



SEXUAL AND GENDER-BASED VIOLENCE SPECTRUM 2024

PURPOSE AND SCOPE

Prevention of conduct deficiencies, harassment and crimes of a sexual nature, through policy and practice, must be woven into the culture of the Department of National Defence (DND) and the Canadian Armed Forces (CAF). All allegations must be taken seriously and acted upon, and no incident of sexual and gender-based violence must ever be ignored, minimized or excused.

The Sexual and Gender-based Violence Spectrum (SGBVS) is intended as a communications tool for all Defence Team members to refer to for personal learning or knowledge transfer across the organization. The contents of the SGBVS are iterative and not exhaustive, and relevant policy should be referred to for more information. This document contributes to maintaining a safe, healthy and inclusive workplace, and fostering a long-term, sustained improvement to our culture.

Throughout the development process of the SGBVS, Gender-Based Analysis Plus (GBA Plus) was incorporated to emphasize the importance of lived experiences of Defence Team members and intersectional factors across strategic, operational and tactical levels of the organization. The Statistics Canada survey on Sexual Misconduct in the CAF (2022) was also greatly considered for developing this tool. Concepts within the SGBVS are founded in policy, the Criminal Code of Canada, as well as legal and evidence-based research.

GUIDING PRINCIPLES

This Spectrum is founded on the ethical principles and values espoused in the DND/CAF Code of Values (the Code). At all times and in all places, Defence Team members shall respect the dignity of all persons by treating every person with respect and fairness; valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce; helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination; and working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication. Follow the Code and Ethics principles and values, including promoting accountability, order and ethics discipline and maintaining safe, healthy and inclusive workplaces. Aligned and in support of achieving the Code, active consent and awareness of physical distancing are key concepts which should also guide Defence Team decision making.









Importance of Accurate, Trauma and Violence-Informed Language: Using trauma and violence-informed language is crucial for accurately recognizing the impact of trauma and violence on individuals and communities. It involves understanding the effects of sexual and gender-based violence, identifying trauma symptoms, and providing supportive, empowering care. Mislabeling serious crimes as “misconduct” minimizes their severity and can harm victims by trivializing their experiences. Proper terminology is essential to prevent further trauma and respect the wishes of those affected by violence.

Power Imbalance: A power imbalance between the Affected Person and the Respondent is a common feature in many cases of sexual harassment, sexual and gender-based violence, and sexual assault. In many circumstances, the power imbalance between the parties impacts the ability of the Affected Person to resist or expressly indicate that the sexual conduct is unwelcome and may intensify its impact on the Affected Person.



If you have been affected by a conduct deficiency, harassment, or a crime of a sexual nature and need support, please know that you can contact the Sexual Misconduct Support and Resource Centre 24/7 by phone at 1-844-750-1648 and during business hours by email at DND.SMSRC-CSRIS.MDN@forces.gc.ca.

Consent: The voluntary, ongoing, and affirmative agreement to engage in the sexual activity in question. Submission or passivity does not constitute consent.

CONSENT IS		ACTIVE	A person must explicitly consent by saying “yes” and that consent can be withdrawn at any time.
		A CHOICE	Everyone has the right to comfortably feel free to say “Yes” or “No” without pressure, threats, or manipulation.
		A PROCESS	Consent requires ongoing conversations with lots of TRUST.
		BASED ON EQUAL POWER	Individuals must be equally able and willing to consent. If someone is under-age, or you abuse a position of trust, power or authority over them, they cannot consent.
CONSENT IS NOT		ASSUMED	Being in a relationship or having previously engaged in sexual acts with someone does not imply consent.
		SILENT	The absence of “No” is not a “Yes”. If the victim expresses through conduct a lack of agreement, then you do not have consent.
		PRESSURED	If you must convince someone to say “Yes” or if they are afraid to say “No”, then you don’t have consent.
		INCAPACITATED	You cannot get consent from someone who is asleep, unconscious, or incapable of consenting for any reason including intoxication.

The above summary of “consent” is from Defence Administrative Orders and Directives (DAOD) 9005-1 paragraph 4.1, and provided for convenience. The actual sections in the Criminal Code and applicable common law should be consulted if required.

Use of Social Media: Workplace communication today can include texting, as well as instant messaging on social media platforms. Emojis and other expressions are commonly used through these channels to communicate and can be sexualized or interpreted in a manner not intended. Defence Team members should be sensitive of communication over social media channels and the use of emojis. Please note that there are many different emoji combinations that can communicate sexual acts, and the meaning of sexualized emojis continues to evolve.

The Sexual and Gender-based Violence Spectrum 2024 replaces the Sexual Misconduct Spectrum published in 2018.

CONCEPTS AND DEFINITIONS

Gender-based violence. Violence based on gender norms and unequal power dynamics, perpetrated against someone based on their gender, gender expression, gender identity, or perceived gender. It takes many forms, including physical, economic, sexual, as well as emotional (psychological) abuse (Source : Women and Gender Equality Canada, Gender-based violence glossary).

Sexual violence. Sexual act without consent, attempt to obtain a sexual act, threat to obtain a sexual act, or unwanted sexual comments or advances, by any person regardless of their relationship to the victim / survivor in any setting, including but not limited to home and work (Source : Women and Gender Equality Canada, Gender-based violence glossary).

Intersectionality. Approach to analyzing social relations and structures in a given society. Intersectional approaches recognize that every person’s identity is made up of multiple identity categories such as (but not limited to) ability, attraction, body size, citizenship, class, creed, ethnicity, gender expression, gender identity, race, religion. The ways a person may experience systemic privilege and oppression are affected by the intersection of these identity categories, depending on how they are valued by social institutions (Source : Women and Gender Equality Canada, Gender-based violence glossary).

Physical Distancing. Notwithstanding operational requirements where physical distancing is limited, or physical contact is inevitable or necessary, personal space requirements should be respected. People should monitor how the space they are occupying impacts the people around them, whether in operations (e.g., ship,tank, plane, confined spaces), the office (e.g. cubicle, small office) or social events. It is important to note that different cultures maintain different standards of personal space.

Service Infraction. An allegation of this nature means the matter concerns a service infraction as set out at Queen’s Regulations and Orders (QR&O) articles 120.02, 120.03 and 120.04. The types of sanctions that may be imposed in respect of a service infraction can be found in National Defence Act (NDA) section 162.7.

Service Offence. An offence under the National Defence Act, the Criminal Code or any other Act of Parliament, committed by a person while subject to the Code of Service Discipline.

Standard of Proof: CAF members who fail to meet an established standard of behaviour in a regulation, code of conduct, policy, order, instruction or directive may be subject to disciplinary or administrative action. When it comes to disciplinary action, service infraction(s) are dealt with at a summary hearing, where the standard of proof is based on the balance of probabilities while service offences are dealt with at court martial, where the standard of proof is beyond a reasonable doubt. As for administrative action, the standard of proof is based on the balance of probabilities.

This spectrum is not intended to supersede any statutes or regulations, or replace applicable Queens’ Regulations and Orders (QR&O) for the CAF, Defence Administrative Orders and Directives (DAOD), Canadian Forces Military Personnel Instructions (CF Mil Pers Instr) or a requirement to obtain legal advice in a specific circumstance.

It is understood that the future of DND/CAF will be reshaped by ongoing and upcoming policy developments, stemming from the implementation of the agreed upon external independent review recommendations. As future changes in DND/CAF policies come into force, this Spectrum will be amended accordingly, to ensure its content is relevant and continues to serve its purpose.





SEXUAL AND GENDER-BASED VIOLENCE SPECTRUM 2024

• **Acceptable Conduct.** Collective culture where people feel included, valued, respected, connected, psychologically safe, involved in decision-making, recognized as having unique characteristics that contribute to organizational success, and empowered to bring their authentic selves to the workplace.

• **Conduct deficiencies of sexual nature.** Inappropriate behaviours and acts of a sexual nature that negatively impact CAF organizational culture, operations, and personnel where the act or behaviour is causing, or is reasonably expected to cause, harm to others. It includes, but is not limited to, any service infraction of a sexual nature, and any service offence of a sexual nature when the act or omission is not punishable under the Criminal Code.

UNDERSTANDING THE SPECTRUM - The Sexual and Gender-based Violence Spectrum incorporates leading practices on psychological safety. The infographic outlines a spectrum of behaviours, ranging from positive to negative, which can impact the workplace environment and culture. The spectrum can help recognize and respond appropriately to these behaviours.

• **Criminal Acts.** All sexual assaults and other criminal offences of a sexual nature under the Criminal Code of Canada, including historical sexual offences, alleged to have been perpetrated by a CAF member, past or present falling under the jurisdiction of the relevant law enforcement or civilian authorities. Criminal investigations will occur when misconduct behaviours fall outside CAF/DND jurisdiction.

NOTE: Brief summaries of sections of the Criminal Code are provided strictly for the convenience of readers. The actual sections in the Criminal Code should be consulted for all elements and other provisions of these offences. Criminal Code offences of a sexual nature include but are not limited to the following:

ACCEPTABLE CONDUCT

- **Advocate for team members’ interest and welfare.** Demonstrate characteristics of allyship within the workplace. An ally is a person who actively seeks to learn about the challenges of a person or group of people experiencing discrimination, and who works in solidarity with them to fight against oppression.
- **Compliments of a professional nature.** Compliments which are focused on task-related behaviours and outcomes that are conducive with CAF values, such as discipline, teamwork and readiness.
- **Eye contact.** Eye contact signals attention and focus, which is necessary to build professional working relationships. However, it is important to note that prolonged and intense eye contact can often be interpreted as indicating sexual attraction and staring eyes are often perceived as threatening. Respect others by maintaining appropriate eye contact within the workplace.
- **Gaze directed towards the face.** Eye contact should be respectful and directed to the face. It is important to have an appropriate gaze which is not directed at any other part of the body, in order to maintain professionalism and a sense of safety.
- **Identify and challenge inequities.** Actively challenge systemic barriers within the workplace to promote a safe and healthy workplace. Systemic barriers are barriers that result from seemingly neutral systems, practices, policies, traditions or cultures. These barriers disadvantage minority groups, racialized groups, people with disabilities, people from LGBTQ2+ communities, Indigenous people and other marginalized people and groups.
- **Inclusive workplace.** A work environment where the differences in the identities, abilities, backgrounds, cultures, skills, experiences and perspectives of employees are recognized, valued and leveraged by management and coworkers, which fosters a sense of belonging and involvement for all employees.
- **Microaffirmation.** Small gesture of inclusion, caring, or kindness by being an ally and valuing or uplifting contributions by all individuals. Achieved by actively listening and providing comfort and support to marginalized individuals (Source: Canadian Centre for Diversity and Inclusion Glossary of Terms).
- **Physical contact only when necessary.** Physical contact should only be used to support operational requirements within the working environment.
- **Physical distance between colleagues.** Appropriate physical distance within the workplace signals respect and a sense of safety. Refer to the Physical Distance section for further information.
- **Positive space.** Locations and environments where members of the LGBTQ2+ community are able to access inclusive services with dignity and respect. It applies particularly to persons from sexual and gender minorities. A safe place contributes not only to their safety and their physical integrity, but also to their psychological and social well-being.
- **Professional relationships.** It is expected and encouraged to develop friendships and professional relationships in the workplace. These relationships should be managed and conducted in a work and task-related manner. Refer to DAOD 5019-1 for further information on Personal Relationships and Fraternization.
- **Psychological safety.** An environment that encourages, recognizes and rewards individuals for their contributions and ideas by making individuals feel safe when taking interpersonal risks. A lack of psychological safety at work can inhibit team learning and lead to in-groups, group think and blind spots.
- **Respectful dialogue.** Communications of all forms are professional and inclusive. Inclusive language is a means of communication that is used to treat people with respect, and that involves using words and expressions that are not considered discriminatory or offensive. Respectful and inclusive language do not imply the exclusion or stereotyping of particular groups of people.
- **Well-mannered humour.** Humour with positive intent and impact, where discomfort and harm are not caused. Humour leverages respectful and inclusive language, and is free of bias, prejudice, and stereotypes.

CONDUCT DEFICIENCIES OF A SEXUAL NATURE

- **Prohibited grounds of discrimination.** Prohibited discrimination is the treatment of a person (or a group) unfairly based on a prohibited ground of discrimination for reasons such as race or sexual orientation (See Canadian Human Rights Act (CHRA), sections 5 – 14.1). For the purposes of the CHRA there are 13 prohibited grounds of discrimination. They are: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability, genetic characteristics, and a conviction for which a pardon has been granted or in respect of which a record suspension has been ordered. (Source: CHRA, s 3(1)). Section 15(1) sets out practices which are not considered discriminatory practices under the CHRA (Source: CHRA).
- **Harassment and violence.** Any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment (Source: Canada Labour Code 122(1)).
- **Hypersexualizing others.** When an individual’s sexual appeal is emphasized over other characteristics, an individual is made into a thing for others’ sexual use, or sexuality is inappropriately imposed upon a person.
- **Inappropriate online sexual behaviour.** Online conduct of a sexual nature that causes or could cause harm to others, and that the person knew or ought reasonably to have known could cause harm.
- **Initiation rites of a sexual nature.** Any sexual act that involves participation as a result of expressed or implied coercion, and that demeans, belittles or causes personal humiliation or embarrassment at any ceremony or other event.
- **Inappropriate use of social media.** Using social media resulting in (a) remarks or criticism tending to bring a superior into contempt, (b) if seen or heard by any member of the public, might reflect discredit on the Canadian Forces or on any of its members; or (c) if seen by, heard by or reported to those under him, might discourage them or render them dissatisfied with their condition or the duties on which they are employed (Source: QR&O 19.14).
- **Microaggression.** A comment or action that is regarded as subtly expressing prejudice against a person or group of people. Microaggressions are generally indirect and can be unintentional. Members of marginalized or minority groups are often the subjects of microaggressions, and cause cumulative harm (Source: Government of Canada – Guide on Equity, Diversity, and Inclusion Terminology).
- **Sexualized language, jokes, or innuendo.** Any unwanted conversation about personal matters that are sexual in nature and/or jokes of sexual nature in the workplace (Source: Statistics Canada survey on Sexual Misconduct in the CAF (2022)).
- **Sexist or sexually demeaning comments.** Actions or words that devalue others on the basis of their sex, sexuality, sexual orientation, gender identity or expression (Source: DAOD 9005-1).
- **Undisclosed personal relationship.** In specific circumstances, not informing the chain of command of an emotional, romantic, sexual or family relationship, including marriage or a common-law partnership or civil union, between two CAF members, or a CAF member and a DND employee or contractor, or member of an allied force, may deemed a conflict of interest and therefore could lead to a conduct deficiencies of sexual nature. Refer to DAOD 5019-1 for details on situations where issues related to conflict of interest may exist and where workplace personal relationships must be disclosed to the chain of command (Source: DAOD 5019-1).
- **Verbal abuse of a sexual nature.** Verbal abuse takes on many forms including criticizing, insulting, degrading, harsh scolding, name-calling, nagging, threatening, ridiculing, belittling, trivializing, screaming, ranting, racial slurring and using crude or foul language. Disparaging comments disguised as jokes and withholding communication are also examples of verbal abuse. Abuse implies mistreatment and use of insulting language. It is more violent in nature than a remark/comment (Source: SMITS User Manual).
- **Visually displaying sexually explicit materials.** Viewing, accessing, distributing, or displaying sexually explicit material in the workplace (Source: DAOD 9005-1).
- **Additional examples of conduct deficiencies of sexual nature include** unsolicited sexual messages or images, unwanted sexual attention, inappropriate gaze which causes discomfort, pressure for sexual attention, and unwelcomed sexual advances.

CRIMINAL ACTS

- **Aggravated sexual assault.** Sexual assault that results in wounding, maiming, disfiguring, or endangering the life of the complainant (Source: The Criminal Code of Canada Section 273).
- **Child pornography.** Any visual, written, or audible representation of a person who is or is depicted as being under the age of 18 years and engaged in or depicted as engaged in explicit sexual activity or where the dominant characteristic is the depiction, for a sexual purpose, of a sex organ or the anal region of a person under the age of 18, or that advocates or counsels sexual activity with a person under the age of 18 years. It is an offence to make, distribute, possess or access child pornography. (Source: Criminal Code of Canada Section 163.1).
- **Criminal harassment.** Stalking, repeatedly communicating directly or indirectly, or engaging in threatening conduct that causes the person to reasonably fear for their safety or the safety of anyone known to them. For more details, consult the Criminal Code of Canada Section 264.
- **Indecent act.** Everyone who wilfully does an indecent act in a public place in the presence of one or more persons, or in any place with intent to insult or offend any person (Source: Criminal Code of Canada Section 173 (1)).
- **Indecent exposure.** Every person who, in any place, for a sexual purpose, exposes his or her genital organs to a person who is under the age of 16 years (Source: Criminal Code of Canada Section 173(2)).
- **Luring a child.** Every person commits an offence who, by a means of telecommunication, communicates with (a) a person who is, or who the accused believes is, a child for the purpose of facilitating the commission of certain sexual offences. Paragraphs 1(a), (b) and (c) of section 172.1 of the Criminal Code sets out the various sexual offences depending on the age of the child (Source: Criminal Code of Canada Section 172.1).
- **Nudity.** Every person who is nude in public place, or is nude and exposed to public view while on private property, whether or not the property is their own (Source: Criminal Code of Canada Section 174 (1)).
- **Sexual assault.** An offence under the Criminal Code. Sexual assault is intentional, non-consensual touching of a sexual nature. The actual sections in the Criminal Code should be consulted for all elements and other provisions of the offence (Source: Report of the External Independent Comprehensive Review of DND/CAF).
- **Sexual assault with a weapon, threats to a third party or causing bodily harm.** Every person commits an offence who, in committing a sexual assault; carries, uses or threatens to use a weapon or an imitation of a weapon; threatens to cause bodily harm to a person other than the complainant; causes bodily harm to the complainant; chokes, suffocates or strangles the complainant; or is a part to the offence with any other person (Source: Criminal Code of Canada Section 272 (1) and DAOD 9005-1.)
- **Sexual exploitation.** Every person commits an offence who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency, or who is in a relationship with the young person that is exploitative of the young person, and who for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object any part of the body of the young person; or for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person. As per the Canadian Criminal Code, a young person is defined as a person 16 years of age or more but under the age of 18 years (Source: Criminal Code of Canada Section 153).
- **Sexual interference.** Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age (Source: The Criminal Code of Canada Section 151).
- **Publication, etc., of an intimate image without consent.** Publishing, distributing, transmitting, selling, or making available an intimate image of another person, (i.e., a visual recording in which the person depicted is nude, exposing his or her genital organs or anal region or her breasts, or engaged in explicit sexual activity) without their consent (Source: Criminal Code of Canada s. 162.1).
- **Voyeurism.** Surreptitiously observing or recording a person in a place where the person exposes or could expose his or her genital organs or anal region or her breasts or engaged in explicit sexual activity, or distributing such a recording. (Source: Criminal Code of Canada Section 162).



SEXUAL AND GENDER-BASED VIOLENCE SPECTRUM 2024

REFERENCES

(Hyperlinked)

PUBLICALLY AVAILABLE REFERENCES

[CAF Ethos - Trusted to Serve \(2022\)](#)
[CDS Directive for the Termination of Operation HONOUR](#)
[CDS/DM Initiating Directive for Professional Conduct and Culture \(CPCC\)](#)
[Criminal Code of Canada](#)
[Canada Labour Code](#)
[Canadian Human Rights Act](#)
[Code of Service Discipline](#)
[Employment Equity Act](#)
[DAOD 2008-8, Official Use of Social Media](#)
[DAOD 5012-0, Harassment Prevention and Resolution](#)
[DAOD 5014-0, Workplace Harassment and Violence Prevention](#)
[DAOD 5019-0, Conduct and Performance Deficiencies](#)
[DAOD 5019-1, Personal Relations and Fraternalization](#)
[DAOD 9005-1, Sexual Misconduct Response](#)
[Defence Ethics Program](#)
[DND and CF Code of Values and Ethics \(and Expected Behaviours\)](#)
[External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces](#)
[Report of the Independent External Comprehensive Review](#)
[National Defence Act](#)
[QR&O 19.15 – Prohibition of Reprisals](#)
[QR&O 19.75 – Relief from Performance of Military Duty](#)
[QR&O 101.09 – Relief from Performance of Military Duty – Pre and Post Trial](#)
[QR&O 108.20 – Procedure, Reception of Evidence and Powers of Punishment](#)
[The Path to Dignity and Respect: The CAF Strategy to Address Sexual Misconduct \(2020\)](#)
[Values and Ethics Code for the Public Sector](#)
[Statistics Canada - Sexual Misconduct in the CAF Survey \(2022\)](#)
[Gender-based violence glossary - Women and Gender Equality Canada](#)

INTERNAL REFERENCES

[CF Mil Pers Instr 01/19 – Transgender Guidance](#)
[Diversity, Inclusion and Employment Equity](#)
[DMCA 2 Aide-Mémoire – Administrative Actions for Misconduct](#)
[Introduction to Defence Ethics](#)
[Respect in the Canadian Armed Forces Workshops](#)
[The Path Online Course](#)

RESOURCES

The resources listed below are not exhaustive and are additional tools and resources for more information and continued learning on hateful conduct and diversity, equity and inclusion.

PUBLICALLY AVAILABLE RESOURCES

[Canadian Centre for Diversity and Inclusion \(CCDI\) – Centre canadien pour la diversité et l'inclusion](#)
[Gender-based Analysis Plus resources](#)
[Women and Gender Equality Canada, Gender-based violence glossary](#)

INTERNAL RESOURCES

[Canadian Forces Health Services centres](#)
[CAF Chaplain Services](#)
[CAF Member Assistance Program](#)
[Employee Assistance Program](#)
[Sexual Misconduct Response Centre](#)