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EQUAL BUT UNFAIR: THE FAILURE OF GENDER INTEGRATION IN THE CANADIAN ARMED FORCES

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Master of Defence Studies

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Maj R.C. MacLean

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TABLE OF CONTENTS

Table of Contents	ii
Abstract	iv
Chapter	
1. Introduction	1
A. Overview	4
2. Acculturation and Institutional Analysis	5
A. Acculturation in the CAF: Assimilation vs Integration	5
i. Acculturation: What Changes?	6
ii. Strategies for Acculturation: Integration versus Assimilation	8
B. Institutional Analysis and the CAF: Setting the Stage for Assimilation	11
i. Institutional Analysis and the Resistance to Change	12
ii. Scott’s Framework and Institutional Legitimacy	13
3. Legal Integration and the Entrance of Women into the CAF	17
A. Historical Overview: Inclusion of Canadian Women in the Military	18
B. The Royal Commission on the Status of Women in Canada	20
C. The Canadian Human Rights Act (CHRA)	25
D. The Impact of the <i>Commission</i> and the CHRA for Women	27
i. The SWINTER Trials – The CF’s Response to the CHRA	28
(1). SWINTER Land Trial	30
(2). SWINTER Sea Trial	32
(3). SWINTER Aircrew Trial	36
E. From the SWINTER Trials to the Canadian Human Rights Tribunal	40
F. The Canadian Human Rights Tribunal: The Final Arbitrator	42
4. The Consequences of Failed Social Integration	45
A. Military Service after the Tribunal’s Ruling: What Changed?	46
B. Harassment and Acceptance: Metrics for Successful Integration	50

C. A History of Misconduct: The <i>MacLean</i> 's Rape Controversy	51
D. Continued Denial: The New Millennium and the Deschamps Report	55
E. Op HONOUR and the Response to the Deschamps Report	58
i. Op HONOUR: Directed Action towards Cultural Change?	61
5. Achieving Diversity and Cultural Change	65
A. The Diversity Continuum: Stepping Toward Gender Integration	66
B. Transcending the Warrior Framework: Redefining Those Who Serve	70
i. The Warrior Framework Specific to the CAF	72
C. Fairness, Equality, and Eliminating Minority Perceptions	76
i. Increased Numerical Representation	76
ii. Equality of Condition versus Fairness	77
D. The Way Forward: Implementing Culture Change	79
6. Conclusion	81
Bibliography	85

ABSTRACT**EQUAL BUT UNFAIR: THE FAILURE OF GENDER INTEGRATION IN THE
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By/par Major Rhea MacLean

In 1989 the Canadian Human Rights Tribunal made a landmark decision which granted Canadian women complete access to all employment opportunities within the military despite opposition from the Canadian Armed Forces (CAF). The Tribunal's order for complete gender integration marked a turning point for women and the military. Despite the CAF's efforts at adapting its internal policies, programmes, and regulations, complete integration continues to elude the organization. In the three decades following the Tribunal's decision the CAF has been plagued by issues of harassment, inappropriate behaviour, sexual misconduct, and highly publicized rape scandals. The persistence and severity of these issues has necessitated external intervention and are indicators that complete integration has not occurred. In 2014, the Deschamps Report provided a formal link between the military's masculine culture, sexual misconduct, and the poor integration of women into its ranks. This paper will explore the extent to which gender integration has occurred within the CAF and the effectiveness of CAF-led culture change initiatives. While it is apparent that culture change in any institution is difficult, this is especially true within the military. Various elements and approaches to culture change will be examined as well as potential future avenues for change.

CHAPTER 1: INTRODUCTION

In the 21st century most Canadians view gender equality as a given, as a simple fact of life; however, the reality is quite different. Since the mid-20th century a quiet revolution has been unfolding: “the widespread inclusion of women into the most exclusively male institution of Western societies, the armed forces.”¹ Historically speaking, until very recently the right to fight and lead wars has been an exclusively male activity. During the past half century the employment restrictions surrounding women in the Canadian Armed Forces (CAF)² have been lifted and women have been progressively provided with the legal access to all positions and functions.

In the latter half of the 20th century, Canada saw the erosion of the distinction between military and civilian society largely due to the new emphasis on individual rights and freedoms.³ On 1 March 1978, the *Canadian Human Rights Act* (CHRA) came into effect and the military was forced to acknowledge, justify and rectify its discriminatory employment practices towards women. This external pressure for gender equality was further bolstered by the enactment of the *Canadian Charter of Rights and Freedoms* on 17 April 1982. These ground-breaking pieces of federal legislation forced the CAF to become more conscious, compliant, and respectful of the individual rights and freedoms of every citizen – but to what extent?

While there have been many advances towards gender equality in Canadian society and, concurrently, there have been similar advances in Western militaries with the CAF seen as leading the way, it would be incorrect to assume that gender integration within the CAF is

¹ Philippe C. Schmitter, “Foreword”, in *Gender and the Military: Women in the Armed Forces of Western Democracies* (New York: Routledge, 2006), xvi.

² Due to changes in nomenclature this paper will use Canadian Forces (CF) and Canadian Armed Forces (CAF) interchangeably when referring to the Canadian military.

³ Michel Rossignol, *National Defence Act: Reform of the Military Justice System* (Ottawa, ON: Research Branch, Library of Parliament, 1997), 6.

complete or that it has been an unmitigated success. With respect to its formal policies, the CAF compares favourably against other North Atlantic Treaty Organization militaries but the true litmus test is the comparison of the CAF's efforts and progress against Canadian society and its expectations. How far has the CAF really come with respect to gender integration? What has and has not actually changed? Is the CAF converging or diverging with Canadian societal values?

To effectively examine the integration of women into the CAF it is important to recognize that integration has two distinct and important parts. First, there is the legal standard by which men and women are incorporated into the armed forces as equals.⁴ Put simply, in accordance with Canadian law, men and women are accorded equal access to all trades and occupations within the CAF and, as such, there should be no discrimination based on gender. The second component of integration is social and cultural in nature. This component defines integration as the "full acceptance of women as equals."⁵ Thus, the issue of gender integration within the CAF extends beyond the legal permissibility of women participating in male-dominated trades and occupations – are women accepted and welcomed by the organization?

Research data shows that even when "formal/legal integration has been accomplished, effective social integration has not necessarily happened."⁶ The CAF has been no exception to this fact. As Canadian society evolved and strengthened its respect for individual rights the CAF had maintained a staunch resistance concerning the roles of women in operational duties based on claims of negative impacts on operational effectiveness and morale.⁷ The CAF's initial

⁴ Donna Winslow and Jason Dunn, "Women in the Canadian Forces: Between Legal and Social Integration," *Current Sociology* 50, no. 5 (September 2002): 642.

⁵ *Ibid.*, 642.

⁶ Helena Carreiras, *Gender and the Military: Women in the Armed Forces of Western Democracies* (New York: Routledge, 2006), 2.

⁷ Michel Rossignol, *National Defence Act: Reform of the Military Justice System* (Ottawa, ON: Research Branch, Library of Parliament, 1997), 6.

resistance to expanding female participation was based on existing social and cultural norms and arguably delayed legal integration by almost two decades. Can social integration be externally driven? How does an institution overcome social and cultural resistance?

As a general rule, military organizations are accepted as being “conservative organizations that are resistant to social change.”⁸ Even with an evolving social climate and the “tendency to eliminate discrimination and equalize status between service members ... [women continue to] have limited representation in higher hierarchical posts and power positions within the military system.”⁹ One indicator of this is the overall low representation of women in the CAF, which was 14.8% as of January 2014.¹⁰ This low level of representation begs two questions. Firstly, is this low percentage of female representation a cause or a symptom of the limitations of the CAF’s gender integration initiatives? Secondly, is limited female representation, particularly at higher ranks and in positions of power, reflective of an ingrained social and cultural resistance to female participation within the military or is it simply a benign manifestation of the low numbers of active servicewomen?

Even though the legal barriers to women’s participation in the CAF have been formally removed there may still exist social and/or cultural barriers which prohibit complete integration. There are some social analysts who view the full integration of women as the most problematic issue regarding diversity and openly acknowledge that many nations have yet to resolve critical

⁸ Donna Winslow and Jason Dunn, “Women in the Canadian Forces: Between Legal and Social Integration,” *Current Sociology* 50, no. 5 (September 2002): 641.

⁹ Helena Carreiras, *Gender and the Military: Women in the Armed Forces of Western Democracies* (New York: Routledge, 2006), 1, 2.

¹⁰ Canadian Armed Forces, “Women in the Canadian Armed Forces,” last accessed 16 April 2017, <http://www.forces.gc.ca/en/news/article.page?doc=women-in-the-canadian-armed-forces/hie8w7rm>.

gender-based and gender-related issues.¹¹ To remain relevant, the military must be a reflection of the society it serves and a failure to integrate women may lead to greater divergence between the CAF and Canadian society. Could the CAF's ongoing struggle against sexual misconduct be an indicator that Canada is one of these nations struggling to reconcile gender integration with the military's traditionally masculine culture and warrior framework? The succeeding sections of this paper will explore these questions and will examine how much progress the CAF has made towards complete gender integration, what changes, or lack thereof, have been made within the organization, the outcomes, and the prognosis.

Overview

Using John Berry's theory on acculturation and Richard Scott's framework for institutional analysis this paper will examine the extent to which the CAF has accomplished complete gender integration and the ramifications for integration shortfalls. This paper will begin by outlining the essential works of Berry and Scott which will be used to analyse gender integration in the CAF. The third chapter will review and examine the legal component of gender integration. This will include formal legislation, and policies and practices which dictate how women have been viewed and treated within the armed forces. The fourth chapter will highlight existing barriers to integration and will explore the consequences of failed integration in the CAF. Chapter 5 will examine diversity and the need for cultural change to achieve complete gender integration. It will explore methods for creating effective and lasting cultural change.

¹¹ Franklin C. Pinch, "An Introduction to Challenge and Change in the Military: Gender and Diversity Issues," in *Challenge and Change in the Military: Gender and Diversity Issues*, ed. Franklin C. Pinch, Allister T. MacIntyre, Phyllis Browne, and Alan C. Okros (Kingston: Canadian Defence Academy Press, 2006), 1.

CHAPTER 2: ACCULTURATION AND INSTITUTIONAL ANALYSIS

Regardless of the stated complete legal integration of women into the CAF, many members are still perplexed by the existence of ‘social dinosaurs’ that seem to be firmly embedded within the institution. Despite the full legal inclusion of women in the CAF, complete and effective social integration between the genders lags behind. In examining the effectiveness and totality of gender integration in the modern day CAF it is essential to understand the processes and changes that occur as a result of contact between cultural groups, in this case men and women. Understanding the effects of this cross-cultural contact will provide the necessary framework from which to determine the methods and overall effectiveness of gender integration and its impact on the CAF.

ACCULTURATION IN THE CAF: ASSIMILATION VS INTEGRATION

The concept of acculturation, and its long term outcomes in terms of adaptation, is important in understanding the limitations and problems associated with gender integration. According to renowned psychology professor John Berry, acculturation is defined as “those phenomena which result when groups of individuals having different cultures come into continuous first-hand contact, with subsequent changes in the original culture patterns of either or both groups.”¹² In simplified terms, acculturation refers to the process of psychological and cultural change that occurs because of contact between two or more different cultural groups and their associated individual members.¹³ At the core of the notion of acculturation is the concept of cultural changes. These changes range from relatively superficial in nature, such as elements of

¹² David L. Sam and John W. Berry, “Acculturation: When Individuals and Groups of Different Cultural Backgrounds Meet,” *Perspectives on Psychological Science* 5, no. 4 (July 2010): 473.

¹³ John W. Berry, “Acculturation,” in *The SAGE Encyclopedia of Intercultural Competence*, ed. Janet M. Bennett (Thousand Oaks: SAGE Publications, 2015), 2.

dress and apparel, to deeper shifts which can include fundamental alterations to value systems.¹⁴ In terms of Berry's acculturation theory and in regards to this paper, men and women in the CAF are viewed and treated as two distinct cultural groups. It is the contact between these two groups which will be used as the base to examine the progress and difficulties of gender integration in the CAF.

Acculturation is a two-way interaction. It recognizes the reciprocity of the influences that the groups have on each other but also acknowledges the importance of the contact relationship. This relationship can vary from mutual respect to domination or open hostility. Following culture contact, no cultural group remains unchanged. There will be actions and reactions to the contact situation but the majority of changes tend to occur in the non-dominant group.¹⁵ This notion accounts for the disproportionate levels of change between male and female groups within the CAF where female culture has been subordinate to longstanding practices of military masculinity. However, in accordance with this framework, it is important to recognize that cultural changes did occur, albeit at varying levels, to both groups and to acknowledge the impact and effects of these changes equally.

Acculturation: What Changes?

There are three main areas of human life that change during the process of acculturation: the affective perspective, the behavioural perspective, and the cognitive perspective.¹⁶ The affective perspective is focused on life satisfaction and psychological well-being and emphasizes the emotional aspects of acculturation. The central idea is that acculturative stress results when

¹⁴ *Ibid.*, 17.

¹⁵ *Ibid.*, 3.

¹⁶ David L. Sam and John W. Berry, "Acculturation: When Individuals and Groups of Different Cultural Backgrounds Meet," *Perspectives on Psychological Science* 5, no. 4 (July 2010): 474.

an individual experiences a serious challenge that is deemed problematic because they are incapable of easily addressing the issue by adjusting their behaviour to respond to the challenge.¹⁷ As an example, a female in the military can adjust her behaviour by acting in a more masculine manner and dressing in the same uniform but these behavioural changes cannot make her male. The stress and emotional feelings that accompany this are indicative of the affective perspective.

The second area that changes during acculturation is the behavioural perspective. This is concerned with the possession and acquisition of skills to deal with everyday encounters and behavioural change. Also known as cultural learning, this perspective acknowledges that people involved in a cultural transition may not have the requisite skills to effectively engage the new culture.¹⁸ In particular, this perspective acknowledges the importance of cross-cultural differences in verbal and non-verbal communication, conventions, rules, practices, and norms and the influence of these differences on intercultural effectiveness.¹⁹ Understanding these differences is essential to minimize confusing and unpleasant interactions between the cultures.

The cognitive perspective is the third area that changes during the acculturation process. This perspective is concerned with how individuals perceive themselves and others in regards to intercultural interactions. Cognitive aspects largely refer to how people process information about their group and other groups. In the context of acculturation, the main concern is about how individuals and groups categorize people and how they define their identity in relation to the members of their own cultural group.²⁰ This area accounts for changes in perception and how

¹⁷ *Ibid.*, 475.

¹⁸ *Ibid.*, 475.

¹⁹ *Ibid.*, 475.

²⁰ *Ibid.*, 475.

new members fit into the existing social hierarchy or how the existing social hierarchy is adapted for new members.

Strategies for Acculturation: Integration versus Assimilation

Regardless of whether a group is dominant or non-dominant, both cultural groups and their individual members must address the issue of how to acculturate. In this regard, there are two major issues regarding acculturation. The first major issue is cultural maintenance. This is the extent to which cultural characteristics and identity are considered to be important and the fervour with which their maintenance is pursued.²¹ The second major issue is contact and participation. This is the extent to which the cultural group believes it should remain primarily among itself or become involved in the other cultural group.²² To address these issues, there are four acculturation strategies: assimilation, integration, separation, and marginalization.²³ In the evaluation of gender integration in the CAF, it is the acculturation strategies of assimilation and integration that are the most relevant and thus examined further.

Assimilation and integration are two separate acculturation strategies. To fully appreciate the ongoing challenges surrounding gender integration in the CAF it is essential to understand the major differences and subtle nuances between these approaches. As a strategy, assimilation occurs when individuals of one cultural group, typically the non-dominant group, do not maintain their cultural identity, closely interact with the other cultural group, and adopt some or all of the cultural traditions, values, and norms of the other cultural group.²⁴ Essentially, one

²¹ John W. Berry, "Immigration, Acculturation, and Adaptation," *Applied Psychology: An International Review* 46, no. 1 (January 1997): 9.

²² *Ibid.*, 9.

²³ David L. Sam and John W. Berry, "Acculturation: When Individuals and Groups of Different Cultural Backgrounds Meet," *Perspectives on Psychological Science* 5, no. 4 (July 2010): 476.

²⁴ *Ibid.*, 476.

group abandons their cultural identity to adapt to and mirror the other culture as closely as possible in order to become part of the larger social network. On the other hand, integration occurs when individuals of one cultural group maintain their original culture while still having daily interactions with the other cultural group. The strategy of integration allows for the maintenance of a degree of cultural integrity while permitting each cultural group to participate as an integral component of the larger social network.²⁵

The critical nuance between the two strategies is in the value attached to the maintenance one's identity and characteristics. Integration sees value in maintaining relationships with the larger society and in maintaining one's identity and characteristics; whereas, assimilation recognizes the value in maintaining relationships with the larger society but does not value the maintenance of the other group's identity and characteristics.²⁶ In addition to the differences between the two key strategies, it is important to recognize that non-dominant cultural groups and their individual members may not have the freedom to choose which strategy is used. It is possible for the dominant cultural group to enforce a particular acculturation strategy or constrain the choices of the non-dominant cultural group or its individual members.²⁷ Based on Berry's work, subsequent sections of this paper will show that during the acculturation process servicewomen have been expected and, in many cases, forced to assimilate to the existing male-dominated culture.

Understanding the acculturation strategy used by the CAF, and the level of adaptation obtained, to incorporate women into the profession of arms helps to explain the continued challenges in achieving complete integration. Multiple studies have shown that the acculturation

²⁵ *Ibid.*, 476.

²⁶ John W. Berry, "Immigration, Acculturation, and Adaptation," *Applied Psychology: An International Review* 46, no. 1 (January 1997): 10.

²⁷ *Ibid.*, 9-10.

strategy that people adopt is related to how well they adapt. Furthermore, the most common finding is that the strategy of integration is the most adaptive and is linked to better psychological and sociocultural adaptation.²⁸ However, integration can only be successful when the dominant cultural group is “open and inclusive in its orientation towards cultural diversity.”²⁹ Integration requires mutual accommodation and acceptance, by both groups, of the right of all to maintain a culturally different existence. For this strategy to be effective the non-dominant cultural group needs to adopt the basic values of the larger society while the dominant cultural group must adapt its institutions and facilities to meet the needs of both groups.³⁰

Using the acculturation strategies of assimilation and integration as a basis for analysis it is possible to examine the causes and outcomes of the challenges and limitations of gender integration in the CAF. While integration is typically the most successful acculturation strategy because of its inherent flexibility and willingness for mutual accommodation,³¹ it has not always been the CAF’s selected strategy. Assimilation, which involves own-culture shedding resulting in adaptations which tend to be negative,³² has historical roots in the CAF’s gender integration initiatives.

The CAF’s use of assimilation as a strategy towards gender integration is seen in its past resistance to female participation in operational duties and in its current use of gender neutral policies. The use of assimilation is particularly important when one considers the following:

²⁸ David L. Sam and John W. Berry, “Acculturation: When Individuals and Groups of Different Cultural Backgrounds Meet,” *Perspectives on Psychological Science* 5, no. 4 (July 2010): 478.

²⁹ John W. Berry, “Immigration, Acculturation, and Adaptation,” *Applied Psychology: An International Review* 46, no. 1 (January 1997): 10.

³⁰ *Ibid.*, 10-11.

³¹ *Ibid.*, 24.

³² David L. Sam and John W. Berry, “Acculturation: When Individuals and Groups of Different Cultural Backgrounds Meet,” *Perspectives on Psychological Science* 5, no. 4 (July 2010): 479.

... [there exists] substantial evidence that females may be more at risk for problems than males ... [depending] on the relative status and differential treatment of females in the two cultures: where there is a substantial difference, attempts by females to take on new roles available in the [new society] may bring them into conflict with their heritage culture, placing them at risk.³³

Women in the CAF face challenges associated with the notion of femininity. They encounter competing demands and conflicting societal expectations to have successful careers while still being perceived as loving and caring wives and mothers. Assimilation forces women to choose one culture – warrior or loving wife and mother; whereas, integration empowers women to have both. By abandoning notions of femininity it becomes difficult for women to integrate or become integrated.

INSTITUTIONAL ANALYSIS AND THE CAF: SETTING THE STAGE FOR ASSIMILATION

Legislation in the form of the *Employment Equity Act* and the decision of the 1989 Human Rights Tribunal necessitate that the CAF provides an employment environment that is non-discriminatory, fair, and equally accessible to both men and women. In addition to its legal obligations, the CAF also faces significant moral pressure. As a governmental body that is publically controlled, Canadian society expects that the CAF will be a reflection of Canadian values and will provide an environment that promotes meaningful equality. Despite the fact that military ideology is founded on the strict obedience to orders, the CAF initially resisted the full legal integration of women into the military and has yet to achieve complete social integration. This can be partly explained through institutional analysis.

³³ John W. Berry, "Immigration, Acculturation, and Adaptation," *Applied Psychology: An International Review* 46, no. 1 (January 1997): 22.

Institutional Analysis and the Resistance to Change

From a sociological institutional analysis perspective, the CAF's resistance to gender integration can be linked back to the nature of the institutional construct within which it finds itself. Institutions themselves are diverse, extremely complex, and can be defined as:

... [a] relatively enduring collection of rules and organized practices, embedded in structures of meaning and resources that are relatively invariant in the face of turnover of individuals and relatively resilient to the idiosyncratic preferences and expectations of individuals and changing external circumstances.³⁴

Furthermore, according to lauded British sociologist Anthony Giddens, "institutions by definition are the more enduring features of social life ... giving solidity [to social systems] across time and space."³⁵ The importance of these definitions is that they clearly show that institutions are multifaceted and durable social structures that are resistant to change. The CAF is no exception to these definitions or their implications. As a closed society, the CAF has a history of resisting change to its internal social order and lagging behind its parent society in terms cultural evolution. This is particularly evident when one considers that the CHRA of 1978 prohibited employment discrimination on the basis of sex but certain military occupations remained completely, or partially, closed to women until as late as 2001.³⁶

In her work on cultural resistance, UCLA Professor Lynne Zucker identifies resistance to change and cultural persistence as being directly affected by institutionalization.³⁷ This means that institutions themselves strive for stability and that their created social order can be

³⁴ Major Devin Conley and Dr Eric Ouellet, "The Canadian Forces and Military Transformation – An Elusive Quest for Efficiency," *Canadian Army Journal* 14, no. 1 (2012): 71.

³⁵ Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Los Angeles: University of California Press, 1984), 24.

³⁶ Canadian Armed Forces, "Navy Opens Submarine Service to Women," last accessed 1 November 2016, <http://www.forces.gc.ca/en/news/article.page?doc=navy-opens-submarine-service-to-women/hnmx19og>.

³⁷ Lynne G. Zucker, "The Role of Institutionalization in Cultural Persistence," *American Sociological Review* 42, no. 5 (October 1977): 727, 741.

maintained, reproduced, and passed down through generations. In order to provide the needed stability and social order to thrive, institutions define acceptable behaviour and standards through the imposition of legal, cultural, and moral boundaries.³⁸ While institutional change does occur, and these imposed boundaries and standards can be altered, it is apparent that institutions, including the CAF, are predisposed to resist change. To maintain their own internal stability and social order institutions seek a state of homeostasis and their survival depends on the maintenance of their internal integrity.

Despite their reluctant nature, institutions do advance and change. Without growth and evolution an institution, such as the military, risks becoming outdated and out of touch with the society that it represents or serves. Oftentimes, it is the pressure exerted by the external environment that forces an institution to take measures that will upset its internal balance and social order. The issues surrounding the acceptance and integration of women into the CAF is a clear example of the institutional tension between external forces and internal social order. Ultimately, the external pressure exerted by Canadian society upset the internal balance and social order of the CAF and legally forced the issue of gender integration upon the institution.

Scott's Framework and Institutional Legitimacy

To survive and thrive in their social environment, organizations must possess credibility and social acceptability.³⁹ In short, successful organizations must possess legitimacy, which is defined as “actions of an entity [that] are desirable, proper, or appropriate within some socially

³⁸ W. Richard Scott, *Institutions and Organizations: Ideas, Interests, and Identities*, 4th ed. (London: Sage, 2014), 58.

³⁹ W. Richard Scott, Martin Ruef, Peter J. Mendel and Carol A. Caronna, *Institutional Change and Healthcare Organizations: From Professional Dominance to Managed Care* (Chicago: University of Chicago Press, 2000), 237.

constructed system of norms, values, beliefs, and definitions.”⁴⁰ Since the foundational work of social theorist Max Weber, legitimacy has been recognized as the cornerstone of institutional analysis and addresses the “normative and cognitive forces that constrain, construct, and empower organizational actors.”⁴¹ The idea of legitimacy explains how and why an institution creates and maintains its social order.

Legitimacy, and the perception thereof, is critically important for institutions because the creation of social order will also inevitably create inequity. To preserve itself with minimal internal or external conflict, an institution must be able to justify its social order if it is to be perceived as being legitimate.⁴² As the sole practitioner of sanctioned violence in a modern and democratic state, the CAF (along with police forces) must be perceived as a worthy custodian of this privilege or it will face serious challenges and pressure from Canadian society. In this regard, the importance of institutional legitimacy cannot be understated. Therefore, any social order created by the CAF must be perceived as legitimate both internally by defence members and externally by Canadian society or conflict will exist. This explains why the male-dominated military social order that excluded and limited female participation created tension and conflict between the CAF and Canadian society.

According to renowned institutional theorist and Stanford University professor W. Richard Scott, the basis of institutional legitimacy is founded upon three pillars: regulative, normative, and cultural-cognitive.⁴³ Each of these pillars represents a different basis of

⁴⁰ Mark C. Suchman, “Managing Legitimacy: Strategic and Institutional Approaches,” *The Academy of Management Review* 20, no. 3 (July 1995): 574.

⁴¹ *Ibid.*, 571.

⁴² Major Devin Conley and Dr Eric Ouellet, “The Canadian Forces and Military Transformation – An Elusive Quest for Efficiency,” *Canadian Army Journal* 14, no. 1 (2012): 71.

⁴³ W. Richard Scott, *Institutions and Organizations: Ideas, Interests, and Identities*, 4th ed. (London: Sage, 2014), 59.

compliance and contributes to the reinforcement of the institution as a powerful social framework. Divergence in any of the pillars erodes an institution's legitimacy and questions its social order. Moving forward, Scott's three pillars provide a framework from which to assess the past and present issues surrounding gender integration within the CAF.

The regulative pillar constrains and standardizes behaviour. It encompasses the rules and regulations within an institution that serve to define and limit legitimate social behaviour through incentives and sanctions.⁴⁴ To maintain legitimacy in accordance with the regulative pillar, the CAF's rules and regulations must be consistent with, and respectful of, Canadian laws. This means that military rules and regulations must evolve with, and be a reflection of, Canadian legislation. Failure to adapt to legislation in a timely manner will erode institutional legitimacy. The CAF's delay in legally integrating women following changes to Canadian law found in the CHRA and the *Charter of Rights and Freedoms* was a clear example of this.

The normative pillar emphasizes norms (the real-world actions of individuals, specify how things should be done, and define acceptable means to pursue legitimate ends) and values (the beliefs about what is preferred or desirable and the establishment of structural and behavioural standards).⁴⁵ The focus of the normative pillar is on prescriptive behaviour to maintain social order and cohesion. As a second order effect, norms and values also support the sense of identity amongst institutional members. Deeply embedded in the concept of values and norms are the ethical notions of 'good' and 'evil' which provide individuals with a powerful means of legitimizing and justifying their decisions and actions.⁴⁶ Transgression from the accepted values, norms, and social identity can evoke a visceral and emotional response. As a

⁴⁴ *Ibid.*, 59, 63.

⁴⁵ *Ibid.*, 64.

⁴⁶ Major Devin Conley and Dr Eric Ouellet, "The Canadian Forces and Military Transformation – An Elusive Quest for Efficiency," *Canadian Army Journal* 14, no. 1 (2012): 72.

result, adherence to values and norms can be more important to the social cohesion and maintaining internal legitimacy than strict obedience to rules and regulations.⁴⁷ As a professional military, the CAF devotes great effort to ensuring a cohesive group identity. Once inculcated, it is extremely difficult for an institution to change its social order, norms, or values. In essence, the CAF's normative pillar reinforces its existing institutional culture and its resistance to change.

The final pillar in Scott's institutional framework is the cultural-cognitive pillar. This represents the shared conceptions and ideas that define social reality and creates the common frame through which an institution sees the world and derives meaning.⁴⁸ The cultural-cognitive pillar defines social reality by emphasizing meaning within an organization through shared ideas. Similar to the normative pillar, these shared ideas are used to legitimize and justify decisions. As such, it is important that the cognitive frame used by the CAF is complementary to Canadian society and the Federal Government. As will be later explained, the CAF's framework for viewing gender integration revolved around the perceived negative impact that women would have on operational effectiveness. This vision of social reality was directly opposed to Canada's emphasis on individual rights and freedoms. This created another source of tension and affected the CAF's perceived legitimacy.

Institutions exert tremendous effort to guarantee their legitimacy. As an institution, the CAF is no exception and must ensure that it maintains its internal integrity as well as its actual, and perceived, legitimacy. The external pressure exerted by Canadian society has often required the CAF to take measures that upset the internal balance of the institution in order to maintain or

⁴⁷ *Ibid.*, 72.

⁴⁸ W. Richard Scott, *Institutions and Organizations: Ideas, Interests, and Identities*, 4th ed. (London: Sage, 2014), 67.

regain legitimacy. This is consistent with Scott's framework which posits that an institution will only change when it is given no other choice. Examples of this include the legal integration of women into the Canadian military, the impact of the Somalia affair and the implementation of externally-driven policies, and, more recently, the firm direction provided in Operation HONOUR (hereafter referred to as Op HONOUR).

When viewed together, Berry's work on acculturation coupled with Scott's framework for institutional legitimacy explain the selection of the CAF's gender integration strategy and its ultimate effectiveness. External legal pressure forced the CAF to legally integrate women and internal norms and values firmly based in the notion of military masculinity advocated a strategy of assimilation. The male-dominated military social order that excluded and limited female participation created tension and conflict between the military and Canadian society at large. Furthermore, accepting women into that same male-dominated social order created internal conflict and tension by challenging the normative and cultural-cognitive pillars. To maintain its external legitimacy the CAF was forced to acquiesce to societal pressure and include women but to maintain its internal legitimacy the CAF pursued female inclusion through an assimilation strategy.

CHAPTER 3: LEGAL INTEGRATION AND THE ENTRANCE OF WOMEN INTO THE CAF

Few nations permit the unrestricted access of women to all military occupations and regardless of their early success in uniform, women's service in the Canadian military has been challenging. Over the past century Canadian society has become increasingly diverse; however, Canada's military, like many other traditional institutions, has "often failed to apprehend and

respond to [this increasing diversity] until ... forced to do so by legal measures.”⁴⁹ With respect to gender-related issues, military leadership has traditionally eschewed change initiatives and its leaders have resisted efforts for social change and argued that the integration of women would have a detrimental effect on operational effectiveness, morale, and unit cohesion.⁵⁰

While a detailed historical review of the participation and contribution of women in Canada’s military is outside the scope of this paper an overview of historical landmarks is provided for context. Following this, key historical events and judicial decisions that directly contributed to gender integration in Canada will be examined in detail. In particular, this chapter will focus on the legal integration of women into the CAF beginning with the 1970 *Royal Commission on the Status of Women*. This was chosen as the starting point to examine legal integration because it represents the first instance where complete employment equality between the genders was recommended for Canada’s military. Additionally, the *Royal Commission* serves as a clear demarcation in the cultural shift towards greater emphasis on, and respect for, the individual rights and freedoms of all persons in Canada.

Historical Overview: Inclusion of Canadian Women in the Military

For more than a century women have been involved, to varying degrees and capacities, in Canada’s military. As nurses, women served in the Canadian military as early as the 1885 Northwest Rebellion and continued to serve in this singular capacity until their roles were

⁴⁹ Franklin C. Pinch, “Diversity: Conditions for an Adaptive, Inclusive Military,” in *Challenge and Change in the Military: Gender and Diversity Issues*, ed. Franklin C. Pinch, Allister T. MacIntyre, Phyllis Browne, and Alan C. Okros (Kingston: Canadian Defence Academy Press, 2006), 172.

⁵⁰ David R. Segal and Meyer Kestnbaum, “Professional Closure in the Military Labor Market: A Critique of Pure Cohesion,” in *The Future of the Army Profession*, ed. D.M. Snider & G.L. Watkins (Boston: McGraw-Hill, 2002), 445.

expanded during the First and Second World Wars.⁵¹ The largest number of serving women occurred during the Second World War where their employment was expanded and included many non-traditional duties.⁵² Even though women had made significant contributions as military members during the Second World War, their employment opportunities were restricted following the large post-war personnel reduction.

It was not until the 1950s that women were once again permitted to enroll in the Royal Canadian Navy, the Canadian Army, and the Royal Canadian Air Force; however, their employment was limited to traditional roles in medicine, administration, logistics, and communications.⁵³ From this point onward, occupations and opportunities were slowly extended to women as social and legal changes in Canada provided women with legal access to occupations that were traditionally limited to men. Within the CAF, occupations were gradually opened to women but it was not until the new millennium that all CAF occupations were accessible to both genders. Service in submarines, the last bastion of a male-only armed force, was finally opened up to women in 2001.⁵⁴

Despite Canada's evolution into a more inclusive and rights-based society, the presence and expansion of the roles of women in the Canadian military was precipitated by external forces.⁵⁵ The most compelling motivation for the CAF to address issues related to gender

⁵¹ Canadian Armed Forces, "Canadian Armed Forces – Historical Milestones of Women," last accessed 1 November 2016, <http://www.forces.gc.ca/en/news/article.page?doc=canadian-armed-forces-historical-milestones-of-women/hie8w7rl>.

⁵² Canadian Armed Forces, "Women in the Canadian Armed Forces," last accessed 16 April 2017, <http://www.forces.gc.ca/en/news/article.page?doc=women-in-the-canadian-armed-forces/hie8w7rm>.

⁵³ Canadian Armed Forces, "Women in the Canadian Armed Forces," last accessed 16 April 2017, <http://www.forces.gc.ca/en/news/article.page?doc=women-in-the-canadian-armed-forces/hie8w7rm>.

⁵⁴ Canadian Armed Forces, "Navy Opens Submarine Service to Women," last accessed 1 November 2016, <http://www.forces.gc.ca/en/news/article.page?doc=navy-opens-submarine-service-to-women/hnmx19og>.

⁵⁵ Barbara Dundas, *A History of Women in the Canadian Military* (Montreal: Art Global and the Department of National Defence, 2000), 105.

integration has to do with legislated changes in the context of human rights and specifically includes: the 1970 *Report of the Royal Commission on the Status of Women in Canada*, the *Canadian Human Rights Act* of 1978, and the 1989 *Canadian Human Rights Tribunal* ruling on gender integration in the CAF.⁵⁶ These three key documents, and the CAF's reaction to and implementation of their findings and recommendations, show that gender equality and inclusion was not an internal initiative but an external imperative thrust upon a well-established and closed culture. It is from these documents that the acculturation strategy of assimilation was borne and the foundation for barriers to effective social integration was laid.

The Royal Commission on the Status of Women in Canada

On the recommendation of Prime Minister Lester B. Pearson, three men and five women were appointed by the Privy Council to form the *Royal Commission on the Status of Women in Canada* (hereafter referred to as: the *Commission*) on 16 February 1967.⁵⁷ The *Commission's* final report was submitted on 28 September 1970 and tabled in the House of Commons on 7 December of that same year. The *Commission* made 167 recommendations which it considered to be necessary in order to provide a climate of equal opportunity for women in Canada.⁵⁸ The rich body of information included in the report became the basis for the majority of gender equality related policies that were subsequently initiated.⁵⁹ As such, the formation of the *Commission* and the acceptance of the vast majority of its recommendations marked a turning point for women in the Canadian military.

⁵⁶ Karen D. Davis, "Sex, Gender and Cultural Intelligence in the Canadian Forces," *Commonwealth & Comparative Politics* 47, no. 4 (November 2009), 437.

⁵⁷ Emily MacDonald, "The Royal Commission on the Status of Women in Canada," *Peace and Conflict: Journal of Peace Psychology* 19, no. 4 (2013): 383.

⁵⁸ Royal Commission on the Status of Women in Canada, *Report of the Royal Commission on the Status of Women in Canada* (Ottawa: Information Canada, 1970), 395.

⁵⁹ Alex C. Michalos, "Evaluation of Equality Policies for the Status of Women in Canada," *Social Indicators Research* 49, no. 3 (Jan 2000): 242.

The work of the *Commission* was guided by the mandate provided by the Privy Council: “... to inquire into and report upon the status of women in Canada, and to recommend what steps might be taken by the Federal Government to ensure for women equal opportunities with men in all aspects of Canadian society ...”⁶⁰ The *Commission* established a clear foundation for the promotion of gender equality that began with the Universal Declaration of Human Rights, which was adopted by the United Nations (UN) General Assembly on 10 December 1948. In the preamble of this historically significant document, the peoples of the UN reaffirmed their faith in “the equal rights of men and women and [their determination] to promote social progress and better standards of life in larger freedom.”⁶¹ With the Universal Declaration of Human Rights as a launching pad, the *Commission* reaffirmed Canada’s commitment to a principle that does not permit any distinction in the rights and freedoms between men and women but emphasizes the common status of both genders rather than a separate status for each.⁶² In its assessment of the status of women, the belief that everyone is entitled to the rights and freedoms contained within the Universal Declaration of Rights and Freedoms became the *Commission*’s guiding principle.

When boiled down, the primary task of the *Commission* was to determine whether or not women in Canada were actually in possession of the positive rights and freedoms contained within the Universal Declaration of Human Rights in practice as well as in principle. With the goal of Canadian society being the equality of opportunity for everyone, the *Commission* also expressed the idea of equality of responsibility. In having the same rights and freedoms, men and

⁶⁰ Royal Commission on the Status of Women in Canada, *Report of the Royal Commission on the Status of Women in Canada* (Ottawa: Information Canada, 1970), vii.

⁶¹ United Nations General Assembly, “Resolution 217 A (III): Universal Declaration of Human Rights,” 10 December 1948, last accessed 30 November 2016, <http://www.un.org/en/universal-declaration-human-rights/>.

⁶² Royal Commission on the Status of Women in Canada, *Report of the Royal Commission on the Status of Women in Canada* (Ottawa: Information Canada, 1970), xi.

women must share the same responsibilities.⁶³ This notion of shared responsibility is particularly relevant regarding defence of the nation. In its statement that “there should be equality of opportunity to share the responsibilities to society as well as its privileges and prerogatives,”⁶⁴ the clear implication is that women should also share in the danger associated with the service of Canada, be it in the armed forces, police services, or otherwise. Men should not maintain a monopoly in either the selection of employment opportunities or the assumption personal hardship and bodily risk on behalf of the nation.

In its chapter on women in the economy, the *Commission* addressed the issue of inclusion of women in the Canadian Forces and found that women were not afforded an equal opportunity to enter into, or advance in, Government Service. Furthermore, the *Commission* determined that women’s skills and abilities were not being utilized to their fullest extent.⁶⁵ Information supplied by Canadian Forces Headquarters Ottawa to the *Commission* in March 1969 supported the *Commission*’s finding and showed that women represented a mere 3.67% of all commissioned officers and a paltry 0.7% of senior officers at the rank of major and above.⁶⁶ This statistical representation was bleaker for non-commissioned members (NCM) where women represented only 1.79% of all NCMs and a virtually insignificant 0.11% of non-commissioned officers (NCO) at the rank of warrant officer and above.⁶⁷ Recognizing that the “freedom to choose a career means little if the opportunity to enter some occupations is restricted,”⁶⁸ the *Commission* made six recommendations that were aimed directly at the military. These recommendations included: the standardization of enrolment criteria, equal pension benefits, the opportunity for

⁶³ *Ibid.*, xii.

⁶⁴ *Ibid.*, xii.

⁶⁵ *Ibid.*, 138.

⁶⁶ *Ibid.*, Table 13, 137.

⁶⁷ *Ibid.*, Table 13, 137.

⁶⁸ *Ibid.*, xi.

women to attend Canadian Military Colleges, the opening of all trades and officer classifications to women, and the elimination of regulations prohibiting the enrolment of married women and requiring the release of servicewomen following the birth of a child.⁶⁹

The *Commission* provided very real and tangible progress for Canadian women. As of 1971, the restrictions on the enrolment of married women were lifted, women were no longer required to release following the birth of a child, and women were enrolled in the Regular Officer Training Program (ROTP) where they received subsidization for a university degree granted at a civilian university.⁷⁰ Furthermore, in July 1971 the Defence Council directed that limitations on the employment of women would be eliminated with a few exceptions: “no limitation on the employment of women in the Canadian Forces, other than in the primary combat role, at remote locations and at sea.”⁷¹ From its pre-*Commission* employment limitations to the end of the 1970s, the representation of women in the Canadian Forces surged from 1.8% to 5.9% of the total force strength and women were employed in 81 out of 127 occupational classifications and trades.⁷² Despite the advances made, there was resistance to the complete implementation of the *Commission*'s recommendations and many opportunities remained firmly closed to women.

The progress made as a result of the *Commission* was accompanied with limitations and barriers. The problem of integrating women into the CF was not solved by the *Commission*; rather the problem was redefined. While there was no debate with respect to the egalitarian

⁶⁹ *Ibid.*, 134 – 138.

⁷⁰ Lieutenant (N) K.D. Davis, *Women and Military Service in Canada: 1885 – Present*. Historical Report 96-1 (Canadian Forces Personnel Applied Research Unit: North York, ON, June 1996), 7.

⁷¹ Captain Suzanne Simpson, Major Doris Toole, and Ms. Cindy Player, “Women in the Canadian Forces: Past, Present and Future,” *Atlantis: Critical Studies in Gender, Culture & Social Justice* 4, no. 2 (1979): 271.

⁷² Lieutenant (N) K.D. Davis, *Women and Military Service in Canada: 1885 – Present*. Historical Report 96-1 (Canadian Forces Personnel Applied Research Unit: North York, ON, June 1996), 8.

principle espoused by the *Commission* there remained dispute regarding the popular view that complete gender equality was not practical while simultaneously guaranteeing the maintenance of an effective military force.⁷³ Claiming that women were no longer viewed as an auxiliary resource and that they were now an integral part of the military, the CF's policy was to "recruit, train, employ, assign and pay women in the same way as men."⁷⁴ Ultimately, however, the CF's policy on the 'equal' employment of women was still defined by its exclusionary principles. Women still faced staunch prohibitions relating to combat, employment at sea and at isolated posts, and admission to the military colleges.⁷⁵

Despite the clear recommendations made by the *Commission*, the 1970s ended with women still facing numerous prohibitions and restrictions in their military careers. Concerns regarding the practicality of employing women alongside men were based on the perception surrounding the believed implications of employing the nation's wives and mothers. Equal employment would result in an increased number of married military women as well as an increasing number of pregnancies. The impact of increased marriages and pregnancies, including the likelihood that the "servicewoman's coworkers must absorb the extra workload while she is on maternity leave,"⁷⁶ meant that the impact of employing women on the defence capability needed to be carefully examined and considered before any future expansion would occur. While the *Commission* represented a momentous step forward for military women many barriers remained firmly in place.

⁷³ Captain Suzanne Simpson, Major Doris Toole, and Ms. Cindy Player, "Women in the Canadian Forces: Past, Present and Future," *Atlantis: Critical Studies in Gender, Culture & Social Justice* 4, no. 2 (1979): 271.

⁷⁴ *Ibid.*, 273.

⁷⁵ *Ibid.*, 272-273.

⁷⁶ *Ibid.*, 273.

The Canadian Human Rights Act (CHRA)

The second major piece of federal legislation that was integral to the legal integration of women into the CF was the CHRA which was proclaimed on 1 March 1978, and revised in 1985. The stated purpose of the CHRA is to prohibit the discrimination in employment practices on the basis of “race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and [pardoned] conviction.”⁷⁷ As stated in its second paragraph, the CHRA’s guiding principle is that all individuals should have:

... an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on ... sex, sexual orientation, marital status, [or] family status ...⁷⁸

In further support of women’s employment equality, the CHRA stipulates that any discrimination on the basis of pregnancy or child-birth is deemed as discrimination on the grounds of sex. On its face, the CHRA was another step forward for women in the military. It established federal legislation that prohibited discrimination against women on the basis of their sex, family status, or pregnancy.

Entrenched within the CHRA, however, was another barrier to women’s employment – the *bona fide* occupational requirement. In para 15, the CHRA states that an exclusionary practice is not discriminatory if said practice is based on a *bona fide* occupational requirement. While not explicitly defined within the CHRA, a *bona fide* occupational requirement is considered to be justified only when it is “established that accommodation of the needs of an individual or class of individuals affected would impose undue hardship on the person who

⁷⁷ Canadian Human Rights Act, R.S. 1985, C. H-6, s. 2 (1985).

⁷⁸ *Ibid.*

would have to accommodate those needs, considering health, safety and cost.”⁷⁹ The lack of a clear definition as to what constitutes a *bona fide* occupational requirement left its interpretation to existing organizations that were already predisposed to resist change and gender integration. As a result, the CF would use the *bona fide* occupational requirement as justification to resist and deny the full implementation of the *Commission’s* recommendations and the opening of all trades and occupational classifications to women.

With respect to the equal employment of women in the CAF ‘universality of service’ and *bona fide* occupational requirements were the obvious limiting factors. The CHRA specifically addresses the CF’s need for universality of service based on *bona fide* occupational requirements and reinforced this principle by stating that CF members must “at all times and under any circumstances perform any functions that they may be required to perform.”⁸⁰ In the strictest sense a *bona fide* occupational requirement could be limited to a physical capability to complete a job. However, when based solely on physical grounds it is impossible to exclude women as a complete group from any role within the CF. As a result, the Canadian Forces shifted its focus from purely physical requirements to ‘operational considerations’ and the potential deterrent effects of women in certain roles, such as combat and at sea.⁸¹ Despite the federal legislation which directed the integration of women into the CF the reality was that the *bona fide* occupational requirement set out in the CHRA represented a real hurdle to Canadian women.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ Captain Suzanne Simpson, Major Doris Toole, and Ms. Cindy Player, “Women in the Canadian Forces: Past, Present and Future,” *Atlantis: Critical Studies in Gender, Culture & Social Justice* 4, no. 2 (1979): 274.

The Impact of the *Commission* and the CHRA for Women

In the fifteen years that followed the *Commission*, there was considerable change in the employment opportunities for women in the CF. The *Commission* provided specific direction for the continued intervention on behalf of women but this evolving situation was largely attributable to the government's direction of military employment practices.⁸² By the mid-1980s, all but one of the *Commission's* recommendations specific to the CF had been fully implemented. The final recommendation, which was also the most encompassing, was that all military trades and officer classifications should be extended to include female participation.

As of 1974, the CF was in partial compliance with the *Commission's* final recommendation as it had opened up a number of non-traditional trades and classifications to women such as vehicle and weapons technicians. Women, however, were still excluded from: primary combat, combat support, isolation posts, and sea and aircrew duties. This exclusionary employment practice resulted in a staggering one-third of trades and classifications that were open to men remained closed to women.⁸³ In addition to this persistent exclusion, the remaining trades and classifications were subject to a quota which established the maximum number of women permitted per occupation.

In terms of women's equality, the CHRA built on the *Commission* and had considerable implications for the military. There were now legal regulations that directly challenged the continued exclusion of servicewomen from what were regarded as the more hazardous military occupations and duties. As federal legislation, the CHRA necessitated the immediate

⁸² Captain R.E. Park, *Factors Influencing the Final Conclusions of the Canadian Forces' Trial Employment of Servicewomen in Non-Traditional Environments and Roles*. Paper presented at the Inter-University Seminar on Armed Forces and Society International Meeting in Chicago, Illinois (Canadian Forces Personnel Applied Research Unit: North York, ON, October 1983), 2.

⁸³ *Ibid.*, 3.

implementation of the *Commission's* final recommendation unless *bona fide* occupational requirements could be defined and determined. This meant that the CF had to provide adequate substantiation and valid evidence for not complying with the CHRA in its entirety. Additionally, the establishment of any restrictions based on *bona fide* occupational requirements had to be approved and sanctioned by the Governor in Council under the recommendation of the Canadian Human Rights Commission – an external federal agency.⁸⁴ As a result, the requirement to open all classifications and place women in combat was externally imposed and externally protected regardless of the CF's preferences or concerns.

Even though the CHRA espoused the protection of equal rights status for women, the *bona fide* occupational requirement and existence of the Canadian Human Rights Commission provided the CF with an avenue to pursue exemption to that very same law. Restrictions to the full employment of women remained in place even where formal inclusion policies existed. In accordance with Scott's framework, for institutional legitimacy the CF needed to be able to justify its social order (i.e. the exclusion of women) and adopt rules and regulations that were consistent with, and respectful of, Canadian laws to maintain its perception as a legitimate organization.⁸⁵ The *bona fide* occupational requirement was the element within the CHRA which enabled the CF to maintain its existing regulative pillar and initially resist the full legal integration of women into its ranks.

The SWINTER Trials – The CF's Response to the CHRA

To maintain its legitimacy with Canadian society, the CF was forced to formally respond to the CHRA and its legal requirements. This was accomplished through the launch of the

⁸⁴ Canadian Human Rights Act, R.S. 1985, C. H-6, s. 2 (1985).

⁸⁵ W. Richard Scott, *Institutions and Organizations: Ideas, Interests, and Identities*, 4th ed. (London: Sage, 2014), 59, 63.

Servicewomen in Non-Traditional Environments and Roles (SWINTER) Trials, which were conducted between 1979 and 1985.⁸⁶ In particular, the CF's stated goal of these trials was to evaluate the "human consequences, if any, of introducing servicewomen into previously male roles and environments."⁸⁷ To evaluate these anticipated human consequences of integration the trials introduced female service members from mixed-gender occupations into exclusively male units in all three environments, which included: being sent to isolated locations, working on board ships, and serving in near-combat units. Also included within the SWINTER Trials was the monitoring of personnel performance in these male-only environments and the completion of surveys which captured the attitudes of the men and women who served in the designated mixed-gender units.⁸⁸ Even though there were four trials conducted, the scope of this paper only requires the examination of the three environment-specific trials.

The concept behind the SWINTER Trials was for the military to exercise the 'Accommodation of Needs' clause within the CHRA and document whether or not *bona fide* occupational requirements did in fact exist which would warrant the exclusion of women from additional military duties and employment opportunities. The rationale for the military's approach was based on "the presence of many uncertainties relating to universal or near universal employment of women throughout the CF [which] argues against unreasonable or precipitous implementation of the literal requirements of the CHRA."⁸⁹ The CF gained two

⁸⁶ Lieutenant (N) K.D. Davis, *Women and Military Service in Canada: 1885 – Present*. Historical Report 96-1 (Canadian Forces Personnel Applied Research Unit: North York, ON, June 1996), 9.

⁸⁷ Department of National Defence, National Defence Headquarters Instruction – Deputy Chief of Defence Staff 13/79, *The Trial Employment of Servicewomen in Non-Traditional Roles and Environments* (Ottawa: National Defence Headquarters, December 1979), 3.

⁸⁸ Captain R.E. Park, *Results of Final Social/Behavioural Science Data Collection for the SWINTER Land Trial*. Technical Note 2/85 (Canadian Forces Personnel Applied Research Unit: Willowdale, ON, February 1985), 1.

⁸⁹ Department of National Defence, National Defence Headquarters Instruction – Deputy Chief of Defence Staff 13/79, *The Trial Employment of Servicewomen in Non-Traditional Roles and Environments* (Ottawa: National Defence Headquarters, December 1979), 1.

advantages through its launch of the SWINTER Trials. Firstly, the trials demonstrated that the military was in compliance with the intent of the CHRA – if not the spirit. Secondly, the creation of four separate SWINTER Trials (Land, Sea, Air, and Isolated Post trials) provided the CF with much needed time. As a result of the trials, the CF could proceed cautiously without any requirement for permanent change within the five year trial period.

SWINTER Land Trial. The Land Trial, which concluded in August 1984, consisted of the employment of servicewomen in 4 Service Battalion, 4 Field Ambulance, and CF Europe with the objective to “determine the viability, from a social psychological perspective, of men and women serving together in Combat Service Support (CSS) units.”⁹⁰ In the trial’s final survey, respondents were asked to describe the treatment, performance, and effect of women in the Land Trial units based on seven items. Of these seven items, four were found to have a common theme which was termed as ‘Women’s Unit Effect.’⁹¹ When rating the performance of the female trial participants the servicemen were decidedly less positive than the servicewomen. The main source of this discrepancy between the genders related to the perceived physical inability of women to cope with their duties.⁹²

The final trial data was collected in May 1984 and showed a positive assessment of servicewomen’s performance and impact in the trial units by the majority of female respondents and a slim majority of the male respondents.⁹³ In essence, the Land Trial had proven women to be capable of serving in CSS roles and further implied that qualified women should be afforded the opportunity to continue to serve in these units. Despite the encouraging results, the trial’s

⁹⁰ Captain R.E. Park, *Results of Final Social/Behavioural Science Data Collection for the SWINTER Land Trial*. Technical Note 2/85 (Canadian Forces Personnel Applied Research Unit: Willowdale, ON, February 1985), 1.

⁹¹ *Ibid.*, 8.

⁹² *Ibid.*, 8.

⁹³ *Ibid.*, 18-19.

survey and interview data also suggested that the trial did not fully assuage the concerns of the servicemen. In particular, servicemen viewed the inability of certain, individual women to physically cope with garrison and field duties as a “continuing obstacle to women being fully accepted.”⁹⁴ Additionally, servicemen identified the following factors as hindering women’s integration: a lack of essential training and motivation for a land field posting, the limited supervisory skills exhibited by some male supervisors, and a general reluctance by servicemen to accept the idea women as combatants.⁹⁵

The views of the Land Trial’s participating servicemen were reflective of those with a combat identity. In particular, those with a combat identity approach gender integration as an emotional issue and strongly believe that “the employment of women in combat units would have a negative effect on cohesion and motivation in battle.”⁹⁶ In accordance with Scott’s framework, transgression from the accepted values, norms, and social identity – in this case a male-only combat land force – evoked a visceral and emotional response from servicemen. In this regard, adhering to the existing values and norms of the Canadian Army (CA) was more important to the organization’s social cohesion and internal legitimacy than was the strict obedience to the rules and regulations set forth in the CHRA. The maintenance of this internal legitimacy and social cohesion was so important that the CA set the conditions to ensure a less than completely successful integration trial. The SWINTER reports themselves suggested that many of the observed problems could be traced back to the poor selection and training of trial

⁹⁴ *Ibid.*, 19.

⁹⁵ *Ibid.*, 19.

⁹⁶ Donna Winslow and Jason Dunn, “Women in the Canadian Forces: Between Legal and Social Integration,” *Current Sociology* 50, no. 5 (September 2002): 643.

participants, a failure to identify any special skills needed by participants, inadequate job definitions, and the poor organizational or management preparation.⁹⁷

From a sociologically perspective, the resistance to change exhibited by the servicemen in the Land Trial showed that the CA was neither willing nor prepared to alter its cultural or moral boundaries. This view was captured in the survey response of one of the male officers involved in the trial:

The military has traditionally been the last organization to accept social change. I believe this will be the case with females. After they have been accepted and employed in non-traditional employment in civilian life for 25 years or so, the military may accept them. Until that time, we will be pulled with our heels dragging all the way, and so long as this is the case, effectiveness of a unit will suffer. I neither advocate nor condemn this heel dragging, but merely point it out as a fact of life in the Army.⁹⁸

Additional external pressure was needed to force the CF, and in this particular case the CA, to take measures that would upset its internal balance and social order. According to Scott's framework, the CA's response is a reflection of the normative and cultural-cognitive pillars. Servicemen were not yet prepared to view women as combatants and their full legal integration directly threatened the social reality and common frame through which the CA saw the world and derived meaning.

SWINTER Sea Trial. The Sea Trial, which concluded in March 1984, consisted of the employment of servicewomen onboard the HMCS Cormorant. The purpose of this trial was to "assess the impact on the Ship's operational effectiveness of employing a mixed-gender crew" and the primary objective of the social/behavioural science (SBS) evaluation was to "determine the extent and type of integration achieved by male and female crewmembers onboard HMCS

⁹⁷ *Ibid.*, 645-646.

⁹⁸ Captain R.E. Park, *Results of Final Social/Behavioural Science Data Collection for the SWINTER Land Trial*. Technical Note 2/85 (Canadian Forces Personnel Applied Research Unit: Willowdale, ON, February 1985), 19-20.

Cormorant.”⁹⁹ In particular, factors that either facilitated or detracted from the acceptance of women as complete and effective crewmembers were examined.

The four-year trial produced three key findings. The first finding showed that servicewomen appeared to function effectively as crewmembers onboard ship. Secondly, both male and female crewmembers rated the work relationships between the genders as satisfactory. Finally, the continued employment of women onboard the HMCS Cormorant was supported by 70% of the ship’s male and female crewmembers as well as the majority of service members who completed the Sea Trial’s attitudinal surveys.¹⁰⁰ While the Sea Trial uncovered no major impediments to the legal integration of women throughout the Royal Canadian Navy (RCN), including onboard ship, these same findings did reveal that there were firm, cultural impediments to the widespread acceptance of women in all roles in the RCN.

The Sea Trial exposed numerous issues regarding the social integration of female crewmembers into the existing all-male crew structure. In general, the tendency was for female crewmembers to remain segregated from their male counterparts. Furthermore, the contributions of women and men were not equally valued amongst the mixed-gender crew. Interestingly, both the male and female crewmembers viewed the division of labour between the genders throughout the duration of the trial as being unfair. However, of critical importance, was the perception of preferential treatment which “appeared to result in the unwillingness of male crewmembers to judge women as equal participants.”¹⁰¹ As a result, servicewomen were only accorded partial acceptance.

⁹⁹ Major R.E. Park, *Final Report of the Social/Behavioural Science Evaluation of the SWINTER Sea Trial*. Research Report 84-4 (Canadian Forces Personnel Applied Research Unit: Willowdale, ON, October 1984), i.

¹⁰⁰ *Ibid.*, ii-iii.

¹⁰¹ *Ibid.*, iv.

The SBS evaluation of the Sea Trial generated some key conclusions regarding the integration of women onboard the HMCS Cormorant. Firstly, servicewomen were seen to effectively perform their assigned duties for the duration of the Sea Trial but their contributions were not equally valued when compared with those made by their male colleagues. Additionally, the differential assignment of seamanship tasks between men and women was not completed in an equitable manner and this disparity in the distribution of work precluded complete integration. Finally, and perhaps most importantly, the SBS evaluation “did not show cause for excluding women from continuing to serve aboard the HMCS Cormorant.”¹⁰²

The Sea Trial failed to achieve the complete and satisfactory social integration of its female crewmembers. In particular, the small number of women participating onboard the HMCS Cormorant, coupled with their ‘trial status’, placed an undue level of focus on their presence and uniqueness.¹⁰³ The creation of this artificial and inhospitable environment created a ‘fishbowl effect,’¹⁰⁴ or tokenism, which made accepting legal integration difficult and promoting social integration a near herculean task. Despite evidence to the contrary, the majority of male participants believed that women were incapable of performing support trade seamanship tasks or hard-sea trade tasks to the same high standard as males.

The largest hurdle for women in the Sea Trial was the “apparent preferential treatment” received by women onboard ship.¹⁰⁵ As a result, male crewmembers were acutely aware of the assigned duties to women and hyper-critical of the duties from which female crewmembers were excused. This perceived double standard lessened the male crewmembers’ confidence in ability

¹⁰² *Ibid.*, v.

¹⁰³ *Ibid.*, iv.

¹⁰⁴ Donna Winslow and Jason Dunn, “Women in the Canadian Forces: Between Legal and Social Integration,” *Current Sociology* 50, no. 5 (September 2002): 645.

¹⁰⁵ Major R.E. Park, *Final Report of the Social/Behavioural Science Evaluation of the SWINTER Sea Trial*. Research Report 84-4 (Canadian Forces Personnel Applied Research Unit: Willowdale, ON, October 1984), 15.

of female crewmembers to satisfactorily complete their jobs and lowered their acceptance of women at sea. Furthermore, the majority of male participants stated that they preferred to work with, and be supervised by, men and that the presence of women onboard ship was a detriment to overall morale.¹⁰⁶ In striking similarity to the Land Trial, the concerns over the perceived preferential treatment can be traced back to the initial poor set up of the trial by the RCN. In particular, the poor selection and training of female participants, the failure to identify requisite special skills, the existence of inadequate job definitions, and the poor organizational and management preparations¹⁰⁷ all contributed to negatively bias the integration and SBS evaluation efforts from the start.

Not surprisingly, the RCN's response to the Sea Trial was very similar to the CA's response to the Land Trial. As its own environment, or institution, within the CAF, the RCN placed great value on the maintenance of its existing social order, norms, and values. The externally imposed gender integration was viewed as a direct threat to the RCN's existing normative and cultural-cognitive pillars. For an institution to maintain its internal legitimacy, these pillars, which are founded on shared ideas and a common view of the world, are staunchly defended and existing norms and values used to legitimize and justify decisions.¹⁰⁸ The predominantly intolerant attitude towards female integration was captured by one male crewmember who stated: "it's not that women can't do the job. It's just that it isn't worth the problems caused."¹⁰⁹ This statement, and the sentiment that it captured with respect to promoting

¹⁰⁶ *Ibid.*, 14.

¹⁰⁷ Donna Winslow and Jason Dunn, "Women in the Canadian Forces: Between Legal and Social Integration," *Current Sociology* 50, no. 5 (September 2002): 645-646.

¹⁰⁸ W. Richard Scott, *Institutions and Organizations: Ideas, Interests, and Identities*, 4th ed. (London: Sage, 2014), 67.

¹⁰⁹ Major R.E. Park, *Final Report of the Social/Behavioural Science Evaluation of the SWINTER Sea Trial*. Research Report 84-4 (Canadian Forces Personnel Applied Research Unit: Willowdale, ON, October 1984), 16.

and accepting gender integration, was a reflection of the cultural intransigence present within the RCN and demonstrates why social integration proved so difficult.

SWINTER Aircrew Trial. The Aircrew Trial, which concluded in October 1985, consisted of the employment of servicewomen as pilots, navigators, or flight engineers in five non-combat, operational squadrons¹¹⁰ across the CF and as instructors at three aircrew training schools which included the Canadian Forces Aerospace and Navigation School and 2 and 3 Canadian Forces Flying Training Schools.¹¹¹ In accordance with direction received from Air Command, the purpose of the SBS evaluation in the Aircrew Trial was to assess “the behavioural and social impact of servicewomen on trial units.”¹¹² To accomplish its objective, the SBS evaluation concentrated on the level of acceptance accorded to servicewomen and the degree to which they were viewed by their male colleagues as being equal and effective contributors in the various squadrons and units.

Identical in purpose to the Land and Sea Trials, the Aircrew Trial’s *raison d’être* was to “assess the impact on operational effectiveness of employing servicewomen in previously all-male squadrons.”¹¹³ In direct contrast to the Land and Sea Trials where the notion of women as combatants was largely unpalatable, male aircrew had limited concerns regarding potential problems arising during the Aircrew Trial since women had been effectively working as aircrew in the civilian aviation industry for years prior to the launch of the trial. This greater initial

¹¹⁰ All five of the non-combat squadrons were either designated as Transport or Transport and Rescue squadrons.

¹¹¹ Lieutenant L.M. Phillippo and Major R.E. Park, *Final Report of the Social/Behavioural Science Evaluation of the SWINTER Aircrew Trial*. Research Report 85-3 (Canadian Forces Personnel Applied Research Unit: Willowdale, ON, November 1985), 1-2.

¹¹² Air Command Trial Directive 2/80 Change 1, *Employment of Women Aircrew in the Canadian Forces* (Winnipeg, MB: Air Command Headquarters, 1981), 1.

¹¹³ *Ibid.*, i.

acceptance of women in the Aircrew Trial can be explained using the observations made by sociologists Morris Janowitz and Charles Moskos in the latter half of the 20th Century.

In the post-Second World War era, Janowitz observed changes in the American military as a result of technological advances. According to Janowitz, advancing technology changed the organizational behaviour of the military. Specifically, he observed that as the complexity of the technology of warfare grows the differences between military and civilian establishments diminish.¹¹⁴ From this foundation Moskos developed the Institutional/Occupational Model which referred to a “continuum ranging from a military organization highly differentiated from civilian society to a military system highly convergent with civilian structures.”¹¹⁵ The Institutional/Occupational Model captures the level of divergence or convergence of a military organization from its parent society and civilian structures.¹¹⁶ With respect to the CF’s three service environments, the RCAF possesses the organizational characteristics with the highest level of technological reliance as well as the greatest leaning towards convergence with civilian structures. This is why the acceptance of women in its ranks has been less emotional and controversial.

The results of the Aircrew Trial were largely positive and showed that satisfactory gender integration occurred at four of the five trial squadrons with partial acceptance achieved at the fifth. The SBS evaluation produced a couple of key findings with respect to integration. Firstly, the women who applied for navigator and/or pilot training were quite similar to their male counterparts in terms of age, language, and education. This meant that women in the Aircrew

¹¹⁴ Morris Janowitz, *Political Conflict: Essays in Political Sociology* (Chicago, IL: Quadrangle Books, 1970), 143.

¹¹⁵ Charles Moskos, “The Emergent Military: Civil, Traditional, or Plural?” *Pacific Sociological Review* 16, no. 2 (April 1973): 266.

¹¹⁶ Charles Moskos, *Soldiers and Sociology* (Alexandria, VA: United States Army Research Institute for the Behavioral and Social Sciences, 1988), 57.

Trial were better prepared and set up for greater success than the women in the Land and Sea Trials. Secondly, servicemen perceived an unfair advantage to women because they were only employed in search and rescue or transport roles which increased the odds of male aircrew being posted to the field or sea. Consequently, male aircrew increasingly endorsed the idea of equal liability for combat duties between the sexes. Male aircrew even went as far to argue that selective employment for women was operationally ineffective.¹¹⁷ By the end of the trial, the majority of male participants believed that the Aircrew Trial had shown women to be capable and effective as aircrew and that they should continue to serve in that capacity.

Not all of the trial results, however, were positive. Two of the primary concerns of male aircrew resulted from their dissatisfaction with the trial policy. In particular, male aircrew perceived an element of reverse discrimination because women were only employed in attractive, or 'soft', aircrew positions (i.e. search and rescue and transport). Additionally, over one third of the male aircrew who completed SBS evaluation surveys believed that the selection and training standards were lowered for female aircrew even though the SBS evaluation found extremely limited support for the perception that different aircrew standards were applied.¹¹⁸ Lastly, and similar to the Land and Sea Trials, physical strength was viewed as an important and enduring concern. Some male aircrew viewed certain women's "lack of physical strength, [and] emotional stability and leadership ability"¹¹⁹ to be safety hazards when coupled with poor flying skills. The NCM aircrew cadre also expressed concern that physically small female flight engineers would not be able to meet the rigorous physical demands of the job.

¹¹⁷ Lieutenant L.M. Phillippo and Major R.E. Park, *Final Report of the Social/Behavioural Science Evaluation of the SWINTER Aircrew Trial*. Research Report 85-3 (Canadian Forces Personnel Applied Research Unit: Willowdale, ON, November 1985), 21-22.

¹¹⁸ *Ibid.*, iii.

¹¹⁹ *Ibid.*, 22.

By the end of the Aircrew Trial there was a general acceptance of women in aircrew roles. This acceptance was largely seen as “indicating successful gender integration.”¹²⁰ What differentiated the Aircrew Trial’s results from those of the Land and Sea Trials were two factors that seemed to encourage mutual acceptance of the genders. Firstly, little doubt was expressed by either male or female aircrew that women possessed the ability to effectively function as pilots and navigators.¹²¹ This was due to the presence of women in the civilian aviation industry for the previous four decades which set a precedent that afforded outside legitimacy to the employment of women as aircrew.

Secondly, the common and readily identifiable ‘wings’ standard provided a common standard and an equal status between male and female aircrew. The awarding of ‘wings’ provided legitimacy which facilitated women’s acceptance in the squadrons. The prevailing attitude of the male participants of the Aircrew Trial, were captured in one male pilot’s comments: “I believe that it is time to stop studying women as if they are something new and unique ... When we quit pretending that we are trying to learn something new about their abilities, we will be able to get on with the important jobs ...”¹²² In accordance with Berry’s work on acculturation, the possession of wings changed the perception of women aircrew and provided them the opportunity to enter into the existing social hierarchy of the RCAF. In terms of the cognitive perspective of acculturation, the possession of ‘wings’ gave female aircrew a legitimate ‘foot-in-the-door’ which in turn provided male aircrew with a mechanism to categorize female aircrew and define their identity in relation to the original cultural group.¹²³

¹²⁰ *Ibid.*, 24.

¹²¹ *Ibid.*, 24.

¹²² *Ibid.*, 25.

¹²³ David L. Sam and John W. Berry, “Acculturation: When Individuals and Groups of Different Cultural Backgrounds Meet,” *Perspectives on Psychological Science* 5, no. 4 (July 2010): 475.

From the SWINTER Trials to the Canadian Human Rights Tribunal

The CHRA's imposition of the *Commission's* final recommendation represented a “legally imposed rationale, independent of obvious military tradition, practice or initiative, dictated that the Canadian Forces undergo immediate and significant organizational change.”¹²⁴ To maintain its existing social structure and internal organizational legitimacy the CF resisted opening all military employment opportunities to women. In the lead up to the SWINTER Trials, the military's resistance was evident and the effects of the proposed legal integration of women on the normative pillar were apparent. The CF devotes tremendous effort to maintaining its cohesive group identity through adherence to values and norms. In accordance with Scott's framework, the challenge to these norms through the forced legal integration of women into all trades and occupations directly threatened the military's organizational order and evoked an emotional and visceral response.¹²⁵

The very transitory nature of the SWINTER Trials concept was a clear indication of the military's apprehension and reluctance in accepting the idea of women as warriors and combatants. Despite the acknowledgement that women performed effectively during the Land, Sea, and Aircrew Trials the resistance to complete gender integration within the CF persisted – especially in the Land and Sea environments. As the SWINTER Trials neared completion, the *Canadian Charter of Rights and Freedoms* came into effect. In particular, Section 15 outlines equality rights and guarantees that:

¹²⁴ Captain R.E. Park, *Factors Influencing the Final Conclusions of the Canadian Forces' Trial Employment of Servicewomen in Non-Traditional Environments and Roles*. Paper presented at the Inter-University Seminar on Armed Forces and Society International Meeting in Chicago, Illinois (Canadian Forces Personnel Applied Research Unit: North York, ON, October 1983), 4.

¹²⁵ Major Devin Conley and Dr Eric Ouellet, “The Canadian Forces and Military Transformation – An Elusive Quest for Efficiency,” *Canadian Army Journal* 14, no. 1 (2012): 72.

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.¹²⁶

This new legislation explicitly prohibited discrimination on the basis of sex. As a result, and subsequent to a 1985 parliamentary committee, in 1986 a Canadian Forces Charter Task Force on Equality Issues was convened and recommended the further expansion of the roles of women as well as the development of a programme to provide detailed leadership training and policy guidance with respect to mixed-gender employment.¹²⁷

By 1986, CF policy had been amended and stated that all personnel would be eligible to serve in an additional seven previously male-only classifications of units, including: maritime patrol squadrons, military police platoons, service battalions, and preventative medicine technician.¹²⁸ There were, however, occupations that remained closed to women and as a result the Minister of National Defence (MND) tasked the Department of National Defence (DND) with developing “trial options with the objective of determining which [of the remaining] single gender units and military occupations could be opened to mixed-gender employment without reducing operational effectiveness.”¹²⁹ Consequently, the military proposed another trial, the Combat Related Employment of Women (CREW), be completed.

Despite the mounting pressure for gender equality, when the CF proposed the CREW Trials there were four types of naval units (which included submarines and destroyers) and ten army units/occupational classifications (which included infantry, artillery, and armoured) that

¹²⁶ *Canadian Charter of Rights and Freedoms*, section 15, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982.

¹²⁷ Shirley M. Robinson, “The Right to Serve: Women and the ‘Combat Issue’, Part I,” *Forum* 3, no. 1 (1988): 22.

¹²⁸ C.D. Lamerson, *Integration of Women Into Previously All-Male Units: A Literature Review*. Working Paper 87-2 (Canadian Forces Personnel Applied Research Unit: Willowdale, ON, 1987), 8.

¹²⁹ C.D. Lamerson, *Combat Related Employment of Women (CREW) in the Army: Trial Research Plan*. Working Paper 89-2 (Canadian Forces Personnel Applied Research Unit: Willowdale, ON, 1989), 2.

were classified as male-only units. Furthermore, there remained 52 military occupations that had a minimum male component/maximum female component and another 33 military occupations that were designated as single gender male.¹³⁰ Despite clear and constant legal pressure, the CF continued to resist complete gender integration across the three environments. It would take the direct intervention of the Canadian Human Rights Tribunal to force and guarantee the CF's compliance.

The Canadian Human Rights Tribunal: The Final Arbitrator

Despite the existence of formal legislation directing the allocation of equal employment opportunities for women within the military, the DND refused to pursue and implement the complete legal integration of women. In response to the continued employment inequalities, 4 complainants brought forth allegations of sexually based employment discrimination within the CF to the Canadian Human Rights Tribunal (hereafter referred to as the Tribunal) in the late 1980s. On 20 February 1989, the Tribunal rendered its final decision under Section 39 of the CHRA between the four complainants and the CF. This ruling was the final and ultimate direction to the CF which forced gender integration upon the military without exception.

The issue brought before the Tribunal by the four complainants was one of blatant discrimination based on sex that contravened Sections 5, 7, and 10 of the CHRA. The first three complainants argued that they were each individually refused entry into combat or combat support employment opportunities within the CF because they were women. The fourth complainant was a male who also alleged discrimination on the basis of sex. He claimed that the

¹³⁰ Lieutenant (N) K.D. Davis, *Women and Military Service in Canada: 1885 – Present*. Historical Report 96-1 (Canadian Forces Personnel Applied Research Unit: North York, ON, June 1996), 10.

existing limitation of combat duty to men alone discriminated against males.¹³¹ The CF's arguments before the Tribunal were startlingly similar to those made regarding the SWINTER Trials, delivered at the Parliamentary Committee hearings, and included in the Charter Task Force Report. The CF argued that "the exclusion of women from combat, although discriminatory, was justified as a bona fide occupational requirement which ensured the operational effectiveness of the combat arms."¹³² In essence, the Tribunal needed to resolve the issue of whether or not the admittance of women into combat related occupations would negatively impact operational effectiveness and if the assessment of this potential impact could be correctly made by military judgment.

The military's case for resisting complete gender integration rested on the perceived negative impact to operational effectiveness. For the CF, the principle of operational effectiveness is the "fundamental criterion against which [it] has developed and continually assesses its personnel policies."¹³³ Ultimately the goal of operational effectiveness is risk management and, as such, risk was central to the defence put forth by the CF. The military's argument was that the occupational structure within the CF was rationally related to the tasks to be accomplished and that these occupational requirements included a mandatory exclusion of all females in certain types of jobs to minimize risk. This exclusion "automatically turns into a bona fide occupational requirement when and because public safety is the mandate of the employer."¹³⁴ The CF's ensuing logic from this argument was that females did not have, and

¹³¹ Canadian Human Rights Tribunal Decision 3/89, *In the Matter of a Hearing Between the Complainants and the Canadian Armed Forces*, Ottawa: 20 February 1989.

¹³² Donna Winslow and Jason Dunn, "Women in the Canadian Forces: Between Legal and Social Integration," *Current Sociology* 50, no. 5 (September 2002): 658.

¹³³ Canadian Human Rights Tribunal Decision 3/89, *In the Matter of a Hearing Between the Complainants and the Canadian Armed Forces*, Section 10. Ottawa: 20 February 1989.

¹³⁴ *Ibid.*

could not acquire, the capacities and skills necessary to perform all job-related tasks or that they could acquire these skills but only at the risk of failure to themselves or others.

The Tribunal ultimately found that the *bona fide* occupational requirement exemption contained within the CHRA argued by the CF was not supported by the presented evidence. Regardless of the scientific evidence and professional opinions that the military presented, the CF was not able to convince the Tribunal that the employment restrictions to women should remain.¹³⁵ Ultimately, the Tribunal ruled that CF policy which designated specific occupations and units as male-only was an unjustified discriminatory practice and directed that all CF units and occupations be opened to women, with the exception of service on-board submarines. Furthermore, the Tribunal's ruling directed: the development of gender-free selection standards; the elimination of minimum-male requirements in units or occupations; that the integration of women occur as quickly as possible to achieve complete integration within the regular and reserve forces within ten years; and that the integration process be subject to both internal and external monitoring.¹³⁶ Simply stated, the Tribunal's ruling ordered the CF to carry out the full legal integration of women within the following decade.

The Tribunal's ruling made it clear that the CF was subject to Canadian law and reinforced the need for the CF to make cultural and social changes that kept it in touch with Canadian society. The military's resistance to change was evident in the Chief of Defence Staff's (CDS) CF-wide message issued in March 1989 following the ruling:

... although I have expressed concern over the legality and substance of the tribunal direction to terminate the [CREW] trials, it has been concluded that an

¹³⁵ Franklin Pinch, *Perspectives on Organizational Change in the Canadian Forces*. Research Report 1657 (US Army Research Institute for the Behavioural and Social Sciences: Alexandria, VA, 1994), 8.

¹³⁶ Sheila Hellstrom, "Women in the Canadian Forces: A Work in Progress", in *The Military in Modern Democratic Society*, ed. Jim Hanson and Susan McNish (Toronto: The Canadian Institute of Strategic Studies, 1996), 97.

appeal act not be undertaken. As a consequence, we must now accept that there no longer exists a bona fide occupational requirement for discrimination against women through employment limitations ... The main point that I wish to make at this time is that the Canadian Human Rights Court decision can be looked upon as the latest of a series of developments within the CF over the past 20 years leading to the full equality between the serving men and women of the forces.¹³⁷

The CDS's expressed concern with the Tribunal's ruling was a clear reflection of the CF's institutionalized resistance to change. The obvious implication made by the CDS is that while regulative change can be forced, the normative and cultural-cognitive pillars remain firmly within the organization's control. This resistance would prove to be the CAF's challenge for the next three decades.

CHAPTER 4: THE CONSEQUENCES OF FAILED SOCIAL INTEGRATION

The resistance to social integration is directly linked to members' attitudes and the need for a cultural shift within the organization. According to institutional analysis, organizations such as the CAF are enduring social structures that are resistant to change and strive for stability and a clear social order. According to Scott, to achieve change institutions must define acceptable behaviour and standards through the imposition of legal, cultural, and moral boundaries.¹³⁸ With legal change imposed externally by the Tribunal, the CAF needed its cultural and moral boundaries to follow suit. To fully overcome widespread opposition and resistant attitudes towards women's employment within the CAF, in particular in the combat arms, the

¹³⁷ Department of National Defence, CANFORGEN CLS 014, *Canadian Human Rights Tribunal Decision: Women in Combat* (Ottawa: DND Canada, 1989).

¹³⁸ W. Richard Scott, *Institutions and Organizations: Ideas, Interests, and Identities*, 4th ed. (London: Sage, 2014), 58.

maintenance of a concerted effort is required.¹³⁹ Effective gender integration requires a sustained shift in institutional culture and an increased focus on accountability.

Military Service after the Tribunal’s Ruling: What Changed?

With the conclusion of the Tribunal, the CF was left to implement the Human Rights Commission’s ruling with external monitoring from the Minister’s Advisory Board on Gender Integration in the CF (MABGICF) whose role was to provide observations and recommendations to the MND on the CF’s progress towards full gender integration. Near the end of the ten year deadline, the Chief of Review Services (CRS) released the report *Evaluation – Gender Integration in the CF* which was the military’s evaluation on the “framework in place to address gender integration and the commitment of CF leadership to this initiative.”¹⁴⁰ The report found that the overall increase of female representation had been less than one percent, cultural and attitudinal changes were incomplete, and there was a need to define the longer-term vision of full gender integration.¹⁴¹ The report confirmed that the changes obtained for women in the CF resulting from gender integration initiatives were limited in scope and effectiveness.

The disturbing aspects of the CRS’s report were its resistant undertones and the lack of institutional accountability for integration shortcomings. The CF’s acceptance of open resistance to gender integration from within its ranks was captured in the report:

... the CF has moved well along the path towards the required culture change. However, there will be groups and individuals that continue to deny or resist the

¹³⁹ L.W. MacKenzie and R.E. Acreman, “Women in the Combat Arms: A New Dimension to the Fraternalization Threat,” paper presented at the Joint Services Conference on Professional Ethics (JSCOPE), National Defence University, January 1990, 18.

¹⁴⁰ Chief of Review Services, Department of National Defence, *Evaluation – Gender Integration in the CF* June 1998 (Revised November 1998) 5000-1 (CRS), last accessed 3 May 2017, http://publications.gc.ca/collections/collection_2015/mdn-dnd/D58-67-1998-eng.pdf, synopsis.

¹⁴¹ *Ibid.*, i-iii.

integration of women, especially into combat roles. It is mainly these attitudes that are holding back progress and need to be addressed.¹⁴²

By proposing to *address* the continuing negative attitudes instead of *eliminating* them the wording implies that resistant attitudes were expected, acknowledged, and tolerated.

Additionally, in two separate conclusion sections the clear undertone is that the CF was shirking its responsibility regarding integration. Specifically, the CF highlights that a definition of “complete/full integration” was never provided and then attributed the miniscule increase in female representation to an external source:

While an appropriate organizational structure is in place to support the program [of gender integration], accountabilities and resources to implement GI [gender integration] have not been articulated. The main reason appears to be that the vision and related objectives and strategies for GI have not been developed and communicated. As a result, a coordinated plan to achieve “full gender integration”, as specified by the Human Rights Tribunal, does not exist.¹⁴³

The careful wording implies that the CF had done its part by securing the necessary organizational structure but a lack of resource and accountability articulation by an external source was the reason for integration shortcomings. Continuing with this theme of abdication of responsibility, senior CF Leadership blamed the poor communication of their subordinates for the lacklustre integration results:

... while Commanders and senior leaders may be sending positive messages and have the best of intentions to integrate women, they are simply not aware of many of the problems, because they are rarely communicated above the rank of Colonel ... some Army women ... feel that leaders are condoning negative behaviours when they do nothing and that leaders act surprised when women raise the issue of discrimination. These comments indicate a significant lack of communication and proactive involvement.¹⁴⁴

¹⁴² *Ibid.*, iii.

¹⁴³ *Ibid.*, 9.

¹⁴⁴ *Ibid.*, 13.

Once again, the carefully crafted statement plainly implied that the CF, through its senior leaders, had fulfilled its obligations regarding the pursuit of gender integration. The continued existence of discrimination was attributed to junior members who failed to communicate effectively. This was a thinly veiled attempt to relieve senior CF Leadership of its professional obligations and showed that integration was not the top-down initiative that it was proclaimed to be.

The Tribunal concurred with the CRS's conclusion that the CF had made limited progress towards complete gender integration, with particularly staunch resistance observed in the combat arms. In a letter from the Tribunal's Commissioner, Michelle Falardeau-Ramsay, to the then-CDS, General Maurice Baril, on 8 February 1999, the commissioner expressed disappointment and a belief that the Tribunal's objectives had not been met:

... in 1989, women represented 1 percent of all those in combat positions, while the current data [circa 1999] provided to the Commission show women now represent 3.1 percent of those positions. No matter how you define 'full integration', the numbers demonstrate that integration has not been achieved.¹⁴⁵

The failure of the CF to achieve full integration resulted from its unwillingness to extend changes beyond its regulative pillar. As noted by Commissioner Falardeau-Ramsay in a Tribunal communiqué from 20 February 1999, the CF failed to correct the attitudes of all of its members towards female participation:

The Tribunal Order required a fundamental shift in the manner in which the CF and its members viewed the role of women and their place in fighting units. Despite the results of studies conducted by the Forces itself prior to the Tribunal decision, which demonstrated that women and men could successfully work

¹⁴⁵ Donna Winslow and Jason Dunn, "Women in the Canadian Forces: Between Legal and Social Integration," *Current Sociology* 50, no. 5 (September 2002): 659.

together in these environments, it is apparent that not all members have been able to make this adjustment. Resistance continues even now.¹⁴⁶

During the 1990s, the CAF made public overtures of compliance with the Tribunal's ruling. In 1997, then-Chief of the Land Staff Lieutenant General Maurice Baril publicly stated the Army's need to reflect Canadian society and integrate women:

As Canadian society changes so too must the Army. It must reflect the values of society or risk losing its support. That's why obstacles to the integration of women in the combat arms is a deep concern of mine ... Also, I am making it clear, he who does not understand or fully support the right of women to serve equally with men in today's Army has no place in the Army's chain of command.¹⁴⁷

This type of bold statement created the perception that the CAF was aggressively pursuing a top-down and comprehensive approach to integrate women. This, however, was not the case and the CAF, like most militaries, had difficulty "transforming internal cultural and social patterns, values, norms, and beliefs that place some members at a disadvantage on the basis of their ascriptive characteristics."¹⁴⁸ For the CF, enforcing the changes to the regulative pillar came naturally; it was learning how to engender cultural change and mutual acceptance that proved problematic.

¹⁴⁶ *Ibid.*, 659-660.

¹⁴⁷ Barbara Dundas, *A History of Women in the Canadian Military* (Montreal: Art Global and the Department of National Defence, 2000), 105.

¹⁴⁸ Franklin C. Pinch, "Diversity: Conditions for an Adaptive, Inclusive Military," in *Challenge and Change in the Military: Gender and Diversity Issues*, ed. Franklin C. Pinch, Allister T. MacIntyre, Phyllis Browne, and Alan C. Okros (Kingston: Canadian Defence Academy Press, 2006), 171.

Harassment and Acceptance: Metrics for Successful Integration

Extrapolating from the diversity work of Franklin Pinch, the success of gender integration can be evaluated by two indicators: an increased acceptance of diversity (i.e. women) amongst all service members and the reduction in all types of harassment.¹⁴⁹ When compared against both indicators the CAF has been found wanting. Interestingly, the CAF's incomplete integration, which can be characterized by its lack of female acceptance, has resulted in an endemic problem with sexual misconduct. Not only is harassment an indicator of incomplete integration but it is also a consequence.

As the CAF was forced to abandon its traditional, homogenous roots for a more diverse and representative employment structure its assimilation strategy failed to resolve key social problems which continue to plague the organization. Harassment, the most odious form of discrimination, remains the significant barrier to gender integration. This issue is particularly salient because servicewomen still possess relative new-comer status and continue to be significantly under-represented within the CAF which leaves them vulnerable to abuse.¹⁵⁰ Furthermore, studies consistently show that "proportionately more women than men are subjected to various forms of harassment."¹⁵¹ In a somewhat circular predicament, the CAF needs to attain gender integration to resolve the sexual assault and harassment epidemic as

¹⁴⁹ *Ibid.*, 190.

¹⁵⁰ Nicola J. Holden and Karen D. Davis, "Harassment in the Military: Cross National Comparisons," in *Challenge and Change in the Military: Gender and Diversity Issues*, ed. Franklin C. Pinch, Allister T. MacIntyre, Phyllis Browne, and Alan C. Okros (Kingston: Canadian Defence Academy Press, 2006), 97.

¹⁵¹ *Ibid.*, 118.

captured by the *MacLean's* rape controversy and the Deschamps Report,¹⁵² but the existence of harassment continues to be a major impediment to meaningful gender integration.

A History of Misconduct: The *MacLean's* Rape Controversy

In the spring and summer of 1998, the prominent Canadian newsmagazine *MacLean's* published a series of articles exposing a disturbing and controversial pattern of sexual assault and alleged cover-up in the CAF. The first article was published in the 25 May 1998 issue and was titled "Rape in the Military." Thirteen women, who claimed to be victims of sexual assault in the CAF, had been interviewed for the article. Their cases were representative of a pattern of sexual harassment and assault targeted at women in uniform. The majority of incidents occurred in the 1990s, after the CAF had been ordered by the Tribunal to begin a full gender integration program, and revealed a culture "...of unbridled promiscuity, where harassment is common, heavy drinking is a way of life, and women, ..., are often little more than game for sexual predators."¹⁵³ Even though most of the women interviewed for the article claimed that they had anticipated some form of sexual harassment when they joined the military, they were not prepared for the "flagrant hostility they found."¹⁵⁴

The voracity of the CAF's resistance to the social integration of women was evident in this article. Then-Defence Minister Art Eggleton openly acknowledged that DND did not have "a statistical basis that would indicate that in the Canadian Forces [sexual assault] occurs more than

¹⁵² This refers to the 2014 External Review into the Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces report generated by Supreme Court Justice Marie Deschamps in her lead role to the External Review Agency.

¹⁵³ Jane O'Hara with Brenda Branswell, John Geddes, Shanda Deziel, Sharon Doyle Driedger and Stephanie Nolen, "Rape in the Military," *MacLean's Magazine* (25 May 1998), last accessed 24 April 2017, <http://www.macleans.ca/news/canada/rape-in-the-military/>.

¹⁵⁴ Jane O'Hara with Brenda Branswell, John Geddes, Shanda Deziel, Sharon Doyle Driedger and Stephanie Nolen, "Rape in the Military," *MacLean's Magazine* (25 May 1998), last accessed 24 April 2017, <http://www.macleans.ca/news/canada/rape-in-the-military/>.

it might in other places” and further stated that “there are always individual cases – there is going to be poor behaviour.”¹⁵⁵ Minister Eggleton’s marginalization of the female experiences and trivialization of the breadth, depth, and seriousness of the problem were indicative of an organizational culture that was resistant to change and openly hostile to women as newcomers. By denying the existence of a problem the Minister reinforced the existing normative and cultural-cognitive pillars. If there was no problem then there was no need to change the military’s norms or societal view.

The second article was published by *MacLean’s* on 1 June 1998 and was titled “Speaking out on Sexual Assault in the Military.” This article chronicled the growing concern of a sexual assault epidemic in the military. Fear of retribution kept many victims from coming forward and guaranteed that those who did requested anonymity; however, *MacLean’s* interviewed an additional 11 victims which now included Major Deanna Brasseur, a pioneering fighter pilot, amongst its ranks.¹⁵⁶ The article detailed additional assaults and cover-ups which left servicewomen victimized, brutalized, and ostracised.

The content of the *MacLean’s* articles and the sexual assault crisis that it exposed represented a major issue to the sitting Liberal Government. The question of abuse in the military had now become a major challenge for the CAF and the MND. Then-CDS General Maurice Baril admitted that a problem did exist but stopped short of conceding the need for a special inquiry or outside intervention. Quoted by *MacLean’s*, General Baril stated:

I dare to believe that the majority of people in the Canadian Forces are good people, good leaders and solid leaders ... I’ve said it before that we have a problem in the leadership, but not all of it – a slice that we’re trying to correct ... we do have a problem of attitude in integrating women in the Canadian Forces.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

I'm beyond being patient – those who cannot quickly change their attitude are in the wrong uniform, and the wrong profession.¹⁵⁷

The CDS's response acknowledged a problem with social integration and showed an effort to institute a 'top-down' approach to implementing change. The true difficulty with gender integration was that there still existed high-level discord regarding women in the CAF, particularly in the combat arms. The response by then-Defence critic Art Hanger highlighted this challenge to gender integration. Hanger believed that these new concerns regarding sexual harassment and assault served to strengthen his skepticism about allowing women to enter combat roles. As quoted by *MacLean's*, Hanger stated:

If there are problems arising where officers cannot maintain adequate discipline, if they cannot maintain their focus on the job at hand and are having to wonder about what kinds of relationships are building between men and women in a unit then how effective and cohesive is the unit going to be? In combat arms in particular, those are legitimate questions to be asked.¹⁵⁸

These two seemingly different statements served to mutually reinforce the problem of gender integration because they both focused on the regulative pillar alone. The CDS's top-down approach attempted to alter behaviour and thus made changes only to the regulative pillar. The resistance displayed by Hanger to accept the Tribunal's ruling challenged the legitimacy of changes to the CAF's regulative pillar. While approaching the issue from two distinct points of view, both Hanger and Baril failed to address either the normative or cultural-cognitive pillars of the institution. Neither individual recognized the creation of cultural confusion in the military as a result of the divergence of the regulative pillar from the existing normative and cultural-cognitive pillars.

¹⁵⁷ Jane O'Hara with Brian Bergman, John Geddes, Brenda Branswell, Shanda Deziel, Stephanie Nolen and Cindy Harnett, "Speaking out on sexual assault in the military," *MacLean's Magazine* (1 June 1998), last accessed 24 April 2017, <http://www.macleans.ca/news/canada/speaking-out-on-sexual-assault-in-the-military/>.

¹⁵⁸ *Ibid.*

The next article, titled “Abuse of Power”, was published in *MacLean’s* on 13 July 1998. Similar to previously published articles, journalist Jane O’Hara continued to raise questions about the CAF’s culture and the place of women in that culture. Adding to the controversy, critics were openly expressing their belief that the military justice system had failed and journalists were accusing senior officers of ignoring allegations of harassment and making light of reported incidents of assault.¹⁵⁹ As the level of public scrutiny increased the CAF’s external legitimacy decreased. The external demand for greater transparency and accountability within the military was further pressure on the CAF to align with Canadian values and norms.

The poor handling of the sexual assault controversy strengthened impediments to complete gender integration. In its 14 December 1998 issue, *MacLean’s* once again exposed the inadequacy of the military’s response. Changes implemented in the military, such as having the National Investigative Service handle investigations vice the military police, establishment of a sexual-assault hotline, and the appointment of the CAF’s first ombudsman, received a mixed reception of guarded optimism and thinly-veiled suspicion.¹⁶⁰ Once again, the military only made changes to the regulative pillar. By focusing solely on the response to sexual misconduct, such as investigation and punishment after the fact, the CAF made no progress in changing culture or eliminating the problem.

¹⁵⁹ Jane O’Hara, “Abuse of Power,” *MacLean’s Magazine* (13 July 1998), last accessed 24 April 2017, <http://archive.macleans.ca/issue/19980713>.

¹⁶⁰ Jane O’Hara with Shanda Deziel and John Nicol, “Of Rape and Justice: Has Anything Really Changed in the Canadian Forces,” *MacLean’s Magazine* (14 December 1998), last accessed 24 April 2017, <http://www.macleans.ca/news/canada/of-rape-and-justice/>.

Even though many of the female victims viewed “the abuse they suffered [to be] as shocking as the Somalia scandal,”¹⁶¹ the response to the *MacLean’s* rape controversy was neither swift nor decisive. The magazine did, however, force the military take steps to regain its external legitimacy from Canadian society. Unfortunately, the CAF only undertook changes in its regulative pillar which resulted in an institutional imbalance that prevented the CAF from completely regaining its legitimacy and created cultural confusion. The military’s failure to address the underlying cultural causes of the systemic victimization of its servicewomen stayed the progress of gender integration.

Continued Denial: The New Millennium and the Deschamps Report

Almost twenty years after the *MacLean’s* rape controversy and nearly three decades following the Tribunal’s landmark decision to compel gender integration in the CAF the epidemic of sexual assault and harassment continued to scourge the military. In May 2014, *MacLean’s* published a special investigation titled “Our Military’s Disgrace.” The article was touted as an exclusive eight-month investigation that uncovered “the sexual violence that is plaguing our soldiers ... and an all-powerful military hierarchy that has its own justice system, with its own rules.”¹⁶² Per statistics reported in the article, the military police received an average of 178 complaints of sexual assault every year since 2000 and five individuals in the military community were becoming victims of sexual assault every day. More alarming than the statistics was the persistence of a sexist climate and the allegation that the military “sometimes still closes its eyes to victims of sexual assault, and even punishes the women who denounce their

¹⁶¹ Jane O’Hara with Brenda Branswell, John Geddes, Shanda Deziel, Sharon Doyle Driedger and Stephanie Nolen, “Rape in the Military,” *MacLean’s Magazine* (25 May 1998), last accessed 24 April 2017, <http://www.macleans.ca/news/canada/rape-in-the-military/>.

¹⁶² Noemi Mercier and Alec Castonguay, “Our Military’s Disgrace,” *MacLean’s Magazine* (5 May 2014), last accessed 24 April 2017, <http://archive.macleans.ca/issue/20140505>.

rapists.”¹⁶³ Once again, *MacLean*’s had exposed the negative consequences which stemmed from incomplete integration.

The CAF’s publicly perceived failure to adequately understand the extent of the sexual assault and harassment problem in its ranks forced the CDS to initiate the External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces (the review’s final report is hereafter is referred to as the Deschamps Report) in 2014. The External Review Authority (ERA), led by former Supreme Court Justice Marie Deschamps, was issued a mandate to “examine CAF policies, procedures and programs in relation to sexual harassment and sexual assault, including the effectiveness with which these policies are currently being implemented.”¹⁶⁴ The ERA’s major finding was that the problem of sexual assault and harassment stemmed from an underlying sexualized culture that is hostile to women, and LGBTQ members, and conducive to more serious incidents of sexual harassment and assault. In essence, this finding reinforced that the military had failed to meet Pinch’s two criteria for successful integration: increased acceptance of women and reduction in harassment rates.

The importance of the Deschamps Report is that provides the first formally acknowledged direct connection between decades of sexual misconduct in the CAF and the failure to achieve complete gender integration. According to the ERA, there is “an undeniable link between the existence of a hostile organizational culture that is disrespectful and demeaning to women, and the poor integration of women into the organization.”¹⁶⁵ Furthermore, the connection between the negative views of some male service members regarding the role of women in the CAF and the prevalence of sexual misconduct extends beyond the existence of

¹⁶³ *Ibid.*

¹⁶⁴ Marie Deschamps, *External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces* (Ottawa: DND Canada, 27 March 2015), i.

¹⁶⁵ *Ibid.*, vii.

discriminatory attitudes. The roots of inappropriate conduct are linked to the more broadly related issues of power and control.¹⁶⁶ The Deschamps Report captured the CAF's promotion of the ideal male combat soldier, in accordance with a warrior framework, as a significant barrier to gender integration.

In addition to the clear link between gender integration and sexual misconduct, the Deschamps Report underscored the paradoxical problem surrounding the CAF's assimilation strategy – both women and men are reinforcing the existing masculine culture. The ERA found that servicewomen were actively assimilated to the CAF's male-dominant cultural group. In response to the sexualized and hostile culture servicewomen developed coping mechanisms such as internalization and adaptation of their behaviour and adoption of male attitudes to conform to the CAF's perceived social values.¹⁶⁷ The adaptive techniques, conformity, and coping mechanisms displayed by the female participants of the External Review reflected how women negotiate traditional male cultures and cope with the risks of sexual assault and harassment. Unfortunately, they also served to reinforce the existing male-dominated culture.

Substantiation of this paradox can be found in Karen Davis's doctoral thesis which was presented at the Royal Military College of Canada in 2013. Research presented in Davis's thesis confirmed that the use of coping mechanisms, such as conformity and internalization, by servicewomen resulted in these same women also playing an important role in contributing to the "maintenance and re-creation of masculine military culture."¹⁶⁸ In sum, while servicemen and military masculinity are the primary targets in the crosshairs of gender integration the reality is that women are both victims and co-creators of the hostile, male-dominant military culture.

¹⁶⁶ *Ibid.*, 19.

¹⁶⁷ *Ibid.*, 16.

¹⁶⁸ Karen Davis, *Negotiating Gender in the Canadian Forces: 1970-1999*, Doctoral Thesis presented at Royal Military College of Canada (Kingston, ON: Royal Military College of Canada, 2013), 66.

Out of the review, the ERA made 10 recommendations and identified cultural change as the key to resolving the CAF's sexual misconduct problem.¹⁶⁹ Despite the serious nature of the problem, the Deschamps Report showed that sexual misconduct was merely a symptom of decades of incomplete and failed gender integration. The importance of this realization is captured in the report's first two recommendations: acknowledgment of the existence and seriousness of sexual misconduct and the establishment of a strategy of cultural change to eliminate the sexualized environment and better integrate women.¹⁷⁰ The logical corollary from the ERA's findings is that sexual misconduct is systemic and change must occur in all three pillars of the military institution. To eliminate sexual misconduct, assimilation strategies need to be abandoned and cultural change needs to take place. Until the CAF's response to gender integration and sexual misconduct extends beyond the behavioural changes captured in the regulative pillar complete integration will not occur.

Op HONOUR and the Response to the Deschamps Report

The release of the Deschamps report sent shockwaves throughout the CAF and Canadian society. Not only was the Deschamps Report a scathing indictment of the military's misogynistic and sexualized culture where leadership tolerates abuse, but Deschamps herself publicly classified sexual misconduct in the Canadian military as 'endemic.'¹⁷¹ Despite the gravity of the report's findings and the level of public outrage, the CAF's initial response highlighted the cultural persistence and resistance to change commonly observed in institutional analysis.

¹⁶⁹ Marie Deschamps, *External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces* (Ottawa: DND Canada, 27 March 2015), i.

¹⁷⁰ *Ibid.*, ix.

¹⁷¹ Terry Milewski, "Harassment in Canada's Military Tolerated by Leadership, Former Justice Finds," CBC News (30 April 2015), last accessed 24 April 2017, <http://www.cbc.ca/news/politics/harassment-in-canada-s-military-tolerated-by-leadership-former-justice-finds-1.3055493>.

Despite a loss of external legitimacy, the CAF was striving to maintain its internal stability and existing social order.

The most distressing aspect of the CAF's response was the CDS's defence of the existing culture and his reinforcement of existing values, norms, and attitudes. In an exclusive news report released by CBC, then-CDS, General Tom Lawson, allegedly issued an initiating directive to 21 CAF generals and military managers which directed them to ignore at least three of the recommendations made by the Deschamps Report.¹⁷² CBC News further alleged that of the 10 recommendations made by the ERA, Lawson accepted two outright and the remaining eight in principle only.¹⁷³ In addition to undermining the independence of the ERA, Lawson's alleged orders and resistance to accepting the Deschamps Report in its entirety circumvented external attempts to force cultural change.

Even more shocking than the CDS's perceived bureaucratic heel-dragging were his disturbing comments made to CBC chief correspondent Peter Mansbridge. In an interview with Mansbridge, Lawson characterised the problem of military sexual harassment as a 'terrible issue' which:

... disturbs the great majority of everyone in uniform and yet, we're still dealing with it ... it would be a trite answer, but *it's because we're biologically wired* in a certain way and *there will be those who believe it is a reasonable thing* to press themselves and their desires on others. It's not the way it should be ... much as we would like to be absolutely professional in everything we do, and I think by and large we are, *there will be situations* and have been situations where, largely,

¹⁷² James Cudmore, "Military's Response to Sexual Misconduct Report Curtailed by General's Orders," CBC News (13 May 2015), last accessed 24 April 2017, <http://www.cbc.ca/news/politics/military-s-response-to-sexual-misconduct-report-curtailed-by-general-s-orders-1.3071386>.

¹⁷³ Terry Milewski, "Harassment in Canada's Military Tolerated by Leadership, Former Justice Finds," CBC News (30 April 2015), last accessed 24 April 2017, <http://www.cbc.ca/news/politics/harassment-in-canada-s-military-tolerated-by-leadership-former-justice-finds-1.3055493>.

*men will see themselves as able to press themselves onto our women members.*¹⁷⁴
(emphasis added)

Lawson's comments can easily be interpreted as a legitimization of the existing culture which exudes a 'boys will be boys' attitude where the marginalization and victimization of women is not only tolerated but expected. By accepting and expecting such poor conduct the CDS reinforced assimilation to existing norms and values. Lawson's attitude was strikingly similar to General Baril's attitude from 1999. Despite nearly two decades in the difference both of these Chiefs of Defence Staff failed to extend the CAF's response beyond the regulative pillar. By denying the gravity of the situation and accepting that there will always be deviants amongst the ranks, these men reinforced the CAF's outdated societal view and were unable change the normative or cultural-cognitive pillars. The CAF's culture, coupled with a leadership focus solely on the regulative pillar, made it easier to accept the male perpetrators of sexual misconduct than the complete inclusion of women.

In the wake of the Deschamps Report and Lawson's public response, it became apparent that Canadian society would no longer tolerate the CAF's deviation from civilian social norms. The CAF's unenthusiastic and controversial response headed by Lawson was insupportable and in July 2015 General Jonathan Vance was appointed as the CDS. Despite this change in leadership, there remained a lingering perception, publicly and within the military, that the CAF was not serious about the "kind of reform that would stamp out what Deschamps described as a highly sexualized, macho culture."¹⁷⁵ In his inaugural speech, Vance bluntly addressed the issue

¹⁷⁴ CBC News, "Military Sexual Misconduct due to 'Biological Wiring,' Gen. Tom Lawson Tells CBC News," General made comments during exclusive interview with CBC's Peter Mansbridge, (16 June 2015), last accessed 24 April 2017, <http://www.cbc.ca/news/politics/military-sexual-misconduct-due-to-biological-wiring-gen-tom-lawson-tells-cbc-news-1.3115993>.

¹⁷⁵ Murray Brewster, "'It Must Stop Now': Canada's New Chief of Defence Staff Vows to End Sexual Misconduct in the Military," National Post (17 July 2015), last accessed 24 April 2017, <http://news.nationalpost.com/news/it-must-stop-now-canadas-new-chief-of-defence-staff-vows-to-end-sexual-misconduct-in-the-military>.

of sexual misconduct by unequivocally stating that inappropriate behaviour would not be tolerated under his command.

In a departure from the passive approach taken by his predecessor, Vance publicly prioritized the issue of harassment pledged to pursue its eradication. With a clear understanding and acceptance of the severity of the situation Vance's approach was direct, determined, and CAF-wide. During his swearing-in ceremony, Vance stated: "everybody must contribute to work together to eliminate this harmful behaviour ... it must stop now."¹⁷⁶ In a later interview, Vance reaffirmed his commitment to the elimination of sexual misconduct and said: "I'm going to address [sexual misconduct] hard because I think it affects our morale. It is something I will lead very personally and very quickly."¹⁷⁷ With Canada's focus on sexual misconduct in the military, Vance signalled that the welfare of all service members and the eradication of harassment would be the defining issue during his tenure as CDS.

Op HONOUR: Directed Action towards Cultural Change?

With a mission to "eliminate harmful and inappropriate sexual behaviour within the CAF,"¹⁷⁸ General Vance issued his formal orders, CDS Op Order – Op HONOUR, on 14 August 2015. The importance of Op HONOUR as a vehicle for institutional change is captured in its direct language, open acknowledgment of the problem, and understanding of the repercussions of sexual misconduct:

... harmful and inappropriate sexual behaviour grievously erodes the confidence that members need to successfully carry out military duties ... [inappropriate sexual behaviour] is an operational readiness issue, incongruent with our ethics

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

¹⁷⁸ Chief of Defence Staff, CDS Op Order, *Op HONOUR* (Ottawa, National Defence Headquarters, 14 August 2015), 3.

and values, and [is] wrong ... Harmful and inappropriate sexual behaviour is a real and serious problem for the CAF which requires the direct, deliberate and sustained engagement by the leadership.¹⁷⁹

Vance used the same strong language to articulate his intent as well as his expectations of all service members:

My intent is to eliminate harmful and inappropriate sexual behaviour within the CAF by leveraging the unequivocal support of my Commanders and all leaders in the CAF. Any form of harmful and inappropriate sexual behaviour is a threat to the morale and operational readiness of the CAF, undermines good order and discipline, is inconsistent with the values of the profession of arms and the ethical principles of DND and CAF, and is wrong. I will not allow harmful and inappropriate sexual behaviour within our organization, and I shall hold all leaders in the CAF accountable for failures that permit its continuation.¹⁸⁰

The strong stance taken within Op HONOUR was Vance's attempt to initiate a leadership-driven cultural change. Op HONOUR was concrete action taken by the CAF to regain its institutional legitimacy with the hope of correcting the norms and values that had reinforced a hostile, masculine warrior culture for decades.

In a display of commitment to the changes sought through Op HONOUR the CAF requested Statistics Canada complete a survey on sexual misconduct within the military to provide the organization with a benchmark to evaluate its success moving forward. Conducted from April to June 2016, active service members were invited to complete the voluntary survey which asked about their experiences and perceptions of inappropriate sexualized behaviour, discrimination based on sex, sexual orientation, or gender identity, and sexual assault within the CAF.¹⁸¹ Key findings of the survey included: female Regular Force members were four times more likely than males to report being sexually assaulted, female victims were more likely to

¹⁷⁹ *Ibid.*, 2.

¹⁸⁰ *Ibid.*, 3, 4.

¹⁸¹ Statistics Canada, Survey on "Sexual Misconduct in the Canadian Armed Forces, 2016," released 28 November 2016, last accessed 24 April 2017, <http://www.statcan.gc.ca/daily-quotidien/161128/dq161128a-eng.htm>.

identify a supervisor or higher ranking service member as their assailant, 17% of Regular Force members reported being personally targeted by inappropriate sexualized or discriminatory behaviour, and an astonishing 27.3% of women, compared to 3.8% of men, reported having been victims of sexual assault at least once since joining the CAF.¹⁸² Additionally, the survey revealed that 98% of respondents were aware of Op HONOUR and that 69% of these service members believed that Op HONOUR would be moderately to extremely effective.¹⁸³

For the CDS, the survey provided invaluable data and information to tailor the CAF's approach to cultural change to the existing situational realities. As stated by the CDS in response to the survey:

Harmful sexual behaviour is a real and present threat to our institution. Those who commit such acts are betraying the values of the country they are sworn to defend. The information in this survey will give us a better understanding of the scope and nature of the problem, allowing us to target our efforts under Operation HONOUR to eliminate this behaviour.¹⁸⁴

Vance's sentiments were echoed by CAF Chief Warrant Officer Kevin West who captured the simultaneous disappointment and hope that the survey's findings conveyed:

While it is sobering and disappointing to know that members continue to be victimized and feel threatened in our work environment, this survey provides us with the specific evidence we need to focus our efforts on culture change and to eliminate the threat these behaviours represent to the Profession of Arms.¹⁸⁵

Despite Vance's zero-tolerance approach to sexual misconduct conveyed in his speeches and throughout Op HONOUR the survey revealed that sexual misconduct is still a problem. The

¹⁸² *Ibid.*

¹⁸³ *Ibid.*

¹⁸⁴ Department of National Defence, News Release, "The Chief of Defence Staff Addresses Statistics Canada Survey on Sexual Misconduct in the Canadian Armed Forces," (Ottawa: National Defence/Canadian Armed Forces, 28 November 2016), last accessed 24 April 2017, <http://news.gc.ca/web/article-en.do?nid=1161199>.

¹⁸⁵ Department of National Defence, News Release, "The Chief of Defence Staff Addresses Statistics Canada Survey on Sexual Misconduct in the Canadian Armed Forces," (Ottawa: National Defence/Canadian Armed Forces, 28 November 2016), last accessed 24 April 2017, <http://news.gc.ca/web/article-en.do?nid=1161199>.

lack of progress surrounding Op HONOUR and its attempt to eliminate sexual misconduct can be linked back to institutional analysis. Vance's approach to eradicating sexual misconduct relied almost exclusively on the use of power to force compliance. While Vance did substantially raise the level of awareness of the problem he has been unable to institute cultural change. Like his predecessors, Vance's response to sexual misconduct has been largely restricted to the regulative pillar and focused on addressing behaviours instead of cause factors.

The norms, values, and social reality of the CAF have changed little since Op HONOUR. Not long after the release of Op HONOUR, and in spite of the CDS's hardline stance, recruits at the Royal Military College and other CAF personnel, including members at NDHQ in Ottawa, "dubbed Op HONOUR as 'Hop On Her' – a play on words suggesting sexual aggression or even assault."¹⁸⁶ This mocking response is indicative of the sexualized and misogynistic culture identified in the Deschamps Report. Furthermore, the threat of punishment has seemingly done little to force cultural change. Despite the clear threat of severe sanctions, including release from the military, which the CAF has announced they are currently releasing 77 members for sexual misconduct, there was still a staggering 504 reported cases of harmful and inappropriate behaviour during fiscal year 2016-2017.¹⁸⁷ These examples are indicators of a lack of change to the normative or cultural-cognitive pillars. Instead of altering cultural conceptions and the social reality regarding women in the military, Op HONOUR focuses on altering actions. When it comes to sexual misconduct and gender integration the alteration of beliefs and culture is just as important as the alteration of behaviours.

¹⁸⁶ David Pugliese, "Operation Honour Dubbed 'Hop On Her' by Soldiers Mocking Military's Plan to Crack Down on Sexual Misconduct," *National Post* (26 October 2015), last accessed 5 May 2017, <http://news.nationalpost.com/news/canada/operation-honour-dubbed-hop-on-her-by-soldiers-mocking-militarys-plan-to-crack-down-on-sexual-misconduct>.

¹⁸⁷ Daniel Leblanc, "Military fires 77 for Sexual Misconduct Following Latest Report," *The Globe and Mail* (28 April 2017), last accessed 5 May 2017, <http://www.theglobeandmail.com/news/politics/military-reveals-hundreds-of-cases-of-harmful-sexual-behaviour-in-ranks/article34842526/>.

CHAPTER 5: ACHIEVING DIVERSITY AND CULTURAL CHANGE

The preceding sections of this paper examined the extent of gender integration, which has largely been legal in nature, within the CAF and showed that the only lasting change has been in the regulative pillar. What has not changed, however, has been the CAF's culture or its normative and cultural-cognitive pillars. The remaining sections of this paper will seek to explain why cultural change has not occurred and what needs to happen to promote and sustain meaningful gender integration.

The approach to cultural change in the military begins at the macro-level with an acceptance of the externally imposed legal requirements to adopt and implement policies and programmes which govern and guarantee the inclusion of women. Once this is accomplished, micro-level policies are required to ensure the acceptance of the role of women within the CAF and that that role is socially constituted.¹⁸⁸ In this regard, the military has been successful at the macro-level because it was compelled by social legislation to adjust its programmes, policies, and standards to allow women to serve equally alongside men resulted in a generalized pattern that is common within the security sector. Specifically, the CAF mimicked this pattern through its initial “denial of the requirement for changes, then the removal of overt barriers and finally the provision of carefully worded statements of principle to convince all that the newcomers are now welcome members of the team.”¹⁸⁹ To attain meaningful cultural change, however, the CAF must move beyond the perspective of gender integration as an externally driven imperative and pursue micro-level policies which drive an internally embraced philosophy of gender acceptance and integration.

¹⁸⁸ Mady Wechsler Segal, “Women’s Military Roles Cross Nationally: Past, Present and Future,” *Gender and Society* 9, no. 6 (December 1995): 757.

¹⁸⁹ Alan Okros, “Rethinking Diversity and Security,” *Commonwealth & Comparative Politics* 47, no. 4 (November 2009): 347.

The Diversity Continuum: Stepping Toward Gender Integration

To achieve full gender integration the CAF must go beyond legal compliance with employment equity legislation and shift its approach to one that views diversity and gender inclusion as a positive strength. The attitudinal shift from compliance to valuing diversity is necessary for the CAF for three reasons: the CAF must maintain the support of Canadian society, the CAF must be able to effectively operate throughout the diverse global environment, and internal diversity must be increased to attain the critical mass necessary to achieve lasting cultural change.¹⁹⁰ In accordance with the diversity continuum presented by Dr. Scoppio, there are three stages that the CAF must complete to achieve integration and develop a unified strategy.

The first stage in Scoppio's diversity continuum is the compliance model which is concerned with discrimination, fairness, and 'doing things right' according to the law.¹⁹¹ In response to the Tribunal's 1989 ruling, the CAF launched Op MINERVA to assist in achieving the directed 'full integration'. Accepted by the CDS in 1994, Op MINERVA was a 9-point action plan which formed the early framework for gender integration. Included in this initial framework was: commitment of senior leaders to employment equity, gender awareness education, mentoring at all levels, addressing family concerns for women such as family obligations and geographical stability, and targeting specific civilian women to hold honorary

¹⁹⁰ Grazia Scoppio, "Diversity Best Practices in Military Organizations in Canada, Australia, the United Kingdom, and the United States," *Canadian Military Journal* 9, no. 3 (2009): 22.

¹⁹¹ *Ibid.*, figure 4, 23.

appointments and act as advisors.¹⁹² Op MINERVA represented the beginning stages of the CAF's legal compliance regarding the integration of women.

Regardless of the legal requirement to integrate women the CAF was not culturally prepared or equipped for social integration. In the 1999 gender integration report, "Gender Integration in the Canadian Forces – A Quantitative and Qualitative Analysis", it was noted that the attitudes towards full gender integration varied across the CAF. The RCN was observed to have a 'let's get on with it' approach, the RCAF displayed a largely accepting social climate, but the CA had differing attitudes that ranged from acceptance to not resisting to outward hostility.¹⁹³ Despite having had a decade of complete legal access to all occupations, save for service on-board submarines, females in the Combat Arms consistently reported that they "experienced an environment of non-acceptance of women and related processes of discrimination and harassment."¹⁹⁴ The 1998 Gender Integration Study, which focused on the Combat Arms, confirmed that women continued to face assimilation and systemic barriers to integration:

... the cultural (male) assumptions in relation to the accepted, expected, and/or 'appropriate' social and sexual behaviours of women create a systemic barrier to the objective evaluation of [their] performance ... [as a result] many of the processes that challenge women within the combat arms are based upon efforts to 'assimilate', rather than 'integrate' women.¹⁹⁵

¹⁹² Lieutenant (N) K.D. Davis, *Women and Military Service in Canada: 1885 – Present*. Historical Report 96-1 (Canadian Forces Personnel Applied Research Unit: North York, ON, June 1996), 13-14.

¹⁹³ L. Tanner, *Gender Integration in the Canadian Forces – A Quantitative and Qualitative Analysis*. ORD Report PR9901 (Operational Research Division: Ottawa, ON, April 1999), 66-67.

¹⁹⁴ Lieutenant (N) K.D. Davis and Virginia Thomas, *Chief Land Staff Gender Integration Study: The Experience of Women Who Have Served in the Combat Arms*. Sponsor Research Report 98-1 (Personnel Research Team, NDHQ: Ottawa, ON, January 1998), 31.

¹⁹⁵ *Ibid.*, 31-32.

The persistence of these assumptions and assimilation efforts initially prevented the CAF from progressing beyond the compliance stage of the diversity continuum and guaranteed that any institutional changes would be restricted to the regulative pillar.

The second stage in the diversity continuum is the business model which is focused on granting access and legitimacy to new members. In this stage, the organization has progressed beyond compliance and is concerned with doing things because it makes good business sense to do so.¹⁹⁶ In terms of ‘good business sense’, women represent a valuable source of potential recruitment for the CAF. As early as the CRS’s 1998 report on integration, the CAF acknowledged that successful gender integration was “critical to the CF ... because of demographic data forecasts, which indicate the traditional CF recruiting base [of males] is shrinking.”¹⁹⁷ This demographic reality is reinforced by a 2014 Statistics Canada report that showed the labour force participation rate of women had reached 82% and women made up 47% of the entire Canadian workforce.¹⁹⁸ Purely from a business perspective, the CAF cannot afford to ignore the deep labour resource that Canadian women represent.

Irrespective of the depth of the labour market, the composition of the CAF is not reflective of the gender diversity within the Canadian labour force. As of January 2014, the percentage of women in the CAF, including both the Regular Force and the Primary Reserve, was 14.8% and when broken down by environment, the RCAF comprises the highest percentage of women at 18.7%, the Navy is a close second with 18.4% women, and the Army lags behind

¹⁹⁶ Grazia Scoppio, “Diversity Best Practices in Military Organizations in Canada, Australia, the United Kingdom, and the United States,” *Canadian Military Journal* 9, no. 3 (2009): figure 4, 23.

¹⁹⁷ Chief of Review Services, Department of National Defence, *Evaluation – Gender Integration in the CF* June 1998 (Revised November 1998) 5000-1 (CRS), last accessed 3 May 2017, http://publications.gc.ca/collections/collection_2015/mdn-dnd/D58-67-1998-eng.pdf, i.

¹⁹⁸ Statistics Canada, “The Surge of Women in the Workforce,” last accessed 16 April 2017, <http://www.statcan.gc.ca/pub/11-630-x/11-630-x2015009-eng.htm>.

with 12.4% women.¹⁹⁹ Additionally, the fact that 50% of servicewomen serve in only 6 trades/occupations is a clear reflection that barriers to female participation persist.²⁰⁰ Regardless of the recruitment practices and policies adopted by the CAF, female participation is not nearly as widespread as it could, or should, be. However, the CAF's efforts in terms of the recruitment and retention of females show that some changes have occurred to the normative pillar and that progress along the diversity continuum has been made.

The third and final stage of the diversity continuum is the values-based model. This model is focussed on learning and effectiveness and is founded on the premise of 'doing the right thing'.²⁰¹ In this stage, the organization has accepted the business model and the economic practicalities of diversity and moves into a values-based plain where diversity is viewed as a positive goal in itself. This stage emphasizes an organizational culture that is open, receptive, and reflective of societal norms and goals. The CAF has yet to reach this stage of the continuum:

The CF does not fairly reflect the ethnic, cultural, and gender diversity of Canadian society at all levels of leadership. This 'lack of diversity' ... is also due to a 'closed' organizational culture and the widespread perception that diversity is not conducive to team-cohesion, and thus, it may negatively impact upon the mission of the armed forces ... however, these arguments have little empirical foundation ...²⁰²

To achieve complete social integration of women within its ranks, the CAF needs to change its approach to gender integration from reactive to proactive. In essence, the CAF needs to undergo an organizational cultural shift from a compliance paradigm which attempts to reflect demographic realities to a paradigm where the full social integration of both genders is valued. In

¹⁹⁹ Canadian Armed Forces, "Women in the Canadian Armed Forces," last accessed 16 April 2016, <http://www.forces.gc.ca/en/news/article.page?doc=women-in-the-canadian-armed-forces/hie8w7rm>.

²⁰⁰ *Ibid.*

²⁰¹ Grazia Scoppio, "Diversity Best Practices in Military Organizations in Canada, Australia, the United Kingdom, and the United States," *Canadian Military Journal* 9, no. 3 (2009): figure 4, 23.

²⁰² *Ibid.*, 27.

accordance with institutional analysis, this would redefine the CAF's social reality and fundamentally alter the existing cultural-cognitive pillar.

Transcending the Warrior Framework: Redefining Those Who Serve

Further complicating the issue of gender integration is the fact that opposition to women in combat has traditionally been based on ideological notions of gender.²⁰³ According to Davis and McKee, the commentary surrounding female participation in the military is “strongly influenced by socio-cultural perspectives flowing from an exclusively male oriented warrior framework or at least the assumptions underlying it.”²⁰⁴ The warrior framework, which encompasses the concepts of warrior ethos and warrior ethic, establishes the central values and components of the military culture which includes: ethical and moral courage, physical and emotional strength and stamina, tactical abilities, determination to accomplish the mission, and loyalty to one's ‘brothers in arms’.²⁰⁵ From a historical perspective, the warrior is understood to be male and is assumed to possess characteristics such as superior physical strength, an aggressive nature and proclivity to violence, and, above all, masculinity. As a result, the warrior framework, which is captured in the normative and cultural-cognitive pillars, is predisposed to resist female inclusion in all segments of the military.

Historically, even when women had participated in military conflicts as combatants they forfeited their military roles and returned to the traditional domestic sphere at the cessation of hostilities. Once women were permitted to join the armed forces with full military status and

²⁰³ Lucinda Peach, “Women at War: The Ethics of Women in Combat,” *Minerva: Quarterly Report on Women and the Military* 12, no. 4 (1994): 8.

²⁰⁴ Karen D. Davis and Brian McKee, “Women in the Military: Facing the Warrior Framework,” in *Challenge and Change in the Military: Gender and Diversity Issues*, ed. Franklin C. Pinch, Allister T. MacIntyre, Phyllis Browne, and Alan C. Okros (Kingston: Canadian Defence Academy Press, 2006), 55.

²⁰⁵ *Ibid.*, 66.

provided with the same training, education, and access to opportunities as men it dramatically challenged the historical pattern.²⁰⁶ The Tribunal's 1989 ruling effectively ended the debate on women's rights to equally participate in Canadian military service. What did shift following the Tribunal's ruling was the debate's focus from the right of equal participation (the regulative pillar) to operational effectiveness (the cultural-cognitive and normative pillars) and whether or not the inclusion of women would undermine the operational effectiveness of the forces with which they served.²⁰⁷ While the initial opposition to equal female participation in the CAF appears to have been overcome, the normative and cultural debate over the appropriateness of employing women in some military roles and occupations continues.

The SWINTER Trials demonstrated that women were physically and mentally capable of performing alongside their male counterparts; however, the trials also highlighted the "military's uncertainty in accepting the concept of women as combatants"²⁰⁸ and, in general, showed that "the most serious problem has proved to be traditional male attitudes."²⁰⁹ What these seemingly implacable attitudes show is that after women enter the military domain "it is the definition of these particular women that is altered, while broader conceptions about women, war, and masculinity are left intact."²¹⁰ Neither the normative beliefs nor the social reality surrounding military service are altered. In fact, "the degree to which mixed gender integration has occurred

²⁰⁶ Helena Carreiras, *Gender and the Military: Women in the Armed Forces of Western Democracies* (New York: Routledge, 2006), 11.

²⁰⁷ Alan Okros and Denise Scott, "Gender Identity in the Canadian Forces: A Review of Possible Impacts on Operational Effectiveness," *Armed Forces & Society* 41, no. 2 (2015): 244.

²⁰⁸ Captain R.E. Park, *Factors Influencing the Final Conclusions of the Canadian Forces' Trial Employment of Servicewomen in Non-Traditional Environments and Roles*. Paper presented at the Inter-University Seminar on Armed Forces and Society International Meeting in Chicago, Illinois (Canadian Forces Personnel Applied Research Unit: North York, ON, October 1983), 5-6.

²⁰⁹ Charles Cotton and Frank Pinch, "The Winds of Change: Manning the Canadian Enlisted Force," in *Life in the Rank and File: Enlisted Men and Women in the Armed Forces of the United States, Australia, Canada, and the United Kingdom*, ed. David Segal and H.W. Sinaiko (Washington, DC: Pergamon-Brassey's, 1986): 244-245.

²¹⁰ Helena Carreiras, *Gender and the Military: Women in the Armed Forces of Western Democracies* (New York: Routledge, 2006), 11.

in the CF has been ... significantly overstated for the combat arms”, and furthermore, “once a female enrolls in the combat arms, the barriers become primarily cultural and social.”²¹¹ The real obstacle preventing complete female participation in the CAF has moved away from physical and mental limitations to the “social and cultural issues characterizing a ‘warrior’ framework.”²¹² The logical corollary is that servicewomen must force themselves to fit the warrior framework by assimilating to the dominant male culture or risk systematic exclusion. Changes to the regulative pillar guarantee women access to the military but the resistant normative and cultural-cognitive pillars ensure that they conform to masculine norms and expectations.

The Warrior Framework Specific to the CAF

Canadian servicewomen continue to face challenges due to gendered relations where “men are soldiers, but women are female soldiers.”²¹³ These gendered norms reinforce the warrior framework and “have been built into the ‘walls’ of institutions, whose structure appears so natural and ‘supportive’ that it becomes difficult to see them as exclusionary barriers.”²¹⁴ In her work on gender and the CAF, Nancy Taber identifies the existence of ‘boss texts’ which reinforce exclusionary barriers. According to Taber:

... ideological codes are embedded within the boss texts and serve as interconnected messages of ideal membership that are continually communicated to members ... they regulate other texts and everyday practices in their institutional context ... [and have] status as defining documents [whose] texts

²¹¹ Franklin C. Pinch, *Selected Issues and Constraints on Full Gender Integration in Elite Ground Combat Units in Canada* (Kingston, ON: FCP Human Resources Consulting, 2002), 14.

²¹² Karen D. Davis and Brian McKee, “Women in the Military: Facing the Warrior Framework,” in *Challenge and Change in the Military: Gender and Diversity Issues*, ed. Franklin C. Pinch, Allister T. MacIntyre, Phyllis Browne, and Alan C. Okros (Kingston: Canadian Defence Academy Press, 2006), 52.

²¹³ A. Kronsell, “Gendered Practices in Institutions of Hegemonic Masculinity: Reflections from Feminist Standpoint Theory,” *International Feminist Journal of Politics* 7, no. 2 (2005), 283.

²¹⁴ *Ibid.*, 291.

state that they are the basis for other texts, their codification of values, and their establishment of essential expectations of military service.²¹⁵

Regarding the CAF, Taber identifies the publication “Duty with Honour: The Profession of Arms in Canada”, a video developed from “Duty with Honour”, and Defence Administrative Orders and Directives (DAOD) 5023-0, *Universality of Service*, as the three key boss texts governing military service.²¹⁶ In essence, these documents reinforce the warrior framework and its exclusionary barriers through “the representation of women as not fitting into the dominant narrative of warriors dedicated to the military as a way of life.”²¹⁷

The critical role of boss texts in promoting gendered norms and exclusionary barriers can be seen in DAOD 5023-0, *Universality of Service*. In this text the CAF outlines the foundation of military service in its ‘soldier first’ principle: “the principle of universality of service or ‘soldier first’ principle holds that CAF members are liable to perform general military duties ... [and] not just the duties of their military occupation ...”²¹⁸ The language used reflects the gendered nature of the military and excludes women from its defining narrative. As a boss text, DAOD 5023-0 reinforces and extends the narrative of soldiering as a masculine endeavour into other official texts and orders which strengthens the existing cultural-cognitive pillar making cultural change difficult.

In 2015, the Commander of the Canadian Army built on the ‘soldier first’ principle and promoted the warrior framework through the issuance of the Canadian Army Integrated Performance Strategy (CAIPS). This strategy advocates that “the Army must be comprised of

²¹⁵ Nancy Taber, “The Profession of Arms: Ideological Codes and Dominant Narratives of Gender in the Canadian Military,” *Atlantis* 34, no. 1 (2009), 29.

²¹⁶ *Ibid.*, 29.

²¹⁷ *Ibid.*, 29.

²¹⁸ Department of National Defence, DAOD 5023-0, *Universality of Service* (Ottawa: DND Canada, 19 May 2006), para. 2.4.

soldiers who embrace the idea of promoting a warrior culture: united in purpose ... and driven by a fighting spirit.”²¹⁹ The use of masculine language to promote the warrior culture is a continuation of the masculine narrative contained in the boss texts. CAIPS reinforces exclusionary barriers to women by making the acceptance of the warrior culture a zero-sum equation where the outcome, like biological notions of gender, is unchangeable:

... the Canadian Army Warrior Culture is not an idea that can be taught; it is a way of life and an expectation of comportment that accompanies being a soldier. An individual is either a soldier, or they are not. ... All Canadian Army soldiers must understand and embrace this Warrior Culture because it defines who we are, what we do, and the responsibility we accept by becoming soldiers.²²⁰

In terms of institutional analysis, CAIPS supports the CAF’s existing cultural-cognitive pillar and reinforces the Army’s social reality where soldiering is an inherently a male endeavour. This automatically excludes non-males by implying that soldiering cannot be learned or taught because it is an inherent male-characteristic.

While the natural inclination may be to equate the warrior framework specifically to the combat arms the reality is that there is an increasing emphasis on ‘warrior-like’ attributes throughout all branches of military service. The danger of the warrior framework is that “no one serving today in the armies of Canada ... is any longer just a soldier. Increasingly, he or she is a ‘warrior’, a term overloaded with philosophical and behavioural connotations.”²²¹ Advancing the warrior framework provides the CAF with the social stability it craves but it also creates a tension between existing societal expectations and psychological and biological realities.²²²

²¹⁹ Department of National Defence, 4500-1 (CA PD), *Mission: Ready – The Canadian Army Integrated Performance Strategy (CAIPS)* (Ottawa: DND Canada, 2 November 2015): 1.

²²⁰ *Ibid.*, A2 – 1/2-2/2.

²²¹ Captain Thomas St. Denis, “The Dangerous Appeal of the Warrior,” *Canadian Military Journal* 2, no. 2 (Summer 2001): 31.

²²² *Ibid.*, 36.

The main detriment of the warrior framework to the social integration of women is that aggressively pursues assimilation – either you are a soldier who embraces the warrior culture or you are not. There is no available compromise to become part of the larger social network. The CAF's zero-sum approach to the warrior framework leaves no room for social integration or the maintenance of any degree of female cultural identity. While this approach may be beneficial for the promotion of unit cohesion it effectively eliminates any opportunity to discuss gender-based differences and respond to the unique needs and requirements of both sexes. This version of equality treats all members as though they are male and is fundamentally unfair to any person who does not fit the traditional mold of military masculinity.

Fairness, Equality, and Eliminating Minority Perceptions

To attain complete integration, according to Finch's diversity work, the CAF must increase its acceptance of diversity in the form of female participation. This need for acceptance is juxtaposed against the traditional institutional model of the military which is premised on the warrior framework where the idealized image is one of a physically strong and emotionally sturdy masculine hero. To transcend this societal view of the military, the CAF must align all three pillars in Scott's framework or it risks creating cultural confusion and losing legitimacy. With legal integration externally imposed, the CAF's regulatory pillar was forced to change to reflect equality-based legislation; however, without cultural change the normative and cultural-cognitive pillars will remain out of alignment. Achieving the requisite change to the remaining two pillars requires two things – the increased numerical representation of women and a policy shift from equality of condition to fairness.

Increased Numerical Representation

The reality of military service is that women continue to be under-represented in all segments of the CAF.²²³ As a result of this under-representation, servicewomen often suffer from tokenism which is a phenomenon that arises when the male-female ratio falls below 85/15.²²⁴ Tokenism was observed and noted as an issue during the SWINTER Trials and with the current overall percentage of women in the CAF hovering around 15% it remains a barrier to complete integration. With a representation level below 35% women fail to constitute a minority population and, therefore, the social control by the dominant male cultural group continues to be

²²³ Gwyn Harries-Jenkins, "Institution to Occupation to Diversity: Gender in the Military Today," in *Challenge and Change in the Military: Gender and Diversity Issues*, ed. Franklin C. Pinch, Allister T. MacIntyre, Phyllis Browne, and Alan C. Okros (Kingston: Canadian Defence Academy Press, 2006), 36.

²²⁴ Rosabeth Moss Kanter, *Men and Women in the Corporation* (New York: Basic Books, 1977), 208-209.

intensive in its demands for the conformity of the female cultural group.²²⁵ As a result, assimilation occurs and changes to the normative and cultural-cognitive pillars are eschewed resulting in continued exclusion.

To counter tokenism and promote integration the recruitment and retention of women must be enhanced. Specifically, some scholars subscribe to the belief that the attainment of a critical mass is necessary for a “group to transform the institutional culture, norms, and values.”²²⁶ In particular, Rosabeth Kanter recommends achieving a critical mass of 20-25%.²²⁷ The attainment of a critical mass would be the catalyst for change in the military’s culture towards female participation and would help bring all three pillars of Scott’s framework into alignment thus guaranteeing the CAF’s institutional legitimacy and a functional social order.

Equality of Condition versus Fairness

One of the final barriers to integration is the question of favourable, or different, treatment of women. On the one hand, the differential treatment of individuals in the CAF weakens the basic feature of the military. The existence or perception of ‘favourable’ or ‘preferential’ treatment of any non-dominant group contradicts the CAF’s “traditional insistence on the principle of equal treatment of all individuals within the rules and regulations of a military

²²⁵ Gwyn Harries-Jenkins, “Institution to Occupation to Diversity: Gender in the Military Today,” in *Challenge and Change in the Military: Gender and Diversity Issues*, ed. Franklin C. Pinch, Allister T. MacIntyre, Phyllis Browne, and Alan C. Okros (Kingston: Canadian Defence Academy Press, 2006), 38.

²²⁶ Grazia Scoppio, “Diversity Best Practices in Military Organizations in Canada, Australia, the United Kingdom, and the United States,” *Canadian Military Journal* 9, no. 3 (2009): 19.

²²⁷ Rosabeth Moss Kanter, *Men and Women in the Corporation* (New York: Basic Books, 1977), 208-209.

code of justice.”²²⁸ On the other hand, it is imperative to understand that there are differences between men and women that need to be recognized and accommodated.

Following the Tribunal’s decision which ordered the full integration of women, the CAF pursued an employment equity plan in legal compliance with the *Employment Equity Act* (EEA). The CAF’s employment equity plan distinguishes between employment equity, which is defined in terms of condition, and gender integration, which is defined in terms of an outcome. In accordance with the EEA, employment equity is a non-discrimination framework that is designed to remove barriers and has the stated purpose of achieving:

... equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfillment of that goal, to correct the conditions of disadvantage in employment experienced by women, Aboriginal peoples, persons with disabilities and members of visible minorities.²²⁹

The important nuance is that employment equity is solely concerned with “equality of condition, not with outcome.”²³⁰ The EEA legally requires that the CAF search out any systemic discrimination or adverse effects that are created by its policies and/or practices and, if found, apply an appropriate remedy.

The issue with the CAF’s focus on equality of condition is that it is not concerned with the outcome of its policies, thus making the removal of integration barriers immaterial. In essence, all military members are treated in exactly the same manner – as though they are all male. A recent example of this occurred at the Conference of Defence Associations Institute

²²⁸ Gwyn Harries-Jenkins, “Institution to Occupation to Diversity: Gender in the Military Today,” in *Challenge and Change in the Military: Gender and Diversity Issues*, ed. Franklin C. Pinch, Allister T. MacIntyre, Phyllis Browne, and Alan C. Okros (Kingston: Canadian Defence Academy Press, 2006), 39.

²²⁹ Government of Canada, Department of Justice, *Employment Equity Act, Section 2*, last accessed 16 April 2017, <http://laws.justice.gc.ca/eng/acts/e-5.401/>.

²³⁰ Christian Leuprecht, “Demographics and Diversity Issues in Canadian Military Participation,” in *Challenge and Change in the Military: Gender and Diversity Issues*, ed. Franklin C. Pinch, Allister T. MacIntyre, Phyllis Browne, and Alan C. Okros (Kingston: Canadian Defence Academy Press, 2006), 127.

2017 when the CDS, General Jonathan Vance, responded to a question from a servicewoman regarding women's complaints about oversized body armour and other equipment that is designed for men. In his response, Vance stated: "Listen, I hear you sister. I'm like five seven, I've been chaffing against this stuff my whole career too."²³¹ This statement is a manifestation of the CAF's focus on equality of condition and alienates women in the implication that they should not expect 'special' equipment because of their gender. It fails to acknowledge or respect the physiological differences between the genders and forces women to adapt to the male condition. This is an example of a policy that is simultaneously equal and unfair. The CAF needs to find a balance between traditional military values of equality of condition and fairness for individuals. Until this balance is found and diversity is valued and accepted complete integration will not occur.

The Way Forward: Implementing Culture Change

Implementing cultural change within the military is no easy feat. As the notion of *diversity* is adopted as the new approach to address exclusion issues such as gender, culture, and sexual orientation the discourse on diversity expands to encompass a broad range of stakeholders. Earlier concepts of equality and equity were clearly linked to treating everyone in exactly the same manner, such as equal pay for equal work.²³² This notion of equality was used to promote an environment of assimilation. In accordance with Berry's work on acculturation, women have been able to attain some level of social integration into the military because "...

²³¹ Kristen Everson, "Canada's top general is asked about getting equipment fitted especially for women," CBC News 17 February 2017, last accessed 24 April 2017, <http://www.cbc.ca/news/politics/vance-conference-question-sanfacon-1.3989588>.

²³² Grazia Scoppio, "Diversity Best Practices in Military Organizations in Canada, Australia, the United Kingdom, and the United States," *Canadian Military Journal* 9, no. 3 (2009): 18.

they can be made like – or represented as being like – men.”²³³ In this manner, women shed their cultural identity to closely interact with the other cultural group and adopt the cultural traditions, values, and norms of the male cultural group.²³⁴ However, this failure to integrate has resulted in low levels of female acceptance and high levels of harassment.

As stated by General Vance, “if [the CAF] wants to become more diverse and inclusive, we’re going to have to change.”²³⁵ In an effort to initiate necessary culture change General Vance endorsed the “Canadian Armed Forces Diversity Strategy” in May 2016. In his forward to this strategy, the CDS states that:

Canadian society is becoming more diverse and it is imperative that the Canadian Armed Forces (CAF) reflects the society it serves if [it is] to connect with Canadians and retain [its] relevance as a national institution. ...it is essential that Canadians see the CAF as an employer of choice – one that values and embraces their unique individual identity.²³⁶

This statement, coupled with the proposal to move the CAF “beyond the traditional ‘compliance-based’ model ... and adopt a ‘values-based’ model for the operationalization of the CAF Diversity Strategy”²³⁷ promises a positive shift in the normative and cultural-cognitive pillars. Unfortunately, despite the proclaimed intent to foster culture change throughout the institution, the Diversity Strategy also shows signs of resistance and a desire for conformity. By stating that “individual values and beliefs must align with CAF values and be balanced against the constraints of operational effectiveness and the

²³³ Christopher Dandeker and David Mason, *Diversity in the British Armed Forces: the Debate over Ethnic Minority Representation*, paper presented at the Conference on Redefining Society-Military Relations (University of Birmingham, Birmingham, UK: 6-18 April 1999): 11.

²³⁴ David L. Sam and John W. Berry, “Acculturation: When Individuals and Groups of Different Cultural Backgrounds Meet,” *Perspectives on Psychological Science* 5, no. 4 (July 2010): 476.

²³⁵ Kristen Everson, “Canada’s top general is asked about getting equipment fitted especially for women,” CBC News 17 February 2017, last accessed 24 April 2017, <http://www.cbc.ca/news/politics/vance-conference-question-sanfacon-1.3989588>.

²³⁶ Office of the Chief of Defence Staff, Department of National Defence, *Canadian Armed Forces Diversity Strategy* (Ottawa: National Defence Headquarters, April 2016), forward.

²³⁷ *Ibid.*, 4.

principle of Universality of Service”²³⁸ the CAF is putting emphasis on the regulative pillar while providing a mechanism to limit the degree of cultural change. The reference of a boss text is a clear indication that the masculine military culture remains paramount. While it is too early to tell if the CAF Diversity Strategy will shift the normative and cultural structure of the CAF the inclusion of resistant language is not a promising indicator.

CONCLUSION

Nearly three decades have passed since the Tribunal’s landmark decision which legally compelled the CAF to completely open all trades and occupations to women. In the time since the Tribunal forced legal integration the CAF has moved from active resistance to a broader acceptance of women amongst its ranks; however, the scourge of sexual misconduct identified by the Deschamps Report highlights that complete gender integration has yet to occur. As observed by Donna Winslow, complete integration has a legal and social component. The CAF has legally, but not fully socially, integrated women and the deleterious consequences for failing to complete integration has manifested in endemic sexual misconduct and a general lack of female acceptance.

Institutional analysis tells us that organizations are enduring social structures which are predisposed to resist change to maintain their internal integrity and survivability.²³⁹ Nowhere has this been more apparent than with gender integration in the Canadian military. To retain its internal legitimacy while complying with external legal direction, the CAF pursued an assimilation strategy with respect to the inclusion of women. The existing male-dominant culture

²³⁸ *Ibid.*, 2.

²³⁹ W. Richard Scott, *Institutions and Organizations: Ideas, Interests, and Identities*, 4th ed. (London: Sage, 2014), 58.

based on the warrior framework forced servicewomen to adopt strategies and coping mechanisms that allowed them to deal with risks of sexual assault and harassment and conform to existing social values. Ironically, by assimilating, women aid in making themselves both the victims and sponsors of the hostile culture that needs to be changed.

Both Berry's work on acculturation and Finch's work on diversity show that integration requires mutual accommodation and acceptance by both groups. For this to happen, changes to all three pillars, in accordance with Scott's framework on institutional legitimacy, need to occur. Norms and values must evolve so that the CAF's prescriptive behaviour maintains its social order and cohesion while accomplishing gender integration. For full integration to occur the CAF's social reality, as defined by the cultural-cognitive pillar, must attach value to the maintenance of the female identity and characteristics by the military institution. From the 1970 Royal Commission on the Status of Women Report to the *bona fide* occupational requirement in the CHRA and the completion of the SWINTER Trials, the CAF was unable to change its norms or social reality to accept the notion of women as combatants or warriors.

In response to legislative changes, the CAF made adjustments to its regulative pillar to demonstrate compliance with Canadian law. The issue was that the CAF complied with the letter of the law and not necessarily the spirit which prevented vital changes to the normative and cultural-cognitive pillars from occurring. The effect of decades of active resistance was a reinforcement of a culture and attitudes that were resistant to change and ranged from skepticism to open hostility towards women. To adjust and survive in this hostile culture, women developed coping mechanisms to become as male as possible. The resulting assimilation has delayed social integration.

To achieve social integration the CAF needs to adopt a more open culture beginning with the acceptance of imposed legal requirements and female participation. From the 1970 Royal Commission report to the Deschamps Report the CAF has consistently demonstrated resistance to externally driven change initiatives. The CAF's historical pattern when confronting change is a denial of the requirement for changes, followed by the removal of overt barriers, and the provision of carefully drafted statements designed to convince others that the change is welcome.²⁴⁰ The CAF needs to evolve its culture to welcome diversity and accept women, femininity, and female culture. The biggest barrier to embracing diversity is the persistence of the warrior framework. As long as the warrior framework exists and is championed by the Canadian Army, if not the CAF as a whole, complete gender integration will not occur.

To achieve gender integration and alleviate problems associated with minority discrimination, tokenism, and double standards (perceived or actual), women in the CAF need to attain a critical mass of 20-25% of the total population. However, "change toward greater gender equality in the armed forces will not occur automatically as a consequence of time or the increase in relative numbers."²⁴¹ In addition to increased representation cultural change must occur and "the inescapable reality is that the culture will not change itself."²⁴² General Vance's implementation Op HONOUR and the "Canadian Armed Forces Diversity Strategy" is commendable and could serve as a launching pad for sweeping cultural change. However, for this to happen the CAF needs to switch its focus from the regulative pillar and changes to behaviour to the normative and cultural-cognitive pillars and redefine the CAF's social reality

²⁴⁰ Alan Okros, "Rethinking Diversity and Security," *Commonwealth & Comparative Politics* 47, no. 4 (November 2009): 347.

²⁴¹ Helena Carreiras, *Gender and the Military: Women in the Armed Forces of Western Democracies* (New York: Routledge, 2006), 200.

²⁴² Colonel M.D. Capstick, "Defining the Culture: The Canadian Army in the 21st Century," *Canadian Military Journal* 13, no. 2 (Spring 2003), 53.

from a male dominant warrior ideal to an ideal which values mutual acceptance and respect. A failure to achieve lasting cultural change will certainly erode the legitimacy of the CAF, hamper the military's operational effectiveness and cohesion, and ultimately threaten the survivability of the organization.

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