

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**JEAN-MARIE DIXON**

Plaintiff

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, and  
ASSOCIATION OF LAW OFFICERS OF THE CROWN**

Defendants

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**SUPPLEMENTARY AFFIDAVIT OF JEAN-MARIE DIXON**

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I, **Jean-Marie Dixon**, in the City of Toronto, in the Province of Ontario, AFFIRM AS  
FOLLOWS:

1. I have personal knowledge of the matters deposed in this affidavit. Where I make statements that are not within my personal knowledge, I identify the source of the information and belief, all of which I do believe to be true. Where I have not identified the source of my information, the information is within my personal knowledge.

2. On May 20, 2022, the defendant, the Her Majesty the Queen in right of Ontario (Crown) served me with an electronic copy of the Crown's Motion Record. To date, I have yet to receive a cerloxed copy this document.

3. I have read the Affidavit of Angela Oh, included in the Crown's Motion Record, sworn on May 20, 2022, and make the following observations:

- (a) Ms. Oh's Affidavit contains numerous errors.
- (b) Ms. Oh's Affidavit is based on hearsay, conjecture, and conclusory statements.
- (c) I am unaware of Angela Oh position as it relates to myself, in my position as a Crown Counsel with the Ontario Public Service (OPS or Crown) or any other Crown Counsel; and her role or understanding regarding my experiences of being subjected to anti-Black racism, misogynoir, racial discrimination, racial harassment, and tortious conduct in the OPS.
- (d) I am unaware of Ms. Oh's knowledge of or expertise in anti-Black racism, racism in general, racial discrimination, racial harassment, white supremacy, or white privilege, or her knowledge of how these issues have historically and continue to play themselves out in the OPS, particularly, against Black women.
- (e) Based on fallacious and damaging assertions Ms. Oh makes in her Affidavit<sup>1</sup>, it appears that her knowledge of and expertise on these matters is lacking, and that she has not apprised herself of the documentation presented in my Affidavit

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<sup>1</sup> Which from paras 1-79 is virtually a copy of the Crown's deponent Lawrence Helpert affidavit sworn August 28, 2019, in response to my interlocutory motion brought in 2019.

affirmed on May 13, 2022, regarding the issue of racism, racial discrimination and racial harassment against Black women (and other racialized employees); the Huggins Report released 2018; and the two lengthy reports the OPS released internally in 2021 entitled, Third Party Review – Anti-Black Racism Final Report 2021, and the Ontario Public Service Third Party Review of Workplace Policies and Programs Final Report, which were accompanied by an Apology Letter signed by Steven Davidson, the former Head of the OPS and twenty-nine OPS Deputy Ministers, meaninglessly asserting: “We apologize for the harm caused to Black employees by the prevalence and severity of anti-Black racism in the workplace.”

- (f) I do not know Ms. Oh, and she does not know me. I only became aware of her on May 20, 2022, when I received an electronic copy the Crown’s responding material to my funding motion.
- (g) Regarding Ms. Oh’s statement at para 6 of her Affidavit, it should be noted that my employment with the Crown is not only governed by the Collective Agreement between the Crown and ALOC, but also by human rights and labour legislation, such as the *Human Rights Code (Code)* and the *Occupational Health and Safety Act*, the common law, the *Charter* etc.
- (h) At para 7 of her Affidavit, Ms. Oh asserts that the Collective Agreement “provisions do not entitle Ms. Dixon to the relief sought on this motion.” Her assertion is incorrect and contrary to Canadian jurisprudence.

- (i) I confirm, as stated at para 9 of Ms. Oh's Affidavit, that the Crown has historically denied and continues to deny my (and other racialized employees) experiences of racism, racial discrimination, racial harassment, racial abuse, and racial violence in the OPS. Indeed, a racialized employee, who raises his or her experiences of racism, racial discrimination and/or racial harassment in the OPS, is going to be subjected to anger, denials, silencing, abuse, aggression, violence, lies, reprisal, marginalization, isolation, discipline, suspension, dismissal, job termination etc.

Attached as **Exhibit "A"** is a copy of Jean-Marie Dixon's email to Earl Dumitru, ALOC's President, Michel Helie, the Crown's Assistant Deputy Attorney General, and Steven Orsini the Head of the OPS and Secretary of Cabinet *et al* dated November 20, 2017.

- (j) As for Ms. Oh's statements at paras 13-23 of her Affidavit, it is my position that it was improper and vindictive for the Crown to have placed me on the OPS's Short Term Sickness Plan (STSP) leave on August 16, 2018, as neither the Management-initiated Workplace Discrimination and Harassment Prevention Policy (WDHP) nor the Management-initiated Workplace Violence Prevention Policy (WVP) investigations against me, had been completed. Outrageously, to date, the Management-initiated WDHP Report purported to have been commenced on my behalf and the Management-initiated WVP Report related to the Crown's WVP Complaint against me remain outstanding.

Attached as **Exhibit "B"** is a copy of Michel Helie, the Assistant Deputy Attorney General's email to Jean-Marie Dixon dated August 16, 2018.

- (k) As noted at paras 15-17 of Ms. Oh's Affidavit, lawyers are entitled to 130 STSP days/credits per year, and these days do "not renew if a leave of absence

crosses one calendar year to the following calendar year. A lawyer must return to work for 20 consecutive days in the following year for the STSP credits to reset.” Thus, as I was out of the OPS since May 16, 2016, I would not have had any STSP days/credits as of January 2017, as I had been placed on a *paid* suspension pending the completion of the Management-initiated WDHP and the WVP investigations against me. Further, even if I had 130 STSP days/credits for the year 2018, as I was placed on a STSP leave on August 16, 2018, they would have been depleted by the end of February 2018 — the Crown terminated my pay and benefits on April 11, 2019.

- (l) At para 27 of her Affidavit, Ms. Oh indicates that I was transferred to the Civil Remedies for Illicit Activities (CRIA) in December 2013. This is incorrect, I was placed at CRIA sometime in or around September of 2011 but remained a permanent employee at the Family Responsibility Office, until I was made a permanent employee at CRIA against my wishes and unbeknownst to me by the Acting Legal Director, Vickie Kondo, who engaged in racial discrimination against myself and the two other racialized female counsel at CRIA.
- (m) At para 29 of her Affidavit, Ms. Oh asserts: “...the Crown has not commenced a separate Workplace Violence Prevention Policy investigation relating to Ms. Dixon.” I am unaware of whether this is true or not. However, as documented in my Affidavit affirmed on May 13, 2022, the Crown indicated it would be doing so, and as the Crown unwarrantedly, discriminatory, abruptly, and publicly suspended me under the WVP, I am entitled to a report regarding same. Further,

it should be noted that the tests, timelines, and completion dates are different under the WDHP and the WVP.

(n) At para 29 of her Affidavit, Ms. Oh also asserts, “Considerations of whether Ms. Dixon violated that [WVP] policy formed part of the investigation into the WDHP Complaint against Ms. Dixon.” This is patently false:

(i) Carolyn Lee, states throughout her two WDHP Reports, which she entitled, *WDHP Investigation Report*, that she was retained to conduct an investigation under the WDHP, now known as the Respectful Workplace Policy.

(ii) Carolyn Lee throughout her two WDHP Reports only references the provisions of the WDHP.

(iii) Carolyn Lee indicates in one of her WDHP Reports: “In respect of the WVP complaint, I do not have any evidence before me that such a complaint was initiated.”

Attached as **Exhibit “C”** is a copy of WDHP Advisor Stephanie Brown’s letter to Jean-Marie Dixon regarding investigator Sharon Freudmann and Carolyn Lee dated July 21, 2017.

Attached as **Exhibit “D”** is a copy of Witnesses’ Statements taken by Carolyn Lee in 2018 which she used to draft her WDHP Reports.

(o) Ms. Oh states in her Affidavit, at para 30, that the “WDHP Complaint against Ms. Dixon was investigated by Carolyn Lee third party investigator from McCarthy Tetrault LLP” as noted above this is false. Notably, Ms. Oh has not indicated in her Affidavit that the Crown retained two investigators, at separate times, to

conduct the investigations. The was first individual was Sharona Freudmann. Carolyn Lee indicates in her WDHP Reports that the initial investigator, Sharona Freudmann, drafted the *Statement of Allegations* against me. Of note, the WDHP file reveals that one of the witnesses interviewed by Sharona Freudmann pointed out to the Crown that she was biased — despite this, the Crown did not take steps to retain a new, qualified, and impartial investigator.

- (p) At paras 33-34, referencing Lawrence Helpert’s erroneous statements in his Affidavit of August 23, 2019, Ms. Oh falsely indicates that in my (procedural) WDHP Complaint dated November 8, 2016<sup>2</sup>, “Ms. Dixon brought the complaint against Jennifer Richards. This correct (*sic*), although I noted (*sic*) the complaint was also made against seven other individuals employed with the OPS.”

Attached as **Exhibit “E”** is a copy of Jean-Marie Dixon’s Response to Carolyn Lee’s Preliminary Assessment Report about the (procedural) WDHP Complaint.

Attached as **Exhibit “F”** is a copy of Jean-Marie Dixon’s emails to ALOC about Carolyn Lee’s erroneous identification of Jennifer Richards and Jane Price as respondents to the procedural WDHP Complaint.

- (q) Ms. Oh’s assertions at paras 38-40 are false. The 1<sup>st</sup> Grievance dated June 14, 2016, which Ms. Oh refers to as the “Second Grievance” has not been settled. Indeed, none of the three Grievances<sup>3</sup> have settled or been completed. Further, it should be noted that I had no desire to return to CRIA based on the racial

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<sup>2</sup> WDHP Complaint dated November 8, 2016, is located at Tab P, p 172 of my Affidavit affirmed May 13, 2022.

<sup>3</sup> The three Grievances are attached as exhibits to my Affidavit affirmed on May 13, 2022: 1<sup>st</sup> Grievance dated June 13, 2016, at Tab K, p 151; 2<sup>nd</sup> Grievance dated November 14, 2016, at Tab O, p 169; and the 3<sup>rd</sup> Grievance at Tab R, p 211.

abuse I had been subjected to by staff and Management. Ms. Oh's statement highlights the Crown's complete lack and concern for my safety and wellbeing, and its dogged denial of my experiences of racial discrimination and harassment, and its damaging effects on my personal and professional wellbeing. Based on my own experiences and that of other racialized counsel at CRIA, I had no desire to work CRIA (it was not safe for me to do so) or any location where individuals who had worked at CRIA with me, were now working.

- (r) Regarding Ms. Oh's assertions at paras 47-56, I provided my medical information in a timely fashion, based on my healthcare professionals' availability, and the Crown's response regarding how it would safeguard my personal, sensitive, and confidential medical information, which is protected by human rights and health legislation.<sup>4</sup> Notably, and despite my expressed wishes, the Crown, ALOC and Goldblatt Partners have had communications amongst themselves that I have not been privy to despite my repeated requests to be included on all communications pertaining to myself. The exclusion of me from such communications has been injurious to my case and my wellbeing.
- (s) The Crown requested intrusive information that it is not entitled to per privacy and human rights legislation. For example, my healthcare professionals were asked to elaborate on whether I was involved in "*conventional* medical/psychological treatment" and to describe "for [the Crown's] *sake*, the medical connection between the conflict resolution process and [my] return to work."

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<sup>4</sup> See my Book of Documents provided to defendants and this Court pursuant to my September 13, 2019, motion pages 1-31.



Further, the Crown insisted on sending me correspondence from a representative, I had already identified as triggering the symptoms of my disability, and whom the Crown is aware I named in a Human Rights Application.

- (t) At para 76 of his Affidavit, Ms. Oh asserts that “[a]t no point after receiving the June 7<sup>th</sup> and June 24<sup>th</sup> letters did Ms. Dixon advise that she had applied for LTIP.” This is inaccurate. As per the instructions on the letter I received from the Crown, I not only informed OSS LTIP that I was applying for LTIP, but I also sought their advice, and submitted the required paperwork, the Notice of Intent to Apply for LTIP form to them on May 29, 2019; and advised Crown’s counsel and the Court of same on June 24, 2019.

4. ALOC and its lawyer, Goldblatt Partners LLP, have subjected me to anti-Black racism and tortious conduct, which includes incompetence, indifference, belittling, infantilizing, othering, gaslighting, and aggression. I have asked ALOC several times to retain counsel with an expertise in anti-Black racism, misogynoir, white supremacy, and racial equity; however, damagingly, ALOC has denied my request. For reference, attached is my August 16, 2017, email to ALOC.

Attached as **Exhibit “G”** is a copy of Jean-Marie Dixon’s email to ALOC President, Earl Dumitru, dated August 16, 2017.

5. On May 20, 2022, I served the defendant, ALOC, with my Motion Record via personal service on its counsel, Chris Donovan of Goldblatt Partners LLP (Goldblatt). When I effected service, Mr. Donovan advised me that he would send me correspondence admitting service. Notably, to date, I have not received the promised communication from him admitting service of my Motion Record.

6. On May 23, 2022, at 5:00 pm, I received an email from Delna Contractor, Lenczner Slaght LLP (Lenczner Slaght) counsel, indicating that they wish to cross-examine me on May 31, 2022. Attached to this email, was a draft letter, for my review/approval, which Lenczner Slaght counsel proposed to send to Justice Sugunasiri seeking direction regarding my private and confidential Medical Reports/Notes. The draft letter stated that the parties “have exchanged their motion materials.”

Attached as **Exhibit “H”** is a copy of Delna Contractor’s email to Jean-Marie Dixon dated May 23, 2022, at 5:00 pm.

7. On May 25, 2022, at 5:26 pm, I received an email from Delna Contractor, indicating they will be cross-examining me on May 31, 2022, and will make arrangements with a court reporter’s office for a virtual examination, unless I would prefer to attend in person.

Attached as **Exhibit “I”** is a copy of Delna Contractor’s email to Jean-Marie Dixon’s dated May 25, 2022 at 5:26 pm.

8. On May 26, 2022, at 9:20 am, I responded to Ms. Contractor’s email, noting among other things, that I am still waiting on ALOC’s responding materials.

Attached as **Exhibit “J”** is a copy of Jean-Marie Dixon’s email to the defendants’ counsel, dated May 26, 2022 at 9:20 am.

9. On May 26, 2022, at 2:34 pm, I received an email from Lenczner Slaght counsel, Sarah Bittman, among other things, asking me to confirm whether I would prefer to proceed virtually or in person for cross-examinations, even though I had yet to receive any information from Goldblatt Partners regarding my motion or any responding materials from them on behalf of ALOC.

Attached as **Exhibit “K”** is a copy of Sarah Bittman’s email to Jean-Marie Dixon dated May 26, 2022, at 2:34 pm.

10. On May 26, 2022, at 3:04 pm, I responded to Lenczner Slaght counsel, copying Goldblatt Partners, indicating that “I have not received anything from ALOC/Goldblatt Partners and will need counsel to confirm in writing whether Lenczner Slaght has received responding materials from ALOC or its lawyer Goldblatt Partners regarding the June 30<sup>th</sup> motion...”

Attached as **Exhibit “L”** is a copy of Jean-Marie Dixon’s email to the defendants’ counsel dated May 26, 2022, at 3:04 pm.

11. On May 26, 2022, at 3:13 pm, Geetha Philipupillai, sent an email to me, counsel on my matter, and Kyla Archibald of Goldblatt Partners stating, “ALOC will note be serving a responding record. Attached is a business records notice under the *Evidence Act* served upon you pursuant to the *Evidence Act* and the *Rules of Civil Procedure*.”

Attached as **Exhibit “M”** is a copy of Geetha Philipupillai’s email to Jean-Marie Dixon dated May 26, 2022, at 3:13 pm.

12. On May 26, 2022, at 3:26 pm, I received an email from Ms. Bittman, despite the obvious lack of utility of Ms. Oh’s Affidavit, which simply copied Mr. Helpert’s past Affidavit, asking me to “confirm whether [I] intend to cross-examine either or both of Ms. Contractor or both of Ms. Contractor and Ms. Oh”. Her email did not address the inquiries I made in my 3:04 pm email to counsel.

Attached as **Exhibit “N”** is a copy of Sarah Bittman’s email to Jean-Marie Dixon dated May 26, 2022, at 3:26 pm.

13. On May 26, 2022, at 3:30 pm, I sent an email to Ms. Bittman, noting displeasure with the obfuscation, and asking to be advised of “exactly when the Crown and Lenczner Slaght learned that ALOC/Goldblatt would not be responding to my motion.”

Attached as **Exhibit “O”** is a copy of Jean-Marie Dixon’s email to Ms. Bittman dated May 26, 2022, at 3:30 pm.

14. On May 26, 2022, at 4:21 pm, I sent an email to ALOC’s counsel, Mr. Donovan, Geetha Philipupillai, Jeremy Glick (ALOC’s President), Labour Relations (ALOC) and ALOC’s office’s email account, stating:

Please see below, and respond to all the questions that I directed to Lenczner Slaght counsel regarding ALOC’s/Goldblatt’s response to my motion material regarding my up coming June 30<sup>th</sup> motion, including any and all written/oral communications that have taken place amongst the parties and their respective counsel, regarding same, including when and how it was communicated to the Crown/Lenczner Slaght counsel that ALOC/Goldblatt Partners would not be responding to my motion.

Attached as **Exhibit “P”** is a copy of Jean-Marie Dixon’s to ALOC and its counsel dated May 26, 2022, at 4:21 pm.

15. On May 27, 2022, at 12:35 pm, Ms. Bittman sent an email to me, ALOC counsel on my matter, and Ms. Archibald, indicating, “ALOC advised them on Wednesday<sup>5</sup> that they did not intend to deliver a responding record.”

Attached as **Exhibit “Q”** is a copy of Sarah Bittman’s email to Jean-Marie Dixon and ALOC’s counsel dated May 27, 2022, at 12:35 pm.

16. On May 27, 2022, at 1:50 pm, I wrote to Lenczner Slaght and Goldblatt Partner counsel, advising that I wished to proceed virtually, and noted that I wish to examine, Tom Curry, Chris Donovan, Michelle DiEmanuele (the Secretary of the Cabinet (SOC) and Head of the OPS), and Mr. Glick.

Attached as **Exhibit “R”** is a copy of Jean-Marie Dixon’s email to the defendants’ counsel dated May 27, 2022, at 1:50 pm.

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<sup>5</sup> May 25, 2022

17. On May 27, 2022, at 3:57 pm, I received an email from Mr. Donovan, copied to all counsel, asserting:

We have serious concerns that your request to examine Mr. Glick and me is an abuse of process.

We will not attend to be examined unless you comply with the *Rules*. ALOC reserves all rights to take any steps it decides may be necessary in respect of your request.

If you intend to pursue this request, we are open to scheduling a case conference with Justice Sugunasiri to discuss this issue.

Attached as **Exhibit “S”** is a copy of Chris Donovan’s email to Jean-Marie Dixon dated May 27, 2022, at 3:57 pm.

18. On May 27, 2022, at 4:20 pm, sent an email to Mr. Donovan stating: “Per rule 39.03 of the RCP, I can examine yourself and Jeremy Glick.”

Attached as **Exhibit “T”** is a copy of Jean-Marie Dixon’s email to Chris Donovan dated May 27, 2022, at 4:20 pm.

19. On May 27, 2022, at 4:27 pm, I received an email from Mr. Donovan, copied to Lenczner Slaght counsel, Ms. Philipupillai, and Lindsay Corolis of Goldblatt Partners, stating, “I know the rule. You have our position. I am not litigating the application of the rule over email.”

Attached as **Exhibit “U”** is a copy of Chris Donovan’s email to Jean-Marie Dixon dated May 27, 2022, at 4:27 pm.

20. On May 27, 2022, at 4:32 pm, I received from Ms. Bittman a Notice of Examination dated May 27, 2022, and a letter of same date setting out an extensive list of documents for me to provide to them, some of which I have already included in my Motion Record. Further, it is my position that the information being requested is absurd,

intrusive, and abusive. It is my position that the Crown and Lenczner Slaght's conduct is abusive, and is meant to keep me busy, distracted, overwhelmed, and distressed.

Attached as **Exhibit "V"** is a copy of Sarah Bittman's email to Jean-Marie Dixon's dated May 27, 2022, at 4:32 pm.

21. On May 27, 2022, at 6:28 pm, after years of the Crown and Lenczner Slaght having subjected me to years of relentless anti-Black racism and racial abuse/violence, and despite my requests that they not send me communicate with me outside of business hours, and after having presented Delna Contractor (and Angel Oh) a racialized woman and Lenczner Slaght counsel to me, I received an email from Ms. Bittman asserting:

We also have concerns that your request to examine the Secretary of the Cabinet and Tom Curry is an abuse of process.

As noted by Mr. Donovan, you are required to comply with the *Rules*, and we reserve our rights to take any steps we consider necessary in respect of your request.

We are open to scheduling a case conference with Justice Sugunasiri to discuss this issue.

Attached as **Exhibit "W"** is a copy of Sarah Bittman's email to Jean-Marie Dixon dated May 27, 2022, at 6:28 pm.

22. When my former co-plaintiff, Hentrose Nelson, and I attempted to be shielded from *actual* abuse the Crown and its servants were subjecting us to, by way having our counsel, Ranjan Agarwal, submit our medical documentation to the Crown/Lenczner Slaght, almost a month after receiving the medical documentation from Mr. Agarwal, Tom Curry replied by way of letter dated April 15, 2019, indicating:

As we set out previously, in relation to ongoing issues between Ms. Dixon and Ms. Nelson and their employers, it makes sense that communication is directly between them.

The latest medical information is a good example — we do not wish to be interposed between the employee and the employer and thus will not be sharing the medical notes with the respective ministries.

Attached as **Exhibit “X”** is a copy of Tom Curry’s email to Ranjan Agarwal about my medical documentation dated April 15, 2019.

23. On May 22, 2022, my 19-year-old dilapidated Jeep would not start. When CAA technician attended at my home, they were unable to get my Jeep running. As such, I do not have an operational (or safe) vehicle, which I require to travel, get groceries, to take my dogs to the veterinarian/groomers, file voluminous court materials, etc.

24. Both of my dogs are years overdue for dental cleaning and possible extraction(s). Due to the Crown’s and ALOC’s negative conduct against me, I have not been able to afford the cleaning. In April 2021, the treatment plan for Macy who is 17-years-old was estimated by the veterinarian to vary between \$807.95 and \$1,950.81. The veterinarian indicated that they are unable to provide an exact cost for the dental work, until the dogs are anesthetized, and the dental work has been completed.

25. I paid \$2,137.88 to have my May 13, 2022, Motion Record cerloxed.

Attached as **Exhibit “Y”** is a copy the receipt for the cerloxing of my Motion Record dated May 19, 2022.

26. I make this Affidavit for my legal proceedings and for no improper purpose.

AFFIRMED before me at the        )  
City of Toronto,                    )  
in the Province of Ontario,       )  
on the 30<sup>th</sup> of May 2022            )

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Commissioner for Taking Affidavits

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**JEAN-MARIE DIXON**