



Review of four cases of civil litigation
against the RCMP on Workplace
Harassment

*Report to the Minister of Public Safety and
Emergency Preparedness – March 2017*

30 March, 2017

The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness
House of Commons
Ottawa, Ontario K1A 0A6

Dear Minister:

I have the honour of presenting you with this report on my review of four cases of civil litigation against the RCMP on workplace harassment, in accordance with Order in Council PC 2016-0668.

The report contains my observations on this matter and related recommendations for the Government's consideration.

Yours sincerely,



Sheila Fraser

Foreword

1. I was asked by the Minister of Public Safety and Emergency Preparedness to review the cases of four women who had filed civil suits against the Royal Canadian Mounted Police (RCMP) alleging workplace harassment. When I asked these individuals why they felt it necessary to proceed to civil litigation, all indicated they had no confidence in the internal systems of the RCMP to deal with their concerns.
2. Legal proceedings against one's employer are not undertaken lightly. There are significant financial and emotional costs. That these women felt this was necessary is an indication of the failure of the RCMP to effectively deal with their cases.
3. Other redress mechanisms were available to these individuals, yet none were considered effective. While one can always submit a complaint to the Canadian Human Rights Commission, typically, the Commission will prefer that the complainant first attempt to resolve an issue through internal mechanisms. In the past, the RCMP grievance process did not provide a viable option for dealing with harassment complaints due to the lengthy delays in the process. Finally, the investigation process, generally carried out within the complainant's own Division, often leads to perceptions of bias and conflict of interest.
4. These factors have led to a lack of faith in the RCMP's ability to deal with harassment and workplace conflict. While there have been recent efforts to improve policies and procedures and increase training and communications, the task ahead is an enormous one. As recently stated by the Commissioner of the RCMP: "The harassment problem in the RCMP was enabled by an organizational culture that developed over time, in isolation from the values of the communities we serve."
5. The RCMP is a very insular organization. Most members join at entry level, train at Depot and advance through the ranks. Few senior officials are not police officers. This has led to a strong culture and sense of pride, valuable in many regards, but which may lead to resistance to change.
6. I am therefore recommending that Government consider the creation of a Board of Management, a repeat of a recommendation made by the *2007 Task Force on Governance and Cultural Change in the RCMP*. I believe that this board is necessary to bring about the required

organizational change. The Task Force report outlined the advantage of having such a Board. I believe that the RCMP would truly benefit from the external expertise that the board members would bring in the overall management of the Force. It would also provide for a more informed oversight of the administrative functions of the RCMP.

7. My second recommendation concerns the internal process for handling allegations of harassment and workplace conflict. The current process generally involves an investigation carried out by police officers who are from the same Division as the complainants and who conduct these investigations in addition to their regular duties. This has led to a perception of bias and a very lengthy process. I recommend that a separate distinct unit be created to deal with all harassment and workplace issues. This unit should be led by and consist mainly of people with expertise in dealing with these issues, not members of the RCMP. This unit should ensure the confidentiality of complainants and accept anonymous complaints of workplace dysfunction. In order to ensure its independence and negate any perception of bias or conflict of interest, it should report functionally to the management board during its creation and for an undetermined period of time thereafter.
8. Finally, I am recommending that independent, external reviews be carried out on the RCMP Health Services Branch and the grievance system. My review did not delve into these two areas but there are serious concerns as outlined in the accompanying report. Both functions are critical to a healthy workplace and it is apparent that significant improvements are needed.

Scope of review

9. On 7 July 2016, I was mandated by the Government to provide the Minister of Public Safety and Emergency Preparedness with advice concerning any gaps or deficiencies in the policies, procedures and legislative framework of the RCMP and in how these were applied to four plaintiffs after they commenced legal proceedings against the RCMP alleging workplace harassment. The four plaintiffs are Alice Fox, Catherine Galliford, Susan Gastaldo and Atoya Montague. These individuals have claimed harassment within the RCMP, three of whom refer to harassment of a sexual nature.
10. Specifically, the Minister asked me to consider the following aspects in this review:
 - The processes in place and how they were applied to the handling of their claims;
 - The medical and employee support available or provided to the plaintiffs after the date of filing;
 - The application of measures to prevent reprisal after the date of filing; and
 - Their treatment in terms of fairness and impartiality, after the date of filing.
11. While my mandate was to cover the period after the filing of legal proceedings against the RCMP, material that pre-dated the claims was reviewed in an attempt to understand the conditions that led the complainants to file civil claims. During the review of that material, I noted certain procedures that I believe require improvement, such as investigations. Accordingly, these have been included in this report.
12. Ms. Galliford reached a settlement agreement with the RCMP in 2016, 4 years after launching her civil claim. The other three cases have yet to be addressed in court. Their civil claims date back to 2011, 2013 and 2015. None of these are part of the settlement offer announced by the RCMP in October of 2016.

13. The review included:

- Analyzing all file material provided by the RCMP and DOJ related to the four cases and all policies and procedures related to harassment.
- Interviewing the four complainants and their legal representatives.
- Meeting with RCMP officials at National Headquarters and in British Columbia (the four plaintiffs worked for the RCMP in British Columbia when they launched their civil action).
- Meeting with DOJ officials and other individuals who could provide insight into related matters.
- Conducting generalized research in order to seek out benchmarks and best practices specifically to get a sense of how harassment is investigated in other jurisdictions.

14. It should be noted that the Minister also mandated the Civilian Review and Complaints Commission (CRCC) to review RCMP workplace harassment. The Chair of the CRCC has been asked to undertake “a comprehensive review of the RCMP’s policies and procedures on workplace harassment, and specifically examine and evaluate the implementation of recommendations made in its 2013 *Public Interest Investigation Report into RCMP Workplace Harassment*.” I consulted with the CRCC to ensure that, to the extent possible, there was no duplication in our work.

15. Starting in November 2014, amendments to the *Royal Canadian Mounted Police Act* brought about significant changes to several internal processes, including the management of conduct and the management of harassment complaints. These four cases predate the introduction of a revised process for dealing with harassment in the RCMP. The scope of the CRCC’s review encompasses the RCMP’s current policies and procedures framework surrounding workplace harassment. Its broad-based review provides an assessment of that new framework. Accordingly, I did not assess how the new approach might have improved the situation for these four individuals.

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16. In accordance with the July 2016 mandate for this review, I provided draft copies of the report to the Commissioner of the RCMP, to the Deputy Minister of Public Safety and Emergency Preparedness and to the Chair of the CRCC.
 17. I received the full cooperation of Commissioner Paulson and other RCMP officials and I thank them for their collaboration. I also wish to extend my thanks to Alice Fox, Catherine Galliford, Susan Gastaldo and Atoya Montague for their participation and to Jocelyne Therrien, Jean Ste-Marie and Bahman Assadi for assisting me in this review.

Observations

18. Based on my review of these four cases, I offer the following observations on certain organizational aspects of the RCMP which I believe have contributed to a lack of faith that the RCMP can fully address the matter of workplace harassment.
19. Throughout the text I provide examples to illustrate the observations with regards to the four cases reviewed. These examples have however been anonymized in order to preserve the privacy of the individuals involved.

The processes in place and their application

Civil litigation: a lengthy and costly process

20. Whenever an employee of the RCMP decides that there is no other option but to launch a civil suit, it sparks a very legalistic, protracted set of events that are labor intensive and costly. The Department of Justice (DOJ) engages as does the civil litigation units of the RCMP, along with the legal support unit at National Headquarters. Many hundreds of thousands of dollars are spent every year to defend the RCMP against claims by its employees.¹
21. These four claims date back to 2011, 2012, 2013 and 2015. One was recently settled out of court and the others have yet to be addressed in court. The DOJ officials involved in these cases stated that this is typical. From the file review I have concluded that there is absolutely no incentive to move these cases forward towards a resolution by either party. For example, I saw virtually no attempts at settlement or mediation. The one attempt at mediation that did take place occurred only after several years, as it got closer to the first planned court date. In another case, it was noted shortly after the civil claim was submitted that early settlement discussions would be appropriate. However, there is no indication that these discussions were pursued.
22. While there is no personal cost to the government in these cases, no matter how long it may take, the same cannot be said for the individual complainant. The longer it takes to resolve these cases the more difficult it becomes for the complainant to return to work. The women

¹ As of February 1, 2017, there were approximately 85 civil action claims against the RCMP by employees, about half of which are for allegations of harassment.

that are part of this review all suffer from post-traumatic stress disorder (PTSD) and have not been able to return to work. Once a member is off duty sick for two years or more the RCMP begins to consider the discharge of the member. As a result, several of the women have received notices from the organization that their case is being considered and at least one has been notified that actions to discharge her have commenced.

23. Civil action by employees constitutes a learning opportunity for the RCMP to better understand the circumstances that have caused an individual to turn against an organization that they initially so wished to be part of. In its 2013 Gender and Respect Action Plan, the RCMP committed to “expeditiously resolve outstanding lawsuits related to harassment, wherever appropriate.” In November 2014, the Employment Conflict Civil Litigation Project was launched. Once again, the emphasis was on early resolution, but also on the identification of trends as a way to potentially lower the number of future claims. I was unable to determine the current status of this initiative.
24. I believe that the RCMP should systematically inform itself as to the events that prompt an employee to launch a civil suit and to use that knowledge to ensure that its investigations and internal redress mechanisms are as effective as possible. It might also be possible for the RCMP to glean anonymized information from the class action compensation initiative announced last October by the Government (Merlo/Davidson class action) in order to gain insight into how to better address the matter of harassment going forward. This information could also be used to strengthen prevention initiatives. All would agree that it is far preferable to prevent these incidents from occurring.
25. The RCMP invests heavily in its recruits. The training is extensive and it is considered second to none. It is an unfortunate conclusion for all when a productive career is ended prematurely due to workplace harassment.

Legal assistance provided to alleged harassers

26. The Treasury Board’s policy on legal indemnification explains that because Crown servants may be “subject to legal claims/actions despite the fact that they are acting in good faith, within the scope of their duties, or in the course of their employment”, it is important that they be protected from personal liability. The decision to provide legal assistance at public expense is based on determining whether the public servant:

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- Acted in good faith;
 - Did not act against the interests of the Crown; and
 - Acted within the scope of their duties or course of employment with respect to the act or omissions giving rise to the request.

27. The policy states that eligibility is presumed initially to be met, unless or until there is information to the contrary. Within the RCMP, the Commissioner has the authority to approve up to \$50,000 for private counsel. Anything in excess requires approval by the Minister.

28. In cases of civil litigation, the first step is for the DOJ to determine whether or not there would be conflict of interest in having the DOJ defend the Crown while also defending the individual named in the civil action as a defendant (the alleged harassers in these cases). If a conflict of interest is determined to exist, the RCMP must then assess whether or not the defendant meets the criteria for legal assistance at public expense. If so, he or she retains their own counsel but the fees are paid for by the Crown.

29. The Commissioner of the RCMP has delegated his authority on this decision to certain officials in the Divisions, up to a maximum of \$10,000. In reviewing the files, I saw evidence of inconsistency in the interpretation and application of the criteria. I believe that a more centralized approach is warranted, especially for cases involving claims of workplace harassment. By centralizing the decision-making process on whether or not to provide legal assistance at public expense, the RCMP would be able to ensure consistency both within a Division and nationally.

30. Furthermore, a more in-depth review may be warranted in cases of workplace harassment considering that the very nature of harassment, especially sexual harassment, makes it even more challenging to determine whether or not the alleged harasser was acting in good faith or within the scope of his or her duties.

31. In the four cases examined, the DOJ had determined that a conflict of interest existed and that the Crown could not therefore represent the defendants. Subsequently, the RCMP approved legal fees at public expense for all of the defendants, although that approval has since been rescinded for two of them, after some of their legal fees were paid.

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32. For victims of harassment, the decision to take one's employer to court is a difficult one. As they realize that the legal fees of the alleged harassers are paid for, it contributes to the sense of unfairness. I believe that the RCMP needs to be extremely vigilant in determining who gets legal representation at public expense for claims regarding workplace harassment. Bringing back the decision to the Commissioner's level is an important step in that regard.
33. Another issue that came to light during the review is the fact that information provided through the Access to Information process about the total amount of public funds that were expended by the government to defend the alleged harassers has been inconsistent. Some of the complainants were provided with that information while in another case the response was a redacted memo that contained none of that information even though the requests were worded the same.

Investigation/decision-making process

34. The RCMP is committed to investigating all complaints about harassment from its employees. From the documentation reviewed I can say that a lot of organizational effort was dedicated to the investigations related to the four cases. In general, the investigators are individuals from within the same Division as the complainant and are pulled in from other day-to-day duties to conduct these investigations. The objective is to determine, as much as possible, what has taken place by interviewing the complainant, the respondent, and witnesses. These facts, once collated, are included in a report to a decision-maker.
35. In reviewing the investigative reports of these four cases, I noted that, while detailed, they did not include an analysis or any recommendations by the individuals who had conducted the interviews on whether or not, in their view, harassment had taken place². This leaves it to the decision-maker to determine, without benefit of any analysis, whether the allegations were founded. I question how a decision maker can arrive at a conclusion without this information. This approach appears to be atypical of other organizations when investigating claims of harassment by employees.

² The RCMP's current policy on the investigation of harassment complaints specifies that the investigator is not to include an opinion or recommendations.

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36. I am also concerned about the time it takes to conclude on allegations once they were brought to the attention of management. I found that the organization reacted swiftly once they were made aware of the issues. However, the rest of the process was very lengthy, taking up approximately 12 months. I understand from the RCMP that since inception of the new process, it currently takes an average of 246 calendar days to resolve a complaint.
37. All would agree that it is important to conduct a thorough investigation once a complaint is received. Conversely, the longer it takes to conclude on a matter, the more it can inadvertently affect working relationships, making it more difficult to reestablish a healthy workplace. Furthermore, the longer it takes to 'settle' a complaint, the more opportunity there is for retaliation to take place. In one case, the process took 13 months. During this time, the alleged harasser undertook certain activities in an effort to discredit the complainant, including encouraging public complaints against her.
38. The documentation review pertaining to these four cases also identified a potential problem with the way in which the allegations are captured or characterized for the purposes of the investigation. It is difficult to determine whether or not this is intentional, meant to minimize the scope and/or impact of the alleged behavior, or if it is simply a matter of miscommunication from one level of authority to the next.
39. For example, in one case, a charge of abuse of authority was dropped against the alleged harasser before the case was brought before the RCMP's formal conduct board, even though that allegation was deemed substantiated following an internal investigation. Board members responsible for formally reviewing the conduct allegations concluded that, having heard the evidence, there was indeed an abuse of authority. However, because that charge was not included in the allegations before the board, it was unable to prescribe sanctions that it believed would have been more appropriate, including a demotion by two levels.
40. In another case, the wording of the allegation did not appropriately define the complaint made. The complainant alleged that her supervisor altered information on some of her drug investigation case files to discredit her, whereas the rationale used to not substantiate the allegation stated: "there is no evidence available to me as the decision-maker that any modifications were made to this file that would negatively impact the integrity of this (drug) investigation". While the decision-maker concluded that the supervisor's interventions did not

have an adverse effect on the actual police investigation, it remains that the organization did not deal with the substance of her complaint. Even more problematic is the fact that the alleged activity took place after she had submitted a harassment complaint against the supervisor.

41. There were also several instances where resources were committed to seeking out information about the complainants' past personal relationships in order to minimize their credibility. This type of behavior seems offensive to me especially considering that it is from one's own employer. Furthermore, it sends a disturbing message to others who are experiencing harassment and are unsure about coming forward.
42. During this review, I heard several comments regarding a lack of objectivity by either the investigators or the decision-maker. This perception is exacerbated by the fact that within a Division, many members know each other directly or indirectly. The perception of bias is further reinforced when, even in cases where allegations are substantiated, the sanctions served to the harasser for his or her inappropriate behavior are deemed to be minimal by the employees who view harassment as a serious problem.
43. In one cogent example, I was struck by how, despite overwhelming evidence of inappropriate behavior by the alleged harasser provided by numerous witnesses, the investigator noted that the decision-maker will need to determine whether or not it was harassment or a "misalignment of management style". I found that the "facts" as listed towards the end of the 94 page document could easily be read as more of an indictment of the complainant rather than a summation of the alleged harasser's actions and the corroborating evidence collected from a dozen interviews.
44. The allegations in this case were nonetheless deemed to be founded by the decision-maker.³ The sanctions applied included a transfer and some training. The RCMP was unable to act on those sanctions as the individual in question has been off-duty sick since before the decision was rendered.

³ Of the four cases reviewed, the harassment allegations that were investigated were deemed to be substantiated in one case only. The allegations brought forward by the other three individuals were investigated but deemed to be unsubstantiated.

45. Finally, based on the review of the documentation, I would add that the approach used is too focused on individually fragmented allegations, preventing investigators and decision-makers from seeing the broader picture, one that would allow them to answer the very fundamental question of whether or not an individual was exposed to a workplace environment that was unhealthy. When a series of events, actions and/or words used are reviewed in their totality, it is easier to answer that question. This is exemplified by certain cases that were reviewed by the External Review Committee (ERC)⁴. Whereas the RCMP had determined that there was no corroboration of harassment, the ERC, based on its review of the file in its totality, concluded otherwise.

46. The range of problems cited above lead me to conclude that the investigation process needs to be managed differently. It requires a more independent approach, with greater influence by external expertise, and managed centrally.

47. *I therefore recommend that an independent harassment investigation process be established. This harassment unit should be under the direction of a central authority at National Headquarters. It should be led by and consist mainly of people with expertise in dealing with these issues, not members of the RCMP. During its creation and for an undetermined period of time thereafter, it should report functionally to a Board of Management (see recommendation in paragraph 78). It will be important for this unit to ensure the confidentiality of complainants as well as accepting anonymous complaints of workplace dysfunction.*

Sanctions

48. The amended *RCMP Act (Enhancing RCMP Accountability Act, November 2014)*, brought about significant changes to the RCMP's management of harassment complaints, including the fact that harassment is now specifically identified as a contravention of the Code of Conduct. RCMP members are expected to review the Code of Conduct, the Conflict of Interest Policy and the harassment policy with their supervisors during their annual performance reviews. Training for supervisors has also been expanded, providing information on the process for the investigation

⁴ The ERC is an external oversight body whose mandate includes the review of decisions by the RCMP on harassment when the complainant or respondent believe that the decision rendered on the matter by the RCMP was erroneous.

and the resolution of harassment complaints, but also on the concept of early identification of inappropriate behaviors in order to better manage workplace relations.

49. While the RCMP is committed to more effectively dealing with the harassment/bullying problem, I believe that in large part its success will be determined by how it deals with the harassers. The trend recently has been to lead these individuals towards resignation or early retirement. To date, no one has been dismissed⁵. While this route may prove efficient in getting rid of the problem, it lacks the closure that victims need. For them, there has been no accountability. The message that is broadcast is that harassment is not taken seriously by senior management. The damage to the organization is further exacerbated because, in the majority of cases, the harasser is of a higher rank than the victim, so it feeds into the perception that rank makes a difference. I would encourage the Commissioner to consider the severity of allegations and, in certain cases not accept a resignation or retirement.

Grievance process

50. There have been many criticisms over the years with regards to the internal grievance process. The RCMP has recently made several changes to its grievance process in an effort to improve its efficiency. This is important because an effective internal redress system has the potential to diffuse workplace irritants before they become larger issues. As stated in a 2013 federal court decision: "Grievance and harassment procedures are intended to be expeditious...Grievance decisions left outstanding allow issues to fester, bring uncertainty to the workplace together with ineffectiveness and inefficiency. The delays in question (two years) stretch the tolerance for the harassment and grievance procedures to be considered an adequate alternate remedy to judicial review. To be an adequate remedy it must be timely." (Boogaard vs Attorney General, 2013 FC 267)

51. Several of the complainants included in this review did use the grievance process in an attempt to seek redress on issues that were of importance to them. The documentation reviewed highlighted how inefficient and bureaucratic the process is. By way of example, one of the complainants attempted to recover the cost of medical expenses that she believed were owed to her. The administration of this particular grievance has now spanned more than 3 years.

⁵ As of 16 March, 2017

While some of the delays were caused by difficulties in reaching the complainant, what remains is a graphic example of a process that has become far removed from its intended purpose.

52. To date, this grievance has involved various levels of the organization and many individuals, including adjudicators. At some point, it went from one grievance to two, both basically about the same issue of the reimbursement of medical expenses. Some of the people originally involved in the grievance have since moved on to other units of the organization, including those representing the person against whom the grievance was made (RCMP's grievance process operates in such a way that each person being grieved may select a representative). The grievor was asked to provide a copy of the disputed claims. She requested these from health services. However, the information she received was unclear as some of it was hidden by overlay stickers. Because of this and because of the growing confusion, the grievor decided to ask for a copy of her medical file. A decision as to whether or not to provide that information has become part of what the RCMP refers to as a collateral issue. Recently, one of the health services doctors has determined that the material requested is not relevant to the grievance presented. The representative, on behalf of the doctor, has proposed to the grievor that she can review her medical file in person at regional headquarters or submit an ATIP request. The initial grievance regarding the disputed expense claims has yet to be resolved. I believe that a more personal approach could have resolved the matter within weeks.
53. *Given the importance of an effective internal redress system in dealing with workplace issues, I recommend an independent review of the grievance process. The review should determine the extent to which recent changes to the process have improved its timeliness and its effectiveness as a redress system.*

Medical and Employee Support

54. In these four cases, the complainants have all been diagnosed with PTSD and are receiving care from qualified professionals. Individuals with PTSD often have very complex medical profiles, suffering from both physical and psychological ailments. The RCMP paid for treatments recommended by these professionals based on an approved treatment plan.

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55. That being said, there are issues with the RCMP divisional unit dedicated to the coordination of health services for its members. The individual in charge of health services is a regular member. He/she oversees the day-to-day operations of a group of people whose role it is to coordinate occupational health and safety services and to determine medical profiles. The health services team consists of doctors and nurses and support staff. The member who is in charge reports directly to the head of Human Resources who reports directly to the Commanding Officer of the Division.
56. Typically, after several years, the individual in charge of health services moves on to another position within the Division or elsewhere, either in an administrative function or back to policing.
57. I believe that, within this type of reporting structure, conflict of interest is a risk. Other organizational pressures or priorities may have a negative impact on how health services are delivered to the members. This is particularly true when members are off on sick leave due to injuries related to their working environment, mental or physical, as some of these absences can become lengthy and staffing must deal with the consequences of these vacancies. The file review revealed situations in which the role of health services as confidential coordinator of health care to members was compromised. For example, in one case, the Crown's formal and public response to the allegations presented in the complainant's civil suit regarding harassment on the job highlighted how health services had attempted to manage the plaintiff's use of alcohol through various treatment programs. We also noted in this case that the Director of Health Services was directly involved in the process of compiling the disclosure documents for the RCMP with regards to the civil suit.
58. In another case, a member who had testified on behalf of the alleged harasser in a public hearing involving allegations against one of the four complainants was regularly conversing with health services personnel opining on the merits of the complainant's off-duty-sick status. Her comments were documented in the health care information system. Once the complainant discovered the other member's involvement, especially given the nature of her comments, she brought it to the attention of senior managers. There was no recognition that a conflict existed and the situation was not addressed.

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59. Members who become ill or injured as a result of their duties are assessed by the health team to determine what level of capacity he or she can operate at and whether or not the restrictions are permanent or temporary. This profile dictates whether or not a member can come back to work and the type of duties they can be tasked with. This assessment has a major impact on the individual's employability as a police officer. While the doctor in health services is responsible for recommending the level of profile, the final decision rests with RCMP senior management. During this review I noted that the officer in charge of health care approved the reassessment of one of the four complainants as permanently incapacitated a few days after she lodged a complaint against him.
60. Furthermore, because of the lack of clear distinction between health services and the day-to-day operations of the RCMP, breaches of privacy may occur. Several privacy breaches were identified during the review. The Office of the Privacy Commissioner has also identified several concerns with regards to the RCMP's use and disclosure of personal/medical information of its members.
61. *I did not conduct a review beyond these four cases, but given the number of issues identified I recommend that an independent review of RCMP health services be conducted and that serious consideration be given to having health services delivered by an independent external party or parties.*

Measures to prevent reprisal

62. The RCMP's policy on retaliation states that:

"Any employee who believes he/she has been subject to any retaliation as a result of his/her participation in the harassment investigation and resolution process may advise in writing, his/her supervisor or manager, or where his/her supervisor or manager is the person who is believed to have engaged in retaliatory behaviors, to the next level of management in the employee's chain of command, or to the Office for the Coordination of Harassment Complaints...Upon receiving information about alleged retaliation, the (Division) Commanding Officer will cause such review as is necessary to determine the validity of the concerns of retaliation."

63. As such, just as the investigation of the initial harassment complaint, allegations of retaliation are reviewed within the Divisions. I therefore have the same concerns with regards to potential bias. I believe that allegations of retaliation also need to be investigated independently of the Divisions.

64. Three specific instances were identified during this review that could be considered retaliatory:

65. As described in paragraphs 37 and 40, actions to discredit a complainant were taken against her by the alleged harasser after she lodged a complaint against him. This behavior was investigated but the focus became one of whether or not the alterations on the operational files had negatively impacted the actual investigations of those files, and not whether his actions were retaliatory. In fact, the alleged harasser continued to involve himself in the complainant's files while the investigation was ongoing and even after he was removed from the unit. Furthermore, the supervisor of the alleged harasser was well aware of that continued involvement and yet there was no evidence to suggest that this behavior was viewed as unacceptable.

66. In paragraph 59, I point to a case where the complainant's medical classification was approved by the officer in charge of health services, deeming her to be permanently incapacitated, after she lodged a complaint against him. While this may have simply been an unfortunate coincidence of timing, it could give the appearance of retaliation. One would expect an officer in charge of such sensitive decisions to be more aware of this possible interpretation.

67. Finally, there is the case of one of the complainants who was subject to a conduct hearing. Just before the hearing was to proceed, she was informed by the RCMP's prosecuting counsel that senior officials felt that the disciplinary matter should not have been brought against her. It was then proposed that the hearing would not proceed on the condition that she drop her civil suit against the RCMP. When she refused to do so, the conduct hearing went ahead. The conduct prosecutor has since admitted that he should not have combined the two issues.

Treatment of the complainants

68. Many might assume that those who launch civil litigation are seeking financial gain. I believe that, more importantly, they seek an acknowledgement that they were wronged and that they wish to see the RCMP become a more respectful workplace. Yet, once a complaint turns into

civil action, all of the energy goes into proving the other party wrong as opposed to dealing substantively with the issue.

69. The review of these four cases clearly points out that, notwithstanding a considerable amount of good intentions by many individuals involved, the organization as an entity has difficulty formally acknowledging that some of its workplace units are dysfunctional. I am of the view that there is a tendency to downplay the transgressions in order to protect the reputation of the organization. While there are indications that many individuals took the complaints seriously, the end result, that is to say the overall organizational response, was inadequate.
70. In trying to decipher causal links, I am led to conclude that there is a strong predisposition within the RCMP to defend its actions in order to protect its image. While there were several examples of this during the review, I will highlight one in particular:
71. One of the complainants requested that a message be posted on the internet to provide an update on a decision rendered by an Adjudication Board. The initial decision posted on the web by the RCMP indicated that she had been sanctioned for misconduct and that the Board had recommended that the RCMP consider a medical discharge. The Commissioner of the RCMP later overturned that decision citing bias on the part of the Board. It took approximately eight months to post the update, which she requested on many occasions. Throughout this time, there were many attempts to dissuade her. Suggestions were made that she may in fact regret bringing the matter up. This request was made within the context of discussions with the RCMP for a gradual return to work and so, for the complainant, it was important for the facts to be communicated.
72. The documentation shows that the wording she suggested from the very beginning was quite brief and based on facts. No new information was provided that could explain the delay, which led me to conclude that the only reason it became so complicated is that the focus was on protecting the RCMP image. Whenever the primary motive is to protect the reputation, it becomes an obstacle to acknowledging the problem and in moving forward.
73. My overall conclusion is that these four individuals believed that they had no other option but to take their employer to court. In many ways, it is an indication of the failure of the internal mechanisms that are established to deal with workplace conflict. Workplace harassment has existed for a long time in the RCMP. The sense one gets is that it is pervasive and, according to

many, a product of its culture and of its hierarchical structure. Furthermore, there exists a perception that, because it is embedded in its culture, there is little probability that the RCMP will be able to fix this on its own.

74. The RCMP has undertaken a number of steps to deal with workplace conflict and harassment, for example, the Respectful Workplace Initiative introduced in British Columbia. Under this initiative more than 40 people were trained as respectful workplace advisors, providing an avenue for members seeking guidance on how to deal with issues that were occurring in the workplace. This was in reaction to feedback from employees that there was a need for a 'sounding board', where one could get advice and information. Unfortunately, funding for this initiative was not maintained and the dedicated resources have been reduced to a very small number of individuals. This initiative had the potential to deal with workplace issues before they became part of a bigger problem.
75. While the RCMP is currently engaged in a conscientious effort to deal with harassment, I am of the view that revised policies and procedures and training will not adequately deal with the problem. It will take a long time to fix and will require a vastly different approach.
76. I believe that an external body, a Board of Management, is required to effect the organizational changes that are required, for two reasons:
- One, to ensure that a change management plan to address these issues is developed and implemented. External expertise on this Board would ensure that the actions undertaken by the RCMP are in line with current best practice and accountability to the Board for their implementation and would ensure that attention to these matters is maintained.
 - Secondly, the Board would provide the independence necessary to dispel the perceptions of bias that exist, especially over the investigations process. This would also provide an avenue for anonymous complaints.
77. Board members would bring expertise in administration such as financial management, human resource management and organizational change management. Policing matters would remain the purview of the Commissioner. It would therefore be advisable that none of the board members have a policing background. Considering the RCMP's contract policing activities the

Government would need to consult provinces and territories in identifying candidates.

However, it is critical that appointments be focused on recognized expertise and experience as opposed to representation of a specific province or territory. I would suggest that this board be small (6-8 members) and that it meet frequently.

78. I therefore recommend that the Government consider the creation of a Management Board in order to oversee and monitor the required organizational changes. This recommendation, first brought up in the 2007 Brown Report (Task Force on Governance and Cultural Change in the RCMP), remains relevant today, as do its recommendations concerning the authorities and structure of the Board. I encourage the Government to refer to these recommendations when creating this Board. The Board should have the responsibility to oversee the development and implementation of a change management plan.