



**ONTARIO
FEDERATION OF
LABOUR**

PATTY COATES, President

AHMAD GAIED, Secretary-Treasurer

JANICE FOLK-DAWSON, Executive Vice-President

Sent via email

November 22, 2022

Honourable Jill Dunlop
Minister of Colleges and Universities
Legislative Building, Queen's Park,
Toronto, ON
M7A 1A1

Dear Minister Dunlop,

The Ontario Federation of Labour (OFL), which represents fifty-four unions and more than one million unionized workers, is writing to express concern over Bill 26, the *Strengthening Post-secondary Institutions and Students Act* and the Ministry's approach to eradicating sexual harassment and violence on campuses across Ontario. The OFL unequivocally supports survivors of sexual violence and harassment. We want students protected, ensuring that no one goes through the lifelong emotional, physical, and mental trauma associated with these incidents. As a result, we are calling on the government to make the following amendments to Bill 26:

Adopt a Holistic Approach

Addressing sexual violence and its root causes on campuses requires a holistic approach. Bill 26, on the other hand, proceeds solely on a punitive approach as a purported means of deterrence. It is important to understand that such a slant shifts the focus away from underlying systemic issues that contribute to sexual violence on campus – and instead only serves to severely limit the possibility for accountability and restorative justice.

Experts agree that the most effective and principled way to deal with all forms of sexual violence is to prevent it from occurring (i.e., primary prevention). According to the Canadian Women's Foundation, while most Canadians believe all sexual activities should be consensual, only one-third of Canadians understand what consent looks like. Given this, it is imperative that the government invest in Ontario's chronically underfunded postsecondary sector and provide the supports needed to educate the community on sexual harassment and violence prevention.



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Expand the Scope

Evidence also suggests that most sexual violence and harassment cases involve student-on-student interactions and occur in high-risk periods and in spaces on and off campus. This legislation fails to address these cases and instead exclusively focuses on a very narrow scope of incidences. The legislation must be expanded to address the gaps in policy, resources, and practices that perpetuate and allow for sexual violence among students.

Collaborate with the Labour Movement

There are existing mechanisms for addressing sexual violence and harassment complaints on campus, including collective agreements. The right of faculty members to due process, in cases where discipline is contemplated, is generally protected by this agreement. This includes the right of respondents to know the nature of the allegations and evidence against them, to have a meaningful opportunity to respond, to have representation throughout the process, and to have their case dealt with in an impartial and timely manner. Bill 26, however, strips the arbitral process for workers accused of sexual violence, attacking their labour rights and their right to due process, which is foundational in a democratic society. Prescribing fixed disciplinary decisions limits the bargaining rights of faculty and ties the hands of arbitrators.

It is important to understand that this legislation has the potential to protect survivors of sexual violence and/or harassment while working with established collective agreements and existing arbitral processes. The labour movement believes all community members should be privy to the disciplinary processes laid out in collective bargaining agreements, because these agreements are stronger when they operate in the spirit of transparency and evolve based on input from workers.

If it is truly the government's intention to promote a culture of consent on university campuses and to eradicate campus sexual violence and harassment, Bill 26 must then be strengthened, focusing on primary prevention, expanding the scope to student-on-student interactions, and respecting collective agreements and due process.

Sincerely,

PATTY COATES
President

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