

JANUARY 2022

Combating Sexual Harassment in Canada's Legislative Assemblies

Prepared by Equal Voice



Combating Sexual Harassment in Canada's Legislative Assemblies:

Key Findings

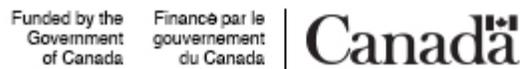
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2022

Equal Voice acknowledges that our offices are located on the unceded, unsurrendered Territory of the Anishinaabe Algonquin Nation. Their traditions and protocols continue to nurture this Territory. Equal Voice acknowledges the ongoing oppression of lands, cultures and the original Peoples in what we now know as Canada, and commits to the healing and decolonizing journey we all share together. In Canada's colonial political institutions and that by encouraging Indigenous women and gender diverse people to seek political office we hope to contribute to the Indigenizing of those systems. We are committed to decolonization through the process of reconciliation and support realizing the nation-to-nation relationships.

About this Report

This project has been made possible by the Government of Canada.



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Citation

This report should be cited as: Equal Voice (2022) Combatting Sexual Harassment in Canada's Legislatures: Key Findings.

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Glossary

Anti-harassment policy: In recent years, Canada's Legislative Assemblies have implemented policies to address sexual harassment and other negative behaviours in the workplace, including harassment, bullying, and violence. These policies are variously titled anti-harassment policies, harassment-free policies, respectful workplace policies, codes of conduct, and other names. For the purposes of consistency and clarity, we refer to these policies as anti-harassment policies throughout this report.

Clerk: The Clerk is the chief permanent officer of each respective provincial and territorial Legislative Assembly. The Clerk advises the Speaker and elected officials on the rules, procedures, and practices of Legislative Assemblies. They also have administrative duties, such as the delivery of nonpartisan services to elected officials and their staff.

Complainant: Someone who has formally reported an experience of sexual harassment via a Legislative Assembly's anti-harassment policy or another policy.

Elected official or Member: For the purposes of this study, elected official or Member is used to describe Members of provincial and territorial legislatures. This includes and is limited to Members of Provincial Parliament (MPPs) in Ontario, Members of the National Assembly (MNAs) in Quebec, Members of the House of Assembly (MHAs) in Newfoundland and Labrador, and Members of the Legislative Assembly (MLAs) in Canada's other provinces and territories. This term does not include federal Members of Parliament.

Legislative Assemblies: For consistency, 'Legislative Assemblies' refers to Canada's provincial and territorial deliberative assemblies and their associated management and administration, including the National Assembly of Quebec, Nova Scotia and Newfoundland and Labrador's respective Houses of Assembly, and other provinces and territories' Legislative Assemblies.

Nonpartisan employee: For the purposes of this study, nonpartisan employee is used to describe individuals working in Canada's provincial and territorial Legislative Assemblies in non-political roles. These positions include but are not limited to the Clerk and their offices, pages, ushers, Hansard staff, security, library employees, custodians, and those working in food services, information technology, and gift shops.

Practitioners: Individuals who work directly with survivor-victims or administer anti-harassment laws and policies. These include trauma counsellors, legal and restorative justice practitioners, educators and facilitators, ombudspersons, and members of provincial and territorial human rights tribunals.

Respondent: Someone who has formally been accused of sexual harassment via a Legislative Assembly’s anti-harassment policy or another policy.

Sexual harasser: In line with the terminology used by interviewees, sexual harasser is used in this study to describe those who perpetrate sexual harassment.

Speaker: While the norms of different Legislative Assemblies may vary, the Speaker broadly presides over legislative debates, maintains order, and advises elected officials about legislative rules. They are impartial. In jurisdictions that operate under a political party system, they do not favour a Member with one partisan affiliation over another. Speakers do not participate in debates, ask questions, or vote, with few exceptions. The Speaker also plays a role in overseeing the daily administration of the Legislative Assembly.

Subject matter experts: Individuals with expertise in workplace sexual harassment and, in some cases, sexual harassment in politics. These include scholars, advocates, and legal experts.

Survivor-victim: There is debate about the use of term survivor versus victim to describe individuals who have experienced sexual harassment.¹ ‘Survivor’ acknowledges the agency of someone who has faced this behaviour. ‘Victim’ highlights the systemic nature of sexual harassment. Given that both of these terms were used by interviewees who had experienced workplace sexual harassment, we use the hyphenated survivor-victim in this report.

Workplace: Includes any interaction between individuals working in a Legislative Assembly, whether online or offline or in-office or out-of-office.

Workplace sexual harassment (sexual harassment, throughout this study): While Equal Voice recognizes that there are a range of definitions² used to describe sexual harassment, for the purposes of this study, we define sexual harassment as:

- any act, conduct, comment, gesture or contact of a sexual nature, whether on a one-time or recurring basis, that is known or reasonably ought to be known to be unwelcome or cause offense or humiliation to the recipient,

¹ Gupta, “‘Victim’ vs ‘Survivor.’”

² Equal Voice recognizes that in some Legislative Assemblies sexual harassment is understood as discrimination based on a person’s sex, which includes a wider range of behaviours than those encompassed by the definition above. The focus of this study uses a narrower definition that may better align with survey respondents’ and interviewees’ understanding of what sexual harassment means. Yet, we understand that this wider range of behaviours persists in Canada’s provincial and territorial legislatures and should be addressed via Legislative Assembly policy and other measures.

- or might reasonably be perceived as placing a condition of a sexual nature on employment or an opportunity (e.g., training or promotion).

Examples of sexual harassment include but are not limited to:

- made unwanted attempts to establish a sexual relationship with you despite you discouraging it,
- displayed, used, or distributed sexual or suggestive material,
- continued to ask you for dates, drinks, etc., even though you said “no”,
- whistled, hooted, leered at you in a sexual way,
- repeatedly told you sexual stories or jokes that were offensive to you.

Although Equal Voice understands that many individuals working in provincial and territorial legislatures experience sexual harassment from members of the public, this behaviour falls outside the scope of this study. Rather, this study examines sexual harassment that is experienced and perpetrated by individuals working within provincial and territorial legislatures.

Whip: Whips enforce caucus discipline in Legislative Assemblies that operate under political party systems. They ensure that elected officials meet their caucus responsibilities, including participation in Legislative Assembly sittings and committee meetings, and vote in line with other party caucus Members.

Witness: Someone who is present when sexual harassment takes place. This includes but is not limited to sexual harassment that takes place in a physical environment (e.g., at a reception or political event) and online (e.g., in an email chain).

Context

Sexual harassment is a real and persistent problem in Canada's provincial and territorial legislatures. In the last year, there have been media reports of sexual harassment in multiple Legislative Assemblies.³⁴ These reports and others⁵ show that sexual harassment impacts a wide range of individuals working in provincial and territorial legislatures, namely: elected officials, political staff, and nonpartisan employees. It is also well-known that sexual harassment regularly goes under-reported in workplaces.⁶ As Equal Voice's research shows, there are many examples of this behaviour in Canadian legislatures that have not been made public or reported internally.

With funding from Justice Canada, Equal Voice is leading a three-year project to better understand and combat sexual harassment in Canada's provincial and territorial Legislative Assemblies. Equal Voice is a bilingual multi-partisan organization dedicated to electing and supporting women and gender diverse candidates at all levels of political office. This report is the outcome of the first phase of this project: research. It uses data collected from a survey, interviews, legal research, and secondary research.

Distributed and promoted via group and direct email, newsletters, social media and phone calls, our anonymous survey was distributed to thousands of elected officials, political staff, and nonpartisan employees.

Rather than elected officials alone, we have included these three groups because each plays an essential role in the health, safety, and functioning of Canada's Legislative Assemblies. These workers regularly interact with one another, which means that sexual harassment can involve interactions between and within these different groups. Several of the political staffers and nonpartisan employees interviewed for this study also expressed a desire to run for office in the future. An analysis of how *all* those working in Canada's Legislative Assemblies are affected by sexual harassment is thus closely aligned with Equal Voice's mission.

Our survey received 257 responses with enough completed questions to include in our analysis. Of our respondents, 61 per cent identify as women, 34 per cent as men, two per cent as other, and three per cent prefer not to say. Forty-six per cent of respondents are

³ d'Entremont, "Yukon Party Members Apologize after Sending Crude Messages about Premier, NDP Leader"; Johnson, "Former Staffer in Alberta Legislature Alleges Sexual Harassment in Lawsuit against Kenney's Office."

⁴ While some reports outline alleged experiences of sexual harassment, they nonetheless reflect the risks and harms brought about this behaviour.

⁵ Bundale, "Nova Scotia Conservative Leader Resigns amid Sexual-Harassment Allegations"; Richer, "Quebec MNAs Expose Sexual Misconduct at National Assembly in Anonymous Survey."

⁶ McCann and Tomaskovic-Devey, "Nearly All Sexual Harassment at Work Goes Unreported – and Those Who Do Report Often See Zero Benefit."

nonpartisan employees, 28 per cent are political staff, and 26 per cent are elected officials. Ten per cent of survey respondents have experienced sexual harassment while working in a Legislative Assembly. We collected data from respondents working in all of Canada's thirteen Legislative Assemblies.

Our researcher conducted interviews with 35 elected officials, political staff, nonpartisan employees, subject matter experts, and practitioners. In collaboration with an external legal expert and a team of articling students, we reviewed legislature policies, relevant legislation, and international best practices. Finally, we reviewed existing research from academic and other sources.

These diverse research methods led us to a number of key findings and associated draft recommendations. These recommendations are largely directed to Legislative Assemblies, with some additional recommendations directed towards caucuses and political parties. More details on the range of individuals who make up these groups, and who can play leadership roles in the fulfillment of these recommendations, are outlined above each set of recommendations. The next phase of our project will be to work with legislative staff to finalize our recommendations..

These research findings will inform and inspire Equal Voice's continued work to combat sexual harassment in Canada's provincial and territorial legislatures. This work will include collaborations with legislatures to modernize policies, training, and knowledge mobilization initiatives to prevent and respond to sexual harassment.

If you play an administrative role in a Legislative Assembly and are interested in discussing a potential partnership or collaboration with Equal Voice on measures to combat sexual harassment, please don't hesitate to reach out to Equal Voice at info@equalvoice.ca.

Key Findings

Key finding 1: Certain risks can increase the likelihood of sexual harassment in Canada’s Legislative Assemblies. These include inadequate gender and other forms of representation, excessive alcohol consumption, precarious working conditions, and a hierarchical culture.

1.1 Inadequate gender and other forms of representation

As reflected in research,⁷ interview participants noted that sexual harassment disproportionately impacts women and gender-diverse individuals. They also highlighted that other elements of identity—including race, sexual orientation, ability, and socioeconomic status—intersect with gender to exacerbate the risks around and impacts of sexual harassment. The limited representation of women in Canada’s Legislative Assemblies can mean women have restricted influence over the modernization of anti-harassment policies and other measures to combat sexual harassment, including perceived tolerance of harassment. Unequal representation can also limit solidarity and mentorship between women and gender-diverse folks working in Canada’s legislatures, potentially heightening the risks and impacts of sexual harassment.

At the federal level, only 30 per cent of Members of Parliament are women.⁸ As of the writing of this report, 35.2 per cent of provincial and territorial elected officials are women.⁹ Both these proportions remain far below gender parity. Of 13 provincial and territorial Premiers, only two are women.¹⁰ Men are also disproportionately represented in the role of Speaker in Canada’s Legislative Assemblies. This is even though Speakers can play important roles in developing and administering Assemblies’ anti-harassment policies and associated measures to combat sexual harassment.¹¹ Many of these position-holders accordingly lack the lived experience of women, who are more likely to experience sexual harassment and understand the unique risks that women face in political spaces.

Representation is even more of a concern when we consider gender-diverse elected officials as well as women and gender-diverse folks who hold other historically marginalized identities. To a greater degree, these groups are inadequately

⁷ Collier and Raney, “Canada’s Member-to-Member Code of Conduct on Sexual Harassment in the House of Commons.”

⁸ Equal Voice, “Equal Voice Releases Final Analysis of Women Elected with the Highest Number of Women Ever Elected Federally.”

⁹ Wikipedia, “Women in Canadian Provincial and Territorial Legislatures.”

¹⁰ Wikipedia, “Premier (Canada).”

¹¹ Legislative Assembly of Manitoba, “Respectful Workplace Policy: Addressing and Preventing Sexual Harassment, Harassment and Bullying.”

represented in provincial and territorial politics, including in decision-making roles.¹² Not only can this lack of representation exacerbate the risks outlined above, but it can undermine the ability of survivor-victims to tell their stories and pursue justice from the political systems they work within. As one survey respondent wrote, “I think the more marginalized [you are], the less ability you have to advocate for yourself within the system, and [you] are more likely to be labeled as a ‘trouble maker’ or have your reputation damaged to undermine credibility.”

1.2 Excessive alcohol consumption

Despite the known risks, alcohol has long been featured in Canadian politics.¹³ Speaking about federal politics, one former MP told the CBC: “the booze flowed endless and free”.¹⁴ At the provincial and territorial level, several interview participants identified the prevalence of alcohol consumption in their workplaces. Alcohol was seen by some as a part of their workplace’s culture and, in some cases, linked to inappropriate behaviours. Such comments reflect recent media reports that allege sexual harassment and heavy drinking in a provincial Legislative Assembly.¹⁵

These realities are concerning because alcohol can be a contributing factor to sexual violence,¹⁶ which can include sexual harassment. Alcohol reduces one’s inhibitions; it can be viewed as a ‘permission slip’ to act inappropriately. Alcohol does not cause sexual violence, but it may make someone more likely to exhibit these behaviours.¹⁷ One interviewee outlined how she had witnessed “people’s inhibitions go down” at political events where they had consumed alcohol. She suggested that things “might have been said or done” that would have been viewed as inappropriate in other contexts. Of course, a harasser bears full responsibility for their actions when under the influence of alcohol. A survivor-victim is never at fault for this behaviour.

In interviews, some political staffers also suggested that alcohol consumption in certain work contexts felt socially obligatory or important to career advancement. This may mean that some of these workers feel inclined to consume alcohol and participate in workplace gatherings where alcohol is being consumed, despite the risks outlined above. Outside of the focus of this study, this reality is problematic

¹² Operation Black Vote Canada, “Current Black Representatives”; Medford, “A Seat at the Table”; Thomson, “‘Extremely Low’ Number of Disabled People Enter Canadian Politics, Mount Allison University Professor Finds.”

¹³ Canadian Press, “Parliament Hill’s Booze-Filled History Revealed as Archeologists Unearth Thousands of 19th Century Artifacts.”

¹⁴ Nease, “Drinking on the Hill.”

¹⁵ Johnson, “Former Staffer in Alberta Legislature Alleges Sexual Harassment in Lawsuit against Kenney’s Office.”

¹⁶ The University of Texas at San Antonio Police Department, “Alcohol & Sexual Assault.”

¹⁷ The University of Texas at San Antonio Police Department.

because people who choose not to consume alcohol for religious, health, or other reasons may lose out on career opportunities. There are also those who wish to avoid spaces where alcohol may be consumed in excess, such as evening events and receptions. One interviewed political staffer highlighted that some of her colleagues felt pressure to attend political events where alcohol is consumed to network and impress others in the Legislative Assembly.

1.3 Precarious working conditions

Political staffers are often employed on short-term contracts and are not unionized. They regularly work long hours, including evenings and weekends, and a number of interviewees suggested that they were available 24/7 if needed. There are important differences between work as political staff at the federal versus provincial level. Yet, it is still instructive to consider the 5:30am to 11:30pm workday of a former high-ranking federal political staffer.¹⁸

Relatedly, political staffers often have very little job security. As one political staffer said, “I feel like [if] any given year, if the Chief of Staff decides for whatever reason that I'm a problem—they could just choose not to renew my contract”. Political staffers’ work is also closely tied to the election cycle, which further precludes any level of long-term security. As one interviewee noted, this precarity is in contrast to some nonpartisan employees, such as those employed in the Clerk’s office, who are more likely to hold permanent, salaried roles.

To a lesser degree, there are also precarious nonpartisan roles in Legislative Assemblies. Provincial and territorial internship programs offer successful candidates short-term contracts (e.g., ten months¹⁹). While short-term work is characteristic of internships, this form of working arrangement nonetheless puts, typically young, workers in situations where they have limited security and bargaining power.

Precarious working arrangements are interrelated with sexual harassment. In fact, research suggests that “we cannot address the workplace violence [including sexual harassment] workers in precarious employment experience without also addressing the systems and institutions that create and perpetuate power inequalities”.²⁰ In interviews, some precarious workers considered their career advancement contingent on engaging in their work without complaint. This can include a hesitancy towards addressing instances of sexual harassment, particularly from members of their own political party (if applicable). More than elected officials and nonpartisan

¹⁸ MacDougall, “A Day in the Life of the PM’s Director of Communications.”

¹⁹ The Ontario Legislature Internship Programme, “The Internship.”

²⁰ Bigras-Dutrisac et al., “Exploring the Intersections of Sexual Violence and Precarious Work.”

employees, surveyed political staffers felt that addressing an experience of sexual harassment would have career ramifications for them.

1.4 Hierarchical culture

Some interview participants highlighted what they considered the hierarchical culture of certain provincial and territorial legislatures. This culture is characterized by a high level of deference between elected officials and political staff, and between elected officials and nonpartisan employees. Examples include shared spaces where non-Members were expected to leave when Members entered, and unwarranted interruptions from Members during legislature educational programming. Interactions between Members and other workers certainly varied. But these illustrations show how hierarchical norms can create divides and limit communication between these groups.

While there are important differences to consider in sectoral comparisons, it is useful to consider how other sectors' hierarchical cultures are linked to sexual harassment. For example, the 2015 External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces (CAF), known colloquially as the "Deschamps report", notes that:

The focus on obedience and conformity within the chain of command, and the overall social and organizational hierarchy within the CAF, may therefore lead some junior (more likely female) members to feel that they have little choice to but to go along with the sexual advances of more senior (more likely male) members.²¹

The 'chain of command' that characterizes the CAF is distinct from the hierarchical structures and norms described in interviewees' comments. Yet, provincial and territorial legislatures do reflect similar and, sometimes extreme, power differences between those with decision-making power (e.g., Premiers, Ministers, Members) and those without (e.g., entry-level nonpartisan employees and political staff). This power differential can be compounded by the precarious working arrangements that characterize many political and some nonpartisan roles.

Hierarchical cultures in political spaces can contribute to environments where Members go unquestioned for their decisions and actions. They may also prompt some elected officials to believe that they will not be held accountable for inappropriate behaviour, including sexual harassment. It could also contribute to the

²¹ Deschamps, "External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces," 51.

prevalence of underreporting. As one survey respondent wrote, “[p]ower dynamics in a political setting put a whole new lens on sexual harassment”.

Key finding 2: Sexual harassment and gendered behaviours impact elected officials, political staff, and nonpartisan employees, but it can manifest towards these groups differently.

As the above sections have made clear, there are different groups of workers in Canada’s Legislative Assemblies. These groups have varying degrees of power, differing employment arrangements, and diverse norms. Elected officials are generally not considered employees in the traditional sense as they are not hired, but voted in by their constituencies. Political staff are typically paid through the budget of the Legislative Assembly, but they are generally hired and overseen by the elected official or caucus that they work for. As outlined earlier, political staff are also regularly employed in precarious roles. Nonpartisan employees often hold traditional forms of employment, although there are a range of different types of workers encompassed by this term (e.g., Clerk’s office vs. security services).

The different characteristics and norms of individuals’ work in Canada’s Legislative Assemblies mean that sexual harassment, along with other gendered behaviours, effects and manifests towards these groups differently. Take elected officials, for example. Heckling, name-calling, and personal attacks often colours interactions between Members during question periods and debates.²² This behaviour can be and often is gendered. In a survey of federal Members of Parliament, the Samara Centre for Democracy found that women Members “report hearing heckles about gender, age, language, religion and even their appearance”.²³ In the Ontario Legislative Assembly, surveyed women MPPs were also more likely to receive heckles that relate to their gender, ethics/morals, delivery of statement/question, and intelligence.²⁴ An interviewed elected official also discussed the gendered norms of work at the Legislative Assembly, such as the prevalence of ‘Mr’ or ‘Ms’ (e.g., “Mr. Speaker”), which can exacerbate existing gendered differences in the workplace.

These examples extend beyond the definition of sexual harassment outlined at the beginning of this study. But they do highlight the different ways that gendered behaviours, which are linked to sexual harassment, implicate groups working in Legislative Assemblies differently.

With respect to anti-harassment policies, there are also often different policies, procedures, and/or forms of recourse available to these different workers. Legislative Assembly anti-harassment policies, for example, often do not cover Member-to-Member misconduct that

²² Irons, “Interjections: Heckling in the House by Ontario Members of Provincial Parliament,” 1.

²³ Samara Centre for Democracy, “Cheering or Jeering: A Report on Heckling in the House of Commons.”

²⁴ Irons, “Interjections: Heckling in the House by Ontario Members of Provincial Parliament,” 28.

takes place in interactions in the context of parliamentary proceedings.²⁵ Unionized employees can access union anti-harassment policies and some caucuses also have their own policies.²⁶ However, it is not apparent that people working in Legislative Assemblies always have a clear sense of what policy options are available to them if they do experience sexual harassment. Our survey results show that 20 per cent of respondents disagree or strongly disagree with the statement: “I feel as though I understand the policy and legal options that are available to me to address an experience of workplace sexual harassment that occurs during my time working in the legislature”.

Key finding 3: Research participants’ superiors often do not readily and openly engage with them about sexual harassment prevention and reporting.

Clear communication around sexual harassment prevention and reporting is an essential aspect of safe and healthy workplaces. This includes open conversations between supervisors and supervisees on these behaviours, which we know are present in Canadian workplaces,²⁷ as well as measures to address these behaviours. In Legislative Assemblies, such dialogues can take place between nonpartisan managers and those they manage, between elected officials and the political staff they oversee, and between senior Members (e.g., Speaker, House Leader) and incoming or more junior Members. Such superiors play an important role in onboarding newcomers to Legislative Assemblies and may be a first point of contact for those who experience sexual harassment. Starting these conversations early-on can promote awareness and openness around the risks of sexual harassment in the workplace, and increase the readiness of a survivor-victim to address an experience.

Yet, many research participants identified that open conversations around sexual harassment were not the norm in their workplace. As shown in *Graph 1* below, 46 per cent of surveyed provincial and territorial elected officials, political staff, and nonpartisan employees did not have an employer or superior outline what steps they can take to address an experience of sexual harassment. Six per cent “do not know” whether their employer or a superior has done so.

Rather, some interviewees suggested, they were solely provided with a copy of the legislature’s anti-harassment policy. With respect to any related training offered during the onboarding process, one political staffer suggested, “I don’t think we’ve ever received any training on anything, we were thrown into the deep end [...] it’s trial by fire”. Along with the reasons listed above, this lack of dialogue is concerning as Legislative Assembly anti-harassment policies are often complex and contain legalese. They may not always be

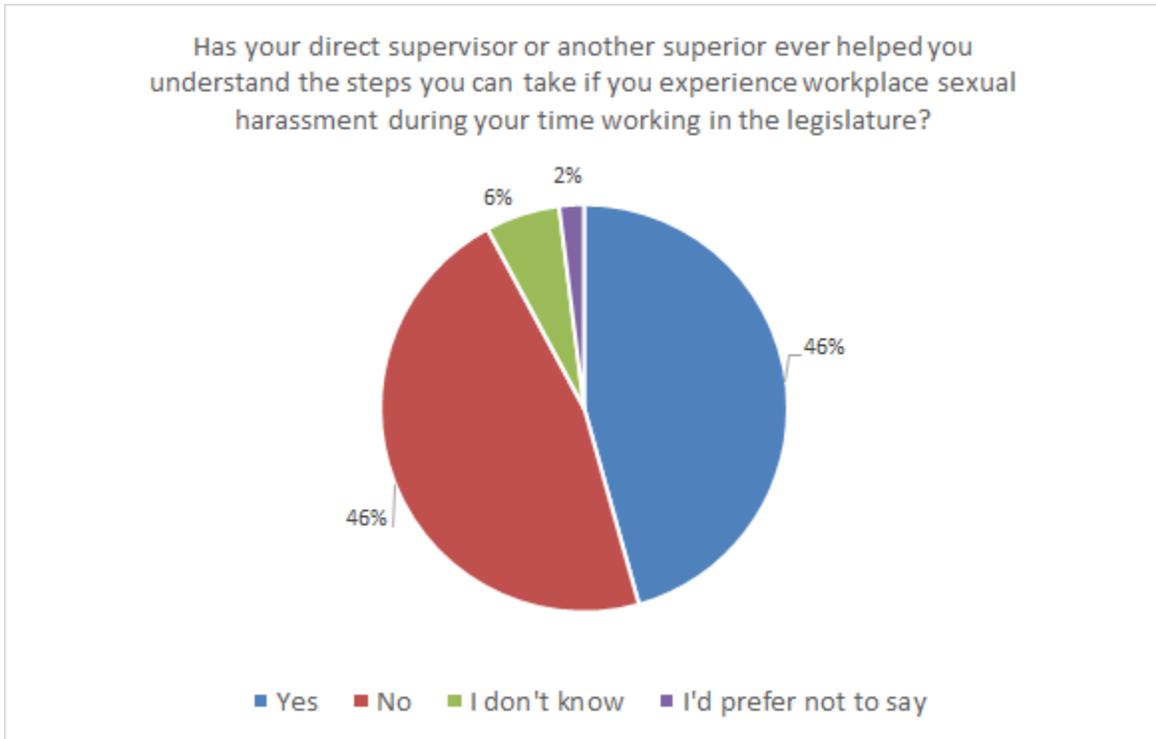
²⁵ Standing Orders generally cover such incidents of misconduct; however, these rules do not always meaningfully address sexual harassment and related behaviours.

²⁶ E.g., Alberta NDP Caucus, “Policy on Harassment.”

²⁷ Statistics Canada, “Harassment in Canadian Workplaces.”

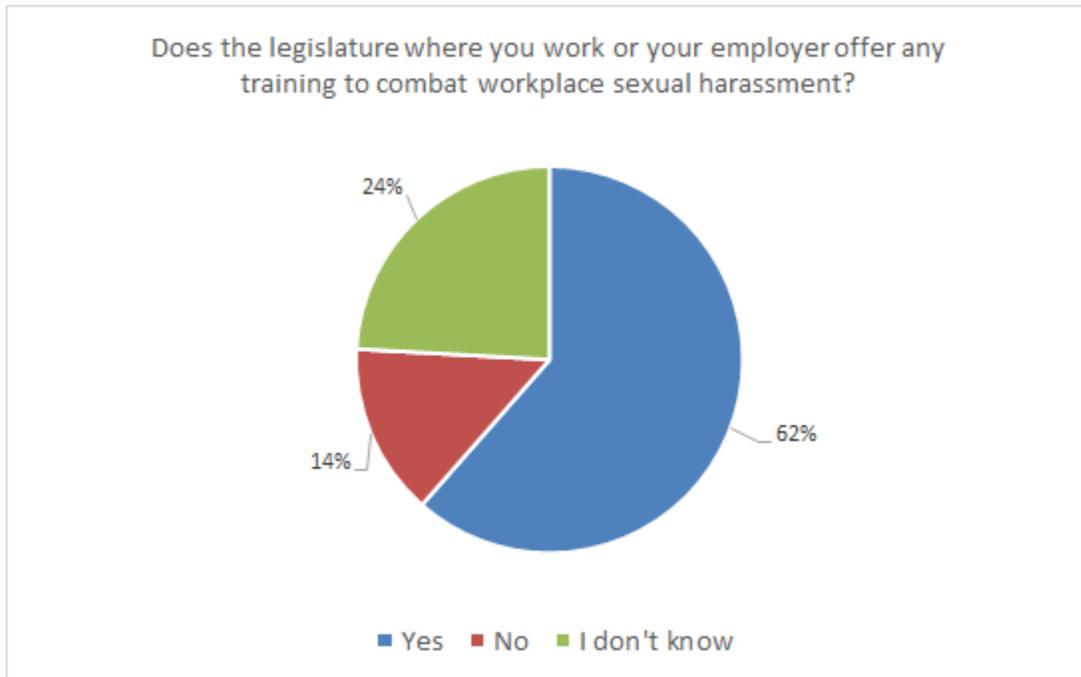
readily accessible to and understandable by elected officials and Legislative Assembly workers, especially those who have experienced trauma.

Graph 1: Workplace sexual harassment and employer guidance (n=254)



Open dialogues about workplace sexual harassment can also be prompted by meaningful training and educational initiatives. Yet, 14 per cent of survey respondents report that the Legislative Assembly where they work does not offer training to combat sexual harassment; 24 per cent do not know whether any training is offered.

Graph 2: Workplace sexual harassment and training (n=257)



Key finding 4: Some research participants feel as though the reporting of sexual harassment is stigmatized in the Legislative Assembly.

As outlined above, open dialogues around workplace sexual harassment play an important role in preventing and addressing sexual harassment. The #MeToo scandal prompted increased scrutiny and reflection on the prevalence of these behaviours in Canadian politics.²⁸ Yet it is not necessarily the case that these renewed discourses have readily continued—or that they were meaningful and robust in the first place. Referring to federal politics, one former Parliamentary intern outlined in a research report: “I have sensed that there is still a taboo surrounding this subject, and that it is an uncomfortable and unclear debate for many people”.²⁹

This sense of ‘taboo’ has consequences for those working in Legislative Assemblies, including the extent to which they may be willing to address an experience of sexual harassment. One research participant felt that her colleagues would perceive her as “a whiney, uptight, party-pooper” if she were to make a report of sexual harassment. There are increasing measures to combat sexual harassment in Canada’s provincial and territorial territories, including policies and training programs. But there is not always the culture, norms, and dialogues necessary to ensure that people who *need* these measures actually feel safe enough to *use* them.

²⁸ Smith, “After #MeToo, Fear of Sexual Harassment Complaints Reigns on Parliament Hill, New Research Finds.”

²⁹ Smith.

Key finding 5: Many research participants felt that addressing an experience of sexual harassment in the Legislative Assembly would have ramifications for their career and/or mental health.

It is well-known that workplace sexual harassment goes underreported in political spaces, and other employment contexts.³⁰ Broadly, research shows that this underreporting is often linked to potential complainants' concerns for their mental health, retraumatization, and anxieties about their career prospects. As a major inquiry into bullying, sexual harassment, and sexual assault in Parliamentary workplaces from the Australian Human Rights Commission notes: "many [research participants] described the negative personal and career consequences they experienced as a result of a making a complaint".³¹

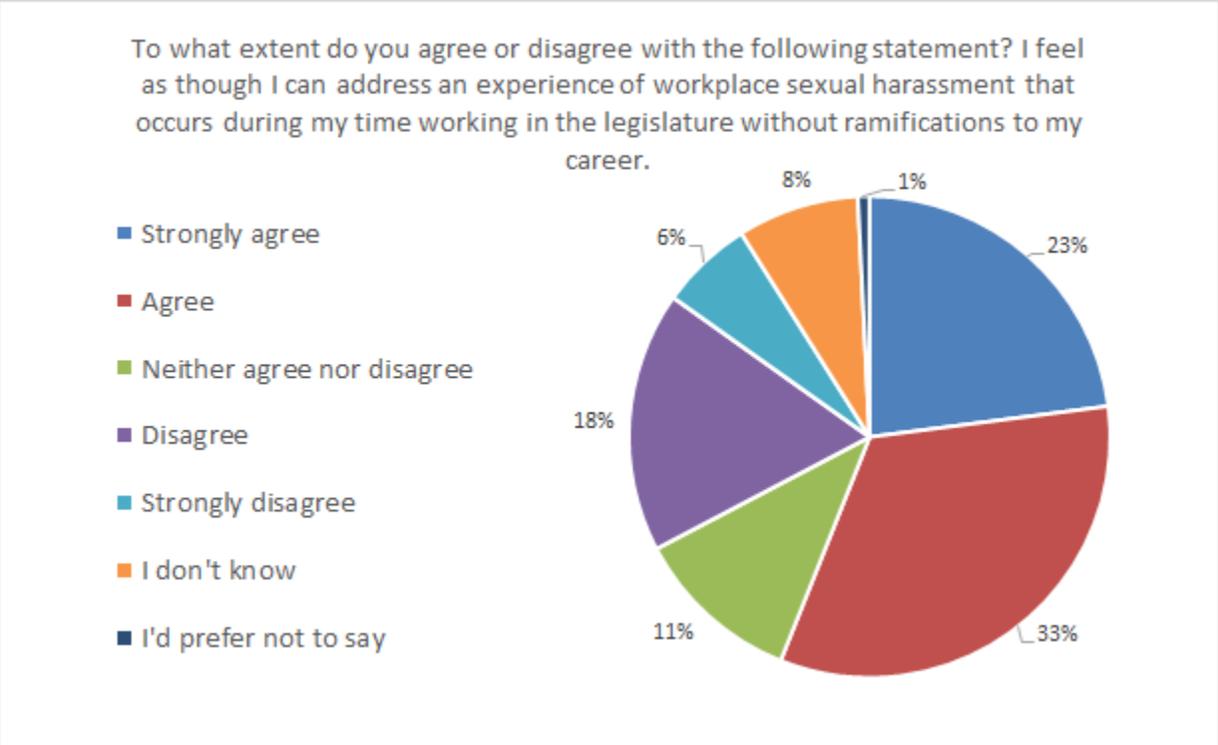
These concerns were reflected in the survey distributed and interviews conducted for this study. Noting anxieties around the career implications of reporting, one interviewed political staffer suggested: "It would be too much trouble to report anything less than really awful". A survey respondent who had experienced sexual harassment explained their rationale for not submitting a report of sexual harassment in the following terms: "I didn't want to risk my job, or take on the added stress and emotional weight of having to prove that it happened".

Reflecting this view, 24 per cent of survey respondents disagree or strongly disagree with the statement "I feel as though I can address an experience of workplace sexual harassment that occurs during my time working in the legislature without ramifications to my career".

Graph 3: Workplace sexual harassment and career ramifications (n=257)

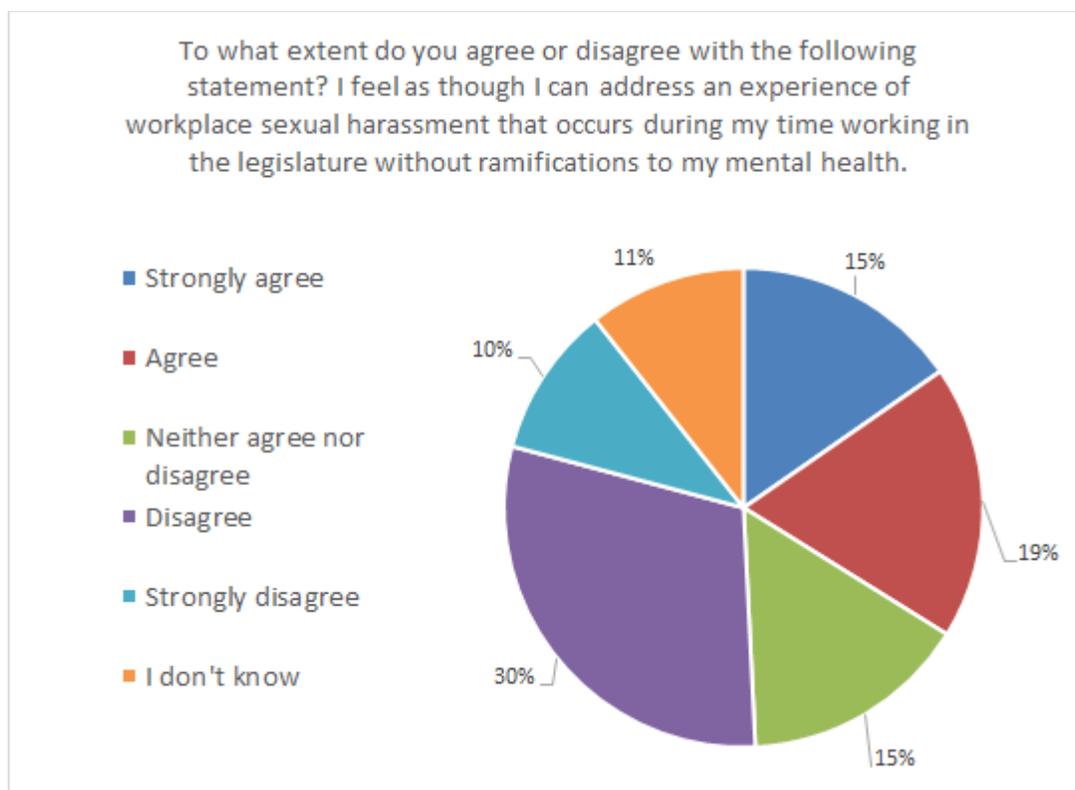
³⁰ Deschamps, "External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces"; Australian Human Rights Commission, "Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces."

³¹ Australian Human Rights Commission, "Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces," 18.



More notably, 45 per cent of respondents disagree or strongly disagree with the idea that they can address such an experience without ramifications to their mental health.

Graph 4: Workplace sexual harassment and mental health ramifications (n=255)



Key finding 6: Those who witness sexual harassment in Canada’s Legislative Assemblies are also concerned about personal and professional ramifications.

Witnesses can play an important role in preventing or mitigating sexual harassment. They can initiate verbal interventions, create a diversion or interruption, provide support to the survivor-victim, and/or report the incident.³² At the same time, those who witness sexual harassment, especially those who have limited power or authority, can also experience fear of reprisal, mental health consequences, and ramifications to their career. Indeed, ‘indirect’ sexual harassment is a real and often underconsidered byproduct of this behaviours. Research finds that “women who experience sexual harassment directly *and* indirectly report higher levels of absenteeism and intentions to quit, and are more likely to leave work early, take long breaks, and miss meetings (job withdrawal)”.³³

This study’s survey and interviews revealed that many participants had witnessed sexual harassment. One interviewee shared: “I have witnessed individuals making comments about someone’s appearance in ways that were derogatory”. She also suggested that she may have seen some “unwanted touching”. A survey respondent wrote: “I have not personally been subject to sexual harassment but I believe I have witnessed it while

³² Institut national de la recherche scientifique, “If You Are a Witness.”

³³ Johnson, Widnall, and Benya, *Sexual Harassment of Women*, 78.

working in the Legislature”. Many such witnesses were strongly and negatively impacted by this behaviour. Some experience trauma themselves, fear for their career, and worry about their safety and wellbeing in the workplace. As one survey respondent wrote, “although I have not been sexually harassed, I have witnessed a few instances. Did not report as the victim did not want to make a complaint and both of us were fearful regarding our employment”.

Key finding 7: Many research participants who had used or considered using legislature policies found that these policies did not meet their needs.

Anti-harassment policies that do not meaningfully support complainants can inadvertently cause harm to those who have experienced sexual harassment and protect harassers. These policies can also provide a level of legitimacy to workplaces’ efforts to combat sexual harassment, even though they may not actually effectively prevent, mitigate, or address the behaviours they target. They can allow “public officials to proclaim a positive ‘feminist’ outcome, when in reality very little has been done to help deal with the problem of violence against women in politics”.³⁴

A number of research participants from different Legislative Assemblies suggested that the policies under which they could make complaints did not meet their needs. This included participants who had considered making a complaint under a given policy, and those who actually had. One survey respondent wrote: “I wasn’t a victim of sexual harassment, but a victim of harassment. The complaints process is the same and I was very poorly served by the process in place”. Individuals who are mal-served by the policy in place are less likely to use it a second time and may dissuade others who experience sexual harassment from using the policy themselves. As another survey respondent outlined, “I have not made a formal complaint but know others that have and have not received proper follow-up or results”. Other survey respondents similarly noted that they had limited follow-up after making a report of sexual harassment, and in some cases no follow-up at all.

Others identified concerns about the independence of the policy administrators and process. One survey respondent said: “it’s not ensured that the individuals involved [in policy administration] have sufficient independence and sufficient expertise in dealing with complaints of sexual harassment”. Such observations may contribute to an overall lack of trust in legislature measures to address sexual harassment. As one survey respondent wrote, “[g]iven the culture (perceived or real) of protecting harassers, the trust in the system does not exist”. When policies do not meet the needs of survivor-victims, including via mechanisms to ensure independence and clear and consistent communication with complainants, those who experience sexual harassment are at risk of further harm.

³⁴ Collier and Raney, “Canada’s Member-to-Member Code of Conduct on Sexual Harassment in the House of Commons,” 811.

Key finding 8: There is limited coordination on measures to address sexual harassment between provincial and territorial legislatures.

As anti-harassment policies and programs are modernized in workplaces across Canada, it is essential that employers learn from best practices. It can be particularly instructive for employers to liaise with others within their own industry, which will have its own challenges when it comes to sexual harassment prevention, mitigation, and reporting. Six higher education professionals working in Sexual Violence Prevention Offices (and their equivalents) across Canada were interviewed in the course of this research. For many of them, communication between staff working at different universities played an important role in knowledge transfer (the sharing of knowledge with the aim of producing insights or solving problems) around measures to counter sexual harassment. These offices can more readily and efficiently improve their programs and services because they can draw from their peers' lessons learned. Such knowledge transfer is especially valuable when it comes to measures to combat sexual harassment. In the wake of the #MeToo movement, these initiatives are quickly evolving and rightly becoming more trauma-informed and intersectional.

Yet, our interviews with policy administrators and Legislative Assembly decision-makers (e.g., Speakers, Clerks) suggest that there is limited collaboration between Assemblies on the issue of sexual harassment. For example, there do not appear to be regular, documented meetings between provincial and territorial counterparts on the use, effectiveness, or modernization of Legislative Assembly anti-harassment policies. The same can be said for other measures to combat sexual harassment, such as counselling services, training initiatives, and communication campaigns. This is despite the reality that many Legislative Assemblies share the same risks and challenges around sexual harassment, such as those outlined in this report (e.g., inadequate gender and other forms of representation; hierarchical cultures).

Appendix 1: Anti-harassment policy comparison table

- The following table outlines, to the best of Equal Voice’s knowledge, the key anti-harassment policies in use by Canada’s provincial and territorial Legislative Assemblies as of October 2021.
- In particular, this review focuses on (where available) on Member-to-Member policies.
- These policies are either publicly available, collected from Legislative Assemblies, or drawn from previous research conducted by Equal Voice.
- Given that not all policies are readily found on Legislative Assemblies’ websites, it is possible that some policies are missing or that an outdated version has been included.
- This table is not all-inclusive of all policies that may cover all aspects, for example, causes and/or party-specific HR policies
- If you work for a Legislative Assembly and see that a policy is missing or that an outdated version has been used, please don’t hesitate to reach out to Equal Voice (info@equalvoice.ca).

	Policy name	Complainants include:	Respondents include:	Inclusive of non-office work environment?	Key actor(s) who intake complaints	Limitations around the period of time that a formal complaint ³⁵ must be made	Firm timeline around how long a formal process will take (Y/N)	Counselling services explicitly available to complainant? (Y/N)
AB	Respectful Workplace Policy for Legislative Assembly Office Employees	Employees of the Legislative Assembly Office (LAO) and all elected officials	Another LAO employee; Members	Not specified	Depending on role of respondent: LAO Director of Human Resource Services; Clerk; Member's Whip; Speaker; Ethics Commissioner	30 days from date of incident; Clerk can extend timeline	N	Y

³⁵ Legislative Assemblies’ anti-harassment policies typically have formal and informal processes that complainants can use to address an experience of sexual harassment. Whereas informal processes may see, for example, the complainant and respondent communicate directly to resolve the issue, formal processes typically involve certain actors other than the complainant and respondent taking specific steps to address t

	Policy name	Complainants include:	Respondents include:	Inclusive of non-office work environment?	Key actor(s) who intake complaints	Limitations around the period of time that a formal complaint ³⁵ must be made	Firm timeline around how long a formal process will take (Y/N)	Counselling services explicitly available to complainant? (Y/N)
BC	Respectful Workplace Policy	All participants of the Legislative Assembly: Members; Ministerial staff; caucus staff; Legislative Assembly employees, and their interactions with external parties such as visitors, Legislative Assembly contractors, and members of the Legislative Press Gallery. This policy does not apply to constituency office staff other than in relation to events occurring on the Legislative Precinct.		Y	Independent Respectful Workplace Office	Six months from date of incident	N	Y
MB	Respectful Workplace Policy: Addressing and Preventing Sexual Harassment, Harassment and Bullying	This policy applies to: All Members of the Manitoba Legislative Assembly; Staff employed by MLAs (Constituency Assistants); and Employees of the Legislative Assembly, including staff of the Non-Political and Political Offices of the Assembly	This policy covers interactions with: Employees of the Political and Non-Political offices of the Legislative Assembly; Members of the Legislative Assembly; Constituency Assistants; Civil Servants; Contractors; Members of the public; Political staff including Cabinet ministers	Y	Immediate supervisors or any level of management; Human Resources Services	No mention	N	Y

	Policy name	Complainants include:	Respondents include:	Inclusive of non-office work environment?	Key actor(s) who intake complaints	Limitations around the period of time that a formal complaint ³⁵ must be made	Firm timeline around how long a formal process will take (Y/N)	Counselling services explicitly available to complainant? (Y/N)
NB	Respectful Workplace and Harassment Policy	Policy is not available.						
NL	Harassment-free workplace policy applicable to complaints against Members of the House of Assembly	Members; employees of the legislative branch; employees of the executive branch	Members	Y	Intake Officer of the Office of the Citizens' Representative	Complainant must submit a complaint within 6 months following the last incident.	Y	Y

	Policy name	Complainants include:	Respondents include:	Inclusive of non-office work environment?	Key actor(s) who intake complaints	Limitations around the period of time that a formal complaint ³⁵ must be made	Firm timeline around how long a formal process will take (Y/N)	Counselling services explicitly available to complainant? (Y/N)
NS	Nova Scotia House of Assembly Policy on the Prevention and Resolution of Harassment in the Workplace.	Applies to: every elected MLA, every staff person paid from the Legislative Services budget of the HoA, any contract staff whose salary is paid from budgets other than the Legislative Services budget of the HoA, volunteers who work with MLAs.		Y	Depending on role of respondent: Whip; House Leader; Chief Clerk; Speaker; Chair of the Internal Affairs Committee; Director of Administration - Speaker's Office; Sergeant-at-Arms Complainant can alternatively choose to make complaint directly to the Chief Clerk of the Chief Clerk's designate	Formal complaint must be filed within six months of alleged incident	Y	N
NU	Workplace Harassment Policy (found in Members' handbook)	Applies to: all Members of the Assembly, Independent Officers of the Assembly and their employees, employees of the Assembly, Ministerial employees, constituency assistants and contract service providers.		Y	Delegated manager; supervisor; Clerk	No limitations are identified	N	N

	Policy name	Complainants include:	Respondents include:	Inclusive of non-office work environment?	Key actor(s) who intake complaints	Limitations around the period of time that a formal complaint ³⁵ must be made	Firm timeline around how long a formal process will take (Y/N)	Counselling services explicitly available to complainant? (Y/N)
NWT	Members' handbook	Member; Constituency Assistant; employee, volunteer or intern of the Legislative Assembly; contractor performing work for the Legislative Assembly; page or Youth Parliamentarian, or Statutory Officer;	Members	Y	Clerk and/or law clerk	No limitations are identified	N	N
ON	Members' Code of conduct on Harassment	Member	Member	Not specified	Clerk	Complaint should be timely	N	N
PEI	The Prevention and Resolution of Sexual Harassment in the Workplace Policy	Applies to: Any employee who performs work in any Legislative Assembly workplace; volunteers; contractors; fee for service individuals; clients.		Y	Clerk; Director of Corporate Services	Complaints should be submitted in as timely a manner as is comfortable for the complainant, keeping in mind that the more time that elapses, the more difficult it is to substantiate the complaint.	N	N

	Policy name	Complainants include:	Respondents include:	Inclusive of non-office work environment?	Key actor(s) who intake complaints	Limitations around the period of time that a formal complaint ³⁵ must be made	Firm timeline around how long a formal process will take (Y/N)	Counselling services explicitly available to complainant? (Y/N)
QC	Politique Relative a la Prevention et a la gestion des situation de harcelement au travail	Applies to: MNAs and their staff; administrative staff of the National Assembly		Y	Human Resources staff member	No limitations identified	N	N
SK	Code of Conduct for Members of the Legislative Assembly of Saskatchewan: Anti-Harassment Policy	Members	Members	Not specified	Law clerk; Parliamentary Counsel	The complaint should be filed as soon as possible but no later than 90 calendar days after the last incident of perceived harassment, unless extenuating circumstances exist.	N	N
YK	Yukon Legislative Assembly Respectful Conduct	Members; every staff person, be they permanent, contract, casual, Page or other employee; volunteers; constituents; the public	Members	Y	Director, Administration, Finance & Systems	No time limit	N	Y

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