

GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

NATIONAL FIELDWORK REPORT

Country: Canada

Researcher: Averil HUCK

Date: 07/05/2021

1. INTRODUCTION

Student unions and researchers in Canada have been at the forefront of the fight against gender-based violence on campuses or in post-secondary institutions (PSIs) settings for decades. Mishandling of cases of sexual harassment and assault at Canadian post-secondary institutions (PSIs) hit the headlines¹ over the past few years, showing the inadequate response of PSIs towards gender-based violence in the post-secondary setting. Since 2016, this pushed provincial governments to make changes, that is, requiring their PSIs to develop stand-alone sexual violence policies. Moreover, PSIs officials are taking actions against accused/convicted perpetrators and actions to prevent GBV, inform and protect victims and survivors of GBV.

2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

Federal level

There is no federal legislation in Canada that deals directly with the issue of combating gender-based violence in universities or research organisations. This is explained by the fact that legislation related to higher education (or post-secondary education) is under the jurisdiction of provinces.

Workplace sexual harassment and violence legislation exist at the Federal level and thus apply to PSI's staff. The [Canada Labour Code](#) only applies to federally regulated industries such as banking, telecommunications, radio and television, railways, and federal Crown corporations. They mandate employers to adopt and implement workplace harassment and violence policies and to provide sexual harassment training, among other protections. It came into force on January 1, 2021. Provinces also have their own labour laws².

In 2017, the Canadian government launched a National Strategy entitled "It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence", which explicitly mentions post-secondary institutions in its 1st Pillar ", Preventing gender-based violence". The Strategy is a roadmap addressing three pillars: "Prevention", "Support for Survivors and their Families", and "Responsive Legal and Justice Systems". Most of the budget would go to WAGE (former Status of Women Canada) but also to other

¹ See this newsletter for references: Emma Jones, 2018, 'Newsletter: #MeToo on campus: Six links to bookmark. Stories and resources to make sense of the news about sexual violence at university.

<https://thediscourse.ca/gender/metoo-campus-news>

² The lack of time did not allow me to go through them and figure out whether regulations related to GBV have been adopted. For access to all provinces' labour laws, see: Gabriele, C., Naushan, A. (2020, October 30). Workplace Sexual Harassment Laws by Province and Territory. *Courage to Act*.

<https://www.couragetoact.ca/blog/harassmentlaws>



departments such as the Public Health Agency of Canada, Public Safety Canada, Department of National Defence, Royal Canadian Mounted Police, and Immigration, Refugees and Citizenship Canada. Actions related to post-secondary institutions are: in 2017-2018, collaborating with Statistics Canada on national surveys, including on post-secondary environments (see results in Annotated Bibliography); in 2018-2019, launching a collaborative initiative to develop a Framework to prevent and address GBV at post-secondary institutions (PSIs). In 2019, WAGE established an Advisory Committee to advise them on the development, consultation and implementation of the Framework and funded Possibility Seeds Consulting to lead engagement sessions and draft the Framework. The Framework Report was published the same year "Courage to Act". Additionally, over 2019-2021, WAGE invested in closing resource gaps by developing toolkits, resources, a new [web portal](#), and the establishment of communities of practice.

Additionally, WAGE has been funding [three programs](#) related to GBV to which research organisations and institutes, centres of expertise and educational institutions can apply for.

Another important point to highlight is the funding allocated to the Royal Canadian Mounted Police (RCMP) to develop a Sexual Assault Review Team to undertake an extensive review of "unfounded" cases, draw conclusions on law enforcements attitudes towards victims and develop adequate training. In addition, as of 2019, all RCMP employees must go through the "[Cultural Awareness and Humility](#)" and "[Using a Trauma-Informed Approach](#)" courses, which reinforces an understanding of survivors' rights, deconstruct myths pertaining to sexual assaults, and improve capacity across the RCMP to respond better to those affected by violence in a culturally and gender-sensitive manner.



Provincial level

Five provinces out of the thirteen provinces and territories of Canada have passed legislations requiring post-secondary institutions to adopt and implement sexual violence policies. Ontario was the first province ([2016](#)), quickly followed by British Columbia ([2016](#)), Manitoba ([2017](#)), Prince Edward's Island ([2018](#)) and Québec ([2017](#)). They present similar features. They require a review of the policy every three or five years, the inclusion of students in the drafting and reviewing of the policy, and broad requirements for the content. Most of them do not ask for monitoring and evaluation processes. The text of the law of Québec seems more comprehensive than the other provinces. Indeed, all the provinces focus mainly on students, while Québec targets all post-secondary communities (students and staff). Moreover, Québec's bill mentions specific vulnerable groups whose needs should be taken into account when drafting the policy, which is not the case of the other provincial legislation and presents policy content and timeline requirements within its legislation. The law also provides sanctions if the PSIs fail to enforce their policies. The Students for Consent Culture Canada [advocates](#) at the provincial level to address the shortcomings of these policies by recommending minimum standards and oversight mechanisms for accountability. According to them, provincial governments put "too much faith in institutions and administrators doing the right thing and going above and beyond what is explicitly written in legislation" (Salvino and Spencer, 2019, p. 25).

It is interesting to note that student unions and organisations have a key role in this political landscape, as shows the amendment to Ontario's 2016 bill. Early 2021, the Ontario Ministry of Colleges and Universities [announced](#) that they are proposing

changes to the requirements of sexual violence policies that will “ensure that students alleging an instance of sexual violence and harassment are not faced with irrelevant questions about their sexual history, and do not face repercussions for violating an institution’s drug and alcohol policy”. These changes are based on the Ontario Undergraduate Student Alliance’s recommendations. Also, local students unions at Dalhousie University successfully reformed their sexual violence policy. But, of course, many limitations remain in practice (Petit-Thorne, A., 2020). Institutions may not respect timelines, only take physical sexual violence seriously, undermine other forms of gender-based violence and set up very difficult processes to report incidents. As Alexandria Petit-Thorne (2020) writes, "institutional focus on physical forms of sexual violence can be theorised as the product of the medicalisation of sexual violence. Medicalisation redefines a social problem in medical terms, usually as an illness or pathology, that can be treated with a standardised protocol. [...] In effect, medicalisation limits institutional responses available to survivors by minimising forms of sexual violence that do not map onto a biomedical model of injury but that have significant impacts on survivors' lives and livelihoods – including sexual harassment, stalking, exploitation and professional retaliation" (pp. 325-326).

Memorandum of Understanding, strategies, action plans, reports and other measures have been set by other provinces such as New Brunswick, Nova Scotia, Saskatchewan, and Yukon.

- New Brunswick: they have adopted a [Plan](#) to Prevent and Respond to Violence Against Aboriginal Women and Girls 2017-2021 as well as a [Framework for Action](#) for Preventing and Responding to Sexual Violence (2018), which contain actions related to post-secondary institutions (PSIs). The Government of New Brunswick wrote that they will partner with PSIs and students on initiatives to increase awareness about violence against (Aboriginal) women and girls, to partner to co-create course materials and training on the subject and to partner to establish culturally appropriate sexual assault services for (Aboriginal) women attending their institutions.
- Nova Scotia: Nova Scotia has a [bill](#) before the Assembly, the Safer Universities and Colleges Act, to require PSIs to adopt and implement sexual violence policies. It has not been assented yet. In 2016, the Nova Scotia provincial government partnered with representatives of student groups, Nova Scotia universities and community agencies to create the Sexual Violence Prevention Committee (SVPC). Their work resulted in a [report](#), in 2019, entitled Changing the culture of acceptance: Recommendations to address sexual violence on university campuses addressed at the Provincial Minister of Labour and Advanced Education and in the [Guidelines](#) for Nova Scotia Universities and the Nova Scotia Community College: Development of Survivor-Centric Sexual Violence Policies and Responses.
- Saskatchewan: the government of Saskatchewan provided a budget of \$341,000 to support the [project](#) Healthy Campus Saskatchewan for 2020-2021. This project is a Community of Practice gathering 19 post-secondary institutions and two community organisations to collaborate to support the health and wellbeing of students. Preventing sexual violence is part of their focus.
- Yukon: there is only one higher education institution in the province of Yukon, the Yukon University. In 2018, the University adopted its Sexualized Violence Prevention and Response [Policy](#) which will be reviewed in June 2021. The targets are both students and staff and look comprehensive.



3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION

#MeToo

Published just one week before the #MeToo movement began, the OurTurn National Action Plan to End Campus Sexual Violence, researched and written by students, led to shifts in conversations about this topic. OurTurn reviewed sexual violence policies from 60 PSIs and evaluated 14 of them, giving them scorecards. The [scorecard](#) sets 45 criterias on which the policies are [evaluated](#). The national average grade was C- (61%). As a result, many PSIs administrators started using their tools to create or improve the current policies.

In 2018, the media “The Professor Is In” launched an open-sourced online [survey](#) on sexual harassment in academia alongside a new hashtag, #MeTooPhD, which gathered 2500 entries.

These movements erupting from the academic world have shaped the debates, advocating for survivor-centric approaches to GBV in PSIs.

Istanbul Convention

Canada participated in elaborating the Council of Europe Convention on Preventing and Combating violence against women and domestic violence, the Istanbul Convention, together with Holy See (Vatican City), Japan, Mexico, and the United States of America. They were also invited to sign and ratify the Convention. Canada did not sign nor ratified it. It seems like it was never on the table, and no public debates erupted on the topic (online searches with keywords, main media, Federal government website).



4. PUBLIC OPINION ON GBV

Statistics Canada conducted two national surveys in the past four years, funded by Women and Gender Equality Canada (WAGE) as part of *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence*. The [first](#) one is the Survey of Safety in Public and Private Spaces (SSPPS), and the [second](#) one is the Survey on Individual Safety in the Postsecondary Student Population (SISPSP). The first one measures GBV and other unwanted experiences of inappropriate sexual behaviour prevalence in public spaces, online and in the workplace, while the second one focuses on the post-secondary setting. Both surveys also monitor Canadians' perceptions, attitudes and beliefs towards GBV and gender equality in general.

The [analysis](#) from Statistics Canada about the SSPPS shows that a majority of Canadians present attitudes associated with belief in gender equality and beliefs that GBV is not acceptable. However, gendered analysis shows that women are more likely than men to believe that, largely, victims of sexual assault are telling the truth (62% of women and 47% of men agree or strongly agree that those who report sexual assault are almost always telling the truth; 10% of women and 16% of men disagreed; the rest neither agreed nor disagreed). Regarding intimate partner relationships, most men and women stated that violence was unacceptable, but a substantial proportion held views that would justify or excuse violence in some specific scenarios. Indeed, 16% of women and 20% of men stated that reacting violently is understandable if one suspects their partner of infidelity and 18% of women and 17% of men agreed or strongly agreed that partners had the right to check whom their partner is texting or calling at all times.

The [analysis](#) of the SISPSP showed that men and women hold different views regarding unwanted sexual behaviours and consent. “40% of men agreed or strongly agreed with the statement “people get too offended by sexual comments, jokes or gestures,” almost twice the proportion of women (22%) that held that view. Similarly, almost one-quarter of men (23%), along with 12% of women, agreed or strongly agreed that “accusations of sexual assault are often used by one person as a way to get back at the other person.” In all cases, men were significantly more likely to agree or strongly agree with these kinds of statements”. Additionally, nine in ten students who witnessed unwanted sexual behaviours in a post-secondary setting did not take action. The main reasons stated were that they did not think it was serious enough (69% of women and 81% of men) or that it was not their responsibility (32% of women and 26% of men). Finally, an interesting result shows that women students are more likely to feel unsafe in and around campus, using public transportation or walking alone after dark (41%), even more so if they have experienced sexual assault or unwanted sexualised behaviours in the past.

5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV

It appears that the outbreak of COVID-19 in Canada did not put a pause on actions related to prevent and combat gender-based violence. On the contrary, federal authorities seem to be aware that these trying times are critical and could be a step back in the evolution toward a country free of GBV. They have been taking action.

The COVID-19 Economic Response Plan is allocating \$100 million in emergency funding for organisations providing supports and vital services to those experiencing GBV. The Federal department WAGE is allocating the federal budget for research on the impact of COVID-19 on GBV in Canada. So far, the [seven reports](#)³ funded do not target the post-secondary communities but rather different age populations, visible minorities, or the general population.

In early 2020, the Courage to Act two-year national project funded by WAGE shared [Tools and Resources](#) for remote work to address gender-based violence. It includes key actions to take, ideas for remote working, lists of cloud-based tools, lists of safety planning, online training for staff, resources for self-care, etc. In early 2021, the project launched a survey to better understand the impact of COVID-19 on GBV in post-secondary settings. Administrators, frontline workers, educators and student leaders at PSIs were invited to participate. Results are expected in Spring 2021 in the form of a report on the lessons learned from PSI communities experiences of COVID-19 and GBV. It will educate and inform PSIs on how to move forward in the pandemic era.

6. CONCLUSION

In January 2021, the Federal, Provincial, and Territorial Ministers responsible for “the Status of Women” endorsed the [Joint Declaration](#) for a Canada free of Gender-Based Violence (GBV). This Declaration sets out a common understanding of the deeply-rooted human rights violations that is gender-based violence, as well as a common vision to end GBV on the national level with guiding principles, goals, pillars to develop. This represents an important milestone in developing a ten-year National Action Plan

³ By using the search by keyword filter option and typing “covid”, the seven reports will appear.

to End Gender-Based Violence in Canada in which, hopefully, the post-secondary setting will not be forgotten.

7. REFERENCES

British Columbia government. (2016). *Sexual Violence and Misconduct Policy Act* [Legislation].

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/16023_01

British Columbia Ministry of Advanced Education (2016). *Preventing and Responding to Sexual Violence and Misconduct at British Columbia Post-Secondary Institutions. A guide for developing policies and actions* [Guidelines].

https://www2.gov.bc.ca/assets/gov/education/post-secondary-education/institution-resources-administration/5233_sexual_violence_and_misconduct_policy_guidelines_web.pdf

Courage to Act. (2020, March 30). Strategies for Remote Work to Address Gender-Based Violence. Courage to Act. <https://www.couragetoact.ca/blog/covid19>

Manitoba government. (2017). *The Sexual Violence Awareness and Prevention Act* [Legislation].

<https://web2.gov.mb.ca/bills/41-1/b015e.php>

Manitoba Ministry of Education. *Manitoba Post-Secondary Sexual Violence Policy Guide. Promoting Awareness and Prevention* [Guidelines].

https://www.edu.gov.mb.ca/docs/sexual_violence/guide.pdf

Ontario government. (2021, January 27). *Ontario Strengthens Sexual Violence and Harassment Policies at Postsecondary Institutions* [Press release].

<https://news.ontario.ca/en/release/60131/ontario-strengthens-sexual-violence-and-harassment-policies-at-postsecondary-institutions>

Ontario government. (2016). *Ministry of Training, Colleges and Universities Act, R.S.O. 1990, c. M. 19. Ontario Regulation 131/16 Sexual Violence at Colleges and Universities* [Legislation].

<https://www.ontario.ca/laws/regulation/160131>

Petit-Thorne, A. (2020). The Medicalization of Workplace Sexual Violence on Canadian University Campuses in the #MeToo Era. *Anthropologica* 62(2), 325-336.

<https://www.muse.jhu.edu/article/778018>.

Prince Edward Island government. (2018). *Post-secondary institutions sexual violence policies Act* [Legislation].

https://www.princeedwardisland.ca/sites/default/files/legislation/p-11-2-post-secondary_institutions_sexual_violence_policies_act.pdf

Québec government. (2017). *An Act to prevent and fight sexual violence in higher education institutions* [Legislation].

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2017C32A.PDF>

Québec government, Ministry of Higher Education. (2017). *An intervention strategy for preventing and countering sexual violence in higher education. Speaking up and taking action to ensure that victims are no longer alone* [Guidelines].



http://www.education.gouv.qc.ca/fileadmin/site_web/documents/enseignement-superieur/Brochure-Violences-sexuelles-VA.pdf

Salvino, C., Gilchrist K., and Cooligan-Pang J. (2017). *OurTurn: A National Action Plan to End Campus Sexual Violence*. Montreal, QC: Student's Society of McGill University. https://static1.squarespace.com/static/5bc4e7bcf4755a6e42b00495/t/5f107ac2b2f3cd2f9b6fe449/1594915540325/our_turn_action_plan_en_2020-05-26.pdf

Salvino, C. and Spencer C. (2019). *OurTurn: One Year Later Report*. Montreal, QC: Students for Consent Culture Canada. https://static1.squarespace.com/static/5bc4e7bcf4755a6e42b00495/t/5ee11d7cd7419a17d30cc8b3/1591811470934/SFCC_report_en_2020-06-03.pdf

ACKNOWLEDGMENTS

Many thanks to Kristýna Veitová for her preparatory work on Canadian legislation relating to gender-based violence in higher education, to Olivier Lacombe for helping me during the desk research on the topic of the Istanbul Convention and Canada, to Alexandria Petit-Thorne for sending me her article, and to Veronika Fajmonová for supervising the research.



This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 101006261.

The contents of this publication are the sole responsibility of the Institute of Sociology of the Czech Academy of Sciences and do not necessarily reflect the opinion of the European Union.