

Politics

Two years in, the RCMP's independent process for harassment complaints is plagued by delays

The ICHR was set up in the wake of a sexual assault scandal

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Todd Gray, a retired RCMP officer, says he's found the ICHR's process frustrating. (Supplied by Kim, Spencer, McPhee Barristers)

RCMP employees have lodged hundreds of sexual assault and harassment complaints with a new independent body since its creation two years ago — but according to some of the people who've used it, the process has been afflicted by long delays.

"For these things to be effective, you need somebody to address these issues immediately, a timely investigation," said lawyer Sherry Shir, whose client took the RCMP to court alleging her complaint was dismissed improperly.

"And the process is still missing that very, very significant piece."

Launched on June 30, 2021, the Independent Centre for Harassment Resolution (ICHR) was born in the wake of a sexual abuse scandal in the ranks of the RCMP.

A historic class-action lawsuit saw the government pay out more than \$125 million to 2,304 women who were sexually assaulted and harassed as Mounties.

Many of the women involved in that case complained about having to take their cases up the chain of command — to superiors they claimed were in some cases responsible for the offending behaviour, or had acted to protect others.

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The ICHR uses external third-party investigators to ensure impartiality.

Despite the promise of a fairer process, Shir said her client Nicole Patapoff's experience has been frustrating — and it's not over yet.

According to court documents, Patapoff was completing her mandatory firearms training following maternity leave on June 8, 2021. She alleges the officer in command of the training course told her to "go home, get a bottle of Windex and get into [my] kitchen and bathroom and just start cleaning" to strengthen her trigger finger.

The eight-year veteran said in an affidavit the comments were "unnecessary, misogynistic, belittling, offensive, disrespectful and demeaning."

More than 940 complaints lodged

She complained to the ICHR and waited 10 months for an investigator to be assigned to her case. After a total of 18 months, the investigator concluded the matter didn't meet the definition of harassment under the Canadian Labour Code.

"The force is no longer a place where one gender works, nor is it a place run by one particular race," they wrote in the decision, quoted in court documents. "It is inevitable during this transition, that old style actions and comments might be used and this will continue in the future and hopefully less so as members are better educated."

Shir called those comments "absolutely ridiculous."

According to court documents, the investigator was removed from the ICHR's list of approved investigators following Patapoff's complaint and was no longer allowed to investigate complaints involving RCMP officers.

With no formal appeal process, Patapoff took the RCMP to court. Earlier this month, she and the RCMP reached an agreement that will see a new investigator review her case.

According to the RCMP, more than 940 "notices of occurrence," or complaints, have been reported to the centre since it opened — 165 so far this year.

To date, the ICHR has concluded 325 complaints and 71 cases haven't yet been assigned investigators.



The Independent Centre for Harassment Resolution's policy states that the RCMP will ensure "that the resolution process is completed within one year after the day on which notice of the occurrence is provided." (Darryl Dyck/The Canadian Press)

On Jan. 1, 2021, a federal bill on workplace harassment and violence prevention became law, imposing new rules on all federally-regulated workplaces.

ICHR policy sets a timeline for its investigations. It says the RCMP will ensure "that the resolution process is completed within one year after the day on

which notice of the occurrence is provided."

"The ICHR continues to work with our partners at PSPC and TBS to procure external investigators to meet the number of investigation requests," said RCMP spokesperson Robin Percival.

"It is important to note that under the Work Place Harassment and Violence Prevention Regulations, notices of occurrence may not always proceed to an investigation. Informal resolution options are also available, such as mediation services."

One case before the ICHR that's still open involves Todd Gray, who is also one of the lead plaintiffs in a potentially massive class-action lawsuit alleging "systemic negligence" in how the RCMP has handled bullying and harassment allegations.

Gray, now retired, claims he faced bullying and harassment and was forced to ride in the horse trailer as a member of the RCMP Musical Ride in the late 1990s. His claim has not been tested in court.

Gray said he brought his concerns to the ICHR but is still awaiting a final decision.

"You're just waiting, waiting, waiting, waiting," he said. "It's total frustration and non-accountability."

Delays are affecting employees' well-being: ICHR

Through the RCMP, CBC News requested an interview with Amanda Nemer, the executive director of the ICHR. The request was denied.

But the ICHR was quite open about the challenges facing it in its annual report.

"The lack of market availability for external investigators, coupled with the high demand for investigations on the part of RCMP employees, has resulted in a large number of harassment files for which no external investigation capacity is currently available," it says.

"This situation, in addition to having an impact on prescribed timelines for resolving files under the Canada Labour Code, is having a serious impact on the well-being of employees involved, exacerbating workplace issues."

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To deal with the delays, the RCMP at one point floated the idea of using Mounties to investigate ICHR claims. One public sector union was fiercely opposed to the idea.

In an open letter to former RCMP commissioner Brenda Lucki last year, Union of Safety and Justice Employees president David Neufeld called the full independence of investigators "a non-negotiable feature" of the ICHR.

Shir said the delays aren't fair to applicants.

"You know, if somebody comes back to me and says ... 'A year ago, you said this to me,' ... even as a lawyer, it's gonna be hard for me to respond to that," she said.

"It comes down to fairness to both parties ... that you have a concern that needs to be dealt with in a timely manner."



Minister of Public Safety Marco Mendicino speaks to reporters in the foyer of the House of Commons on Parliament Hill in Ottawa. A spokesperson for Mendicino says RCMP reform is a priority. (Sean Kilpatrick/The Canadian Press)

A spokesperson for Public Safety Minister Marco Mendicino said RCMP reform is a priority.

"We recognize that there have been challenges surrounding timelines for ICHR cases," said Alex Cohen.

"There are two reasons for this. Firstly, establishing the centre has led to a rise in complaints – which is ultimately a positive sign, as it demonstrates the confidence that RCMP members and employees have in this system.

"Secondly, the externalization of the centre means that it's competing with other bodies across Canada for a limited number of [investigators], who are in high demand across a number of industries."

Cohen said Mendicino is reviewing the RCMP's disciplinary regime and "strengthening the ICHR's independence."

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