

April 2022

Environmental Scan



On social media

- Surveilling employees at work
- #RightToDisconnect
- Back to Workplace grievances
- Canadalandback podcast harassment
- ACFE report



Association of Certified Fraud Examiners (ACFE) likes this



Brenna Agamaite, CPA • 3rd+

Audit Manager with Withum's Hospitality Team

3d • 🌐

The [Association of Certified Fraud Examiners \(ACFE\)](#) 2022 Report to the Nations estimates that the average organization loses 5% of its annual revenue to fraud each year, causing a median loss of \$117,000 before being detected. Organizations must understand how fraud is committed within their industry, develop effective tools for timely detection, and have a plan to respond when occupational fraud has been detected. [#fraudawareness](#)



2022 ACFE Report to the Nations: Fraud Trends and Key Takeaways

withum.com • 1 min read

🔗👍👤 215

35 shares





Posted by u/Sad_Vegetable_4829 20 days ago 2 2



464



sexual harassment experience at local ottawa Hawaiian poké business

edit: please be respectful of all parties involved or allegedly involved and do not make aggressive/violent/falsified comments or anything of the sort... creating hate is not why I made this post :(

disclaimer: these are my own experiences and findings, not that of any others or businesses.

Hi everyone,

I'm not one to post about something like this but it's shaken me to my core and I have no idea where to go from here. AT LEAST 3 other female employees (ages 18-22) and I have experienced sexual harassment at this establishment that ranges from inappropriate/unwanted messages to full-blown unwanted touching (butt slaps) from kitchen staff and one of the owners.

On numerous occasions, one employee tried to communicate the harassment she was facing from someone in the kitchen to the owners. The owners did NOTHING, nada, even though they promised to address it. The harassment continued for MONTHS until it escalated to unwanted physical touching and ANOTHER female employee began experiencing inappropriate messages. It was only after this other employee complained that they decided to do something - and that something was two horrible and likely copy-and-pasted from the internet apology letters.

A little while later, another female employee mysteriously quit and later informed me that it was because of the discomfort she was facing from one of the owners (the shorter one of the two), where he would get in her physical space, "rub up on her," and make weird comments.

Now just recently, after THREE other employees experienced sexual harassment, two of which who complained and one who quit, there was another incident. While working a busy shift and literally just making a poke bowl, the same creepy owner slapped this employee's butt - hard enough that it hurt. This made her feel extremely violated and sick to the stomach.

Afterwards, a friend and another employee reported this on their behalf and reiterated the many other instances others have faced. From here - they have failed time and time again to properly deal with any of this - even going as far as interrogating us on the "context" of each instance, blaming our niceness (like saying happy birthday to a coworker) for bringing on harassment of us. I reported this to





Julie S. Lalonde ✓ @JulieSLalonde · Apr 1



Bonnie Robichaud was a working class mom of 5 working at CFB in Northern Ontario where she experienced sexual **harassment & discrimination**. She took her case to the Supreme Court & won, forever changing how we understand equity in the **workplace**.

Join us!

It Should Be Easy to Fix

Bonnie Robichaud

Virtual Book Launch
Wed, April 13, 7 pm ET

Panel discussion with:
Bonnie Robichaud
Julie Macfarlane
Julie S. Lalonde

Intro remarks from:
Penny Bertrand (Workers' History Museum)
Cindy Viau and Melisande Masson (GAIHST)

eventbrite.ca
It Should Be Easy to Fix — Online Launch
The online launch of labour and feminist hero Bonnie Robichaud's powerful new memoir, *It Should Be Easy to Fix*



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3



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LRO Staffing @LROstaffing · Apr 6

Our very own Alita Fabiano spoke with @obj_news for their HR Update. She discussed the importance of diversity in the **workplace** & how companies can strive towards a more inclusive work environment.

Read it here loom.ly/ijxUWsU

#InclusiveGrowth #DEI #Diversity #Inclusion



BuildForce Canada @BuildForceCan · Apr 8

BuildForce Canada's Respectful and Inclusive **Workplace** resources can help your construction **workplace** to become more respectful, more welcoming and more competitive. bit.ly/3DTtng2 #RespectfulWorkplaces #InclusiveWorkplaces

RESPECTFUL WORKPLACES

Check out all of the resources available to help you achieve the benefits of a diverse workforce:

- Online self-assessment
- Policy framework and Implementation guide
- Online courses
- Posters
- Blog
- and more

RESPECT CHECK

BUILDING RESPECT AT WORK

TREAT EVERYONE FAIRLY VALUE EVERYONE

WORK COLLABORATIVELY WITH EVERYONE THINK ABOUT THE IMPACT OF YOUR WORDS ON EVERYONE

ARE YOU PART OF THE SOLUTION?

Visit buildforce.ca/respect



Check out my #ResearchPoster on Addressing Workplace Stress and Burnout using Solution-Focused Therapy for my Major Research Paper #Gradschool #psychotherapy #eap

Addressing Workplace Stress and Burnout using Solution-Focused Therapy (SFT)
 Maria Abbas, mabba101@uottawa.ca

Introduction

- First comprehensive empirical review comparing their effectiveness (Mullaly, 2018)
- Review conducted through literature search (1978-2018), Canada's Open-Access Journals Database (2018-2022)
- 4253 (2018-2022) on stress, burnout, workplace stress, and burnout
- 2485 (2018-2022) on stress, burnout, workplace stress, and burnout
- 405 (2018-2022) on stress, burnout, workplace stress, and burnout

Therapies for Chronic Stress

- Solution-Focused Therapy (SFT) (deposited and done concerning SFT research)
- Psychoanalytic Therapy
- Behavioural Therapy (focuses on the long-term consequences)
- Cognitive Therapy (focuses on the long-term consequences)
- Group Therapy (focuses on the long-term consequences)
- Solution-Focused Therapy (SFT) (deposited and done concerning SFT research)

Approaches & Techniques

Approach	Technique	Research and Theory
Goal Setting	Scaling	Research and Theory
Problem Solving	Scaling	Research and Theory
Goal Setting	Scaling	Research and Theory
Problem Solving	Scaling	Research and Theory

History of SFT

- Developed in the 1970s by Steve & Berg (Steiner, 2001)
- Can be traced back to the 1970s
- One of the most widely used approaches in the world
- Focuses on the client's strengths and resources
- Emphasizes the client's role in creating solutions

Implications: Counselling & Spirituality

• Workplace stressors can be used as a catalyst for change in the workplace. The role of spirituality in addressing workplace stress, the role of spirituality in addressing workplace stress, the role of spirituality in addressing workplace stress.

Results

Author	Findings on SFT
Garland & DeMeyer (2017), Higgins & Stinson (2018)	Effective, equitable, and cost-efficient at reducing stress and preventing burnout
David (2022), Lawrence et al. (2018)	Organizational change often produces stress for employees. SFT through organizational change helps in organizational change and well-being
Dignity & Resilience (2017), Henderson et al. (2017)	Effective in reducing, enhancing, and promoting well-being, mental health, and overall well-being
Reid et al. (2017), Nelson & Dignity (2017), Nelson & Dignity (2017), Nelson & Dignity (2017)	Effective in reducing workplace stress and promoting well-being
Nelson & Dignity (2017), Nelson & Dignity (2017), Nelson & Dignity (2017)	Effective in reducing workplace stress and promoting well-being
Nelson & Dignity (2017), Nelson & Dignity (2017), Nelson & Dignity (2017)	Effective in reducing workplace stress and promoting well-being
Nelson & Dignity (2017), Nelson & Dignity (2017), Nelson & Dignity (2017)	Effective in reducing workplace stress and promoting well-being

Methodology & Rationales

• Literature review to learn about SFT and explore workplace stressors in the workplace

• Literature review to learn about SFT and explore workplace stressors in the workplace

• Literature review to learn about SFT and explore workplace stressors in the workplace

References

5:47 PM · Apr 8, 2022 · Twitter for iPhone

Job burnout...

- What is it?
- How do we manage it?
- How do we prevent it?

On May 5, join us, along with @CMHA_NTL and @School_GC, to #GetReal about #burnout in the #GC.

Register now cpsp-efpc.gc.ca/events/mental-...

#MentalHealthWeek



10:50 AM · Apr 4, 2022 · Twitter Web App

11 Retweets 2 Quote Tweets 21 Likes





Humans for HR @HforHR · Apr 7

Harassment and Bullying still happens in a remote environment.

Leaders and Managers have a critical role to play in helping to create a safe environment for all

#remotework #Workplace



i-Sight Software @isightsoftware · Apr 4

A very obvious #HR Tip:

Reacting to **workplace** incidents means you're too late. Create a positive company culture w. a strong code of ethics so that you can prevent incidents & track misconduct

More importantly, your employees will be happier & more productive, it's a no brainer



i-Sight Software @isightsoftware · Apr 5



Workplace complaints are more nuanced than ever before

If you're an investigator that doesn't know all 15 types of evidence, you might be compromising your investigations

This article will show you each type of evidence & how to use them. Read it here:



i-sight.com

15 Types of Evidence and How to Use Them in Investigations

Learn definitions and examples of 15 common types of evidence and how to use them to improve your investigations in this helpful guide.





Humans for HR @HforHR · Apr 5



Ontario employers ▶ Do you have your 'right to disconnect' policy in place yet?

[#Ontario](#) [#Workplace](#) [#Health](#)



1



2



Jeff Garland, Hays @JeffGarlandOtt · Apr 7



The use of technology to monitor workers has is a new practice since the onset of the pandemic, and it might be here to stay.



macleans.ca

The workplace of the future will probably remain under surveillance - ...
The pandemic unleashed new forms of digital employee surveillance that are likely here to stay





The Hill Times @TheHillTimes · Apr 5

Back-to-workplace plans still in flux say public service union leaders, as PSAC files mandatory vaccination policy grievances, by [@mike_lpnt](#) [#cdnpoli](#)

bit.ly/3DL50kl (subs)



CityNews Ottawa @CityNewsOttawa · 22h

In a letter to the Mayor, the Civic Institute of Professional Personnel said that a survey conducted among its members found that 72 per cent want to delay their return to the workplace.



ottawa.citynews.ca

Union for City employees calls on Watson to delay return to office plan
In a letter to the Mayor, the Civic Institute of Professional Personnel said that a survey conducted among its members found that 72 per ...





Dr. Nicole Bedera

@NBedera



I cannot emphasize enough how much sexual harassment shapes women's career decisions.

I'm reading an interview today with a grad student who said she was thinking of being a stay-at-home mom because she couldn't guarantee any workplace would be safe.

3:02 PM · Apr 8, 2022 · Twitter Web App

142 Retweets 23 Quote Tweets 1,071 Likes



Dr. Nicole Bedera @NBedera · Apr 8



Our experiences in higher education set our expectations of the **workplace**. When universities insist that women should prepare for violence, they are creating a world in which **workplace** sexual **harassment** feels inevitable.

5

39

237





CASW / ACTS  @CASW_ACTS · Apr 27



Happening soon! Log on now & join us!

Psychological **Harassment** (Bullying) in the **Workplace**: what to know about prevention, intervention, repair, and recovery.

onlinexperiences.com/Launch/QReg/Sh...

[#SocialWork](#)



onlinexperiences.com

Psychological Harassment (Bullying) in the Workpl...
Register for Psychological Harassment (Bullying) in
the Workplace: what to know about prevention, ...





Khoa Hoang 🇻🇳 @ServingOttawa · Apr 25



Replying to [@abbyobenchain](#) and [@ArielTroster](#)

"Interviewees described a state of affairs that included sexual violence, **harassment**, discrimination, and intolerance, as well as a **workplace** rife with gossip, cliques, and disrespectful behaviour."



cbc.ca

Internal Ottawa police harassment is troubling: workplace assessment...

Ottawa police employees told an independent investigator that police workplace culture continues to penalize them for reporting their ...





Martha Troian
@ozhibiige

...

ANNOUNCEMENT:

I am choosing to walk away from a new show called Canadalandback with host Ryan McMahon. We just got started and many in-depth episodes were underway. -1/9

7:10 PM · Apr 28, 2022 · Twitter Web App

257 Retweets 40 Quote Tweets 1,291 Likes



Tweet your reply

Reply



Martha Troian @ozhibiige · Apr 28

...

Replying to @ozhibiige

Recently a situation rapidly unfolded involving the host and I now feel it makes the show difficult to lead, secure guests, and overall there's been a loss of trust. As soon as everything came to my attention I was immediately in touch with management. - 2/9

1 19 313



Martha Troian @ozhibiige · Apr 28

...

I've been informed that according to the company's policies any allegations remain part of a person's private life, and it is not the role of the company to moderate this issue. - 3/9

3 14 278



Martha Troian @ozhibiige · Apr 28

...

I've been informed that according to the company's policies any allegations remain part of a person's private life, and it is not the role of the company to moderate this issue. - 3/9

3 14 278



Martha Troian @ozhibiige · Apr 28

...

There was a discussion prompted by myself to remove the host from Canadalandback and to allow the people working on these episodes to continue their hard work while everything got sorted. - 4/9

3 13 293



Martha Troian @ozhibiige · Apr 28

...

As a senior producer to a male host & as an Indigenous woman, how am I to manage these episodes when there are existing allegations of harm? In addition, there's been no explanation, apologies offered or accountability taken in this situation to me or to the rest of the team.-5/9

4 23 429



Martha Troian @ozhibiige · Apr 28

...

We deserve better.

In addition, there's been no explanation, apologies offered or accountability taken in this situation to me or to the rest of the team. We deserve this. - 6/9

3 14 341



Martha Troian @ozhibiige · Apr 28

...

I'd like to acknowledge there were so many hands involved in the making of Canadalandback from the development team, reporters, producers, the managing editor, audience development to the audio editor. It was great working with all of you and I am appreciative of your time. - 7/9

1 11 324





Mark Bourrie  @MarkBourrie · Apr 29



Oh, my.

Does [@JesseBrown](#), owner of [@Canadaland](#), really believe allegations of harassment are a private matter?



Martha Troian @ozhibiiiige · Apr 28

ANNOUNCEMENT:

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[Show this thread](#)



In the news

- New workplace harassment and violence prevention
- Racism at IRCC
- Vote on Arlen Dumas
- Surveilling employees at work
- CLC survey finds widespread violence and harassment
- Slack loosens NDAs to better investigate workplace harassment over app



Canada: New Federally Regulated Workplace Harassment And Violence Prevention Regulations

On January 1, 2021, the Government of Canada's Bill C-65 Workplace Harassment and Violence Prevention Regulations SOR/2020-130 (the "Regulation") came into effect. The new Regulation, which applies to federal workplaces (including the federally regulated private sector, the federal public service and parliamentary workplaces): [...]

sets a deadline of January 1, 2022 for employers to complete mandatory training of all employees
enables employees to request a third party investigation where they are not satisfied with the resolution and/or conciliation process carried out by the employer
requires the employer to ensure that the identity of a person involved in an occurrence of harassment and violence is protected and that no information is provided to a policy committee, work place committee, or health and safety representative, that would reveal the person's identity, other than in some work refusal situations or if the person provides their consent
expands the employer's annual reporting requirement to the Minister of Employment, Workforce Development and Labour beyond cases resulting in injury, to include all occurrences for which a formal complaint is submitted to the employer

Immigration Canada acts to end racism, cultural bias among employees

Immigration, Refugees and Citizenship Canada (IRCC) is conducting a study to explore potential cultural bias shown by its employees when it comes to processing visa applications at the country's points of entry, according to a department spokesperson.

The study comes in response to a survey examining workplace racism at IRCC released last year that revealed multiple reports of racist “microaggressions” by employees and supervisors.

Participants interviewed said that some of the overt and subtle racism they have witnessed by both employees and decision makers at IRCC “can and probably must impact case processing.”

Assembly of Manitoba Chiefs to hold non-confidence vote on Arlen Dumas in May

A non-confidence vote has been called on the leadership of Arlen Dumas, who was suspended March 18 as grand chief of the Assembly of Manitoba Chiefs following a sexual assault allegation.

The vote will happen at a special meeting yet to be scheduled in May, said the organization that represents chiefs of 62 First Nations in Manitoba.

“The Constitution of the Assembly of Manitoba Chiefs (AMC) outlines a code of conduct for elected officials, including the Grand Chief,” a statement from AMC said Thursday.

“Grand Chief Arlen Dumas will have the opportunity to address the Chiefs-in-Assembly prior to the vote taking place.”

A senior AMC staff member launched a formal complaint against Dumas on March 14 alleging sexual assault and harassment. She also filed a complaint with the Winnipeg Police Service, she said.

Firm that investigated allegations against Barrie councillor found his conduct 'inappropriate and demeaning'

Coun. Mike McCann was the subject of an internal investigation by the City of Barrie in 2020 stemming from one of three alleged incidents of harassment against a municipal employee, the staffer who made the allegations told Simcoe.com.

The statement of claim in a civil lawsuit filed Jan. 17 by Amanda Kelly, a 32-year-old senior business innovation and entrepreneurship officer at the city, noted she lodged a complaint against McCann through Mayor Jeff Lehman on Dec. 30, 2019.

She did so after McCann allegedly made her fear harm through “threats, words and gestures” during an after-party at a downtown bar following a work-related Christmas function Dec. 19.

Cameras In The Workplace: From Justified Surveillance To Psychological Harassment Labour, Employment and Human Rights Law Bulletin

In a recent decision, the *Tribunal administratif du travail* concluded that an employer's excessive surveillance by means of security cameras was a violation of its employees' right to dignity and integrity, and accordingly allowed their psychological harassment complaints.

THE FACTS

Two employees of a retail store alleged that their employer had carried out video surveillance resulting in inappropriate employer interventions. They filed a complaint of psychological harassment under section 123.6 of the *Labour Standards Act*.

Workplace violence, harassment could lead to councillor dismissal under new legislation

Barrie councillors got behind a provincial bill Monday night to create a process for municipal councils to remove their members who violate workplace violence and harassment policies.

With no discussion, councillors endorsed the Stopping Harassment and Abuse by Local Leaders Act.

“It’s important that we take a stronger stance against harassment and workplace violence,” Coun. Keenan Aylwin told BarrieToday. “These difficult but necessary conversations often get swept under the rug or avoided altogether.”

Leduc firefighter resigns in scathing speech in front of city council

In a passionate and poignant speech in front of Leduc city councillors Monday night, Megan Wright ended the seven-year career she had grown up dreaming of.

The firefighter and paramedic stood up and offered her resignation from Leduc Fire Services over harassment allegations she and at least two other female firefighters have publicly made.

“I thought, if I stood up and spoke about what was happening around me, people would listen. There would be meaningful change,” Wright told councillors.

She said that over her time with the service, she brought her allegations of sexual misconduct to superiors. She said those complaints were not realized.

“(I thought) if HR, the protective services manager, the city manager knew what was going on, they would do something. They would intervene as it goes against the mission, vision and values of the City of Leduc. I was met with interrogation, not support.”

Combat psychosocial hazards with workplace training and solutions

New findings from a recent LifeWorks survey show the psychological health of Canadian workers is at its lowest point in the last 22 months.

Worker mental health and wellness isn't a new topic but the pandemic has certainly brought mental health and psychosocial hazards as well as the increased need to combat these hazards to the forefront.

Prior to the pandemic in 2016, the Mental Health Commission of Canada found each week 500,000 Canadians do not go into work due to a psychological issue, which could be attributed directly to psychosocial hazards in the workplace – including for instance, harassment or excessive workloads. Evidence suggests poor workplace mental health negatively affects both the worker and the organization. And on the flip side addressing hazards and improving mental health can boost employee satisfaction, engagement and productivity as well as reduce health costs, worker turnover and lost work time.

Barrie council poised to endorse Ontario's 'Stopping Harassment and Abuse' bill next week

Barrie councillors appear poised to support a provincial private member's bill that would give the city more teeth to remove an elected official from office.

The city's general committee, on April 4, endorsed the proposed Stopping Harassment and Abuse by Local Leaders Act, which has passed second reading in the Ontario legislature.

Council must ratify the committee's recommendation at its April 11 meeting.

Coun. Keenan Aylwin, who brought the motion forward, said the bill, if enacted, will create a process for municipal councils to remove councillors who violate workplace violence and harassment policies.

“People in positions of power, often men, who abuse their power often do so in more ways than one,” he said. “This isn't about one incident. Our society and political system rewards and perpetuates harmful, abusive behaviour by those in positions of power. All workers deserve a workplace free from violence and harassment. Currently, there is no mechanism to remove a sitting elected municipal councillor who violates (these) policies. This impunity is unacceptable and may create an unsafe work environment.”

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The study comes in response to a survey examining workplace racism at IRCC released last year that revealed multiple reports of racist "microaggressions" by employees and supervisors.

Participants interviewed said that some of the overt and subtle racism they have witnessed by both employees and decision makers at IRCC "can and probably must impact case processing."

N.S. NDP introduces bill restricting non-disclosure agreements for harassment cases

HALIFAX - Nova Scotia's NDP is introducing legislation today aimed at restricting non-disclosure agreements for harassment cases.

NDP justice spokesperson Claudia Chender says the bill would protect victims of sexual assault or harassment who are vulnerable to being pressured into silence through the use of such agreements, known as NDAs.

Chender says too often sexual assault victims are urged to sign non-disclosure agreements -- which prohibit them from speaking publicly about certain facts -- which result in the concealment of potential crimes and abuse.

This bill would restrict people from entering NDA agreements in situations involving allegations or proven cases of harassment or discrimination.

Part Two: Workplace Considerations Post-COVID-19

Workplace Mandates

In part one of this two-part series on transitioning from COVID-19 workplace mandates, we covered the latest and upcoming changes to COVID-19 workplace safety requirements in British Columbia. In part two, we explain what these changes mean in light of other statutory responsibilities employers have pertaining to workplace safety and employees with medical conditions, including responsibilities under B.C.'s Workers' Compensation Act, Human Rights Code, and Employment Standards Act.

Some of these responsibilities have, in effect, been temporarily superseded by more stringent and broad COVID-19 mandates, but they have nonetheless remained in force. As COVID-19 mandates fade, the management of COVID-19 workplace health risks will be regulated predominantly by these earlier statutory responsibilities. As such, the simultaneous lifting of COVID-19 mandates and resurfacing of earlier statutory responsibilities creates the potential for a dangerous blind spot for employers, particularly for those that began operations or commenced hiring after COVID-19 mandates were introduced. To help avoid those liability traps, employers should be mindful of the following statutory responsibilities as they transition away from COVID-19 workplace mandates.

UWSA says student union president was removed from position after 'workplace harassment' complaint

The chair of the University of Windsor Students' Alliance's (UWSA) board of directors says it removed former president Jasleen Dayal from her position after an external investigator substantiated "several" allegations and made "factual findings" stemming from a workplace harassment complaint.

On Monday, the board of directors for the UWSA — the undergraduate student union at the post-secondary institution — unanimously voted to remove Jasleen Dayal from her position as UWSA president.

Since Dayal's removal from office, the UWSA has limited its comments on the matter to a social media post released a day after the meeting, saying an investigation found Dayal "engaged in actions directly contrary to the UWSA's policies and values."

Prioritizing a violence- and harassment-free workplace

The cost of inaction? For one Ontario employer, a recent \$170,000 fine following a worker's murder. For the dead worker and all who cared about her, the price paid? Incalculable.

Why after persistent union-led lobby, Ontario's Occupational Health and Safety Act (OHSA) was amended by Bill 168 in 2010 and Canada's Labour Code protections for violence and harassment were improved upon just last year. Every worker has the right to a safe workplace free from violence and harassment. Employers are required to develop and implement workplace violence and harassment policies and programs. These must be current and reviewed annually. As well, employers have an obligation to provide all workers with information about their policies and training on programs implemented.

Toxic boardrooms: How to investigate harassment claims against the C-suite

Abuse in the workplace is never acceptable – even if it is coming from the most senior people at the firm. When an allegation of harassment arises against a CEO or leading executive, it can often send the company into a tailspin. People, including HR leaders, panic – worries about both conducting a proper investigation and at the same time managing any reputational damage.

A problematic power imbalance

Just to gauge the scale of the problem, one in four women and one in six men in Canada reported having experienced inappropriate sexualized harassment at work. The issue is endemic – even in remote and hybrid models. So, what mistakes are you, as HR leaders, making when it comes to internal, senior-level investigations? And how can you rectify them before it's too late?

Female firefighters urge City of Leduc to release results of department investigation

Two women who have alleged they were harassed while working for Leduc Fire Services are urging the city to release the results of an external investigation into the department.

Christa Steele and Mindy Smith have applied for a class-action lawsuit against the City of Leduc, alleging decades of systemic harassment, bullying, discrimination, abuse and sexual assault.

Leduc fire chief George Clancy, who is not named in their statement of claim, resigned last month. At the time, city manager Derek Prohar told CBC News that Clancy had made a personal decision to leave.

Steele showed CBC an email Prohar sent to staff on March 29 in which he said that as a result of an investigation, two fire services employees were no longer working for the city.

Survey finds widespread violence and harassment in workplaces

The survey findings also underscore the need for Canada to ratify and implement the ILO Convention on violence and harassment in the world of work (No. 190).

Ottawa (13 April 2022) — The Canadian Labour Congress (CLC), in partnership with Western University's Centre for Research and Education on Violence Against Women and Children, and researchers at the University of Toronto, has released the initial findings of the first national survey on workplace violence and harassment.

Survey sought to address data gap

Workers, their unions, and advocates have long known, and worked to draw attention to, the issue of violence and harassment at work. However, because there was not enough Canada-specific data, it was difficult to know the full extent of it.

In 2020, the Canadian Labour Congress (CLC) and its research partners launched the first National Survey on Harassment and Violence at Work, as NUPGE previously reported. The initial report of the findings is now available online.

A quick and essential response

Harassment can be damaging to both the employment relationship and workplace culture. And so can an employer's inadequate response to it, which can also open up legal liability.

Canadian HR Reporter recently reported on a survey found that almost three-quarters of Canadians have experienced at least one form of sexual or non-sexual harassment and violence, while seven out of 10 employees aren't happy with HR's response to their safety and wellbeing in the workplace. This could be a problem for some employers, as they have a legal obligation to investigate workplace harassment allegations. If they don't, or if it's not done properly, there's likely going to be more trouble.

Governments across Canada have taken measures to combat workplace harassment and violence, and in some jurisdictions it's part of the employer's obligations under occupational health and safety legislation. A couple of years ago, the federal government brought in Bill 65, which requires federally regulated employers to not only address complaints, but to also be more proactive by conducting workplace violence risk assessments and anti-harassment training.

Free training offered to small businesses to address sexual harassment

The Ending Violence Association of BC (EVA BC) is offering free training and resources for small businesses and not for profits to respond and prevent workplace sexual harassment.

It's called the Sexual Harassment, Advice, Response, and Prevention for Workplaces (SHARP Workplaces), and Executive Director for EVA BC Ninu Kang says this offers crucial information for both employers and employees.

“With more than 50% of women reporting having experienced sexual harassment on the job, SHARP Workplaces fills an important need in British Columbia.”

“They're free resources and online training in the areas to help workplaces get a good understanding of what workplace sexual harassment is, also understand the rights and responsibilities, both as employers and employees,” added Kang.

She said there's a focus on small businesses because they often don't have the resources to focus on making policies and training.

Canada: New Requirement In Ontario For Enhanced Transparency On Electronic Monitoring In The Workplace

The Government of Ontario first announced in February 2022 that it would introduce legislation requiring large employers to inform workers if and how they are being monitored electronically. From the news release that followed, there were several questions about these proposed changes, such as whether this would apply to "employees" under the Employment Standards Act, 2000 (the "ESA"), the broader definition of "workers" under the Occupational Health and Safety Act (the "OHSA"), or perhaps an entirely new category or definition of worker.

Clarification came with the introduction of Bill 88, the Working for Workers Act, 2022, which was first introduced in the Ontario Legislative Assembly on February 28, 2022.

As suggested in our previous bulletin, Bill 88 moved very quickly through the Legislature. On April 7, 2022, the Government of Ontario announced that Bill 88 would go forward, and it received Royal Assent on April 11, 2022.

Considerations when choosing a workplace investigator

Rubin Thomlinson LLP

Lately I have noticed a renewed focus and attention placed on the racial identities of neutral decision makers and fact finders, and on the question of whether this is something we should be concerning ourselves with when selecting one. Recently, and most notably, the nomination of Justice Ketanji Brown Jackson to the United States Supreme Court has stirred up controversy because President Biden expressly stated his intention to nominate a Black woman at the start of the process.¹ Beyond the politics behind this decision, it was lauded as a move to bring greater representation to the highest court in the country.

Arbitrators have also experienced an increased demand for diversity. A report from the American Association for Justice that was released last year found that three of the largest arbitration service providers in America were mostly male and overwhelmingly white.² This may be problematic, as many employees are contractually forced to pursue arbitration for resolving disputes, such as racial discrimination or sexual harassment, and do not have a diverse pool of arbitrators to choose from.

Employer must pay US\$450,000 after throwing birthday party

A U.S. employer has been charged US\$450,000 after throwing a surprise birthday celebration for one of its workers.

It all started on Aug. 7, 2019 when Gravity Diagnostics in Kentucky decided to celebrate Kevin Berling's special day at lunch, an office tradition for staff.

However, Berling – who has anxiety disorder – had specifically asked his employer not to celebrate his birthday because he feared it would trigger a panic attack.

“The person who was responsible for the birthday parties who he talked to flat out forgot about his request,” says Tony Bucher, Berling's attorney according to LINK NKY. “She didn't do it to be mean, she said she would accommodate it and she just forgot.”

Berling quickly left the party and finished the rest of his lunch in his car. He then texted his manager, upset that the company failed to accommodate his request.

Ontario worker's discrimination complaint dismissed for lack of evidence

Workplace discrimination involves more than just an employee's belief that it's the reason for unfair treatment, according to Natalie Nicholson, an employment lawyer at Sherrard Kuzz in Toronto.

“To make out a prima facie case of discrimination, an applicant must be able to point to facts beyond their own suspicion to connect the alleged unfair treatment they experienced to a ground protected by the [Human Rights] Code,” says Nicholson. “An applicant's assumption or speculation about why an employer engaged in certain conduct, absent any facts to support their belief, will not suffice.”

The Ontario Human Rights Tribunal backed up this point in a recent decision dismissing a worker's complaint of discrimination based on various incidents he experienced at work.

The worker was employed by Central Stampings, a commercial and industrial metal stamping company in Windsor, Ont.

How to be a more accessible employer

As offices begin to tentatively re-open, and employers consider a more hybrid approach to work, questions around inclusivity, accessibility, and disability policies are coming to light. And, according to recent research, HR leaders ignore these priorities at their own peril. Data from the Institute of Corporate Productivity found three in four businesses ranked employees with disabilities to be just as good or even better than their co-workers. What's more, McKinsey and Company's research highlighted that companies that hire diverse and differently-abled workers enjoy increased revenues of up to 35%.

In light of such data, Leading HR consultant Rebecca Kalison told HRD the best ways to supercharge your disability policy and revealed why accessibility in offices is key when returning to work post-pandemic.

Ontario court ruling shows zero tolerance in sexual harassment case

Ontario's top court has upheld the firing of a 30-year employee for a single incident in which he slapped a co-worker on the buttocks, sending a message that sexual misconduct that might once have been deemed at the lower end of the spectrum is no longer tolerable.

In a 3-0 ruling Wednesday, the Ontario Court of Appeal said the consequences can be serious when colleagues in seemingly benign, friendly workplaces take things too far, and demean others.

The decision is the second in eight months from a Canadian appeal court to make the point that unwanted sexual contact may amount to sexual assault, and that there is no minor form of sexual assault in the workplace. A third ruling, involving sexual comments, made a similar point in November that infractions once seen to be less serious may now justify termination.

B.C. court certifies former flight attendant's class action against WestJet

A class-action lawsuit alleging workplace sexual harassment was certified against WestJet. Grace Ke reports.

The British Columbia Court of Appeal has ruled a former flight attendant's "hard-fought" class-action lawsuit alleging discrimination and harassment against WestJet can proceed.

The decision from a three-member panel released Tuesday overturns a lower-court ruling that dismissed the application filed in 2016 by former WestJet employee Mandalena Lewis.

In written reasons, Justice Peter Voith says the lower court was wrong to conclude the case should be heard by the Canadian Human Rights Tribunal.

Instead, the ruling says the case centres on the allegation that WestJet breached a specific contract with its flight attendants by failing to uphold the company's anti-harassment promise.

MPP thought council conduct bill was a 'no-brainer' as new Chiarelli allegations surface

An Ottawa MPP thought strengthening municipal conduct penalties was an “easy no-brainer” for all parties in the current session of the legislature, but he’s watching the Ontario Progressive Conservative government head into an election period without making any changes.

Stephen Blais, the Liberal MPP for Orléans, said he was under the impression a government bill would be debated in the provincial legislature late last year ahead of the 2022 municipal election cycle, but that didn’t happen.

Blais also thought the PC government would support his private member’s bill, which would allow a judge to declare a council seat vacant in the case of workplace violence and harassment.

He was talking about his proposal again on Thursday after a scandal re-emerged at Ottawa City Hall.

Canada: It Takes Two To Tango: Employee Obligations And Workplace Accommodation

Labour, Employment and Human Rights Bulletin

Workplace accommodation is a challenging process, often without easy answers. Employers know they have to be proactive when assessing and implementing accommodation plans to ensure compliance with human rights legislation.

What is often overlooked is that accommodation is a two-way street, and employees also have their own set of obligations that, if not followed, can be fatal to a human rights complaint.

Employee obligations in the accommodation process include:

- Alerting the employer about the existence of a disability and the requirement for accommodation.[1]
- Providing sufficient medical evidence, permitting the employer to assess the limitations imposed by the disability so they can come up with a reasonable accommodation plan in response.
- Accepting reasonable proposals for accommodation made by the employer.

Government of Canada launches call for concepts to help guide culture change around harassment and violence in the workplace

GATINEAU, QC, April 26, 2022 /CNW/ - All Canadians deserve a workplace free from harassment and violence. Recognizing that these behaviours persist, the Government of Canada continues to make significant investments to create safer, healthier and more supportive work environments for all federally regulated employees.

Today, Minister of Labour, Seamus O'Regan Jr., announced the launch of the 2022 Call for Concepts for the Workplace Harassment and Violence Prevention Fund, which aims to guide culture change around harassment and violence in federally regulated workplaces. The fund provides \$3.5 million annually to projects aimed at creating safer workplaces for employees and helping workplaces comply with Bill C-65, federal harassment and violence prevention legislation.

Specifically, the Government is helping eligible recipients to develop sector-specific tools and resources related to harassment and violence prevention, aiming at supporting behavioural changes in the workplace, and to provide guidance to workers regarding the Work Place Harassment and Violence Prevention Regulations. Eligible applicants are invited to submit their project concepts by May 24, 2022 through the application webpage. Successful applicants will be invited to submit detailed project proposals. Selected projects would start in 2023, with a maximum duration of three years.

City of Leduc approves Equity, Diversity and Inclusion Strategy following harassment allegations

Leduc city councillors approved a \$165,000 Equity, Diversity and Inclusion Strategy Monday night.

City manager Derek Prohar told councillors the ultimate goal would be the overall elimination of any bullying, harassment and discrimination of city employees.

But city employees who say they have experienced these things, think the plan is shortsighted.

The strategy was deemed necessary after multiple Leduc Fire Services staff members came forward with allegations of systemic workplace harassment.

Those allegations only came to light in February when two female firefighter paramedics filed a lawsuit against the city outlining nearly two decades' worth of claims.

On Monday night, Prohar told Global News the city would have told the public about the issues eventually.

Staff in Canada Revenue Agency unit complain of bullying and harassment, report finds

A team of psychological consultants hired by the Canada Revenue Agency found that a division responsible for working with multinational firms on global tax enforcement is rife with bullying and harassment and most of the staff feel their unit is ineffective.

Y2 Consulting Psychologists Inc. said in a report that it found concerns about a toxic work climate, including some employees saying they were being spied on. Staff complained about management, while some managers reported “feeling disrespected, continuously challenged or even harassed/bullied by some of their direct reports,” it said.

The consultants surveyed division staff and found 50 per cent said they had been victims of bullying, harassment or intimidation. Slightly less than half of the employees said the division was effective at influencing global taxation standards in Canada’s favour.

The report also found that fewer than 27 per cent of surveyed staff believed senior managers were effective leaders, good role models, made important decisions in a collaborative and timely manner and were responsive to the divisions’ specific needs.

Upcoming review of National Defence expected to target violence, toxic workplace culture

With the Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces expected to be released next month, PSAC and the Union of National Defence Employees (UNDE) are expecting that the report and its recommendations will provide yet another urgently needed push towards concrete change and accountability in Canada's military.

PSAC-UNDE is pleased to have contributed to Madame Justice Louise Arbour's review to ensure that 19,000 civilian workers who have endured toxic workplace conditions in the Department of National Defence (DND) are included in the scope of the report.

“We are confident that Madame Arbour will be unwavering in her assessment and will provide concrete recommendations — from recruitment to the way that leadership is handled at the top,” said UNDE National President June Winger. “We cannot tolerate a workplace culture that rewards toxicity and silences victims.”

'Inappropriate workplace atmosphere' got out of hand, court rules

The Court of Appeal for Ontario has thrown out the appeal of a fired employee who challenged a ruling that said his termination after he slapped a female co-worker's buttocks was justified.

The appellant, who was a 30-year employee in a managerial role with a spotless record, was dismissed after he slapped the buttocks of a female co-worker in 2014. According to the appellant, the incident was accidental, and he meant to slap his co-worker's hips, but she turned so his hands touched her buttocks instead.

The victim's entry in an email, which was used by the trial judge as testimony, read that she felt "very awkward" after the incident.

"I was thinking about this, and I felt upset. I don't want the other men in the office to think it is OK to do that to me," the victim said.

The appellant apologised to the victim multiple times after the incident, but the latter felt he was not sincere about this apology. The matter reached the company's HR manager, which eventually led to the appellant's termination in the company. According to the court, he did not receive severance, termination, or vacation pay. In the trial judge's decision, they found that the respondent "had met its onus and established that summary dismissal was the appropriate response in all the circumstances."

Statement by the Minister of Labour on the National Day of Mourning

"Every worker has the right to a healthy and safe workplace, and to return home safely at the end of their workday. Unfortunately, that is not the reality for everyone.

Today, on the National Day of Mourning, we pay tribute to those across the country who have lost their lives or suffered due to workplace-related accidents, injuries or illnesses. We also honour the loved ones, family members and friends who are left behind.

Workplace incidents can be prevented, and yet, every year thousands of Canadians are killed, injured or suffer illnesses because of their job. That is why on this day, we renew and strengthen our commitment to safe and healthy workplaces, and we are reminded that we should not pause our prevention efforts.

We can better protect the physical and mental health of workers by making sure that the occupational health and safety provisions in the Canada Labour Code are robust and modern. From modernizing compliance and enforcement to preventing workplace harassment and violence, the Government of Canada is deeply committed to making workplaces safer and more productive for everyone. We're also working to include mental health as a key element of occupational health and safety, and to develop a right-to-disconnect policy that will better promote and protect employee work-life balance.

N.W.T. judge showed 'disturbing pattern' of misconduct, lawyer alleges

An N.W.T. lawyer has accused a territorial court judge of misconduct, citing a years-long pattern of "intimidating, insulting and belittling" behaviour often directed against lawyers and defendants in the courtroom.

The written complaint, filed to the territory's Judicial Council last year, alleges that N.W.T. Territorial Court Judge Donovan Molloy's personal attacks from the bench at times left Crown lawyers in tears and physical distress.

CBC News obtained a copy of the complaint on April 21 but the name of the complainant was not included. CBC has verified the document's authenticity with three separate lawyers in the territory, all of whom were familiar with the matter.

The complaint requests a hearing before the Judicial Council to determine whether Molloy ought to be disciplined, and suggests his suspension or removal as a territorial court judge may be warranted.

Salesforce and Slack will loosen NDA restrictions for all US employees

Salesforce says it will loosen non-disclosure agreements for all of its employees in the US, including those at subsidiary Slack. The company was required to do so for workers in California under the state's Silenced No More Act, though it will extend the measures to workers across the country.

The law gives employees more freedom to discuss instances of workplace harassment and discrimination even if they have signed NDAs. It took effect on January 1st. Salesforce says it will extend the protections to all US employees by the end of this year. "Our employees are key stakeholders, and it's critical that we offer them the support to ensure they're happy, healthy and protected," the company wrote in a blog post.

A group called the Transparency in Employment Agreements Coalition has been using shareholder proposals to pressure the likes of Salesforce, Meta, Alphabet and Apple to extend Silenced No More protections to all employees, as Protocol notes.

Alphabet affirmed in an SEC filing this month that even if they had signed NDAs, employees are free to discuss workplace assault, harassment or discrimination as well as any retaliation for reporting or opposing those. Before the law came into effect, Pinterest said it would not enforce NDAs in cases of racial and gender-based discrimination.

Reports

- Guidance on hybrid workforce
- ACFE report to Nations
- Funding WHVPF



Guidance on optimizing a hybrid workforce: Spotlight on telework

Now – more than ever – we recognize that the future of work in the public service is about exploring the interconnections between people, talent, diversity, management practices and organizational structures. The future of work will be enabled by technology and shaped by Canadians and their shifting expectations. Collecting evidence, analyzing data and experimenting will guide decision-making every step of the way.

The public service finds itself at an exciting moment when the future can be reimaged and pursued to embed the agility and flexibility that has served Canadians during the ongoing pandemic. As a result, many organizations are developing their plans for a hybrid workforce, which will see many employees scheduled to work both on-site and off-site.

We have created the [Guidance on optimizing a hybrid workforce: Spotlight on telework](#) as a first step to embracing the workplace of the future.

2022 ACFE Report to the Nations: Fraud Trends and Key Takeaways

The Association of Certified Fraud Examiners (“ACFE”) 2022 Report to the Nations estimates that the average organization loses 5% of its annual revenue to fraud each year, causing a median loss of \$117,000 before being detected. Occupational fraud committed by individuals against their employers is not an emerging concept but it is clear that the pandemic has created new opportunities for fraudsters. Organizations must understand how fraud is committed within their industry, develop effective tools for timely detection, and have a plan to respond when occupational fraud has been detected.

The ACFE recently published its 2022 Report to the Nations which has the results of a comprehensive study of 2,110 cases across 133 countries. The study gathered data regarding occupational fraud cases that companies investigated around the world from January 2020 through September 2021, with a focus on the methods used to commit the fraudulent acts, how the illicit acts were detected, the characteristics of the fraud perpetrators and the overall impact the fraud had on the company.

Funding WHVPF: The Workplace Harassment and Violence Prevention Fund – Call for Concepts – Step 1

The Workplace Harassment and Violence Prevention Fund (WHVPF) is a grants and contributions program. WHVPF will invest in projects that will create safer workplaces for federally regulated employees. Through this funding, partner organizations will receive funding to co-develop sector-specific tools and resources that address these workplace issues. Approaches could include behavioural changes, education and guidance, to ensure the physical and psychological health and safety of employees. These projects will help workplaces comply with Bill C-65—legislation to protect employees from harassment and violence in federally regulated workplaces.