt about that.

Unfortunately, for us to become more diversified and more specialized in addressing particular populations would suggest that we need more resources rather than being defunded, as we have been over the years. So in many respects, we have less capacity to serve diversity in a community, as you know, that requires great diversity—

**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 coming in from Ottawa today.

Oh, were you going?

**Ms. Sylvia Jones:** No.

**Ms. Laurie Scott:** I thought I was going. Anyway, there's competition to ask you questions.

So you are the only one in Ontario?

**Mr. Rick Goodwin:** A free-standing agency, yes.

**Ms. Laurie Scott:** What is it?

**Mr. Rick Goodwin:** As a free-standing agency.

**Ms. Laurie Scott:** As a free-standing agency. So if I had a YMCA—or you mentioned the—what's the other agency? I just lost—

*Interjection.*

**Ms. Laurie Scott:** Thank you; the John Howard Society. Do you come to train them? Are they a referral centre to you? Do they do the training? Can you answer that, and then maybe Ms. Jones gets a question. Sorry about that.

**Mr. Rick Goodwin:** Sure. We provide a training service, and that training service goes anywhere, but we have to receive payment for that. We've provided training all around the province.

The partnership with the Y and the partnership with John Howard is just in the Ottawa community.

**Ms. Laurie Scott:** Okay.

**Mr. Rick Goodwin:** So this is not provincially, though this would be a good step for the John Howard

Society of Ontario to consider. I know that this issue is on their map.

**Ms. Laurie Scott:** Okay.

**Ms. Sylvia Jones:** I'm obviously very concerned that the only agency that is serving men who have experienced sexual assault is being defunded. Are you having ongoing conversations at the ministry level about why? And my second question is: You obviously still have clients that you are serving, you're assisting. People are still walking through the door. What are you saying to them?

**Mr. Rick Goodwin:** We've had many, many discussions in terms of the ministry staff of eastern Ontario, in terms of the victim services division. Those conversations have not gotten anywhere, apart from some money for the stub year, to work towards closure.

In terms of addressing this at a more political level, we've had many meetings with Mr. Yasir Naqvi, who is our MPP in Ottawa. They have not resulted in any shift in this decision.

We will be bringing this to the public's attention next week. We wanted to have this presentation to you folks first. Ideally, we would never want to bring this thing to a head publicly. It's disturbing enough for our clients that they've already gotten notice that services may terminate on July 31.

**Ms. Sylvia Jones:** I think we can help you.

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

**Ms. Peggy Sattler:** Thank you very much for the presentation. You mentioned that The Men's Project is one of four agencies in Canada and was the first in North America as of 1999.

**Mr. Rick Goodwin:** The first service in Ontario funded by the province.

**Ms. Peggy Sattler:** Oh, okay. The other three agencies: Where are they located, and when were they established? Are we seeing more male-focused services being introduced at the same time that Ontario is moving away? What's the history?

**Mr. Rick Goodwin:** The first one in Canada was in Vancouver, the BC Society for Male Survivors of Sexual Abuse. BC, as you may know, has been historically seen as more progressive in advances within the justice system, so maybe it's not surprising that they were the first in Canada. We were the second, with Victoria being the third, and there is an agency out of Montreal called Cripphase, which would be the fourth. We know there is a new centre that's being built in Calgary, because I was there last week, training their staff on how to run these services.

**Ms. Peggy Sattler:** In the US—you said that you're going to train the US army.

**Mr. Rick Goodwin:** Yes. There's not one bricks-and-mortar agency dedicated to this issue in the US. At the same time, we have a US partner agency and we have an Australian partner agency, and through that work with

our partners, we now have the ability to train staff at US army bases.

The US army, of all places, is now institutionalizing addressing this issue of sexual violence against men. In the US army, more men are sexually assaulted than women, and this is the reality they face.

**Ms. Peggy Sattler:** In other jurisdictions, would it be through generic victims' services agencies that supports would be delivered?

**Mr. Rick Goodwin:** It could very well be that, and they may be able to refer to a family-service-type agency to provide a short-term engagement.

**Ms. Peggy Sattler:** But the difference is that you're delivering these long-term interventions?

**Mr. Rick Goodwin:** We do the short-term program, which only the ministry was funding us for. They were not interested in long-term therapy, despite the research on this issue. Again, the funding that we have lost now was covering our short-term engagement.

**The Chair (Ms. Daiene Vernile):** Thank you very much, Mr. Goodwin, for your presentation this morning.

The Select Committee on Sexual Violence and Harassment is now in recess. We will reconvene this afternoon at 3:30.

*The committee recessed from 1013 to 1531.*

**The Chair (Ms. Daiene Vernile):** Good afternoon, everyone. The Select Committee on Sexual Violence and Harassment will now come to order. We would like to welcome the presenters and guests who are here with us this afternoon.

I will once again state the mandate of this committee, for our afternoon guests. We're here to listen to your experiences as survivors, front-line workers, advocates and experts on the issue of sexual violence and harassment. You will inform us on how to shift social norms and barriers that are preventing people from coming forward to report abuses.

However, I do want to stress that we do not have the power to investigate individual cases. That is better left to the legal authorities.

#### TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC

**The Chair (Ms. Daiene Vernile):** I would like to call on our first presenter this afternoon, the Toronto Workers' Health and Safety Legal Clinic. Please come forward. You will have 15 minutes to address our committee, and that will be followed by questions. Please start by stating your names.

**Ms. Linda Vannucci:** My name is Linda Vannucci.

**Mr. John Bartolomeo:** Good afternoon. My name is John Bartolomeo.

**The Chair (Ms. Daiene Vernile):** And begin any time.

**Ms. Linda Vannucci:** Thank you for this opportunity to speak to you this afternoon about this important subject of harassment. I'm the lawyer/director at Toronto Workers' Health and Safety Legal Clinic. With me is the

staff lawyer. We field calls every day about harassment at work.

We're with Toronto Workers' Health and Safety Legal Clinic. We're a community legal clinic funded by Legal Aid Ontario. We're one of 80 clinics in the province, and we specialize in workers' rights. We're considered a specialty clinic. Unlike a neighbourhood clinic that's geared towards a local community, our mandate is province-wide. We have a very specific purpose: to provide legal advice and representation to non-unionized, low-wage workers who face health and safety problems at work. We've done this for 25 years. We've been appearing before the Ontario Labour Relations Board on behalf of workers who lose their jobs for raising health and safety concerns. They raise their concerns by complaining to the employer, by calling a Ministry of Labour inspector. Sometimes they're fired for even saying they're going to call a Ministry of Labour inspector.

We also act for people who are post-prevention—that is, people who are injured on the job—with respect to workers' compensation claims.

We have a community legal worker who does community education and outreach programs to settlement agencies and apprenticeship programs regarding workers' rights, and these programs are aimed at vulnerable workers.

Where we feel the law is deficient, we engage in law reform initiatives. We provide information about health and safety hazards that workers face in their employment, and advice about their rights under the law.

Our activities are controlled by a board of directors from the community.

Our clients may vary. They can be new Canadians who work in small, non-unionized workplaces—well, there are always people who work in non-union workplaces. They can also be workers who are assigned to larger workplaces but through temporary agencies and who have very precarious employment. We respond to inquiries from young workers who don't know their rights.

To qualify for our services, clients have to meet the legal aid eligibility criteria; that is, they're non-unionized and are very low-wage workers. In other words, they have no resources to go to private bar lawyers or to take matters into their own hands in that matter.

Workplace harassments can create dangerous working conditions that can lead to serious harm. According to a 2014 Angus Reid survey, three in 10 Canadians say they have been subject to unwelcome sexual advances, requests for sexual favours or sexually charged talk on the job, and a vast majority, four in five, say they never reported the behaviour to their employers. This is very telling. The key problem, in our regard, is how to get people to report and get these problems resolved at the workplace.

Under the Occupational Health and Safety Act, workplace harassment is very broadly defined to be engaging in the course of vexatious comment or conduct against a worker that is known or ought reasonably to be known as

unwelcome. This can capture a broad range of behaviours.

At the clinic, we've seen episodes that would fit within this definition and we receive a very broad range of calls. Some can be very serious, involving unwanted sexual advances and actions that really amount to physical assault at work. They can amount to things like repeatedly being yelled at by a boss or a co-worker and very demanding and humiliating behaviour such as, "I need that report right now, so let's get with it."

There are cases where a worker is isolated by a group of co-workers who don't like the worker and refuse to speak to them. The complaint of that worker often goes ignored.

People who are overworked and can't meet unrealistic deadlines and are reminded verbally daily and pressured daily—"Remember, I can get you fired," as said by one supervisor; office assistants who are regularly called "stupid" by their boss; a warehouse worker who's referred to as a "moron" in front of colleagues: These are just a few of many, many examples that we see.

In many of those workplaces in those examples I just referred to, there was a written health and safety harassment policy in place. It just wasn't followed. In some cases in smaller workplaces, the harasser is the boss. If you have a workplace with five people, how is a harassment policy going to be effectively enforced in that workplace?

Many of the workers, like the examples I referred to, end up developing anxiety and depression and having their doctor sign them off work. The lucky ones will qualify for EI sickness benefit, because usually in this wage category they don't have a short-term disability plan at work, so they're reduced to 55% of their net wages. They suffer quite a loss of income and that only lasts for 15 weeks. In those examples, they recover while off work and then end up looking for other work, so the harassment really is never addressed in these types of workplaces.

Litigation is after the fact. They're out of the workplace. They may receive some compensation. A person can apply to the Human Rights Tribunal. We deal with those matters as well. There can be other remedies, such as a posting of the workplace, that the Human Rights Tribunal can order. However, more often than not, the issues remain in reference to the other workers, and the general culture and climate at the workplace remain unaddressed. Someone else will be treated to similar disrespectful behaviour. All the workers I mentioned lost their livelihood as a result of workplace harassment.

The government has proposed a number of solutions to this problem in *It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment*. I think this plan is a good first step, but the solutions seem to revolve around strengthening the employer's obligations to investigate harassment, create a code of conduct, the hiring of specialized teams of inspectors and increasing employer education about workplace harassment.

We feel that there should be further steps taken and have four recommendations. The first one is that the

Ministry of Labour operations policy—this is the policy that the inspectors use to go in and enforce the health and safety act—should state quite explicitly that harassment is a workplace hazard that should be taken seriously and investigated. The act should be amended so that employers have an obligation to protect workers from harassment. That isn't currently in the Occupational Health and Safety Act.

**1540**

The code of practice that's proposed should have a positive obligation on the employer to create and maintain a working environment where employees are treated with dignity, integrity and respect in the workplace.

We endorse the proposal of the specialized team of inspectors who are knowledgeable about harassment and its effects. Where there's a complaint, we think that Ministry of Labour inspectors should attend the workplace and actually evaluate the investigation, its outcome and its efficiency. The inspector should have the authority to substitute his or her decision for that of the workplace decision-maker. The mere existence of a workplace harassment policy cannot be treated as adequate for ensuring a harassment-free workplace. We've learned that since the time when Bill 168 came into place.

In addition to increasing employer education, equal emphasis needs to be placed on educating workers about their rights—about their rights, actually—in relation to workplace harassment and what they can do about it.

John is going to take it from here.

**Mr. John Bartolomeo:** I want to address the inclusion of harassment under the Occupational Health and Safety Act. When the government passed Bill 168 to add workplace violence and workplace harassment to the Occupational Health and Safety Act, violence and harassment were treated differently. The difference was noticed by decisions of the Ontario Labour Relations Board.

We handle unlawful reprisal cases: people who are terminated or reprimed against for making health and safety complaints. The difference in terms of what rights were afforded to workers who made complaints about violence versus harassment was noted, and our submission makes a couple of references to decisions that contemplate and effectively said that if the Legislature had intended similar protections vis-à-vis violence and harassment, it would have done so explicitly. As this was not done, the labour board has said in a couple of decisions that there is no right to a harassment-free workplace.

Our concern is that any proposals must include the protection that workers do have that right. Whether or not it is achievable depends on whether or not clear recommendations are made such that workers have the right to protection. One of the proposals we made was the inclusion of the duties that employers, supervisors and workers have with respect to workplace harassment. That inclusion, in our view, would open the field up to the Ministry of Labour and their inspectors to take a more involved role.

Our concern in what is colloquially known as the internal responsibility system, where employers and

workers are supposed to work it out amongst themselves without oversight or involvement, is that no one will be there to go behind the decisions and go behind the policy. As the amendments to Bill 168 came, an employer was expected to have a program and policy in place. Whether or not it's good and whether or not it's followed is not something the ministry can come in and check for. That's just the way the legislation is.

Our proposal is to include it as a duty. Further to that, we suggest a code of practice that recognizes dignity and respect for workers. Included in that would be the expectation that the Ministry of Labour's inspectors can evaluate substantively whether or not it has been followed and substitute their own decision and write orders to protect workers.

Losing one's job is difficult, as is enduring the harassment. What we do as practitioners is try to find compensation for people who have lost their jobs. But does that repair the damage to the workplace? It does not. Does it fix the workplace in the sense that someone has been educated on what is and is not correct? It does not. So by creating a code of practice we have something to measure.

More about the inspector's role will be from Linda.

**Ms. Linda Vannucci:** Just to be specific about that, what we're talking about is, right now in the Occupational Health and Safety Act, what is often relied upon in dealing with a lot of different workplace hazards beyond harassment is the "general duty" clause in section 25, where employers are required to take all reasonable precautions to protect workers.

I guess what we're proposing is that harassment be subsumed in section 25, which would then give inspectors the authority to enforce that section under section 57, where inspectors can write orders and order compliance with the law.

Where violence is already in there, we want harassment in there as well.

Beyond that, we're proposing that the inspector be able to go into the workplace, look at the investigation—in most cases in our review, there hasn't been an investigation—cause an investigation, determine an outcome and write orders that will stop the harassment in the workplace. That's the only way to ensure that people like our clients are protected.

It's very frustrating to have to ask people who are quite distressed from harassment, "Well, does your workplace have a policy?" They say, "Well, yes. I see it posted, and I've tried to get some help with that policy," and they're still in the same situation: no help at all.

**The Chair (Ms. Daiene Vernile):** You have one minute remaining.

**Ms. Linda Vannucci:** Oh, one minute remaining? Okay, then I guess we'll wrap it up.

Harassment education: Do you want to speak a bit about that?

**Mr. John Bartolomeo:** I just wanted to add, on the notion of education, that workers should have just as much education as the employers have. But as well, they

should be made aware that there is recourse to the government, to the Ministry of Labour, beyond just what the employer is—if there is a problem at work, there should be no barrier to them contacting the occupational health and safety branch or calling for an inspector to come, as opposed to having to follow a workplace policy. With that education, we hope that workers have enough within their arsenal to protect themselves.

**The Chair (Ms. Daiene Vernile):** Thank you very much. Our first questions for you this afternoon will be from our PC caucus: MPP Jones.

**Ms. Sylvia Jones:** Thank you very much for your presentation. We have had a number of presentations from people who have worked within the hospitality industry specifically. I wonder if you could provide a breakdown. It doesn't have to be precise, but what I'm looking for is, where are the hot spots? Where are the issues? The feeling of the previous presenter was that the hospitality industry and the individuals who are working within it either don't understand or do not have their rights clearly articulated. Can you share with the committee a bit of a breakdown? I understand that you do exclusively work with non-unionized staff, so it will already skew it, but I'm interested, if you have that.

**Ms. Linda Vannucci:** I think our experience in terms of hospitality would be the small workplaces, like restaurants. We have had complaints from restaurant workers.

**Ms. Sylvia Jones:** So it's more related to the size as opposed to the industry?

**Ms. Linda Vannucci:** I think so, actually. Retail, restaurant, warehousing—

**Mr. John Bartolomeo:** Because we deal with smaller employers, these are generally small businesses where the individual owner is in charge of everything. That's where we find most of our caseload from.

With respect to the hospitality industry, a good number of cases also have the age/power imbalance. These are young people, teenagers, who are expected to participate in terms of the internal responsibility system with just as much force as a unionized workplace like the automotive industry.

**Ms. Linda Vannucci:** We've also had male-dominated workplaces where there are a lot of complaints from women who are working in warehouses and car dealerships, places with a minority of young women working in an environment of men. So there's that as well.

Not many institutional workers—because those are mostly unionized environments—unless they're temporary workers.

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

**Ms. Peggy Sattler:** Thank you very much for the presentation and the very specific recommendations. It's very helpful.

1550

You mentioned initially that some of the clients you serve who fall through the gaps of the current legislation are people who are being harassed by the employer in a

small workplace where there's only a handful of employees. These proposals that you've made, how would they address that? They would address the situation where an employer is the harasser in a very small workplace?

**Ms. Linda Vannucci:** Well, they would address that situation in that if there's a workplace policy that isn't enforced and there's no investigation that takes place favourable to the person being harassed, then they can call a Ministry of Labour specialized inspector who knows how to deal with workplace harassment to come out and review the situation and make orders, if necessary.

**Ms. Peggy Sattler:** Because currently there's no ability to do that.

**Ms. Linda Vannucci:** Unless the ministry chose to interpret the general duty clause to allow the inspector to do that, which at this point they don't, at this point the ministry's response to a harassment complaint if a worker calls in is, "Do you have a policy? Ask your employer to enforce the policy." There's no visit from an inspector.

**Ms. Peggy Sattler:** Okay. And the other question is, on page 2 you have some bullet points explaining examples of harassment but only the first one refers specifically to sexual harassment. Would your recommendations deal with harassment more broadly? Or were you looking at these recommendations as dealing with gender-based harassment and sexual harassment?

**Ms. Linda Vannucci:** We were looking at it more broadly, including gender-based harassment, in terms of enforcement, because right now sexual harassment is covered by the Human Rights Code and so the remedy there is to go to the Human Rights Tribunal if you're harassed. That's usually resorted to only after a worker has left the workplace. It's pretty difficult to stay in the workplace and work while there's a pending action at the Human Rights Tribunal. So if it's all looked at under the Occupational Health and Safety Act, that would invoke an inspectorate where there is not an inspectorate at the Human Rights Tribunal that would go out and address complaints.

**Ms. Peggy Sattler:** Thank you.

**The Chair (Ms. Daiene Vernile):** Thank you. Our final questions for you are from our Liberal caucus, from MPP Dong.

**Mr. Han Dong:** First of all, thank you for the presentation. I think I learned a lot and there was a lot of good advice.

Currently, in your mind, what are some of the factors that discourage victims from coming forward, in particular the newcomers? Because I think that they're particularly vulnerable, given their short time in this country. That's my first question.

My second question is—I want to give you a chance to highlight some of your recommendations—what would say are the top three best practices for effective changes you would like to see adopted?

**Ms. Linda Vannucci:** I think the reason why people aren't reporting in terms of workplace harassment is fear

of reprisal, fear of being fired if the harassment is from the boss. Often we hear workers report that the employer's answer—if it isn't direct employer harassment, if it's a supervisor as well—is, "Frank's been working here 25 years; that's the way he is," that kind of thing. They're afraid if they take it further and go outside the workplace, they'll be fired. I think that's the number one thing, particularly with newcomers or people with precarious employment.

In terms of the top three recommendations—

**Mr. Han Dong:** But if the person is already fired, let's say—let go—do you think there's something preventing them from coming forward and seeking your assistance?

**Mr. John Bartolomeo:** I think the difficulty is that what we do is remedial. This is after the fact, after you've been fired, and so we don't get to address the situation at heart. Our key point is that with an inspectorate that will go in and assess harassment complaints if a worker is not satisfied, the worker keeps their job and the employer is educated and made aware of what they are doing that is wrong. By allowing the inspectorate to go in and take effect and make recommendations, the employer is educated, the worker gets to keep their job, and they aren't sitting at home quietly, making themselves ill, not saying anything to anyone.

**The Chair (Ms. Daiene Vernile):** We thank you both very much for coming and appearing before this committee this afternoon. We invite you, if you wish, to sit in our audience.

#### CANADIAN FEDERATION OF UNIVERSITY WOMEN BURLINGTON

**The Chair (Ms. Daiene Vernile):** We continue now with our next set of presenters. I would like to call forward the representatives with the Canadian Federation of University Women Burlington. Have a seat. Make yourselves comfortable. Ladies, you will have 15 minutes to address our committee. That will be followed by questions for you.

Please start by stating your names and begin any time.

**Ms. Marianne Singh-Waraich:** I'm Marianne Singh-Waraich. This is Eleanor Christie. We are the co-chairs of the advocacy committee of CFUW Burlington.

CFUW Burlington would like to thank the provincial government for this initiative and wishes to express its support for the changes in the sex education curriculum to be implemented this September. We think this will help Ontario students to develop healthier and more sensitive attitudes to sexual relationships by giving them the appropriate vocabulary, helping them to better understand their own sexuality and the consequences of their decisions for others. It will encourage them to develop a sense of self-worth that enables them to seek clear and informed consent from their partners before engaging in intimate relations.

The Ontario Human Rights Code defines sexual harassment as "engaging in a course of vexatious comment or conduct that is known or ought ... to be known to be

unwelcome." In preparing for this presentation, it struck us once again just how pervasive sexual assault and harassment are in our society.

Sharing our experiences around the table, we came up with a life cycle of incidents. In childhood, one of us had her vaginal area explored at the age of five by a teenage boy. Two of us experienced sexual harassment at university in the process of our education by university tutors who retaliated for rebuffed advances by downgrading our papers. As a young married woman, consulting our local family services bureau about marital difficulties, one of us was invited by the middle-aged counsellor to sit on his lap.

In the workforce, I was chased around my classroom by a fellow teacher. Dancing at a sedate house party, an excellent dancer, while twirling me madly around the floor, cupped my breast in a tight embrace. A superintendent hugged me too close for comfort on meeting me in his office on business. A colleague had an affair with a grade 10 student.

One of our daughters dropped out of Waterloo university in the early 1990s after an initiation week in which students were frequently plied with alcohol, encouraged to drink bottoms up, paired with a partner and a mattress and given a prize for the couple that best imitated sexual intercourse. She dropped out in November.

Another daughter was molested as a teen while working at a medical office part-time.

One of our friends, suffering from early Alzheimer's, was assaulted in a nursing home by a fellow patient who thought she was his wife. The staff cannot be everywhere all the time, but a better patient-staff ratio might prevent this type of assault.

While sharing these experiences, we noted they had two things in common: We had not discussed them with anyone and had certainly not issued official complaints, nor had we been provocative in either appearance or behaviour when these events occurred.

In the early 1990s, as the OSSTF representative to a Wentworth county district school board committee that created a sexual harassment policy for the board, I felt confident that with these policies in place in the workforce, harassment would cease since there would be consequences attached to such behaviour and women would no longer have to be proactively on the defensive at all times to avoid being victimized and could work with men on an equal footing in a safe environment. Alas, recent events have clearly shown that this is not the case. The most notorious is that of Jian Ghomeshi at the CBC, a case with which I am sure you are all familiar.

When we examine all these cases, what jumps out at us are two things: Such experiences are common, but women tend not to share them. Either from shame that they happened at all or from fear of the consequences of coming forward, they remain silent. Speaking out will mean a lot of time spent with reputations questioned, because mostly in these cases it is a question of he said-she said, or fear of offending the perpetrator, who is usually in a position of power as an employer or has greater physical strength.

Indeed, had not a lot of women come forward, Jian would probably still be hosting his CBC program. One woman did use the CBC's complaint procedures but got nowhere. Was she not believed, or did what happened to her just not matter?

Too often the victim is blamed, yet if women don't complain—and our own histories bear out the fact that they do not—the offender gets away with it scot-free. It is this impunity that is so pernicious because it perpetuates the problem.

**1600**

We were too young to experience cyberassault, but it is very common now. The hypersexualization of young children in suggestive advertising and popular music idols who twerk and are scantily clad prepare children to accept this as normal sexual behaviour.

Sexting—sending sexualized images online to a friend—is common, but the senders do not realize that these pictures will be online forever and can be used to blackmail them. Girls and boys are induced to remove their clothes and send photographs to their cyber-friends—sometimes adults who pretend to be the same age—which are then used as child pornography. The current incidents, reported by the Toronto Star on May 7, resulted in 17 Canadian arrests and 41 worldwide.

Cyberbullying has led to some well-known recent suicides, as in the cases of Rehtaeh Parsons and Amanda Todd. In the case of Rehtaeh, pictures of her assault were spread as trophy photos by the perpetrators.

How long have we been listening to complaints by female RCMP recruits and soldiers? The new report by former Supreme Court Justice Marie Deschamps makes clear that women in uniform endure a toxic work environment and are often the target of vulgar name-calling, sexual innuendoes and jokes, harassment and assault. Much of it is condoned or ignored by senior military leaders. The notorious case of Trenton's Colonel Russell Williams, who progressed from harassment and panty raids to murder, clearly did not happen in a vacuum.

The “undeniable problem of sexual harassment and sexual assault in the (Canadian Armed Forces) ... requires direct and sustained action,” she writes, and “the military has refused to acknowledge the ‘extent and pervasiveness of the problem of inappropriate sexual misconduct.’”—Toronto Star, May 1.

Chief of defence staff Tom Lawson said it would take a sustained effort. There was no quick fix. Military leaders are blind to the poisonous culture. Mandatory harassment training is laughed at, with trainers being complicit. Officers who want to act often get shut down by their superiors. Zero tolerance, says Justice Deschamps, is easily spoken of, but rarely implemented. Women do not complain for fear of ruining their careers. There is that impunity again.

A similar situation exists in the sports world. *Missoula*, a recently published book by Jon Krakauer, explores just how a city, including the police, colludes in

protecting its sports heroes from the consequences of their assaults.

Eleanor?

**Ms. Eleanor Christie:** Burlington is the city of Leslie Mahaffy, a teenager abducted and killed by Paul Bernardo and Karla Homolka, and also of Nina de Villiers, a young woman abducted and murdered by Yeo while jogging in broad daylight. Another woman was murdered on our local beach a few years ago while sun-bathing. This year, a woman was found in her apartment, murdered by her former partner.

Women are regularly assaulted and often killed by estranged husbands. We are considered the best mid-sized community in Canada, according to some official accounts. But what, then, of the others?

Over the years, institutions have been developed to help survivors of sexual violence recover. Halton Women's Place, our local shelter, has 30 beds. Last year, it served 265 women and turned away 390 for lack of space. It provided shelter elsewhere in the community for 472. It provided court support to 162. Some 80% of these women have suffered sexual assault and need ongoing support, its executive director told me.

Clearly, the need is greater than the supply of help. Out of an annual budget of \$3 million, the shelter fundraises \$600,000, which takes up the time of one and a half of the six staff members.

A big roadblock is the lack of social and supportive housing. In the early days of the shelter's history, clients stayed for four to six weeks, but currently, the average stay is six months, because there is nowhere for these women to go. An increase in social housing would enable the shelter to service many more of the 390 they had to turn away last year.

SAVIS, our sexual assault services centre, provided help to 579 clients in the counselling program and fielded 579 crisis calls, plus it served clients at the Vanier Centre for Women, who received counselling. Current funding for these excellent services is inadequate and needs to be long-term and sustainable.

This year, Burlington also hosted Dr. Sharif Tadros, who had sexually abused three patients in his clinic. He had been allowed to continue practising while under investigation, with the proviso that he could only treat males and was to have a sign up to that effect. He blithely ignored such direction, and, had it not been for the Toronto Star outing him, would have continued to practise with men and women. I think the OMA is remiss in not checking up on restrictions. He is one of 20 doctors in the province in this situation.

We have read “The Way Forward,” published by the Ontario government in March 2015 and applaud it, as we do the series of government ads illustrating harassment we have seen on TV. This 40-page document is an excellent plan, and we look forward to its full implementation. We would like to see clause 1 strengthened, however, to make the policy one of zero tolerance.

Nevertheless, the big sticking point in our view continues to be impunity. When only 33 cases of sexual



assault out of every 1,000 are currently reported to police and only three lead to conviction, all the plans in the world are not going to solve the problem. They need effective implementation. What can the government offer to change this?

Sexual violence and harassment are expressions of misogyny and rape culture and related to other issues of gender inequality. We need a generational change in attitudes to consent and healthy relationships. We need the co-operation of men of good will. It was heartening to see that a group of young men in a high school in Ottawa, in response to Rehtaeh Parsons's death, had formed a group in their high school to prevent sexual violence. Her stepfather speaks at high schools to warn teens of the dangers of cyberbullying. We need more of this. We need to mobilize men in society at large.

Immigrant communities in Ontario struggle with additional forms of violence against women, such as early forced marriage, polygamy, female genital mutilation and honour killing. Aboriginal women bear an especially heavy burden, as do the disabled. These vulnerable minorities need extra attention.

Marianne attended the UN's Commission on the Status of Women meetings both last year and this year in March as part of the CFUW delegation and was impressed by the HeForShe campaign initiated last year. This year, she attended a workshop entitled hashtag #ImamsForShe. The concept clearly has resonance. Perhaps it could be encouraged in Ontario.

There are many organizations that have been working in the field for years to combat these problems. They are really the experts in this area and their experience should be utilized. A number of them, including CFUW, have worked together to develop A Blueprint for Canada's National Action Plan on Violence Against Women and Girls, as mandated by the UN. It is meant to be a road map covering content and process for defining and implementing a national plan, but it would be a good resource for our provincial government.

A national plan would provide a framework and establish national standards. The provincial government could call on the federal government to create such a plan. It would need to include adequate funding of counselling and support services—short-term and long-term—free legal aid, and have sexual assault and rape crisis centres available 24/7.

In the judiciary system we need to review the evidentiary burden to get a better conviction rate. We need to consider access and custody decisions in light of sexual violence as well as cross-jurisdictional enforcement of custody and other court orders.

In addition, we need dedicated teams and specialized trained judges. Increased cultural security training is also required for police, who are the first responders generally, medical personnel and crown attorneys.

We need to ensure employers, educational and public institutions take effective measures to prevent, investigate and remedy sexual harassment.

**The Chair (Ms. Daiene Vernile):** You have one minute left in your presentation.

**Ms. Eleanor Christie:** Okay. I'll be fast.

We need consistency in policies and legislation within and across jurisdictions and equal access for all women. We need reliable data collection and adequate human and financial resources. We need not only a consultation such as this, with all stakeholders, survivors and front-line workers, but also time-bound goals, measured against a baseline.

But, most of all, we need accountability. Had the press not given so much attention to the notorious cases of sexual assault we have cited, we are convinced that nothing would have happened to these perpetrators. It is only the merciless and ceaseless glare of publicity that made them cringe and that enabled effective penalties to be imposed. That should not be necessary.

All women deserve to be treated with respect at all times. It is their right as human beings. As Hillary Clinton stated, "Women's rights are human rights." We ask ourselves, "How long will women have to wait for those rights to be enforced everywhere for everyone?"

**The Chair (Ms. Daiene Vernile):** Thank you very much. Right on time.

**Ms. Marianne Singh-Waraich:** We have prepared a list of recommendations, which I believe—

**The Chair (Ms. Daiene Vernile):** We would like you to hand that in to us, if you would.

Our first questions for you are from our NDP caucus.

1610

**Ms. Peggy Sattler:** Thank you so much. That's a very comprehensive list of recommendations. I wish we would have a world that would have all of those recommendations implemented.

One thing: In recommendation 16, you talked about HeForShe, and I think you said #ImamsForShe?

**Ms. Marianne Singh-Waraich:** That was a new thing this year at the UN. I attended that workshop.

**Ms. Peggy Sattler:** Yes. I recently got a notice about the University of Waterloo officially starting up a HeForShe initiative. I wondered if you could just share a little bit more about HeForShe and particularly #ImamsForShe. I think that's really—

**Ms. Marianne Singh-Waraich:** I was delighted to see that title advertised as a workshop, #ImamsForShe. It was an imam from Indonesia; it was at the UN. I think there were 9,000 NGO delegates this year because of the Beijing Declaration's 20th anniversary. This imam quoted the Quran and said that women are equal in Islam; that certainly they can go out and work because, of course, the Prophet's wife—his first wife—supported him. She was a successful business woman. He also said that if women go out to work, the money that they make should remain theirs because in the Quran it's the husband's responsibility to support the family. It was very progressive but it was based on the Quran, and I found it very encouraging.

I hope that many imams will take a leaf out of that Indonesian imam's book because I think it's something that's really essential. I think, very often, imams who are currently practising in Canada may come from areas

where very literal interpretations of the Quran are held, and I think that that is having an influence on their congregations. So I think this program is excellent.

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

**Ms. Eleanor McMahon:** Good afternoon, ladies. Nice to see you here. What a comprehensive presentation and list. I would like to echo my colleague's comments on the thoroughness of your recommendations—deeply appreciated. I know I have to be quick, but I couldn't help sharing this with you: a reflection in the media this morning about the penalties received in the NFL for "Deflategate" being more than the penalties levied on a gentleman who was seen on national television assaulting his wife and then dragging her from an elevator.

**Mr. Taras Natyshak:** Yes. Fair enough.

**Ms. Eleanor McMahon:** Right? An absolute disgrace, really, because what does that say? Anyway, that's in parenthesis.

Justice Marie Deschamps in her comments about the military—I wonder if you could give us some thoughts on women in uniform and what you think we might do to assist that profession in making women feel more safe and equitable?

**Ms. Marianne Singh-Waraich:** Well, I think what jumped out at us—because we gave you a few samples of the life cycle thing that five of us had experienced. We could have given you 10 pages, but women simply don't discuss them.

I think women in uniform—which is a strict hierarchy where you obey your superiors; it's even more difficult to stand up for yourself. We've listened to these complaints for years, so I was very happy to see the report. I think even today, this very same Tom Lawson that was quoted before has said that he's not going to implement all those things, and I think that this is a serious problem. Superiors shut down lower-ranking officers. What hope does a female soldier have of justice?

It's the impunity. The impunity is the thing that struck us over and over again. I was interested in a previous speaker, who was also explaining—because it's a very common situation—that you complain and you're fired.

**Ms. Eleanor McMahon:** It's absolutely challenging. Our labour minister is looking into this as part of the overall action plan. Our recommendations are going to help shape that as well.

Thank you again. I think my time is probably up, Madam Chair, so I'll cede the floor to my colleagues. Thank you again.

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

**Ms. Sylvia Jones:** Thank you. As a current CFUW for Orangeville and district—

**Ms. Marianne Singh-Waraich:** I'm sorry; I can't hear you.

**Ms. Sylvia Jones:** I just said, as a current member of the CFUW in Orangeville, thank you for coming.

We've all heard the stories. You started your presentation with a number of them from your members. As disturbing as the stories are, what is most disturbing, or equally disturbing, is the fact that none of those perpetrators were stopped.

**Ms. Marianne Singh-Waraich:** That's right.

**Ms. Sylvia Jones:** So we come back to this recidivism—I practised the word. Where does it stop? If we don't have a system in place that ensures that person cannot do it again, by its very nature we are implying, as a society, that it's okay. And it's not okay. You have a lot of great recommendations here, but how do we get to the point where we can stop the people who are causing the harm?

**Ms. Marianne Singh-Waraich:** I think the only way is for women to speak up, but individual women are reluctant. Take the case of Jian Ghomeshi, right? This was so discouraging to me, having worked on harassment policy in my board. It solved nothing. The same thing is going on today. The only thing that's going to cure it is a change.

If there was gender equality, I don't think this would happen. I think a lot of men feel threatened in many professions—possibly in the military, too. They worry about their promotion chances, if there's going to be equity in terms of promotions and things like that, and their way to deal with it sometimes is just to intimidate. This is not about sex; it's intimidation. They're power plays. They get their jollies from scaring people or intimidating them.

**The Chair (Ms. Daiene Vernile):** You were going to say something else. I saw you leaning in toward the microphone.

**Ms. Eleanor Christie:** Well, it's the power thing. You feel you're going to lose. We mentioned the one thing about my daughter who was assaulted by a doctor in Burlington when she was working for him. Now, she didn't tell me she quit the job, but I found out because her mother was head of nursing at Mac and she dealt with it. But my daughter would not report him, because she wanted to apply to medical school and she felt that the doctors in Burlington would blackball her if she reported him.

Now, she ended up getting into medical school, but she never reported him. But then the women in Burlington, the nursing people at Mohawk and McMaster, never sent another person to him; that's how they handled it. But if she had reported him, it was his word against her word, and he was powerful and she wasn't.

**Ms. Marianne Singh-Waraich:** That's usually the equation.

**The Chair (Ms. Daiene Vernile):** Ladies, I want to thank you very much for coming and informing this committee this afternoon. Your information was really useful. Thank you.

**Ms. Marianne Singh-Waraich:** Thank you very much.

**The Chair (Ms. Daiene Vernile):** I invite you to join the audience now, if you wish to.

MS. ELIZABETH GRACE

MS. SUSAN VELLA

**The Chair (Ms. Daiene Vernile):** I will call on our next presenters to come forward. They are Elizabeth Grace and Susan Vella. I hope I'm saying your names correctly.

**Ms. Susan Vella:** Absolutely.

**The Chair (Ms. Daiene Vernile):** Okay. Make yourselves comfortable. You will have 15 minutes to address our committee, and then they will ask you some questions. Please start by stating your names for the record. Begin anytime.

**Ms. Susan Vella:** Susan Vella.

**Ms. Elizabeth Grace:** Elizabeth Grace. Good afternoon, Madam Chair and committee members. Susan Vella and myself are appearing today in our personal capacities as civil lawyers who together have almost 50 years—I'm afraid to say; when I added it up, I was shocked—of experience working in the area of sexual violence and harassment, what we really call sexual abuse.

Because sexual abuse is recognized as a wrong in all of the areas of law—civil, criminal and administrative law—we have found that our work in the civil justice system really overlaps and intersects with the criminal justice system and with administrative processes, criminal injuries compensation and Human Rights Tribunal proceedings. We believe that we can bring to the table a valuable perspective that will hopefully speak to some of the concerns of this committee.

We've prepared a brief. I believe it has been circulated. It sets out our submission in detail. It briefly describes the work that we've done both individually and collaboratively—because we're in private practice and we work at separate firms—in the sexual abuse area. Our CVs are at tabs A and B.

Our brief also includes an executive summary of our recommendations, which target three legislative areas that we believe are in need of reform. The first is the Victims' Bill of Rights and the regulation under that statute, the second is the Limitations Act, and third is the Ontario Disability Support Program Act and the Ontario Works Act and the general regulations under those two acts.

1620

In the body of our submission, we set out in detail the amendments that we recommend be made and the justifications for those amendments.

At tabs C to F, we've included the legislation and the regulations that we're dealing with, really for the committee's ease of reference.

The legislative changes that we are recommending are simple, they're straightforward to implement and, on the whole, they require no new funding from government.

We've divided up our presentation. I'm going to address the first two areas of reform that we've identified: the Victims' Bill of Rights and the Limitations Act. Susan Vella is going to speak to the third area, the ODSP

and Ontario Works schemes, and also offer some concluding remarks.

The Victims' Bill of Rights is really a cornerstone statute because it deals with the justice system in an inclusive way, and it's quite exceptional in that regard. It covers both the criminal and the civil justice systems. As such, it's an important vehicle for effecting many of the changes we believe are needed in this province. It was introduced in 1995. Frankly, it's a stale piece of legislation. It's underappreciated, underutilized and needs to be modernized.

The Victims' Bill of Rights includes a preamble and section 2 sets out some very laudatory principles, kind of guiding principles. Both of these need amending and we've set out some proposed amendments in our brief. But our recommendations are really targeted at remedying the problems that we've seen in the criminal justice system through our clients who are involved in a civil process but have also been involved in a criminal process. Our recommendations are aimed at providing greater input and information for victims of sexual crimes so that they can more meaningfully participate in the criminal justice system.

We've identified the regulation under the Victims' Bill of Rights that we see as a means of practically fleshing out how those guiding principles can work in practice, and we've stressed the need for greater consistency. We've both been troubled over the years to see our clients, who come from all over Ontario—the inconsistency and discrepant approaches and practices by police and crown attorneys in different jurisdictions. There's a real need for consistency.

Again with the Victims' Bill of Rights, we focused on sections 3 and 4 of that act. These are the sections that deal with civil proceedings. I would suggest that probably our most bold recommendation relating to section 3 is a new provision that states that there is no cap, which is an upper limit, on damages for pain and suffering awarded to victims of sexual assault. Section 3 of the act is the section that deals with damages or compensation. If you're able to go to page 9 of our brief, very briefly here we've set out—towards the bottom of the page, underlined—the heading and the very simple language that could be added to section 3: “There is no upper limit on the non-pecuniary damages”—which are the pain and suffering damages—“that may be awarded to a victim of sexual assault.”

Adding this provision would cost the government nothing, but it would bring Ontario in line with British Columbia. That province's Court of Appeal, unlike our Court of Appeal, actually had the opportunity back in 1996 to say that the cap does not apply in sexual assault cases. The upper limit does not apply.

Section 4 of the Victims' Bill of Rights also needs amendment. This section uses outdated, inconsistent, ambiguous language and it is overdue for an overhaul. The most substantive change we see being necessary to section 4 is set out at the top of page 14 in our brief. It's a simple change. It's the addition of the underlined words

to explicitly expand section 4 to cover civil proceedings in which crime victims seek redress for harms, not only from the person who was convicted of the crime, but also from all those responsible for the harms.

This simple change would recognize that many times there's more than just the individual perpetrator who shares responsibility for the harms. We need only think, for example, of clergy abuse of children. The courts have already said that religious organizations share responsibility for the harms caused by their clergy members' misconduct. This needs to be enshrined and recognized in the legislation.

Since time is short, moving on to the Limitations Act: The government's action plan is committed to removing the limitation period for any civil sexual assault. Nova Scotia, and British Columbia to a lesser extent, have already gone in this direction and Ontario needs to catch up.

Starting at page 16 of our brief, we have set out amendments that we believe will achieve the goal of removing any limitation period. In summary, that really includes three things. Number 1, if you go to page 20—it's the text just above the bulleted point. It includes adding a definition of sexual assault in the act, a definition that will make it clear that sexual assault includes all misconduct of a sexual nature. This is the language that is used in Nova Scotia's and British Columbia's statutes.

Currently, there is reference to sexual assault in the act, but it's not defined. It's not a defined term. What that means practically is that it doesn't capture all the forms of sexual misconduct, for instance, sexual exploitation. If it falls short of actual touching or a fear of being touched sexually—so you think of perhaps a child who is manipulated into exposing herself in person or over the Internet. That's not caught by the Limitations Act. It's not caught in the definition of sexual assault. That's the first thing. There needs to be a definition of sexual assault in the act that is more inclusive.

Second, the act needs to get rid of the current distinction between sexual assault that occurs inside a power-dependency relationship and sexual assault that occurs outside of a power-dependency relationship. An example of inside would be, say, teacher-student, where there's power inequality. Outside would be, say, an instance of assault by a stranger or perhaps a co-worker or co-student. We need to get rid of that distinction.

On page 22, we have suggested a very simple way of doing that at the top of the page. It would involve amending or deleting some words, really, from the existing clause 16(1)(h), and would read simply, "There is no limitation period in respect of a proceeding arising from a sexual assault." This way, proceedings arising from sexual assault would be exempted from the act's standard two-year limitation period, and from its 15-year limitation period.

Third, the complicated and cumbersome transition provisions in the Limitations Act—that's section 24 of the act. That section deals with civil claims for compen-

sation brought after 2004 but based on misconduct that occurred before 2004.

**1630**

If you go to the top of page 25 of our brief, we have proposed a new provision at the top there. Again, it's simple language: "(4.1) A former limitation period is deemed not to have expired before January 1, 2004 in the case of a proceeding arising from a sexual assault." It's simple, as opposed to the convoluted—and they're in the statute, but provisions of "if this, then that." It's simple.

Subsection 24(7) is the next quoted section. We have proposed eliminating the words "sexual assault" from that provision. Subsection 24(7) is the revival section. If a claim is deemed to have expired, the current act allows you, in very restrictive circumstances, to revive the claim and allow the person to bring the claim. We're saying, "No. Don't deal with sexual assault claims in that provision. Delete those."

I'll let my colleague continue.

**Ms. Susan Vella:** Thank you very much. The theme of our presentation, and the thread that runs through our recommendations and the legislative amendments which you'll see throughout the brief, is enhancing access to meaningful justice. By this we mean achieving accountability for victims, which, in turn, means obtaining accountability from the direct offender, those legally responsible for those harms, and society.

**The Chair (Ms. Daiene Vernile):** You have one minute remaining.

**Ms. Susan Vella:** Okay. Sorry.

**Ms. Sylvia Jones:** I'm happy to let them keep going.

**The Chair (Ms. Daiene Vernile):** We can also make the choice of giving up our questioning time if you would like to continue.

**Ms. Eleanor McMahon:** Yes.

**Ms. Laurie Scott:** Yes. This is very good.

**The Chair (Ms. Daiene Vernile):** We'll let you—okay.

**Ms. Susan Vella:** Thank you.

This is consistent with the committee's mandate of making recommendations to improve our response to Ontarians who have experienced sexual violence and harassment.

My colleague has reviewed the recommendations aimed at achieving meaningful accountability from direct offenders and those legally responsible for the harms caused by sexual violence.

I want to pick up on the proposed revisions to the Limitations Act, 2002, and in particular the transition provisions that my friend has been addressing.

I'd like to direct you to page 25 of our brief. The legislation is, for your ease of reference, at tab D. Now, the transition provisions, as my friend has said, of the Limitations Act are found at subsection 24(7) and govern whether and to what extent the act will apply to sexual assaults which occurred prior to January 1, 2004, but are the subject of current civil proceedings for compensation.

Our main recommendation is subsection 24(7), sub (4.1), which has just been reviewed with you. This would

have the effect of removing the limitation defence as a shield behind which both the offender and those legally responsible for the sexual violence can hide, irrespective of the date the assault occurred, as long as the sexual assault is the subject of a current legal proceeding.

The fact of the matter is that in order for a civil lawsuit to be viable for victims of sexual violence, there must be a defendant who is not only legally responsible but has the ability to pay a judgment. This is not often within the means of an average offender. Therefore, without the proposed amendment, the existing provision, which already removes the limitation period defence from direct offenders, is of little meaningful use to the victims.

Without the proposed amendment, victims of historical sexual violence may continue to be deprived of their ability to pursue compensation against those who are legally responsible for this serious form of violence. Furthermore, they will continue to experience the delays in pursuing justice and the increased legal costs in resisting attacks based on the alleged expiry of a limitation period.

Our last substantive area of legislative amendments relates primarily to societal accountability to victims of sexual violence and harassment. It is time to modernize the ODSP and Ontario Works acts. Our written submissions commence at page 26, but I would ask you to go directly to page 31. The associated relevant excerpts from the regulations are reproduced at tabs E and F of our brief.

Briefly, we propose that the awards of compensation issued by the Criminal Injuries Compensation Board be exempted from the calculation of income and assets under the relevant regulations of each of the ODSP and Ontario Works. We've given and proposed the exact legislative amendments in our brief. This means that receipt of such awards would not affect a recipient's ongoing eligibility for social assistance or result in a clawback of social assistance benefits.

Second, we propose that the compensation received by victims of sexual violence arising out of sexual abuse, excluding loss of income, also be exempted from the calculation of assets and income under the regulation of those acts. You will see our proposal at pages 31 to 32.

The proposal to exempt compensation, other than compensation for loss of income, related to a claim of sexual assault, which we recommend as a new subsection 46 to subsection 28(1), mirrors the current exemption already granted for awards of compensation made in relation to a claim of abuse at an Indian residential school. This mirrors that exemption.

Furthermore, and in any event, we also recommend that the current limits for exemptions which exist in the regulations for pain-and-suffering compensation awards be raised, in the case of the ODSP, from \$100,000 to \$150,000 and, in the case of Ontario Works, from \$25,000 to \$50,000. Those amendments are found at pages 31 through to 32.

I think it important to note that the limit of \$100,000 in the ODSP Act has never been increased since the date

of proclamation in 1997. Even using the Bank of Canada's inflationary calculator, in 2015 dollars, that amount would be worth \$140,000.

**The Chair (Ms. Daiene Vernile):** Ladies, you have used up your time. I'm going to ask you to wrap up now. Thank you.

**Ms. Susan Vella:** Thank you.

By taking these measures and legislative amendments, then, none of which will require a significant expenditure of taxpayer dollars, you will be able to take a large step forward towards enhancing accountability of sexual offenders—those legally responsible for the harms—and society, therefore affording victims of sexual violence a better opportunity to heal from these crimes, while improving our response to Ontarians who have experienced sexual violence and harassment.

Thank you so much for your patience.

**The Chair (Ms. Daiene Vernile):** We thank you very much for coming.

*Applause.*

**Mr. Taras Natyshak:** That's the first round of applause they've ever given to any deputants. It was impressive.

**Ms. Elizabeth Grace:** Hopefully, we've whetted your appetite, and you'll read this brief.

**The Chair (Ms. Daiene Vernile):** Yes. We have our next person ready on teleconference, and she has been waiting for a little while. So I will thank you very much for your very thorough presentation. It was very informative. If you would like to join our audience and continue to participate in our public hearing, you're welcome to do so.

#### MS. SHERRY ANDERSON

**The Chair (Ms. Daiene Vernile):** Committee members, our next person that we are going to be communicating with is Sherry Anderson. We are going to be speaking to her by teleconference.

Hello, Sherry.

**Ms. Sherry Anderson:** Hello.

**The Chair (Ms. Daiene Vernile):** Sherry, you are going to be speaking to our committee of 10 members. We will start by telling you that you have got 15 minutes to address our committee. That will then be followed by questions. Please begin any time.

**Ms. Sherry Anderson:** Thank you very much. I'm just an individual who wants to state what has happened in my own history of sexual abuse and trying to get justice for myself.

**1640**

About 15 years ago, I did try to bring my father to trial for the sexual abuse he put me through from the age of six through 16. I waited almost a year for the police officer to do his investigation, to talk to my father—and my mother, who knew of the abuse—in the hope and dreams that I could finally have justice for myself.

I was told by the police officer and the crown attorney that my word was not good enough. His word and the

word of my mother, who said she didn't know anything, were more important in the eyes of the law than the victim.

To this day, when I think of what I went through just to try and get a little justice for myself, it's so hard to understand why the victim of a sexual assault is not believed. I didn't go in this for any monetary reasons. I was asking for nothing more than my day in court to have this man charged with the sexual assault of me. After being over 40 years old when I did this and only just learning a year before that I was allowed to even do it—I thought all my chances were gone to have this man brought to justice—to be told that, no, it didn't matter and that the crown didn't think I was worthy enough to be heard in the courtroom—something like this has to change.

I was led to believe by the system that I could voice my fear, tell my story and put all my fears of what he could do to me to rest and that the courts would help me, only to find out within a year that no. Not only did I lose to the court; I lost to a man who laughed at me and said, "See? I told you no one would believe you." He won. To the day he died, he won. I had no recourse. I'm stuck. For the rest of my life now, I'm stuck.

This being said, I have tried for 15 to 20 years to get help for this sexual assault. The programs available to us in Sudbury are so limited that it's a shame to say I'm living in Canada. The groups that are available in Sudbury—there's one. I was just able to get into this group about six months ago, and it has helped me tremendously. But before that I was on waiting list after waiting list to see a counsellor. I was able to get in to one for about five years. I received wonderful treatment from my counsellor. I was better. I stopped seeing her. I had a bad relapse, went to go back and my counsellor was willing to take me but she was no longer allowed to. I wasn't called a critical case at the time so I was put at the bottom of a list to be called by the Sudbury hospital when I could go and see her. That never happened and she retired three years later.

So I'm left in the lurch again. There are no counsellors in Sudbury for someone like me who can't afford private counsellors. I'm on a disability pension for post-traumatic stress from my sexual assault. I get less than \$700 a month. That's my pension. I can't afford another doctor; I can't do it.

I was having a lot of mental problems that they thought were maybe Alzheimer's, because my mind is just so overcome with some of my traumas. I went to see a neurologist and he, by the grace of God, got me to a psychiatrist. Do you know what I was told by that psychiatrist? If I don't take medication, she does not have time for talk therapy. Those are her words, end of quote: "I don't have time for talk therapy for you." So unless I agree to go Seroquel, I'm off her list. I'm out of her service now. I don't think I should have to be drugged in this day and age to have a counsellor talk to me.

I don't have a lot of words to say to you other than you have to start listening to the women who have gone through this trauma. I'm almost 60 years old. I shouldn't

have to still be dealing with bureaucracy to say, in Canada, "Can you please help me pay for something that I need?" There should be a better system.

I think that your system has to be changed to allow—like that woman ahead of me. I don't know who she was, but she spoke about so many things that were true: that we can come forward and know that we're going to be heard; that our voice won't be on deaf ears in the court system; that maybe somehow our government will see fit to give us more programs in the north. Like I say, we have one group in Sudbury, and to get into them is a long waiting list, and cutting the waiting list is not the answer. We need more counsellors up here. We need more facilities to take people of my age group. I can't say how many are in my group, but when I walked in, I couldn't believe my age group of women sitting there who needed this help. I thought I was one of a few.

It's scary to see how many of us actually need help and how many of us have been told we don't deserve to be heard in the courts, that we're too historically old to have our say in court. I just think that legislation has to be taken to help us. My day in court's gone. My man died. I can't get legal justice for myself, but I know there are so many who desperately need this in their healing.

I think, also, if the schools were to start younger—if I had been told at six or seven years old by a trusted teacher that I could go there for help when a family member was abusing me, I'd have gone. I'd have gone in a minute. All we were taught was stranger danger; we aren't taught family danger. These young girls and boys think they're alone, but it is not a stranger. When I saw that video, I thought, "Oh, I guess it doesn't mean my dad. That means a stranger has to do it to me." I think if you could legislate the schools into doing something to help these young kids, it would make a big difference in their lives. If I had had one teacher say to me, "Sherry, is there a problem at home? Was it a stranger or your father?" or an uncle or anyone, I could have said yes, but I wasn't allowed to.

It wasn't a stranger. I hear so many people argue about sex education in school—don't argue sex education. Push it through. Show these young girls and boys what is proper and what isn't proper. Have a lesson for these young kids, stating that if it's a family member—don't be afraid to say, "Is your dad touching you?" The kids won't mind; the kids will thank you. I will tell you, they will thank you if the word "father" or "uncle" is brought into that conversation instead of just "a stranger." You don't know how fearful a little girl is when we don't think we can say, "My father did this. My dad does that." We can't say a stranger did it; we don't know what a stranger is. Our perpetrators are in our own families.

I think if these young kids put forward the effort to just say, "Is it okay if it's dad?"—they'll say it to the teacher or the sex instructor, whoever is in the class. I don't know how it works, but I think you are on the right track of these younger kids having sex education.

That's pretty well all I had to say. I just wanted to voice a victim's opinion here, to let you know that we need so much service up here.

**The Chair (Ms. Daiene Vernile):** Sherry, thank you very much for sharing that with us. This is MPP Daiene Vernile and I'm the Chair of this committee. Are you able to take some questions from our committee members? They'd like to ask you a few questions, if that's okay.

**Ms. Sherry Anderson:** Absolutely.

**The Chair (Ms. Daiene Vernile):** The first person to speak to you is going to be Liberal MPP Harinder Malhi.

**Ms. Sherry Anderson:** Hello.

**Ms. Harinder Malhi:** Thank you, Sherry, for sharing your experience. I'm sure it was very difficult to share your story with us.

I just wanted to talk to you about the supports and the justice system. What supports do you think we could put in place in the justice system to make it easier for victims like yourself?

**Ms. Sherry Anderson:** I think if the police officer had brought me to speak with the district attorney, I would have been able to show him, "It's not words. I'm not lying. You can believe me and you can take a chance in court with me." Don't just assume that he's right. I was never asked in person by the court system, "Is this true?" I know that if he had heard my words and not something written on a piece of paper, it would have made a difference. He could have looked at me and seen my eyes and seen my reaction to any question he would have asked of me, knowing it was not a lie and that my father was the liar in this case.

**The Chair (Ms. Daiene Vernile):** Thank you very much. Our next question for you is going to be from MPP Sylvia Jones.

1650

**Ms. Sylvia Jones:** Thank you, Ms. Anderson, for reaching out to the committee. You mentioned that you are getting assistance through a group in Sudbury?

**Ms. Sherry Anderson:** Yes, I am.

**Ms. Sylvia Jones:** Can you share with the committee: Is that a peer support group? What kind of support are you getting?

**Ms. Sherry Anderson:** Presently, I'm in a group of women, all approximately my own age, who are given learning skills on what triggers our emotional outbursts in our bodies, whether it be a sound or a sight, and it's teaching us how to deal with those emotions on a daily basis. It teaches us how to learn our body signals for fear, of either fight or flight.

For so many years, I didn't know why I would react to a certain sound, or even a television show. The group that I'm in, they're able to show me why I react, why my trauma is the way it is. Being so old, with the trauma so long ago, you would think I wouldn't have any trauma day to day. Now I know why I'll get upset over something which most women would not be upset about.

**Ms. Sylvia Jones:** Are you comfortable with sharing with the committee which organization is assisting you in Sudbury?

**Ms. Sherry Anderson:** Voices for Women.

**Ms. Sylvia Jones:** Thank you.

**The Chair (Ms. Daiene Vernile):** Thanks very much. Our final questions for you are from MPP Peggy Sattler.

**Ms. Peggy Sattler:** Thank you very much for your courage in speaking out about your own experience. You said that had you had the education while you were in school about what is appropriate and what isn't, you might have been able to speak out earlier. What was it in your life that finally prompted you to recognize your abuse and to speak out about it?

**Ms. Sherry Anderson:** Well, I always knew my abuse was wrong. What prompted me is that I had a nervous breakdown after the birth of my daughter. Looking at her, it traumatized me to know that he was still going to be around with my daughter, and it just set off—the years of silence, that you were taught that we're not allowed to speak, the threats of death if you speak—it triggered that to open a flood of "I can't be silent anymore," and I just went from there.

**Ms. Peggy Sattler:** Thank you so much.

**The Chair (Ms. Daiene Vernile):** Sherry Anderson, this is Daiene again. We applaud your courage for calling in and chatting with this committee. Your information has informed us, and we're very thankful that you did get in touch.

**Ms. Sherry Anderson:** Well, thank you for hearing me. Like I say, I just hope that there is more funding in the Sudbury area. There are so many of us waiting for help that we just can't get up here.

**The Chair (Ms. Daiene Vernile):** Okay. Thank you, and you have a great day. Bye-bye.

**Ms. Sherry Anderson:** Thank you so much. Bye-bye.

*Interjection.*

**The Chair (Ms. Daiene Vernile):** Yes. The Chair recognizes MPP Jones.

**Ms. Sylvia Jones:** Thank you. I have a research question. So thank you very much for the Legal Strategy Coalition on Violence Against Indigenous Women report. It is rather substantial. I was wondering: Is it possible to highlight for the members of the committee which recommendations specifically fall under provincial jurisdiction?

**The Chair (Ms. Daiene Vernile):** Yes. Can our researcher please look into that?

**Ms. Carrie Hull:** Certainly. I just wanted to say that we do have our interim report coming very soon, and it might take more than a week to get through the 700 recommendations.

**Ms. Sylvia Jones:** Better you than me.

**The Chair (Ms. Daiene Vernile):** Thank you. Our Clerk wants us to be reminded that he would like to see all of us who are riding the bus on Monday to be at the Legislature by 3:45, as the bus is leaving promptly at 4 p.m. How many people are on the bus?

**Interjection:** Going?

**The Chair (Ms. Daiene Vernile):** Going from Toronto to Windsor. The bus is pulling out at 4 p.m., so please be here at least 15 minutes in advance.

Any more questions from anyone? Laurie, you look like you want to ask a question.

**Ms. Laurie Scott:** I know. I'm trying to, because I'm watching for an update. I would just ask the committee—I know we don't have any more Toronto meetings being booked for deputations, because we're into report-writing for the interim report, right? So we travel next week—

*Interjection.*

**Ms. Laurie Scott:** Yes, for the interim report.

But I was approached, in light of what occurred in the news yesterday with reporter Shauna Hunt from CityNews—had we known there were possibly openings today—we just didn't know ahead of time. I believe she's expressing an interest to appear before committee. Because of the timeliness of it, I didn't know if there would be an exception. Then maybe the two weeks that we are back—I know we're supposed to be report-writing, but just for a short possibility for her to come forward. If we want to do it here or do it in subcommittee or do it next week—I just wanted to put it out there, if it's a possibility.

**The Chair (Ms. Daiene Vernile):** Yes, MPP McGarry.

**Mrs. Kathryn McGarry:** I would be very supportive. I think it's very timely. I think the reaction in the press yesterday and the tweets and Facebook—I was in the car

for about an hour and a half, and it was the top news story, as well as today.

I think the swiftness of how people reacted to the situation was incredible, and I think it really could inform the committee. I'd be supportive, if she would be happy to come in, and then we'd carry on with the report-writing after her deputation.

**The Chair (Ms. Daiene Vernile):** Yes. This incident is very timely and very topical.

**Mrs. Kathryn McGarry:** I think it was.

**The Chair (Ms. Daiene Vernile):** I believe that we ought to accommodate her. What we can do is, when we are meeting on Wednesday, May 27, we are supposed to meet at 4 p.m. What if we were to meet at 3:30 that day, hear her testimony and then move into report-writing after that? Is everyone agreeable to that?

**Ms. Laurie Scott:** Yes. If she's willing to come in, then I agree.

*Interjection:* Yes.

**The Chair (Ms. Daiene Vernile):** All right. Committee members, we will see you all next week on the road. The Select Committee on Sexual Violence and Harassment is now in recess until next Tuesday.

*The committee adjourned at 1657.*







## **SELECT COMMITTEE ON SEXUAL VIOLENCE AND HARASSMENT**

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### **Also taking part / Autres participants et participantes**

Ms. Sylvia Jones (Dufferin–Caledon PC)

### **Clerk / Greffier**

Mr. William Short

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Ms. Carrie Hull, research officer,  
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