

Speaking out: former DND employee recounts journey to landmark sexual harassment ruling in new memoir

‘Silence was giving harassers and the employer the strength to keep humiliating and carrying on,’ says Bonnie Robichaud, a former Department of National Defence civilian employee.

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detailing her years-long journey through the legal system in the late 1970s and 80s, following the launch of a sexual harassment, discrimination, and intimidation complaint against her supervisor in North Bay, Ont. A mother of five, Robichaud began her career as a cleaner at the Air Defence Command base in North Bay, Ont., in 1977, and was promoted to lead hand in November 1978.

Opening chapter three, in which she details her interactions with her direct supervisor, who, as she recounts, progressively pressured her to perform sexual acts, Robichaud writes that the chapter “was the hardest to live and the hardest to revisit to write.”

After first- and second-level grievances were brought to her union in August 1979, Robichaud brought a complaint against Dennis Brennan and the Department of National Defence to the Canadian Human Rights Commission in late January 1980.

In what she describes as the “first complaint of sexual harassment to be referred for inquiry by a Canadian Human Rights Commission since their inception in 1977,” Robichaud writes that as the pressure against her got stronger, so did her determination to see it through.

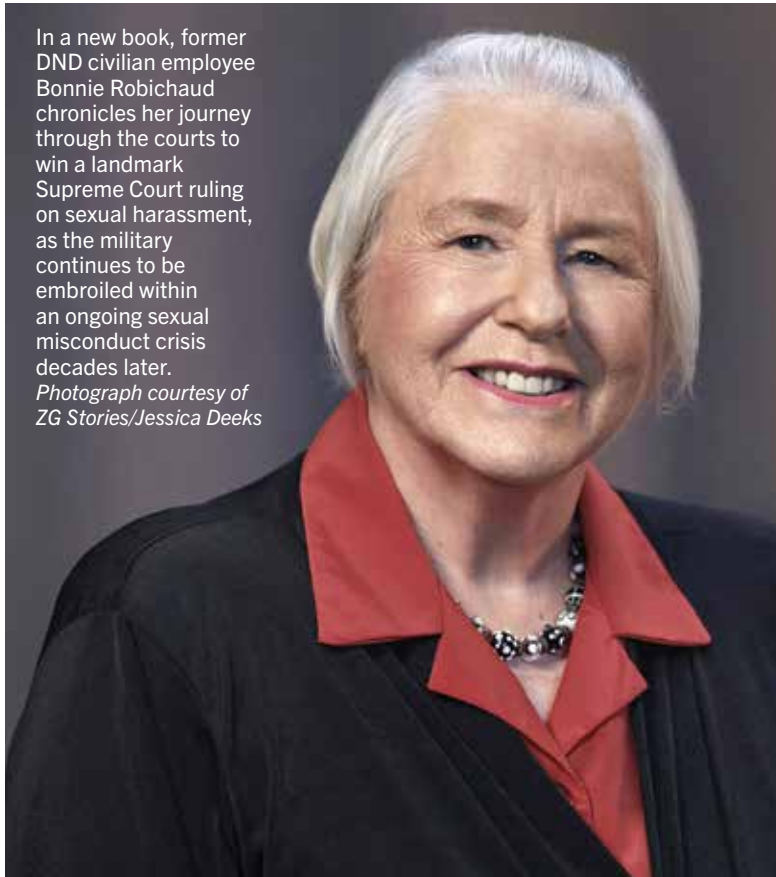
“It was long ago now, and a nightmare,” she writes. “Without understanding this part of the story, none of the rest makes sense. My hope is that my story will contribute to understanding what sexual harassment at work feels like from the inside.”

Robichaud waited until her hiring probation period—the last two months of which she described as “living a horror story and nightmare”—was over before breaking her silence in May 1979. After preparing a brief statement, outlining instances of sexual harassment, she provided the letter to a union official from Labour and Trades.

“This was the beginning of my long struggle forward,” writes Robichaud, noting she had no

In a new book, former DND civilian employee Bonnie Robichaud chronicles her journey through the courts to win a landmark Supreme Court ruling on sexual harassment, as the military continues to be embroiled within an ongoing sexual misconduct crisis decades later.

Photograph courtesy of ZG Stories/Jessica Deeks



idea of the twists and turns that lay ahead.

Her initial complaint to the Canadian Human Rights Commission was dismissed, but a subsequent Review Tribunal found on appeal that Brennan, Robichaud’s supervisor, had indeed sexually harassed her, and that the Department of National Defence was “strictly liable for the actions of its supervisory personnel,” according to the Supreme Court filing.

Brennan and the employer, as represented by the Treasury Board, then requested a review by the Federal Court of Appeal, seeking to have the Review Tribunal’s decision dismissed.

The complaint eventually made its way to the Supreme Court as *Robichaud vs. Canada (Treasury Board)*, and in July 1987, the court unanimously ruled that the employer, the Department of National Defence, was “vicariously liable for the discriminatory acts of an employee, known or otherwise.”

As former Supreme Court justice Claire L’Heureux-Dubé, who sat on the court in May 1987 writes in the preface to Robichaud’s memoir, the court reached the conclusion that “a supervisor’s responsibilities do not begin with the power to hire, fire and discipline employees, or the power to recommend such actions ... it is precisely because the supervisor is understood to be clothed with the employer’s

my mouth was more healing than keeping it shut.”

“The other reason is that this sexual harassment claim—I believed, and I’m not sure how much—would make a difference,” said Robichaud. “I felt that it was important to write about it, because if we don’t write about our stories or our history, it won’t be noted.”

Although many more people are sharing stories of sexual harassment in the Forces than there were in 1979, writes Robichaud, “even now, I seldom if ever hear them describe exactly what happened. They say it was awful. But I don’t think you can know what that means until a few of us share some of the details.”

Independent CAF review due by May 20

Thirty-five years after the landmark Supreme Court decision in Robichaud’s case on the civilian side of things, the Canadian Armed Forces has been rocked by a succession of sexual harassment cases within military ranks for nearly two years now.

An independent review probing sexual misconduct in the CAF was promised by former defence minister Harjit Sajjan (Vancouver South, B.C.) last year. Led by former Supreme Court justice Louise Arbour, it’s expected to be in Defence Minister Anita Anand’s (Oakville, Ont.) hands by May 20.

Charlotte Duval-Lantoine, the Ottawa operations manager and a fellow at the Canadian Global Affairs Institute, told *The Hill Times* that given Arbour’s mandate, one year isn’t a long time to complete such a comprehensive review.

“What she’s looking at includes so many parts of how the military functions, and so what I’m expecting—and from my understanding of how she’s approaching things—she’s going to narrow it down on what it is in the culture of the military that’s contributing to problems,” said Duval-Lantoine.

“She’s going to do that not only in terms of responses to victims, but also in terms of prevention,” she said. “Are there organizational elements within the military that are contributing to higher rates of sexual assault?”

In the 2021 federal budget, the government proposed roughly \$236-million over five years at DND to tackle the issue.

Most recently, on March 30, retired general Jonathan Vance, the country’s former chief of the defence staff, plead guilty to obstruction of justice, a charge laid following a military probe into allegations of inappropriate behaviour made against him. Allegations against a dozen other senior Canadian military officers have come to light since the start of 2021, including Admiral Art McDonald, who succeeded Vance as chief of the defence staff before being terminated in light of sexual misconduct allegations, and Vice-Admiral Haydn Edmundson, who was charged with sexual assault and committing indecent acts in December.

Military lawyer calls for establishment of inspector general

Michel Drapeau, who served in the military and now practices military law, said he was familiar with Robichaud’s case and aware of her service in North Bay when he arrived at DND as an executive secretary in July 1988.

Drapeau said Robichaud’s experience is indicative of some of the problems at national defence headquarters.

“In every case that comes up, they manage it as something to get off the front page,” said Drapeau, who also teaches at the University of Ottawa. “They don’t say ‘we have a crisis here, we have a cancer, what can we do to prevent recurrence?’ That case should have been a warning there was something dramatically wrong in reporting, supervising, leadership, and so on.”

“They did not,” take it as such then, “and they have not now,” said Drapeau.

Drapeau has long called for the establishment of an inspector general to hold CAF leadership accountable, and to ensure “independence, oversight, and transparency in the system.”

“What the CAF needs from its leaders, at all ranks and levels, is consistent action that shows that sexual misconduct of any form will not be tolerated, and that it is inconsistent with military culture,” said Drapeau.

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National Defence Minister Anita Anand, pictured during a press conference on Feb. 24. Anand is expecting an independent review looking into sexual misconduct in the military by May 20. *The Hill Times* photograph by Andrew Meade