

November 14, 2016

Via Email

Deen Ajasa
A/Director, HR Strategic Business Unit
Corporate Service Management Division
Ministry of the Attorney General
720 Bay Street, 3rd Floor
Toronto, ON

Dear Mr. Ajasa,

The Association of Law Officers of the Crown (ALOC) grieves on its own behalf, and on behalf of ALOC member Jean-Marie Dixon, that the Employer breached its obligations to its Employee, Jean-Marie Dixon, under the Collective Agreement as well as all applicable legislation, including but not limited to the *Occupational Health and Safety Act (OHSA)* and the *Human Rights Code*.

Moreover, ALOC asserts that the Employer has exercised its managerial discretion in an unreasonable, arbitrary and discriminatory manner, contrary to its own management policies - including the Workplace Discrimination and Harassment Prevention Policy (WDHP), the Workplace Violence Prevention Policy (WVP), and the Public Service Directives, Employment Policy (PSDEP) - and in contravention of the Collective Agreement, the *OHSA* and the *Human Rights Code*.

Ms. Dixon was suspended from work (with pay) for more than five months without being notified of the specific allegations against her or even of the identity of her accusers.

ALOC asserts that the Employer breached its obligations to Ms. Dixon under Article 1A ("No Discrimination" provisions) and Article 13 of the Collective Agreement, and any other Articles and legislation that may apply.

Further, ALOC asserts that the Employer has breached its obligations by:

- a) failing to initiate a timely workplace investigation, when it first became aware of allegations of the 'organized' acts of racial discrimination, harassment, and marginalization of Jean-Marie Dixon (these allegations were brought to the attention of CRIA Managers by another party in 2015 and 2016, and by Jean-Marie Dixon in or about January 2016); for further details, see attached document entitled JEAN-MARIE DIXON WDHP COMPLAINT AGAINST THE EMPLOYER — NOVEMBER 8, 2016, prepared by Ms. Dixon and previously provided to the Employer.



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- b) failing to investigate the workplace harassment and/or workplace violence allegations against Jean-Marie Dixon in a reasonably expeditious manner (or at all), while at the same time extending her suspension and barring her from the Employer's premises and other work-related locations;
 - c) failing to advise Jean-Marie Dixon at the time of her suspension with pay in May 2016 and thereafter of the name(s) of the complainant(s) who made workplace harassment and/or workplace violence allegations against her. The Notice Letter received from the Employer dated November 10, 2016 advised Ms. Dixon that the complaint was "management driven" but still did not identify the management complainant(s) and did not identify the colleagues and co-workers that Jean-Marie Dixon is alleged to have harassed, bullied and intimidated. As well, it was not confirmed until November 14, 2016, that the Notice Letter is the Statement of Allegations under the WDHP; it remains unclear whether the Notice Letter / Statement of Allegations was prepared by the Investigator upon the complainant(s) having met with her;
 - d) failing to provide Jean-Marie Dixon with timely particulars of the allegations against her;
 - e) failing to provide Jean-Marie Dixon with adequate time to respond to the allegations against her once the Notice Letter was delivered (containing some particulars of the allegations) on November 10, 2016;
 - f) unfairly and unreasonably refusing to permit Jean-Marie Dixon to access her office computer and work email account in order to gather information, documents and evidence relevant to her workplace discrimination and harassment claims, which she requires in order to particularize and present her allegations to the investigator retained to inquire into her WDHP complaint; and unreasonably prohibiting Jean-Marie Dixon from attending the ALOC conference in November 2016.

By way of remedy, ALOC seeks the following relief on its own behalf and on behalf of Jean-Marie Dixon:

- a) Jean-Marie Dixon be notified forthwith of the name(s) of the colleagues and co-workers she is alleged to have harassed, bullied and intimidated;
- b) Jean-Marie Dixon be notified forthwith whether the complainants against her have met with the Investigator;
- c) Jean-Marie Dixon be permitted to attend her office and access her work computer in order to retrieve her personal belongings and obtain email messages or copies of other documents that she requires in order to particularize and support her WDHP claims for the investigator;
- d) Compensation in the form of general damages, special damages, aggravated damages, and punitive damages for injury to Jean-Marie Dixon's dignity; self-worth; mental anguish; reputation; and psychological, emotional and physical well-being, caused by the Employer's discrimination based on sex and race, and the Employer's failure to provide Jean-Marie Dixon with a workplace free from racial discrimination and harassment, and failure to investigate and rectify the racial discrimination and harassment;
- e) A declaration that the Employer has violated the Collective Agreement and applicable statutes (including the *Code* and *OHSA*) by engaging in all of the above-listed actions (and omissions) and by failing to comply with its own policies and procedures (including the WDHP, WVP and PSDEP); and
- f) Any other remedy that an arbitrator deems appropriate to ensure that Jean-Marie Dixon is made whole.



Note that the Grievance dated June 14, 2016, remains in full force and effect and that ALOC expressly reserves the right to file further and other grievances on behalf of Jean-Marie Dixon relating to her allegations of discrimination and harassment based on sex and race, and the Employer's investigation of her WDHP complaint once the investigation is completed.

Further, ALOC expressly reserves its right to amend the grievance and the relief sought as this matter progresses.

In accordance with Article 6.3 of the Collective Agreement, ALOC requests copies of any and all documentation that the employer relies upon in support of its position in this matter, or in response to this grievance.

Yours Truly,

Earl Dumitru
President

c: Jennifer Richards (Deputy Director, Labour Practice Group, Treasury Board Secretariat)