

THROUGH A SURVIVOR'S LENS

SUBMISSION ON BILL C-65, An Act to Amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1

Standing Committee on Human Resources, Skills and Social
Development and the Status of Persons with Disabilities,
House of Commons

Submitted by

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INTRODUCTION

The life-shattering consequences of sexual misconduct can happen to any woman. That became painfully clear to me after my encounter with sexual assault and, later, sexual harassment and retaliation at the government agency where I worked. And the organization's response? It was a classic case of what an employer should never do when a woman comes forward. I was bullied and disbelieved. There was no investigation. I was demoted. My employer treated me (as did most of my colleagues), not as a victim, but as the *offender*. When the working environment became so toxic that it caused serious harm to my health, I did what too many women have been forced to do in similar situations: I left.

CAREER DESTRUCTION IN 60 SECONDS

My single act of standing up against abuse in a meeting with my boss, lasting perhaps no more than 60 seconds — the blink of an eye in the totality of my professional life — unleashed a torrent of retributive events that sent my career smack into the ditch. It never recovered. To this day, I have not been able to find work in the public sector or in the financial services industry which I had helped to regulate. It's not due to a lack of skills, or work experience or educational credentials. Those don't matter when it comes to sexual misconduct. It's about whether you speak out and challenge power. Until recently, society has been content to see women like me marginalized and left on the sidelines. It may seem like an inflection point today where attitudes are changing. But that's not entirely certain either.

NOT A TIME OF RECKONING FOR ALL GOVERNMENTS

Recently, like many other courageous victims who have come forward in a search for justice from long-ago incidents, I reached out to the provincial government to whom my assailant in the sexual assault matter reported. It has essentially turned a blind eye to the whole thing. My correspondence with the government at the highest level has gone without reply. It is hard to see how such an attitude on the part of a government does not leave women needlessly at risk in that province.

THE INVISIBLE EPIDEMIC

When all this was happening to me, there really wasn't any support available. Workplaces were the orphan of any support or outreach project when it came to sexual harassment or even job-related sexual assault. I found myself haunted by the question, "What had I done to deserve this outcome?" This, I discovered, is a common reflection among those whose self-esteem has also been assaulted. But I also learned from all the women who began to reach out to me to share their stories after I started to write about mine that what happened to me was no

different than what happens in the everyday workplace every day. It is an epidemic, to be sure, but one until recently that was mostly unseen because its victims become largely invisible as they retreat from, or, more accurately, are forced out of, the workplace, their careers, their interaction with colleagues and often friends, and pretty much anything that requires a normal sense of dignity and professional confidence.

ZERO NOW

In the face of the preventable pain that sexual harassment and sexual assault represents in the workplace, it is impossible to stand by and do nothing. Long before the #MeToo movement, I decided to use my own experiences and what I learned from victims and survivors to advocate for a safer, more respectful workplace and to help others who have become a casualty of this epidemic.

I created a campaign, which I call ZeroNow, to champion changes in law and public policy that we need to get to zero tolerance, and to support and help other survivors rebuild their lives and resume their careers. It has been a lifeline for many victims, and a learning tool for building better public policy.

As a society, we just can't afford to leave so many women untethered from their inviolable right to dignity and respect, or their fate, and careers, subject to the whims of bad actors and dysfunctional organizations. It is that reality that animates this submission.

THE ENVIRONS OF BILL C-65

I submit we are at a point where the rising tide of stories about sexual misconduct is changing society in fundamental ways. Out of this sea change one voice is emerging. It is the voice that shouts "Enough."

It insists upon respect for the essential dignity of women everywhere. It demands the right to be believed and supported when we stand up against gender-based improprieties in the workplace. It declares that women are full and equal participants in the economy, and that neither it nor we should ever be deprived of the promise of our potential or the benefits of our accomplishments, and certainly never because a boss suddenly appears in his bathrobe (Harvey Weinstein) or underwear (former U.S. Congressmen John Conyers) or worse (take your pick).

It is a global movement ignited by survivors and sustained by #MeToo followers that is united in its determination that women in the future will never have to endure the nightmares of those in the past.

A SYSTEM THAT DOES NOT PROTECT

Whether it is the fear of coming forward in the first place (most never do), or the experience with a botched investigation where they are re-victimized, or the aftermath of the ordeal where they are left alone, isolated and forced to pick up the pieces of a life and career that have been shattered, victims constantly express the strongest misgivings about the system that is supposed to protect them.

Some of the briefs submitted to the Committee, including one from The ZeroNow Campaign I founded, discuss specific concerns where the Bill falls short on these and other matters.

My purpose here is not to reprise these concerns, but rather to share the voice of victims and survivors in the hope that they might correct what I believe is a missing perspective from the Committee's deliberations and an impediment to achieving the zero tolerance culture that society is demanding.

THE MISSING VOICES

Since I began to write about Bill C-65, I have received several dozen emails from employees in the federal public service wanting to share their stories with me. They tell of troubling experiences about the mishandling of complaints, retaliation, lack of fairness and transparency in the investigation process, and a culture that prevents too many women from coming forward to report abuses in the workplace.

I am including excerpts of these emails with the permission of the authors to help the Committee understand the depth of the concerns that exist among past and current government employees.

A sense of betrayal is long-lasting.

"I think it really hurt my chances of getting ahead. It's still being held against me every time I turn around. I'm stuck where I am without any hope of promotion and I think what they are hoping for is that I will quit. I really regret that I ever said a word about it."

Others are petrified about coming forward because they don't buy the government's commitment to believing women when they attempt to report workplace wrongdoing.

"I really wanted to do something about a most embarrassing and upsetting thing that happened to me involving someone pretty high up in my department. But I looked around and saw what happened when women raise anything about sexual assault where they work, and they're the ones that paid the price. Not the boss who did it."

Another victim tells of bullying that kept her from ever finding justice.

"When I told my supervisor about what happened to me, he just kept hounding me not to do anything. He told me nobody likes a troublemaker. My kids were growing up at the time and I was a single mom. I couldn't afford to rock the boat. I've lived with this dark secret for nearly 10 years. Would things be any better today? I doubt it because nobody is really looking at the little people doing their jobs. Nobody is going to come to your rescue if you go out on a limb and the powers that be decide to cut it off."

Retaliation and isolation are constant themes.

"When they finally investigated my complaint I felt like I was being sent off to a deserted island. I had no support or anyone helping me. I never knew what was going to happen next. The guy doing the investigation had a real chip on his shoulder. Everybody I worked with kept their distance. It was like I had some kind of contagious disease. Obviously, the word went out. I'm sure this is the way management likes it so others will be discouraged from bringing up complaints. It will take a lot before that attitude ever changes."

Cynicism is also knocking at the door.

“Why bother to change a perfect system? It works perfectly fine for the men. If they wanted it changed it would have happened a long time ago. This is all window dressing. Nobody expects women will really be better off.”

Then there is this story. It reveals so much about how a system can fail and harm those who most rely on it.

“I am writing to you as an employee of the Government of Canada for more than 30 years when bullying, harassment, intimidation, and retaliation ended up costing me my career.

I was a dedicated, engaged, enthusiastic and highly rated employee before all of this, and it not only has cost me my career and my livelihood, it has cost me my health in so many ways. I am suffering from stress, depression and PTSD as a result of all of this!

Most importantly, I am looking to make sure they are held responsible because what they accused me of has destroyed me and it was done in an absolute deliberate, malicious fashion and was done by people in positions of power and authority.

I am so happy to receive your response because I feel terribly alone and very much ignored by so many. In fact, I have lost so many of my long time work colleagues as a result of all of this, and because I remained quiet about what I was enduring. I was belittled, ashamed, humiliated and so much more. I was afraid of what they would do next to me.”

This former government employee is hoping that something can be done about her situation and has asked me to try to facilitate that. I would hope the Committee might direct someone to reach out to her to see if things can be made right. She has given me permission to provide contact information upon request.

THE CURSE OF RE-VICTIMIZATION

Finally, the Bill is unspoken on the issue of retaliation. Yet this is the monster that women fear most. It is one that has devastated countless lives. The U.S. Equal Employment Opportunity Commission cites literature that finds in three out of four cases, retaliation was mentioned in the complaint. And in a little-noted study, researchers concluded, “It is actually unreasonable for employees to report harassment to their companies because minimization and retaliation were together about as common as remedies and created further damage to people who had already been harassed.”

In my view, the Committee needs to squarely come to terms with the urgency of prohibiting and preventing retaliation and ensure that message is carried explicitly into the Bill.

RECOMMENDATIONS

The Committee is urged to: (1) reach out and listen to more victims and survivor voices in order to draft a bill that more fully speaks to their needs and concerns; and (2) place greater focus on the need for safeguards against retaliation that is a universally common complaint in sexual misconduct issues.

I am available to assist the Committee on any of the foregoing should it be helpful.

Respectfully submitted,

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Kathleen Finlay, B.A. (Hons) (Victoria University), M.A. (University of Toronto) is founder of [The ZeroNow Campaign](#) to combat sexual misconduct in the workplace and advocate for more positive outcomes for survivors, and CEO of [The Center for Patient Protection](#), an international healthcare advocacy focusing on patient safety in the hospital setting and helping families deal with the harm of medical errors. The foregoing submission represents her personal views.