

The Chair and Members  
Standing Committee on the Status of Women  
House of Commons

RE: Sexual Misconduct Within the Canadian Armed Forces

Madam Chair and Members of the Committee:

I have been urged by numerous victims of sexual trauma in the Canadian military, and beyond, to set out some thoughts on the policy innovations I have been advancing and which I believe are essential in combating the curse of sexual misconduct. I believe some members of the Committee may be familiar with my work in the area of sexual violence and harassment. [Earlier recommendations made in connection with Bill C-65](#) were adopted by the House of Commons and the Senate of Canada.

The rationale for the concepts that follow has been outlined in a series of my op-eds in The Hill Times, including one which set out what I called a “Roadmap for the Government to Act Against Sexual Violence,” as well as several other columns [accessible through The Hill Times](#) and available on the web site of [The ZeroNow Campaign](#).

To recap key points:

**1. There is an urgent need for an independent officer, reporting to Parliament, to investigate and address incidents and complaints regarding sexual violence, bullying and sexual harassment.** In 2019, [I proposed the creation of the office of commissioner on gender-related violence, bullying and harassment](#), which would report to Parliament. The independence of this office is vital to instilling confidence on the part of victims that they will be treated fairly and without reprisal. It is the pervasive apprehension that serious repercussions will flow from coming forward that creates the culture of fear and silence which prevents most victims from reporting and empowers perpetrators of misconduct.

A dramatic and demonstrable change is needed in how victims of military sexual trauma are treated. Nothing short of the creation of an independent, high-level office, with a reporting structure that places it outside the military chain of command, can restore the trust and credibility that has been so decimated by recent, and historical, events. Without that trust, any new effort will be as doomed to the same failures as other initiatives have been.

As I outlined when I proposed the idea two years ago, the commissioner would report to Parliament and would outrank anyone in the government, military or RCMP when it comes to discharging *her* mandate. The stature and independence of the office would signal that there is a new sheriff in town □ one who treats the concerns of victims of sexual misconduct, bullying and harassment with the seriousness they deserve and without improper interference or agency bias. It would send the clearest possible message that victims will be treated with the dignity and respect that is their fundamental right.

I would be happy to amplify my thoughts on how this office could work in both its policy development and investigation functions, which would be informed by a deep commitment to world-class trauma-informed practices.

**2. Serious consideration needs to be given to criminalizing incidents of intimidation and threats intended to deter women from coming forward.** Retaliation and the fear of reprisals against the careers, well-being and reputations of victims is one of the historical hallmarks of sexual misconduct. The committee has already heard from a courageous witness who spoke about threats she faced if she reported misconduct in the senior ranks of the military. Threats and bullying like this are endemic to the abuse of power that defines the typical asymmetrical relationship between perpetrators and victims.

While these incidents are appalling, they are far from uncommon. In 2019, the [Ontario Legislature was told](#) that after I was sexually assaulted by a prominent public official while I was employed by the Ontario Securities Commission, my boss, to whom I reported the incident, gave me a choice: keep quiet about it, or lose my job. That act of intimidation set in motion a cascade of events that led to the destruction of my career in public

service of more than 20 years, irreparable harm to my health, and a loss of income that has soared into the millions of dollars.

Many victims have told me that what happens after they come forward is often worse than the incident that prompted them to report. It is like being assaulted all over again, as I have described in my op-ed "[Stop Letting the System Assault Victims of Sexual Violence Over and Over.](#)"

Much more attention needs to be given to the aftermath of coming forward and the incalculable damage that is so often done to a victim's health, emotional well-being and career advancement.

**3. End forced Non-Disclosure Agreements.** Many experts say the worst thing that can happen to a victim after sexual trauma is to deny her the right to speak her truth. In the words of noted psychoanalyst Leah Lipton, "being prohibited from talking about a traumatic experience prevents healing and recovery." Some victims have likened NDAs to having one's tongue cut out. For several years, I have been [urging the federal government to take the lead in ending forced NDAs](#), and to release victims from existing agreements where possible.

Traditional approaches to this pandemic of abuse will not cut it. Out-of-the box thinking, based on the compelling wisdom and experiences of victims, is imperative if we are going to succeed in this battle that every day harms, humiliates and marginalizes too many women and has taken too many lives. Everything that can be done to eradicate the climate of fear and silence that contributes to this trauma, in which NDAs play a leading role, needs to be done. And quickly.

...

Finally, what I wrote several years ago about victims of sexual misconduct in the RCMP applies with equal measure and conviction to the courageous women who have served this country's military: "It is a measure of just how perverse gender-based trauma and harassment is that otherwise strong, brave women who have shown they can walk down a dark alley alone late at night to answer a call for help cannot always walk out of

the dark shadows that overtake their lives when they are confronted by the monster of sexual misconduct.”

They — and all the women of Canada — deserve so much better.

I am available to expand on these and other initiatives drawn from my extensive interactions with victims over the years at the invitation of the Committee.

Respectfully submitted,

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Kathleen Finlay, B.A. (Hons) (Victoria University), M.A. (University of Toronto) is founder of [The ZeroNow Campaign](#) to combat sexual misconduct in the workplace. The ZeroNow Campaign provides one-to-one support to victims and advocates for game-changing policy innovations in the public and private sectors. Kathleen is CEO of [The Center for Patient Protection](#), an international healthcare advocacy focusing on patient safety in the hospital setting and eliminating barriers to safe healthcare for women. Prior to her life-altering experience with sexual assault and sexual harassment in a public sector workplace, she was involved in the regulation of Canada’s capital markets, and was a member of the executive management team of one of Canada’s principal securities regulators.

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