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# Standing Committee on Public Safety and National Security

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Chair: The Honourable John McKay





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• (1610)

[English]

**The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)):** I'm calling this meeting to order.

Welcome, all of you, to meeting number 10 of the public safety committee.

We have, as our witness today, retired Supreme Court justice Mr. Michel Bastarache, who has co-authored a report called “Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment On Women in the RCMP”. It's a very profound and very disturbing report.

Mr. Justice Bastarache, welcome to the committee. We look forward to what you have to say. Generally, we would ask you to speak for about 10 minutes in opening remarks, and we'd have fully two hours with you.

I apologize for the late start, but it is the new way of doing things when it comes to votes in the House. Again, I apologize for that.

Welcome to the committee. We are very keen to hear what you have to say.

**Hon. Michel Bastarache (Legal Counsel, As an Individual):** Thank you for the invitation.

I was happy to receive this invitation because I think this report is very important. It's a devastating report, I think, for a major institution of our country. Everybody wants the RCMP to be what we thought it would be, or that it should be, and this is more a call for reform than anything else.

When I began to work on this project, I knew there had been previous studies that had dealt directly with the problem—

**The Chair:** Excuse me, Justice Bastarache. The interpreters are having a bit of difficulty hearing you. If you could hold your microphone up a bit closer to your mouth, it'll work a bit better.

**Hon. Michel Bastarache:** Okay, is this better?

**The Chair:** Excellent. That's much better, yes. Thank you for that.

**Hon. Michel Bastarache:** What I was saying is that when I began to work on the project, I knew, of course, that there had been previous studies and that some of them had dealt directly with the problem of integrating women into the RCMP. However, I had no idea of the present situation or the measures that had been taken to remedy the problems discovered in those studies.

The parties to the agreement said that harassment was still prevalent and that I would receive 1,000 claims. I received more than 3,000 claims and know for a fact that many women who are being harassed even today did not file a claim. This would indicate how profound the problem is.

But there are more preoccupying issues: the harassment is systemic and results from a very toxic culture; the problem is so important that it puts in question the ability of the RCMP to truly accomplish its mission; and the harassment was so violent that it put in peril the health and security of thousands of women over a 30-year period.

Many women the assessors interviewed had been diagnosed with serious psychological injury, including major depressive disorder, post-traumatic stress disorder, generalized anxiety disorder, panic attacks and substance dependence. Claimants also reported a real lack of trust in the RCMP itself; a lack of trust in the men who work with them; feelings of isolation; withdrawal from social activities, friendships and sexual relations; humiliation; lack of self-esteem; and lack of confidence. When you look at all of that and say that it is prevalent in more than 1,000 women, you would think you're in a crisis situation.

It was also concerning that the events described in these claims were not all historical, overtaken by time or overtaken by updated policies. While the claims process did not review conduct that occurred after May 30, 2017, some claimants disclosed that they were still experiencing similar incidents despite the initiatives taken by the RCMP to address gender- and sexual-orientation-based harassment.

Despite numerous investigations and reviews, harassment remains present in many areas of the organization. Worse still, disrespectful conduct has been perpetrated and condoned at every level of the hierarchy.

I often heard that there were many good members trying to do a good job in a difficult environment, and I'm sure this is true and that many members are well intentioned and trying to do the right thing. But the reality is that even honourable members and well-intentioned leaders have been required to conform to or at least accept the underlying culture, which they have for the most part had to adopt to succeed themselves. The leadership and membership have all suffered from that.

• (1615)

I think there is a certain cognitive dissonance in the RCMP. Why? Because there are a lot of well-intentioned people who believe themselves to be ethical; hence, systemic racism or systemic gender-based disadvantages and discrimination cannot exist in the RCMP. What they rely on is the “few bad apples” justification. This approach allows an organization to continue as it is, relying on the impression that simply finding these bad apples will solve the issue. They are not willing to recognize the systemic and cultural nature of sexual harassment and gender- and sexual-orientation-based harassment in the RCMP.

I have a list of the men who were accused of harassment and a list of those who were found to be responsible for harassment in the various grievance processes. These aren't a few bad apples. These are hundreds of bad apples.

Based on the 3,086 claims that I have personally read, and the 644 interviews that I, with the help of two other assessors, conducted, I concluded that the RCMP is imbued with a toxic culture that tolerates misogyny and homophobia within its ranks and even within its leadership.

The culture of the RCMP portrayed by the claimants is one of constant sexism, homophobia, gossip and backbiting, where reprisals for rocking the boat and rumour mongering flourish. While many claimants took care [*Technical difficulty—Editor*]—

• (1620)

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** Chair, on a point of order, he's on mute.

**The Chair:** You've just put yourself on mute inadvertently.

**Hon. Michel Bastarache:** I'm sorry about that.

**The Chair:** Just repeat your last two sentences, if you would, please.

**Hon. Michel Bastarache:** The culture of the RCMP portrayed by the claimants is one of sexism, homophobia, gossip and backbiting where reprisal for rocking the boat and rumour mongering flourish. While many claimants took care to mention that they had worked with some good members, they indicated that even these members often felt compelled to accept the prevalent culture and remained silent in the face of injustice.

Sexual misconduct in the RCMP appears to occur with a surprising frequency from recruitment to the age of retirement. The assessors concluded, for instance, that there was evidence of 131 cases of outright rape that were reported, for which only one person was actually brought to court. Lesser forms of sexual harassment and abuse—although all sexual abuse and misconduct is serious—appear to be rampant.

All candidates wanting to join the RCMP must first complete a six-month training period at Depot, the RCMP training facility in Regina. Abuses started immediately at this stage. Many of the women the assessors interviewed joined the RCMP at a very young age. It used to be 19 or 20 years old; it's now around 24.

They were often naive, and in many cases the RCMP was their first job and their first time away from their families. Many recounted stories of being shocked by the language and open sexual-

ized nature of the conduct they were confronted with at Depot from trainers, instructors and fellow candidates.

Instructors preyed on young women for at least 20 years there. Harassment was also frequent from male cadets who quickly learned to emulate their instructors. Women were told they were only there to have sex with the men. The assessors heard that the atmosphere at Depot did change for the better over time. However, they still heard recent stories of sexual harassment and discrimination by male instructors. There is constant drinking to excess. There is sexual assault, and there are derogatory comments about women and especially their place in the RCMP.

Candidates who graduate from Depot must then complete the recruit field training program—a six-month period of in-the-field training during which a more senior constable is put in charge of training a new constable who has just left Depot. The goal is to train the new constable on the job, to teach her the necessary skills and procedures required to function as a regular member.

The field coach is responsible for writing an assessment of the new constable.

**The Chair:** Justice Bastarache, as hesitant as I am to interrupt a Supreme Court Justice, we generally allocate 10 minutes, and we're well over our 10-minute time limit, but if you could conclude, I know members are keen to ask you a few questions.

• (1625)

**Hon. Michel Bastarache:** Okay. What I wanted to say is that first, you have to go to field training. In field training, there were constant sexual invitations, you might say, from the leaders to the young women who were dependent on assessment by those people and were in a situation where they had no choice, they said. Then the situation didn't improve much when they started their new career in a new detachment, because at first they're sent up north. They're sent to regions where there are very few women. Often they're the only woman there. That, in itself, creates a group of very vulnerable people. There has been tremendous abuse in those regions.

The other form of harassment, of course, is to deprive women of equal opportunity. They have not had equal opportunity for training or promotion because there's no real career plan developed for the graduates of Depot. I made 52 recommendations. I don't think that any of them would make a very fundamental change, but I think if you had all of them at the same time, they would. You have to re-establish faith in the system and in the governance of the RCMP for anything positive to happen in the next three years.

Thank you.

**The Chair:** Thank you again for your report.

Before I call on my colleagues, I want to reference not only your report but also its conclusion, in which you say that you:

do not see any way forward without some form of sustained independent and external pressure. There are measures that may be taken to address specific issues, but I am not confident that this will correct the fundamental problems in the RCMP.

In my view, the time has come to ask some hard questions about the structure and governance of federal policing in Canada. The past has demonstrated that change cannot come from within the RCMP. There must be a rigorous review of the RCMP followed by changes that will ensure that federal policing is delivered efficiently in a manner compliant with the Charter value of equality and with the Government of Canada's commitment to gender equality, including in the workplace.

You may or may not know, Justice Bastarache, that this committee has been conducting a study on racism in policing. It does echo uncannily some of the testimony that we have heard. I'm going to turn it over to my colleagues now, but from the chair's standpoint, this is a core question. We have had report after report; we've had the commissioner here multiple times; we've had the minister here multiple times—in fact we've had several ministers here—and you are really calling into question whether this can actually be fixed.

I'm not going to ask you to respond to that, but that, from the chair's standpoint, is the core question that needs to be asked.

With that, Mr. Motz, you have six minutes, followed by Madame Damoff, Madame Michaud and Mr. Harris, for six minutes each.

Mr. Motz, go ahead, please.

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you, Chair.

On behalf of the committee and certainly my colleagues, I want to thank you, Justice Bastarache, for your work and for the assessors' work in this incredibly troubling exercise you've gone through, and for the report.

I want to touch on a couple of things in the time that I have, sir. I want to quote you from some of the grievances that have been laid out:

I have significant doubt that the 2014 amendments to the RCMP Act (see Chapter 4) will address the issues that the other Assessors and I have seen. The procedures are still very much based on an internal mechanism, with decision-making responsibility delegated to a relatively low level, with little independent oversight.

A second quote is:

...most women said they would never use the grievance or harassment complaint system as they simply had no faith in its efficacy or fairness.

You list three main issues that were repeatedly mentioned by the claimants: the lack of fairness, a fear of reprisal, and failures to implement any punishments.

You wrote that “complaints are more detrimental to the victim than the harasser”, and that filing a complaint would have individuals labelled as troublemakers and complainers.

In many cases, the complainants were targeted with criminal charges and in some cases as well “the higher the number of [harassment] complaints against a [supervisory] member, the bigger the promotion he will get.”

Obviously, we have a problem.

Could you walk us through, in a couple of seconds, exactly.... If I'm a member of the RCMP and if I have a complaint against another member of the RCMP—supervisory or otherwise—what's the mechanism I go through to make that complaint known?

● (1630)

**Hon. Michel Bastarache:** Right now, there are a couple of grievance processes. One of them is specifically for sexual harassment, and this is the new approach. The other one, of course, is to use the code of conduct and have an inquiry under the code of conduct, but what happens is that they're officers of the same region who are appointed there to hear the griever. There may not be a direct conflict in the sense that it's someone in her family or something, but what the women say is that there's a boys' club and they defend their friends, and basically it becomes an unfair process because of that.

The other thing is that they don't follow their own rules. If there's a rule that says you have to have a report within three months, some of them have been waiting three years, and some of them never got a copy of the report.

The two main things are that there is no effective punishment, and if there is no punishment, basically it will continue, but also, they're doing it, as a lot of people have said, like the Catholic Church—they just move them to another parish. I have a list of people who have been found guilty up to 15 times. Those people have been promoted.

**Mr. Glen Motz:** Thank you, Justice. I know that we could go on and on, and I want to get to a couple of other points that I think are critical and that we need to delve into today as well.

I guess I'll ask you for a simple yes or no. Would you say in your assessment, then, that the apparent flaw, the process you just described, contributes to the issue that we're discussing here today?

**Hon. Michel Bastarache:** Yes, absolutely.

**Mr. Glen Motz:** If that's the case, what are your recommendations?

I was intrigued by many of them. You recommend—I'll paraphrase—that we:

create an effective, external and independent body to which RCMP employees may report sexual harassment or misconduct which has the power to investigate and make binding findings of fact and recommend penalties.

That's a laudable recommendation, but how do you actually see that playing out in practical or operational terms, sir?

**Hon. Michel Bastarache:** Well, you can design the committee to be formed by people from other police forces or other regions, or by people who are not RCMP but have some experience with policing. Basically, those people would have the power to investigate. I think they should also be able to start investigations without a complaint when they know that something is going on in a district—

**Mr. Glen Motz:** Yes, fair enough. I think that's—

**Hon. Michel Bastarache:** —but the main thing is retribution. If a woman complains, whether she wins or loses, there will be retribution. This is why even a very good committee is not going to receive a lot of complaints: because of the retribution.

**Mr. Glen Motz:** You've mentioned this three or four times already in your opening remarks and in my questions, and I'll quote you from page 47 of your report:

it...became clear that several men (at every level of seniority) repeatedly harassed or sexually assaulted women”.

This is criminal behaviour. It's criminal behaviour.

**Hon. Michel Bastarache:** In many, many cases, yes.

**Mr. Glen Motz:** You have a list of who these people are.

• (1635)

**Hon. Michel Bastarache:** Yes.

**Mr. Glen Motz:** Have any of these repeat offenders been identified to authorities to investigate that you're aware of?

**Hon. Michel Bastarache:** Not by me, but some of them have been identified by the women who were assaulted and, in a few cases, by men who were witnesses.

**The Chair:** Thank you, Mr. Motz. We're going to have to leave it there.

Madam Damoff, you have six minutes.

**Ms. Pam Damoff:** Thank you, Chair.

Justice Bastarache, I just cannot thank you and the team that worked with you enough for putting this report together. I had trouble reading it. I couldn't read it all in one night because it upset me so much. I can't imagine what you folks went through doing the interviews and preparing for it.

The committee has heard me use this comparison before, but a couple of years ago I read a report on the Edmonton institute, Edmonton Max, about the issues they were having there with sexual harassment, and they compared it to the 1950s movie *The Blob*: many of the people who become part of it are good people but helpless against its power. How do you get rid of something so all-consuming? As I read your report, I couldn't help but think exactly the same thing.

You've made all these recommendations. Do you think the RCMP has the ability to implement those recommendations? The minister has come out publicly and has condemned what has happened, and I know that he wants to see things change, but is the RCMP able to do this and fix what's going on there?

**Hon. Michel Bastarache:** The real problem is that the women are not confident that it can be done, because there have been 15 reports before, and every time the RCMP said they accepted the recommendations. They did make some changes, but they were mostly policy changes and organizational changes while what the women want, of course, is the men to be accountable for what they're doing and the managers—their supervisors—who are not supervising to be sanctioned also.

It can be done if there is real leadership. It can't be done by a single person. I think a lot of the women would be willing to support strongly the commissioner if they saw her take really drastic action,

and I think some of the men who have been hiding would come out and play their role in putting together a team. You shouldn't have the RCMP divided into women policemen and men policemen—it should be one single team.

It's wrong, I think, to continuously say this is the woman corporal or the woman supervisor. Why would we say that? Because we're making a distinction, and the women feel that they're being undermined by that.

**Ms. Pam Damoff:** I want to ask you about the RCMP Management Advisory Board. You talked about accountability, and as we've been studying systemic racism, that's something that has come up over and over again—the lack of accountability and the lack of consequences for officers who are not acting properly.

I just read an article today. Robert Gordon, who is from Simon Fraser University, said that the RCMP is “addicted to secrecy.” Do you think that the reports of the Management Advisory Board should be made public, and also, do you think they should be made available to the minister?

**Hon. Michel Bastarache:** Yes, I do. I think they have to be. I never saw the report. I asked for it, because how do you want me to have an idea as to whether these people know what's going on and are willing to put some pressure on the administration to resolve the issues?

Why do we have an advisory board if nobody knows what it's doing? I don't see that as efficient.

**Ms. Pam Damoff:** I noticed that in that article the chair of the advisory board was very evasive in the answers to the questions and just said you'll have to ask the RCMP why they weren't made public.

I am just so troubled. To go back to what my colleague Mr. Motz was talking about, a hundred and thirty women disclosed sexual assaults with penetration. How on earth could that happen with no consequences for those people? It's mind-boggling to me.

• (1640)

**Hon. Michel Bastarache:** The fact that this did happen created a total loss of confidence in the administration in the sense that it was supervising and supposed to provide a safe workplace for these women.

**Ms. Pam Damoff:** The French interpretation has clicked in. Something's wrong here.

**The Chair:** Yes, the French interpretation just overrode the English.

Just go back and continue on. We'll see whether we're back on.

**Ms. Pam Damoff:** It seems to be okay with you speaking, Chair.

**The Chair:** Okay.

**Ms. Pam Damoff:** I guess this isn't just a matter of consequences for that employee within the RCMP. These are also things for which criminal charges should be laid.

**Hon. Michel Bastarache:** Oh, yes, and some of the women asked me whether I could do something, but I said that when it's criminal conduct, it's for the victim to do that. I said, look, you participated in this process, but you can still lay a criminal charge. They said that even if they did, even if they won, they would lose in the end because they'd lose their job. They'd lose their job because they'd be attacked by everybody who—

**Ms. Pam Damoff:** This is so typical of women who are survivors of sexual violence. They're the ones who are penalized, and the perpetrators continually get away with it. Your report is one of the most troubling things I've read in my life.

**The Chair:** We're going to have to leave it there, unfortunately, Ms. Damoff.

**Hon. Michel Bastarache:** This is why it's written this way. I think there has to be some action taken right now and some action of consequence. I'm happy that the commissioner has committed to doing these things. She just has to create some kind of way to get the good people in the RCMP behind her.

**The Chair:** We have to leave it there. Thank you.

[*Translation*]

Ms. Michaud, you have the floor for six minutes, please.

**Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ):** Thank you, Mr. Chair.

Thank you, Mr. Bastarache, for your important work and your report, which is quite powerful and hard to read in some parts, particularly for a woman.

You talk about the toxic culture and the boys' club atmosphere that reigns in the RCMP and in its governance. My impression is that this, in a way, is the message that's being sent to women who want to join the police: this is a male environment where they aren't welcome, and these are the kinds of things that will happen to them if they go there. It's absolutely appalling.

As you said in your findings, it will take a real transformation to change this toxic culture, and that has to come from outside the RCMP. We've seen several reports and studies on the subject; many legislative and administrative changes have been made, but nothing that has actually altered the situation.

I'm going to repeat the question the chair raised earlier: where can this change come from, and who can take action at this stage?

**Hon. Michel Bastarache:** I've been told that the government and ministers responsible are only interested in financial issues. They want to know how much it costs, what the financial needs are and whether the problems are associated with underfunding.

We can talk about money if necessary, but based on what I'm told, no one ever wants to debate those kinds of issues.

And yet there's a financial impact. Hundreds of women are on long-term leave, and many people who have been trained are retiring at 40 because they can't take the harassment anymore. There's definitely a correlation between the financial aspect and the problem.

How should the government proceed? First, it has to get up to speed and really monitor what's happening. It has to emphasize the need for reform.

**Ms. Kristina Michaud:** Thank you.

So let's talk money.

You state in your report that some \$125 million in claims was paid out to compensate women who had suffered injury. I believe there are six categories of compensation ranging from \$10,000 to \$220,000. The whole system is well thought-out and seems to work better than the complaints system made available to women, according to what you described earlier. It seems completely illogical that the compensation scheme is better structured.

It's entirely normal for victims to be compensated, but my impression is that the government is trying to repair the damage by writing cheques to compensate the women instead of getting to the root of the problem. This money could be used to do that by offering training, or some way could be found to use the money to ensure this doesn't happen in the first place and that people can't abuse their power within the RCMP.

I'd like to hear what you have to say about that. What could be done with the money?

• (1645)

**Hon. Michel Bastarache:** I think there has to be reform in management.

You have to start by establishing a career plan for each individual. You also have to show them how to aspire to management. To manage, you have to have values and genuinely be able to communicate with the people who report to you so they feel they're part of a team. Then they'll want to introduce reforms.

However, if no one trusts the leaders because many of them, particularly those at lower line levels, have abused their power, it's hard to do anything.

On the other hand, it's also hard to identify the guilty parties in management at an enormous organization such as this one and to get rid of them quickly. This reform will be a major effort, and I think it will take several years.

**Ms. Kristina Michaud:** I have a brief question to finish with.

The witnesses we heard from during our study on systemic racism in policing thought the Minister of Public Safety might be wearing too many hats; that the RCMP should be managed by someone else, and the commissioner should be more accountable. We know she's come in for some criticism in recent months.

What do you think about that? Does the minister have too much on his plate for the RCMP to function properly?

**Hon. Michel Bastarache:** I do not know enough about the minister's duties or the way his office is organized. I think the government has to get far more involved in the reform that must be done.

You may not want to dismantle the RCMP and create three organizations instead of one, but it's possible to specialize police officers. You can have a federal police force separate from the one that has contracts with the provinces and municipalities. I don't think you can deal with general matters in a municipal police department and the next day find yourself in a position where you're doing highly specialized cybercrime work, for example.

[English]

**The Chair:** We're going to have to leave it there.

[Translation]

Thank you, Ms. Michaud.

**Hon. Michel Bastarache:** It would be better for candidates to have university training than a high school diploma.

[English]

**The Chair:** It's Mr. Harris for six minutes, please.

You're on mute, Jack.

**Mr. Jack Harris (St. John's East, NDP):** Thank you, Chair, and thank you Justice Bastarache for your work on this report, for your comments here today and for your work in assisting with the assessment.

First of all, I want to pay tribute to Janet Merlo and Linda Davidson for bringing forth this class action lawsuit. I also want to note their perseverance and courage in getting to the point of a settlement, but I think we should recognize that what you were dealing with was a subset of all the problems. There was a class defined by a certain period of time, a certain number of people and specific types of incidents, so we're not looking at the whole history of complaints. I think that's kind of important. You were just assessing those who came forward, indicating that there were others who did not, or did not wish to do so, for various reasons.

I have to say that your report and the overall feeling, as Ms. Damoff said, is very depressing to read. It's very hard to imagine how this could be fixed when many of the people who are involved in this assessment, and those who perpetrated the harassment, are still in the force.

Can you actually have an outside process whereby people could complain and be able to have an assessment done as a resolution to this? You said there's still room for reprisals. There still have to be basic changes in the force itself. If it's not possible for that to be done and you don't have confidence that it could be done by those who are still there, how do we fix it?

• (1650)

**Hon. Michel Bastarache:** I think there is the possibility of establishing a grievance process that works. The problem is, you have to have confidence in the process and confidence in the fact that there will be punishment of those who are responsible and that there will not be any retaliation. Those elements are within the RCMP—they can't be outside the RCMP—to establish that confidence and to make sure that there is no retribution afterwards.

**Mr. Jack Harris:** You mentioned several times that there were some serial harassers and multiple victims of one or more particular individuals, some of whom were promoted and are still there. One

survivor of this harassment indicated to me that they're still there and that you do have a list. You've said that several times. They may be up in very high ranks in the force. Should something be done with that list? It sounds like you're inviting us to ask you to help. Maybe these individuals ought not to be there anymore.

I notice you suggest in your recommendations that someone who's been found to have engaged in harassment should be punished, but if they're found a second time, they should be dismissed from the force. You have identified people who have already been found to have harassed more than once. What should happen to them? Should they be identified and encouraged to leave the force in some way or another? Is there something that should happen as a sign that there's an attempt to clear the decks?

**Hon. Michel Bastarache:** In my case, I can't release any of the names, because that was one of the conditions under which they established the process. The reason is that they said if I were to give the names, then most of the women wouldn't participate. They'd be afraid of reprisal. It had to be a very open process for them to come in and do it.

I think it's quite easy to identify some of them. As I said, when they're found guilty of harassment, they're moved around. It's easy to see who's been changed three or four times and been in trouble three or four times.

**Mr. Jack Harris:** I take it you suspect that the senior management of the RCMP is probably pretty aware of who these individuals are. If they were serious about doing something about this problem, they would have found a way to get rid of them.

**Hon. Michel Bastarache:** It's probably not the case for all of them, but for some of them, for sure. I think the more serious ones usually are more easily identified. But the women who spoke to me might speak to someone else now, too. They may be less scared than they were a while ago.

• (1655)

**Mr. Jack Harris:** The same individual suggested that a large number of civilian employees in the RCMP at one time were allowed, and were able to be deemed, to be in the public service and apply for public service jobs and be accepted. That appears to have been stopped by the commissioner.

If these individuals, traumatized but still working for the RCMP and still in the same culture, have a chance to get out, is that something you would favour, at least as an opportunity for them to get away from this culture if it's not going to be fixed or can't be fixed easily, as you suggest?



**The Chair:** Mr. Harris, you've gone quite a bit past your time, but that's an extremely important question.

Mr. Harris will have a second round of questions very shortly. If you could pick up the answer at that time, it would be helpful. That way we can keep to some sort of time schedule.

With that, I'll call on Mr. Van Popta for five minutes, please.

**Mr. Tako Van Popta (Langley—Aldergrove, CPC):** Thank you, Chair.

Thank you, Mr. Justice Bastarache, for joining us today. We really do appreciate it. Thank you for your report.

I agree with my colleagues who spoke earlier that it was a very difficult report to read. As I read the stories of some of the women, some of the complainants, I grieved with them. It must have been difficult for you to hear those stories as well.

I can tell you that as a proud Canadian, I was also personally offended, because I've always been proud of the RCMP. When I was a young lad, my parents, just immigrants from Europe, raised us to be proud Canadians. They would take us to see the musical ride of the RCMP. It always gave us a sense of pride.

Has that pride been misplaced? Can the RCMP even be fixed?

**Hon. Michel Bastarache:** You know, it's quite surprising, but I think that in spite of everything that's happened and everything that's been in the news and even with the publication of this report, most Canadians still see the RCMP as a very important part of our democracy, and they believe it can still be the best police in the world. They believe that. In that sense, I think with the general public it may be easier to rebuild confidence where it's lost. It's within the force that it's more difficult, because of all the failures of the past to deal with these serious issues and especially with the role and place of women in the force.

**Mr. Tako Van Popta:** I do recognize that, and you must be optimistic too, because you actually gave 54 recommendations supposing that the RCMP actually can be fixed.

I read this in the executive summary on page VII. You said, "Indeed, there are strong reasons to doubt that the RCMP has the capacity or the will to make the changes necessary to address the toxic aspects of its culture." That leaves me with a feeling that maybe your optimism to actually give recommendations is overstated. What do you say?

**Hon. Michel Bastarache:** What I say is that it's very difficult, because there are still in the administration a lot of people who are for the status quo and who don't believe much in the new approach. They're going to be a stumbling block. But there are some who want reform, and of course the women want reform. If you can bring all of those forces together and have strong leadership over a few years, a lot can be done. The reason I came to a conclusion like that was that if it failed 15 times, it's hard to believe it's going to work on the 16th time. Of course you don't have the same people there to run the show, and that can make a big difference.

**Mr. Tako Van Popta:** Wouldn't we be better off just to dismantle the RCMP and put in a new structure? The city of Surrey, which is next door to my riding, is getting rid of the RCMP, the largest de-

tachment in all of Canada. It's putting in their own city police force. Why not? Why wouldn't that be better?

• (1700)

**Hon. Michel Bastarache:** I don't know if it can be better, but of course they will have a stronger grip on the policing that is being done there. I think the danger for the RCMP is that if Surrey goes through with its project, there might be two or three or four or more municipalities that do the same thing or a province that decides to establish a provincial police, and that, of course, would create a real crisis within the RCMP. It would have to change its model.

**Mr. Tako Van Popta:** Do I have time for another quick question, Mr. Chair?

**The Chair:** You have 30 seconds.

**Mr. Tako Van Popta:** I was talking to the local officer in charge here in my riding—Langley—and he was estimating the numbers. He said there are about 1,000 new graduates from Depot every year but probably 750 to 850 retirees. You can't grow them fast enough, and now you're saying that we should make the hurdle even higher with two years of university. How does that work?

**Hon. Michel Bastarache:** First of all, I think there's been a change there. The candidates are now on average older and more educated. I would put the bar quite high, because I think that policing has changed and that you need people capable of learning new techniques and learning to work with the Internet and everything that is based on science.

**The Chair:** We're going to have to leave that answer there, Mr. Van Popta.

Madam Khara, go ahead for five minutes, please.

**Ms. Kamal Khara (Brampton West, Lib.):** Thank you, Mr. Chair.

Thank you, Mr. Justice Bastarache for being here and, more importantly, for the vital work on this report.

Quite honestly, like my colleagues, I found this report extremely disturbing, gut-wrenching and quite appalling to read. It indicates a culture in the RCMP that is toxic and tolerates misogynistic and homophobic attitudes amongst its leaders and members. One can't even begin to think that it's happening in one of the top institutions in Canada.

What's even more shocking is that there have been three decades of internal and external reports that have been delivered to the RCMP and governments, and quite honestly, it's shameful that nothing significant has been done.

I think the path forward is clear. There needs to be a political will to respond. I think harassment of all types simply cannot continue. I think you've provided the government with the blueprint for that change, and I know that the minister has condemned this as well.

You talk about building confidence. How do you build that confidence, and what can the members of this committee and perhaps the minister do right now, immediately, to address this?

**Hon. Michel Bastarache:** I think what has to happen is that the commissioner has to establish a real plan for the reform and take some drastic actions right away—I mean, to change some of the structures or some of the leadership. She knows, I think, who are the strong and who are the not-so-strong leaders at every level. I think people expect something that they can see and that demonstrates the will to make hard decisions, to move ahead and to then try to get people involved in the changes. This is how they'll rebuild confidence. Can it be done? She, I know, has changed a lot of the people around her. I suppose she must have gotten rid of some of the people who were for the status quo. These are the things, but they have to be seen because, otherwise, if it looks too much like policy changes, nobody inside's going to believe that it's going to make a change.

• (1705)

**Ms. Kamal Khera:** Thank you.

You also dedicate significant attention to training, specifically at Depot. Many people declare that they were brought in to be broken down and then moulded into something new. Is this at the heart of the systemic harassment and toxic culture, as well as the use of force? You propose educational requirements, better social media screening and other measures. Can you talk a bit more about that and how that can be addressed?

**Hon. Michel Bastarache:** The people who accept the new candidates have to be people who accept that the force has to change. Otherwise, they're going to bring in people who are like them, people who are satisfied with the way we're training or bringing in people. If we want to develop a career plan for everyone, it means also that there has to be much more attention to the way we provide training and promotions. Training and promotions are almost one thing because most promotions are based on the fact that you have followed a number of courses and that you have acquired the abilities that are needed for the new function. This is why I don't think it makes sense to have that kind of a program and then bring in people with only a high school education. They're just not going to develop rapidly enough.

**Ms. Kamal Khera:** Thank you.

**The Chair:** You have a little less than 15 seconds.

**Ms. Kamal Khera:** Okay. I don't think I'll be able to ask a question and get a response, but thank you, Mr. Chair.

**The Chair:** Thank you, Madam Khera.

[*Translation*]

Ms. Michaud, go ahead for two and a half minutes, please.

**Ms. Kristina Michaud:** Thank you, Mr. Chair.

I'll continue on the training theme.

Mr. Bastarache, earlier you said you preferred that the RCMP accept candidates with university rather than high school training. The RCMP itself says that would prevent it from hiring from target groups such as women, indigenous groups, ethnic minorities and persons with disabilities.

What do you think about that?

Would that really prevent those groups from entering the profession?

**Hon. Michel Bastarache:** If they can do it in England, Sweden and the United States, why not do it here?

I don't think that's a real answer. I think we deprive ourselves of people who can help us if our employment standards are too low. If these people come in and can't satisfactorily complete development programs, we're harming more than helping the police. So I don't think so.

What's more, that might create two employee classes: ordinary people who have some education in one, and indigenous candidates and recent immigrants who have none in the other. It would thus create a kind of ghetto within the police force. I'd be very afraid of that.

**Ms. Kristina Michaud:** Although the RCMP claims it offers its members the opportunity to pursue university studies, we see from your report that some women who have suffered injury have been denied promotions because their requests for training were denied.

Do you think there's a lack of consistency between what the RCMP says and what it actually does?

**Hon. Michel Bastarache:** There's definitely a discrepancy between the RCMP's policies and values and what actually goes on. That means there's a problem in management and supervision. Those are two things the commissioner must focus on.

**The Chair:** Thank you, Ms. Michaud.

[*English*]

Mr. Harris, please, for two and a half minutes.

**Mr. Jack Harris:** Thank you, Chair.

Justice Bastarache, perhaps you could answer if I can say this quickly. Should the civilian members of the RCMP, particularly women who are still undergoing trauma and are still in a traumatic environment, in their view, be allowed to be transferred into the general public service without penalty, as they have been in the past?

• (1710)

**Hon. Michel Bastarache:** I really don't know, because I don't know what impact that would have on their salaries or on their functions. If they're transferred, there must be more change than just—

**Mr. Jack Harris:** I mean to apply, to be able to seek a transfer or apply for a job within the public service without penalty. I guess that's the question.

**Hon. Michel Bastarache:** I was told that they can now, but I'm really not....

**Mr. Jack Harris:** Maybe we should look into that. I gather that it's been cancelled, at least for the time being.

Justice Bastarache, the RCMP and Commissioner Lucki seem to have responded in some respect. If you look at their website, they show their Vision150, and I think the commissioner said that this was in part responsive to the racism issues and the lawsuit. You can see a whole list of things that they say they're doing, and they mark them as completed or ongoing or ongoing on track, and they seem to be proclaiming that they've solved these problems.

They have a “dedicated Gender-Based Analysis Plus team” completed and say:

The goal of the Gender and Harassment Advisory Committees is to provide the Commissioner...with advice on: gender, sexual orientation, harassment, equity and inclusivity.

It's completed. There are a whole bunch of issues that are ongoing or on track. The “RCMP's core values” are being reviewed and upgraded, all in the name of modernizing the police force.

Are you satisfied that these issues or this type of approach is going to solve the problem? Have you seen this? Are you skeptical that this has actually been happening and is happening?

**Hon. Michel Bastarache:** I have seen that, but it's in the form of a program, of an objective, and I think it's a very good thing because it means that they recognize that there is a problem and that there are certain ways to deal with these problems.

The difficulty they have, I think, is with this lack of trust. The people who are going to be affected by these changes have to believe in them, and believing in them means believing in the leadership—

**The Chair:** Thank you—

**Hon. Michel Bastarache:** [*Inaudible—Editor*] a leadership problem—

**The Chair:** Thank you, Mr. Harris.

Madam Stubbs, go ahead for five minutes, please.

**Mrs. Shannon Stubbs (Lakeland, CPC):** Thank you, Mr. Chair.

Thank you, Justice Bastarache.

I would just start by saying I'm frankly shocked at the lack of support for victims of crime at all stages in all ways everywhere in this country, and in many ways what strikes me is that your report is also, in fact, touching on a lack of support for victims of crime in many instances. When you cite cases of rape and assault, no wonder there's a lack of trust and confidence when there have been 15 reports saying that over 30 years these kinds of things have been happening.

I would say I agree with your report's comment in the executive summary that it's well past time for the Government of Canada to

take meaningful and radical action, and no wonder there's a conclusion that it seems that change cannot come from within.

I hope that this is a reasonable question. Can you tell us if there has been a private response to you or a response that gives you confidence regarding actual concrete actions for change from the person who is literally accountable to every single one of us, the Minister of Public Safety?

**Hon. Michel Bastarache:** I've spoken to the commissioner, and it was the first time that I had spoken to her. I don't know her at all. I don't know of her either. But I was impressed by the fact that she recognized the problem. She recognized that there had been a lack of leadership, and she told me of her willingness to address all of these issues and of how she was trying to set up a stronger support for herself in the central administration and even in the supervision of the different districts—the big districts, like the provinces. In that sense, there was a better understanding, I think, within the RCMP of what has to be done.

● (1715)

**Mrs. Shannon Stubbs:** I'm glad to hear that, and I certainly wouldn't speak for all those many people left to it. I suspect through her long career in the RCMP she may have experienced or seen some of these things herself, so I'm glad to hear that, but my question was really about accountability and the person who's in the ultimate position of power to actually make change after 30 years. Again, can you tell us if the public safety minister has responded either privately or publicly, or if you have any sense as to whether or not he has some kind of concrete plan to actually make change? I know that he also condemned it. I'm sure everyone appreciates that sentiment as all of us here around the table also do, but what can be his job to actually fix this problem?

**Hon. Michel Bastarache:** I haven't heard anything from him other than the interview you talked about, a few minutes on television in which he said that he agreed that it was a very severe problem and that it had to be addressed right away. He said he had confidence that the present administration of the RCMP could take control and fix things. That's where he stands. I think if that's the case, he has to sit down with the commissioner and see whether she has the tools to do this. She has to have the budgets, and she also has to have some kind of political support if there are going to be important changes in the structure or the administration. He must give her support if he's going to say that she should really be responsible for implementing all the changes that are required.

**Mrs. Shannon Stubbs:** Thank you very much for that response, and I would say that so far he's been shockingly passive in his comments, but thank you for setting out that road map of at least some near-term concrete steps he can take.

Thank you.

**The Chair:** Thank you, Madam Stubbs.

Mr. Iacono, go ahead for five minutes, please.

[*Translation*]

**Mr. Angelo Iacono (Alfred-Pellan, Lib.):** Thank you.

[*English*]

**Ms. Pam Damoff:** Chair, doesn't it go to the Liberals next?

Oh. It does. Never mind.

**Voices:** Oh, oh!

**Ms. Pam Damoff:** I'm sorry.

**Mr. Angelo Iacono:** I lost a minute right there.

**Voices:** Oh, oh!

**The Chair:** Yes, Mr. Harris.

**Mr. Jack Harris:** On a point of order, Chair, I'm assuming that at some point we'll be starting a second hour. This is not it, is it?

**The Chair:** No. What I propose is that—

**Mr. Jack Harris:** When we get to that, I'd like to make a point of order.

**The Chair:** You're a little premature in your point of order, may I say. Let us finish with Mr. Iacono. Then I'll make a proposal to the committee that possibly will make you happy, Mr. Harris.

Mr. Iacono, we will restart your time. You have five minutes, please.

[*Translation*]

**Mr. Angelo Iacono:** Thank you for the opportunity, Mr. Chair.

Mr. Bastarache, thank you for being here today to answer our questions about your report on the toxic culture in the Royal Canadian Mounted Police.

The Swiss cheese model was created by Professor James Reason more than 20 years ago and recently used by virologist Ian Mackay to build a pandemic defence. Briefly put, the theory is that no single type of intervention is enough because every individual measure has holes, which is why we need several slices of cheese, or interventions, to block the risk. The more layers of cheese, or measures, there are, the more protection is provided and the fewer cases fall through the holes.

Based on that model, could you name your five to 10 main recommendations that, despite the holes in each measure, could complement each other to provide better protection?

You can always send them to us later if you need time to consider them.

Do you understand my question?

• (1720)

**Hon. Michel Bastarache:** Yes. I was just looking for the list of recommendations. You're asking me which are the most important ones.

I think the most important recommendation is to recruit the right people and to have a good training program. That means reforming

within the Depot division and establishing a career plan for every individual. That's essential.

To build trust in management, sanctions must absolutely be introduced for people who fail to meet standards or who harass others. There must also be sanctions for managers who have a supervisory role and close their eyes to, or simply disregard, what happens, while claiming the situation's not that serious. That's the other absolutely essential measure.

I think the police force also has to be reorganized and specialized. I personally don't think it makes much sense to train everyone who's supposed to be involved in traffic or general policing and then suddenly reassign them to specialized positions. While they're policing the roads, they aren't studying or being trained to do anything else. I think the situation's poorly organized in that regard.

On the other hand, I also think it's important for the police to have specialized sectors. For example, you have to have a federal police force that enforces federal law and is equipped for success in that field. If you want to do provincial policing, then do provincial policing, provided you select candidates who want to do provincial policing instead of saying that everyone will be doing it. By default, you'll create a unit with a woman who measures five foot two and a man who's six foot two because they're all officers and have to be able to do the same things.

**Mr. Angelo Iacono:** Do you agree that it might be viable and practicable, in restructuring the RCMP's management and organization, to hand over management to a board of directors consisting of equal numbers of RCMP members and members from the legal, social and community sectors rather than to a single commissioner?

**Hon. Michel Bastarache:** I think we need a commissioner who is responsible, but that doesn't mean you don't need a board of directors.

The commissioner reformed the board this year. I think seven of the 15 members of the management committee are now women, and I also know that some members are from visible minorities. Changes have been made in that regard.

Now, what is the role of a board of directors? There are several ways to consider that. I don't know which would be the best model for the RCMP because I'm not an expert on the police, but I know people continue to say that, first, you have to undo [*Inaudible—Editor*]. That's an 18th-century model.

[*English*]

**The Chair:** We'll have to leave it there, Mr. Iacono.

[*Translation*]

**Mr. Angelo Iacono:** Thank you.

[*English*]

**The Chair:** Colleagues, that completes two rounds.

We have the witness for another 40 or 45 minutes, assuming he can survive the questioning for the next 40 or 45 minutes.

I first of all want to ask you, Justice Bastarache, whether you feel you need a break. If you don't, we'll just keep on plowing along. If you do, we'll suspend for a minute or two while we have a break. Are you in need of a break?

• (1725)

**Hon. Michel Bastarache:** No, I can continue if you want.

**The Chair:** Okay, good.

Colleagues, what I propose is to continue on with five-minute rounds, and then if there's still time remaining, we can have a fourth round, and we'll figure out whether it's a two-minute or a three-minute round, and that should take us to 10 after six.

Does that satisfy you, Mr. Harris?

**Mr. Jack Harris:** Are you suggesting five minutes per party, and not five, five, two and a half, two and a half?

**The Chair:** I'm saying five, five, two and a half, two and a half.

**Mr. Jack Harris:** I was going to suggest—and I was raising it as a point of order—doing what we did the other night in the foreign affairs committee when we had the minister for two hours. In the first hour we had the usual first round and then the second round with the two and a half in the middle, and at the beginning of the second hour we started from the top again as if it were the beginning of a meeting. Given that we're doing a double meeting with one witness, as we are with Justice Bastarache, I would suggest that we follow the same procedure and have a second opening round of either six minutes or five with all four parties having equal time.

**The Chair:** Yes, I hear you. That is not a precedent for the public safety committee. When we reconstituted the committee at the start of this session, the third round was contemplated to be five, five, two and a half, two and a half minutes. That's what I propose. I expect that we'll be able to squeeze a few more questions in that way.

With that, Mr. Kurek, you have five minutes. Go ahead, please.

**Mr. Damien Kurek (Battle River—Crowfoot, CPC):** Thank you very much, Mr. Chair.

Justice, thank you very much for your work on this. It's certainly heart-wrenching to read the report, and I can't imagine the process of actually compiling this information, so thank you for your work.

Just to make sure that I do get this on the record, I want to thank all female RCMP officers and female police officers who work diligently and who have faced tremendous challenges. I thank them for the service they have committed to their communities and our country—which is something that I think needs to be stated—and for their bravery, especially when saying that in the context of a report such as this. I wanted to make sure that was on the record.

I represent a largely rural constituency in Alberta in one of the jurisdictions where the RCMP is the contracted police force, and I know I've learned a lot about the similarities that exist in rural and remote areas across the country.

There are significant challenges that exist in policing and the rotations that go in and out of these small detachments, and I'm wondering if you could provide some context for the specific challenges that are faced in the rural and remote context that women would face in policing across our country.

**Hon. Michel Bastarache:** One thing that has caused many problems is that they have put the new members, the young members, in areas that are far away from their home and far way from anywhere they have strong social relations. They are put in areas they don't know. They are put in areas where they're completely isolated. If it's the north and it's a small precinct, they can have many difficulties but nobody to talk to. It creates a big problem.

The other thing, of course, is that a lot of these women have children. The system has not accommodated women very much. We've talked a lot about the fact that they don't replace the women who are on maternity leave. That creates a problem with the men, who get more work to do to compensate for the fact that the women aren't there. But there are other problems as well, such as when the spouse is also in the RCMP and they don't put them in the same place, or when they put them in places where there's no day care for their children.

All of the social aspects are very important if you're going to have women in the police who are satisfied with their working conditions. It can't be just not to be subject to harassment; it has to be to accommodate the fact that, according to me, it must be very hard for a woman to be in general policing and have young children. If you separate her from her social support, if you don't put her in the same place as her husband for months at a time, it seems to me you're not really managing the situation correctly.

• (1730)

**The Chair:** Are we back on proper translation?

**A voice:** Yes.

**The Chair:** Okay.

You have 30 seconds left, Mr. Kurek.

**Mr. Damien Kurek:** My apologies, Chair, my Internet just cut out. I missed the last probably 60 seconds of testimony. My computer seems to have restarted.

Can everybody hear me okay?

**The Chair:** We can hear you fine.

In light of the circumstances, perhaps Mr. Justice Bastarache would be prepared to repeat a little bit of what he just said.

**Mr. Damien Kurek:** My apologies; the challenges of rural Internet.

Justice, would you mind repeating what you said in about the last 60 seconds?

**Hon. Michel Bastarache:** I was saying that accommodating women in the RCMP is very important, because they have problems that are unique to them when they decide to have a family. One problem that has not been resolved yet completely, I think, is the fact that they don't replace women on maternity leave, which increases the workload of the men. They resent that, and they take it out on the women rather than on the RCMP.

The other problem, of course, is that they move people around very much. If you're going to move around people who have young children, it becomes very complicated.

**The Chair:** We'll have to leave it there, Mr. Kurek. I'm sorry.

Madame Lambropoulos, welcome to the committee. You have five minutes, please.

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** Thank you so much, Chair.

I would first like to thank you, Justice Bastarache, for being here to answer our questions today. Thank you also for the incredibly important work that you continue to do and did in this report.

[*Translation*]

Earlier you said that recruiting good people is one of the best recommendations you made. You also said that the RCMP has good people with good values who are forced to change in order to advance their careers. Some good people are forced to change as a result of certain others who occupy leadership roles.

[*English*]

As we know, the culture in any institution, in any organization, is created at the top by leaders of the organization or of the institution. If the leaders had zero tolerance for these types of behaviours and attitudes, then the consequences for this would be much greater, and it would happen less often.

What kinds of recommendations would you give specifically with regard to the comments I just made—if the leadership is what really needs to change?

My next question will be on training, but I'll get to that afterwards.

**Hon. Michel Bastarache:** I think you have to prepare people to exercise roles of leadership. You have to teach them how to manage people, how to establish priorities and how to deal fairly with people who want the same promotion or want access to the same training.

There isn't any indication, I think, in the system that we are preparing leaders. If we prepare them, they'll function better. If you put in people who aren't really capable, I think our experience shows that they become bullies because they want to establish their power. They want to preserve their power over different people. They don't know how to manage, so they become rough and make decisions without much merit.

If you have one person like that, it's a problem, but if you have a hundred people like that, it's a very different situation because then it's the whole organization that's in jeopardy.

I think this is what happened in the RCMP. There were too many people who were put in there who didn't have the qualities needed to manage and who abused their authority. This, of course, can be dealt with.

• (1735)

**Ms. Emmanuella Lambropoulos:** Thank you.

That's why you mentioned that recruitment is a huge way to change what's going on.

You did give a couple of recommendations as to what recruitment should look like and what the competencies of people should be, including a couple of years of university. What other types of things should they be looking at when recruiting?

**Hon. Michel Bastarache:** I think there should be some psychological testing to make sure that you're not really recruiting people who would be violent, who have difficulty working with women or who don't have any respect for the people they work with, whether they be men or women.

The model that you give of a policeman should be different from what it was in the past, and I'm not sure that it is this way now. I think people are conscious of the fact that there has to be a different outlook when you're recruiting people and when you're setting them on a continuum for training, obtaining promotions and then exercising leadership roles.

**Ms. Emmanuella Lambropoulos:** With regard to training—I mentioned earlier that I would be asking you about this—you said they tried to break the cadets down in order to mould them into the RCMP mould and to instill an esprit de corps, which women are often not invited into. How can we make this a more inclusive environment for more women?

At the end of the day, I firmly believe that we really change the culture when we invite more women. At the same time, women are not treated well once they're there, so I wouldn't want to subject them to that type of treatment.

However, adding more women could change things. How can we make it safer for women, and how can we ensure that more women would want to—

**The Chair:** Unfortunately, Madame Lambropoulos has gone way past her time. You will find that the chair is very harsh about these things.

Please answer very briefly, Mr. Justice Bastarache.

**Hon. Michel Bastarache:** The answer is to abandon this model where they break people down and then try to build them back up. I think it's to evaluate the quality of people, determine where and how they should be trained, and develop a plan for their careers with deadlines and a list of courses to take and promotions down the road. This way you will also have a continuum where, when somebody leaves, somebody is there to take over who can do the job.

**The Chair:** Thank you.

[*Translation*]

Ms. Michaud, go ahead for two and a half minutes.

**Ms. Kristina Michaud:** Thank you, Mr. Chair.

Mr. Bastarache, I heard you discuss maternity leave and young children, who may be perceived as a problem for women in the RCMP. That's completely beyond me. At some point, the RCMP will have to join us here in 2020 and change the way it does things. Even a male-dominated realm like politics has changed: elected officials now have access to day care and some maternity leave. That was actually more of a comment than a question.

For my question, I'm going to continue with the cheese analogy Mr. Iacono used earlier. You discuss priority recommendations in your report. You suggested that people who abuse their powers and injure women should be sanctioned.

What kinds of sanctions could be put in place for those individuals?

• (1740)

**Hon. Michel Bastarache:** Some already exist, but the system is poorly organized.

For example, some people are put on paid leave for two or three months. That should be without pay. I think the sanction for repeated abuses should be dismissal rather than a transfer.

Furthermore, if a man abuses his power over women, especially by physically assaulting them, he should no longer be entitled to supervise women at all. He should be assigned somewhere where he can't exercise any authority over women. I would also sanction supervisors who allow situations to persist and who close their eyes to them.

I was told that managers often allow situations to continue because they don't want any problems in the district or organization under their management. If there are any problems there and people complain, they'll be viewed as poor managers and that will harm their own promotion prospects. There are a lot of ranks to climb in the RCMP.

[*English*]

**The Chair:** Thank you, Ms. Michaud.

Mr. Harris, you have two and a half minutes, please.

**Mr. Jack Harris:** Justice Bastarache, women in the labour movement over the years have made great advances in the cause of gender equity and programs to stop harassment within the workforce. We know now that the RCMP is unionized and has a collective bargaining process. Janet Merlo recently made a public state-

ment that women in the RCMP ought to get involved in the union and work with it to try to bring about change to prevent this type of harassment continuing. Do you have any confidence in that approach? One might also say, why should it be left to them to fix it? Should it not be something we should be able to make happen, with outside pressure?

**Hon. Michel Bastarache:** One of the things that makes you wonder whether this is effective is the fact that we were also dealing with women who worked with the RCMP, but who are civil servants and they're unionized. I asked every one of the women I met, isn't your union involved? Aren't they protecting you, aren't they doing something? They all said no. I don't know if it's a problem that's particular to that union, but we're sure that the women I met have no confidence in their own union—not in general terms, but with regards to protection against sexual harassment.

**Mr. Jack Harris:** You talked about training and what goes on at Depot: the militarization, the paramilitary structure, the lack of being able to jump from one rank to another, that you have to go up the chain of command. What influence does that have on the ability of this system and culture to remain pervasive, and should something be done about that?

**Hon. Michel Bastarache:** The different elements of the militarization of the RCMP I think are hard to define to someone from outside, because you don't know exactly what comes from there or not. What I was told that is meaningful is that they say, "You know, there's the law, there's justice, but then there's the way we see it, the way we do things." They keep telling people at Depot.... At a certain time—I don't know how long that lasted or how it is now—they told them, "No, no, forget about what you think the law requires; think about what the RCMP requires."

**The Chair:** Thank you—

**Hon. Michel Bastarache:** [*Inaudible—Editor*] the line there.

**The Chair:** Thank you, Mr. Harris.

Mr. Van Popta, please, for five minutes.

**Mr. Tako Van Popta:** Thank you.

Mr. Justice Bastarache, I have a couple of questions around maternity leave and the rules around that. I was quite shocked that a big organization like the RCMP would have such an unprofessional HR department.

Now, is part of the problem that it was a civilian HR department? Would it have been better if it had been embedded in the RCMP? What are your thoughts on that?

• (1745)

**Hon. Michel Bastarache:** What I was told is that a lot of the people who work there are not professionally trained in that area. That is one problem.

The other problem is that they seem to be subjected to a lot of pressure from different people in management and there are a lot of decisions that are being taken under pressure, and they may not be in the best interests of the force or of the person subjected to that pressure.

**Mr. Tako Van Popta:** If I understood the comments in your report correctly, some women were staying at work too late when they were pregnant and were being put in harm's way, and perhaps they were coming back to work too early, all because of concerns about job security. I just wonder if those were directions that were coming to the HR department from above. It would seem to me that the HR department would be there to be a filter to stand up for the rights of women.

**Hon. Michel Bastarache:** Yes. That's what it should be. Some women think that they can go to the HR department and explain their position and get good recommendations or be heard before any decision is taken. Many others say, no, it's not real, because the HR department is there to service the administration, the guys in charge of the province or the district, and they're just there to fill in the forms and make it happen.

What is true today is something that I don't know, but I do know for a fact that there was a problem at a certain point. There might be a problem now, even if it's a lesser problem, but the solution is of course to have that service be independent and very professional, and there's no reason that can't be put in place right away.

**Mr. Tako Van Popta:** Mr. Chair, do I have a minute or two left?

**The Chair:** You have two minutes.

**Mr. Tako Van Popta:** I have a question about the possibility for affirmative action within the police force. One the one hand, you say that women, people of the LGBTQ community and racialized people should be encouraged to join the RCMP at the recruitment level, but at the promotional level, you say that any decisions about promotion should be blind. I can understand that the intention, then, would be to help women to advance, but the opposite might also be true if it closes the door on possible helpful affirmative action programs.

**Hon. Michel Bastarache:** Well, I'm not terribly in favour of these kinds of programs. What I think you have to have is equal opportunity. If the recruitment is okay and you have a sufficient number of women there and you're doing a good development plan for them, you don't need affirmative action. They will perform as well as the men, and they will get the promotions if they're better. I'm not afraid that it wouldn't happen.

**Mr. Tako Van Popta:** Thank you for your confidence in women.

**The Chair:** Thank you, Mr. Van Popta.

Madam Damoff, go ahead for five minutes, please.

**Ms. Pam Damoff:** Thank you, Chair.

We seemed to have turned a lot to things around training and recruitment, but your report dealt with 53 recommendations; there were a whole lot of things in it. When Commissioner Lucki appeared last week at committee, I was asking her about your report. She said:

I'm not speaking about an internal review. I'm speaking about actions internally to change the culture, to change the governance, to change to stewardship and to change how we deal with these things internally.

A few years ago when the former Commissioner Paulson appeared at committee, my colleague Nathaniel Erskine-Smith asked him about the 37 measures in the report that you referenced, that 2012 report, and he responded that all 37 had been done. I guess my question to you is, do you think the RCMP has the ability to make these changes internally, or do we need some kind of independent external oversight, and some kind of reporting on the steps that have been taken to ensure that they're done? This isn't an easy fix, but this is something that's been going on for a long time. Can it be done just within the RCMP, or do we need some kind of external provisions put in place?

• (1750)

**Hon. Michel Bastarache:** If the government has confidence in the commissioner, which seems to be the case, well then they should support her and they should sit down with her and ask for her plan and see if she has sufficient financing to make it work and support her if she has to make some structural changes, and things like that. It won't happen if she's alone with her project. She has to build confidence in her with the people around her and she has to have a number of men and women who are there to put in place all of these changes that she advocates being made. Things can be done if you have the right people and you have the means. The problem in the past was basically that they just had ideas. They had promises about what it should be, but they certainly didn't seem to have a plan to implement much of it, or if they did, it was a failure, because years later we still have women standing up and saying "we're still being discriminated against".

**Ms. Pam Damoff:** Commissioner Paulson told us he had a plan, and it obviously wasn't working. Having just been through the study that we have done on systemic racism, we know there was a lack of accountability within the RCMP. With that there is the Civilian Review and Complaints Commission and then the RCMP Interim Management Advisory Board. Most police services have put in place some kind of oversight with what's going on. It sounds as though you're saying that the commissioner can do this with the support of the government. Is that what you're saying?

**Hon. Michel Bastarache:** I'm saying that the only possibility for her to have success with her plan is to have that kind of support. If the government decides that it's going to depend on her to do it, it has to step in there and support her. If it wants to change things and put in a supervisory committee that has actual powers, it will be a very different job for her. It has to make up its mind and act accordingly.



**Ms. Pam Damoff:** I have only about 45 seconds left. You mentioned having a future review of the RCMP as a policing organization, and claimants also spoke about it being time to replace the RCMP's mandate with something more restrictive. I wonder if you could speak about—you did a little bit—contract policing and what the RCMP should be involved in when it comes to federal policing.

**Hon. Michel Bastarache:** Federal policing, as I see it, is a specialized job. You need people with more education and more training; who don't move around and change from one function to another; who develop their expertise in one area and build on that; who have leadership; and who have people who can come in and support them, or replace them when they retire. I think that's very different from general policing.

If they want to do general policing, it seems to me they shouldn't have the same people, with the same training, trying to do the effective federal policing and the municipal and provincial policing. There are some people who like that and who want to do that kind of policing. Well, okay: Hire them, train them for it, and let them do it. But don't move them around and put them in other functions where they're looking at cybercrime and things like that.

That's what I meant. A few women recommended that you break the RCMP and create three different police forces with these functions, but you don't really have to do that if you're going to specialize people and create different mandates within the RCMP.

• (1755)

**The Chair:** Thank you, Madam Damoff.

Colleagues, we have a little more than 10 minutes left. I propose to ask a question myself and then go to a two-minute lightning round starting with Ms. Stubbs; going to the Liberals, if they could indicate to the clerk who they would like to have; then Madam Michaud; and then Mr. Harris.

Justice Bastarache, you are a scholar of the law, with a well-established reputation for serious scholarship. Policing is essentially a social contract between the citizen and the representative of the law. It becomes a little disturbing when you hear the phrase, “there's the law, there's justice, but then there's the way we see it”.

The RCMP is sitting on literally hundreds of Criminal Code offences within their ranks, but that are not prosecuted a Criminal Code offences. Have you given any thought to how this actually breaks, in a larger sense, the social contract between Canadian citizenry writ large and the police?

**Hon. Michel Bastarache:** It concerns me tremendously, because I think it's not consistent with their role and their function. They should be administering the law, implementing the law, not trying to invent a parallel set of rules that suits them. Not prosecuting real, serious criminal offences destroys not only that; it destroys the moral obligation.

To me, a good policeman has got to have a moral compass. He's got to know something about fundamental values. I think that should be put in their heads at Depot and nurtured after that. But I was told that the contrary happens. People arrive there with the moral compass they got from home or from their schooling. Then they're told, well, no, don't take that too seriously; we've got our

own way of dealing with crime here; we have our own definition of justice.

**The Chair:** Both you and I are officers of the court. We're sworn to uphold the rule of law. Yet here we have the chief law enforcement agency in the country routinely abusing the rule of law. It's rather hard for people who want to adhere to the rule of law, or for us to encourage others to adhere to the rule of law, to tolerate such blatant abuse of the rule of law.

**Hon. Michel Bastarache:** No, absolutely. I think we don't have the police we deserve if that's the way they think. It's not only what they're doing, but it's the way they think and the way they approach things that has been [*Inaudible—Editor*]. As I said, what bothers me is that I know these things have happened; I know these things have been said, and they've been repeated to me by hundreds of women.

I don't know exactly how it's changed or whether today these things don't happen anymore. The difficulty I have is that when I interviewed and met the women, some of them had only been in the force a few years and they were still there, and some of them had been retired for 15 or 20 years. You get messages, but they're not situated in time where you have a continuum and know exactly where you stand today. But that's what the commissioner should be able to do.

• (1800)

**The Chair:** Finally, you have within your body of evidence, which is not public, the names of those who are serial abusers, if you will. In our study we've heard of badge abuse, where officers point to their badge and say they're the law here, too bad for you, and they're going to do what they want to do. Have you made any correlation between the people you know exist and have evidence of the abuse and their external conduct with the larger citizenry?

**Hon. Michel Bastarache:** In the case of the big abusers, I was often told by the victims in the police that they also abuse the women they arrest or abuse the people in the homes they search, and things like this. But as you say, these are other instances where they don't obey the law, because they are the law. That, of course, is a problem. It's almost modelled on some TV show where the police are to be seen as representing the law, period.

**The Chair:** Thank you for that.

Thank you, colleagues, for that indulgence.

Madam Stubbs, you have two minutes, please.

**Mrs. Shannon Stubbs:** Thanks, Chair.

Justice Bastarache, another point in your report concerned doctors who committed numerous cases of assault and were allowed to keep treating patients. Do you know if they're still practising today? Have your findings on that been reported for criminal investigations or to the appropriate medical body to begin revoking their licences?

**Hon. Michel Bastarache:** There were two doctors, one in Toronto and one in Halifax. In the Halifax case, it was reported to the provincial or municipal police. It was investigated. It did go to the medical society. They did nothing. Basically they said that what they had the right to do and didn't have the right to do was not very clear, and things like this. The reason they weren't covered by my study was that to qualify, you had to be working for the RCMP. They were applying for jobs with the RCMP. I put it in the report that the government should compensate those women just like the others. I did that because in spite of the fact it's been three or four years since those doctors have been moved away, there still hasn't been anything done for the victims. However, I was told by government people that they're going to set up another process like mine for the victims of the two doctors. I hope they do, because they should.

**The Chair:** Thank you, Madam Stubbs.

Mr. Iacono, you have two minutes, please.

[*Translation*]

**Mr. Angelo Iacono:** Mr. Bastarache, you said that a real stigma is still attached to mental illness today. As you stated in your report, many victims who need help avoid requesting it out of fear they will be stigmatized.

Do you think that establishing a systematic psychological assessment system would help mitigate that stigma and more promptly catch any abuses?

• (1805)

**Hon. Michel Bastarache:** Yes, absolutely. I recommended it. I think that, if everyone is subject to an assessment, people will start understanding that it's normal.

The second point is that everyone's medical files must absolutely remain confidential. One of the big problems is that the physicians hired by the RCMP very often forward exam results to managers within the force. Consequently, women feel they can't consult a doctor because they fear he will tell someone that she isn't qualified or that she has psychological problems and so on.

These two situations must be corrected. As you say, it's not complicated: you need only make assessments mandatory for everyone.

**Mr. Angelo Iacono:** Thank you.

I have no further questions, Mr. Chair.

[*English*]

**The Chair:** Thank you.

[*Translation*]

Ms. Michaud, you have two minutes, please.

**Ms. Kristina Michaud:** Thank you, Mr. Chair

Earlier we talked about 15 reports that had been issued over 30 years and nothing had really changed. I wonder about the role of outside bodies that produce those kinds of reports. Even after recommendations are made, we see that no changes can be made from the inside, within the RCMP, and that you don't know how the minister will act or whether he'll consider the recommendations.

Somewhat like the correctional investigator who conducts investigations and issues reports and recommendations, wouldn't it be time to give these outside bodies a little more authority rather than merely authority to make recommendations?

How could that be put in place?

**Hon. Michel Bastarache:** I don't know what outside authorities you mean. There's obviously the minister, who must have certain authorities he can exercise over RCMP management, although I don't know what they might be. There's not really any outside organization in place.

A committee has been established, but it's not a management committee; it's an advisory committee. That can't have a major impact on the delicate situations were discussing here.

**Ms. Kristina Michaud:** So it's really up to the minister to act and to put something in place in order to find a solution.

[*English*]

**The Chair:** Thank you, Madame Michaud.

Mr. Harris, you have the final two minutes, please.

**Mr. Jack Harris:** Thank you, Mr. Chair.

Mr. Bastarache, I'm disturbed to hear that there's a policy issue. You can change policies. However, at the operational level, we have what you have revealed, these serious criminal offences occurring with impunity in an organization that's charged with enforcing the law on behalf of all Canadians.

You say that there's a requirement for outside pressure. It seems to me that if that can be going on and still goes on, this would require something, perhaps, more than that. Would you think that this calls for an inquiry? You are doing this as an assessment of damages and making these observations in your report—and we thank you for them—but in terms of outside pressure, asking the commissioner or giving her an advisory board doesn't seem to be pressure at all, and the toxic culture that gave rise to this impunity still exists. Does this call for a public inquiry?

**Hon. Michel Bastarache:** What I said in the report was that some of the women I interviewed, especially those in higher positions, did want me to recommend a royal commission or a commission of inquiry of some type. The reason I only said that this is what they said is because I was restricted to deal only with the question of sexual harassment.

• (1810)

**Mr. Jack Harris:** I invite you to suggest it now before us or to suggest whatever you wish to suggest.

**Hon. Michel Bastarache:** I thought myself that the minister, if he read my report and understood what really needs to be done, would certainly take some kind of action.

If I could discover a list of people who weren't obeying the law and were committing these sexual crimes, I'm sure that inside the box they can find the same people. They can find that out, but they've got to have the political will to do it.

**Mr. Jack Harris:** And perhaps additional powers.

**Hon. Michel Bastarache:** Yes, there's that.

**The Chair:** Thank you, Mr. Harris.

Mr. Justice Bastarache, the people of Canada owe you a huge debt of gratitude. I've been a politician for 23 years, and I don't think I've ever sat on a committee that has dealt with a report that is so absolutely devastating and so profound. You have actually been amazing at how you've riveted the members of the committee for two hours.

Colleagues, we're going to have to take some advice as to where we go with this.

Again, thank you, sir, for your work. On behalf of the people of Canada and on behalf of my colleagues, we really appreciate the time you've spent with us.

**Hon. Michel Bastarache:** I just want to add one thing. I didn't think there was the political response that I expected when I prepared the report and made it public. This is why I'm very grateful to you to have me tonight, because I did have at least the opportunity to speak to some members of Parliament, who can speak to other members of Parliament and their own party, because, you know, it has really nothing to do with the work that I had to do. It really is a problem for all Canadians, and I think one that is important enough that there should be a stronger reaction to what's happened, and try to find out exactly what's happening now, where we stand now....

Thank you.

**The Chair:** Thank you. Your words are well taken.

With that, colleagues, I'm going to adjourn. We'll meet again on Monday to resume our study on racism and, in the final hour, give some instructions to the analysts. Also, possibly, colleagues, we should give some thought to the words of the justice here and be prepared to have some discussion about that.

Again, thank you for your time, sir.

With that, the meeting is adjourned.

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