

# August 2022 Environmental Scan



# On social media

- New code of conduct means municipal employees have to comply with workplace violence and harassment policies
- Lisa Laflamme
- “Grow Through Change” GCWCC campaign presentation
- Bullies in the workplace





**Sean Bawden** @SeanBawden · Aug 12



The Ontario Government has introduced a bill (Bill 5) requiring the code of conduct for municipal councillors and members of local boards to include a requirement for those councillors and members to comply with **workplace violence** and **harassment** policies.



[ola.org](http://ola.org)

**Stopping Harassment and Abuse by Local Leaders Act, 2022**

Bill 5 from Parliament 43 Session 1 of the Legislative Assembly of Ontario: Stopping Harassment and Abuse by Local Leaders Act, 2022.





**Katy Kydd Wright** @KatyKydd · Aug 13



Replying to @Paulatics

Thank you for this - I think recognizing the imp changes young women are making on violence, **harassment**, sexism in the **workplace** are so important. The individual bravery it takes to deal with the issue individually AND try and knock it down institutionally - it's amazing.



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**Tess | She / Her / Elle** @TessaNFranklin · Jun 9



If someone in my ward was in the middle of **workplace** sexual **harassment** investigations I'd be talking about it. Not because it's a "voter issue" but because silence is what lead to me being a victim. Ottawa has a culture of silencing victims and it needs to change.

[#OTTpoli](#)



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Mike Gibbs  
@MikeGibbs

This is the man who fired Lisa LaFlamme: Bell VP Michael Melling.

CTV News sources say he hates push-back from women in the workplace AND he brags about the number of careers he's destroyed. If you cross him he destroys your life.

See Canadaland scoop: [canadaland.com/bell-executive...](https://canadaland.com/bell-executive...)



Toronto Star  
@TorontoStar

## Grey Matters: LaFlamme exit ignites conversation on workplace sexism and ageism



thestar.com

Grey Matters: LaFlamme exit ignites conversation on workplace sexism and ag...  
It's been two weeks since journalist Lisa LaFlamme announced she'd been let go from her job as CTV's chief news correspondent.

4:23 PM · Aug 26, 2022 · dlvr.it





**Marsha McLeod** ✓  
@marshamcleod\_



Bell Media is initiating an “independent third-party internal workplace review” of its newsroom, following yesterday’s town-hall meeting, where CTV employees pushed for answers on the dismissal of Lisa LaFlamme and handling of the announcement, as well as raised issues of morale.

**Bell Media PR** ✓ @BellMediaPR · Aug 19

A statement from Bell Media.

[Show this thread](#)

We've been dealing with a difficult and high profile change in recent days.

In a news organization, making a change at the anchor desk is always a difficult decision. We knew that many viewers and members of the CTV family would be disappointed that Lisa LaFlamme would be leaving her position as Chief News Anchor and Senior Editor. She has made an important contribution to Canadian television news over the past 35 years. CTV regrets that the way in which the news of her departure has been communicated may have left viewers with the wrong impression about how CTV regards Lisa and her remarkable career.

We have always taken matters regarding any discrimination very seriously and are committed to a safe, inclusive and respectful work environment for all our employees, devoid of any toxic behaviour. Consistent with our policies, we are taking steps to initiate an independent third-party internal workplace review of our newsroom, which will take place over the following weeks.

**Bell Media**

  
**Wade Costerman**  
President, Bell Media and Vice Chair,  
BCE and Bell

  
**Karine Moses**  
Senior Vice President, Content  
Development & News







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Posted by 9 days ago

## 'Grow Through Change' presentation

Event / Événement

This is mostly to get this off my chest but did anyone else here attend this presentation offered to CIRNAC/ISC on Wednesday? To say it was disastrous is an understatement, and I want to encourage anyone who did and had issues with it to send feedback.

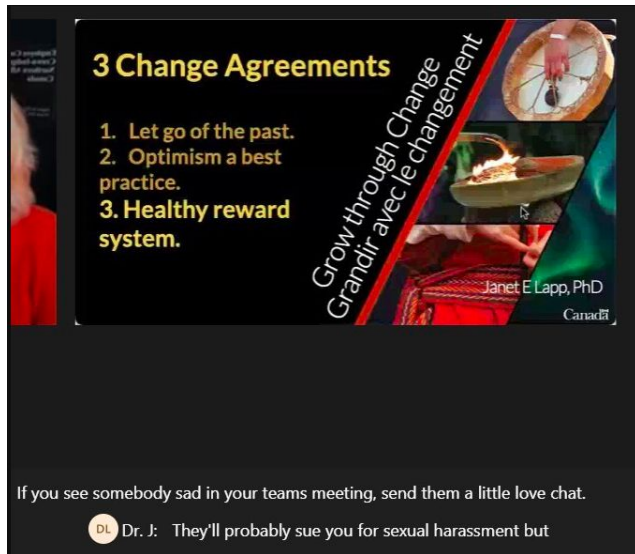
'Jokes' from the speaker included

- suggesting you send 'love notes' to colleagues in Teams who seem sad, but be careful because they might sue you for sexual harassment
- putting up a picture of an Easter Island moai statue and saying 'here's a picture of my father, he didn't talk much' \*edit: "He was a German-Canadian."
- saying 'we don't fire people, we just... release them to the universe'
- 'You don't have to be smart to get a PhD, you just have to keep showing up every day and eventually they just get sick of you and give you a piece of paper with PhD on it so you go away'

Bonus comment: when relating a story of someone critically injured in a plane crash, noting that that person just 'decided to get better' and now they run Iron Man races. (so like, fuck people with chronic illnesses, I guess.)

It was absolutely a bizarre WTF-filled experience and I think the organizers need to be told how inappropriate the content of the presentation was.

87 Comments   Award   Share   Save   ...





Dylex · 9 hr. ago

PHAC town hall: We're worried about your mental health and the increased hours you've been putting in due to WFH. Sending you to the office will help improve this.

Really?? So the logic here is, "come back to the office so you can work less." ???

That's great. Let's spend tax dollars on more buildings than we need so we can send employees to the office to be less productive!

 **38**   Reply  Give Award  Share  Report  Save  Follow



MegMyersRocks · 4 hr. ago

Everyone will work less when they get long Covid.

 **Vote**   Reply  Give Award  Share  Report  Save  Follow



AnalysisParalysis65 · 5 hr. ago

I mean couldn't they just emphasize employees right to disconnect when their day is done via internal communications? It's a little odd to get that message from the same people who trigger non-urgent emergency taskings after 5pm on the regular...

 **Vote**   Reply  Give Award  Share  Report  Save  Follow







Posted by 9 days ago



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## How do I deal with bullies at work?



Management / Gestion

It's not something where I can point to an actual instance of something be wrong. Everything is right up to the line without crossing it.

But it's a constant of unfriendliness, power plays, unnecessary refusals to cooperate, people breathing down my neck, and being dismissive and cold while simultaneously slapping a smile on their face and going, "Tee-hee, wow, I hope work gets easier for you soon!" And then go back to steamrolling people with the excuse that 'we're the higher office'. Yes, that's why we're doing what you ask, but you're obstructing us and being jerks every step of the way, and then I feel like they're singling me out to dump all of their frustrations on.

I'm honestly losing it. I am so crushed every time I have to deal with people. I feel like they want to treat me like a toddler asking for permission for every little thing - petty, banal, completely asinine time-wasting crap - and they make such a loud show of URGENT EMAIL, IMPORTANT CHECK-IN and then follow it up three hours later after everyone's already stressed to go, "tee-hee it's actually not that big of a deal, we were just checking in"

They're fucking *mean*. Not just to me - and that's the thing, *everyone* knows they're mean - but I don't what to do. I feel like they're telling their bosses a fully manicured story and saying we're being difficult for no reason, when we've been exhausted bending over backwards for them. I don't know what to do and I need help here.

My boss knows and has talked to their boss, but I genuinely don't know what difference that's supposed to make. How is "be nicer" going to actually have them be nicer?





# Bullying, vandalism, fraud: Why hasn't the province cracked down on 'outrageous' behaviour by some GTA councillors?

In her first act as a newly appointed councillor, Raika Sheppard asked her council for more compassion.

Sheppard brought forward a motion in June for the city to affirm the “compassion charter,” which she told council would be “the first step in us treating each other better as colleagues and treating the staff better and working toward the greater good of Richmond Hill residents.”

# New CUPE poll finds hospital staff, including those in Brampton and Mississauga, subject to increased workplace violence

The Canadian Union of Public Employees (CUPE) says hospital workers in the Greater Toronto Area are experiencing increased violence at work, according to findings from a recent poll it commissioned.

The telephone survey of 834 CUPE members working in GTA hospitals (Brampton, Mississauga, Toronto, Oshawa, Scarborough) was conducted between May 17 and May 24 and, according to a CUPE spokesperson, included members who work at William Osler Health System and Trillium Health Partners.

Out of those surveyed, 73 per cent identified as female.

The findings show 74 per cent of respondents experienced non-physical violence such as name calling, insults, threatening gestures, and/or intimidation. Fifty-five per cent of respondents experienced physical violence, like pushing, hitting, and/or having things thrown at them.

# Bakers Delight may serve up sexual harassment warnings to customers

Shoppers at Bakers Delight stores across the country may soon be served up warnings against sexually harassing staff after a three-year investigation found the chain had breached nation-leading laws designed to prevent workplace discrimination.

The franchise group is considering in-store or social media messaging about appropriate customer behaviour as part of a shake-up of procedures that will also include training for staff and potential franchisees on preventing sexual harassment.

In the first review of its kind, the Victorian Equal Opportunity and Human Rights Commission checked whether Bakers Delight was adhering to the state's unique laws that give employers a positive duty to prevent workplace sexual harassment, a stance the federal government has promised to adopt.

It found Bakers Delight did not have a sexual harassment prevention plan or central register to record complaints and had not trained staff on how to prevent sexual harassment.

The investigation was not sparked by a specific complaint. The watchdog chose Bakers Delight because the retail industry is a high-risk area for sexual harassment and the gendered nature of bakery work means men are usually employed as bakers and young women as servers.

# Justice Canada backs projects to address gender-based violence in Ontario

The Department of Justice Canada announced that it has allotted \$6 million in funding over the next five years to support several projects aimed at addressing gender-based violence in Ontario.

The justice department confirmed that the funding is consistent with Canada's commitment to assist victims and survivors of sexual assault and intimate partner violence and tackle sexual harassment in the workplace.

In particular, the funding will be used to strengthen the "Family Court Support Worker Program" administered by the Ontario Ministry of Children, Community and Social Services.

The program helps victims of intimate partner violence going through a family court process to look for "family court support workers" within their local communities. These workers are hired and trained by victim service agencies and available in all court districts across Ontario.



# Austrians mourn doctor who took her own life after death threats from anti-vaccination campaigners

Austrians have gathered in their thousands across the country to remember a doctor who took her own life after death threats from anti-vaccination campaigners and Covid-19 conspiracy theorists.

Lisa-Maria Kellermayr was found dead at her practice in Upper Austria on Friday, two days after she had closed it because of online bullying and threats. Austrian police say they found a suicide note beside the 36 year old's body and were not planning an autopsy.

"Hatred against people is inexcusable and this hatred must finally stop," said Johannes Rauch, Austria's health minister.

Austrian president Alexander van der Bellen hailed Dr Kellermayr as someone who had dedicated her life to others and who was vocal during the pandemic, giving media interviews about how to fight the pandemic and on vaccinations. "This enraged some people," he said. "These people scared her, threatened her, first on the internet and then also in person, directly in her practice."

Her death prompted gatherings in six cities across Austria late on Sunday evening, including in Vienna. Thousands of people gathered around St Stephen's Cathedral, laying flowers and holding candles and waving smartphone lamps.

# B.C. woman fired while on mat leave wins HRT decision

A car dealership in Prince George “constructively dismissed” a former employee during her maternity leave and, in doing so, discriminated against her, the BC Human Rights Tribunal has ruled.

In a decision issued Friday, tribunal member Amber Prince ordered NLFD Auto, which operates as Prince George Ford, to pay its former marketing manager nearly \$90,000 in compensation.

Prince ruled that Mellissa LaFleche had proven that her former employer discriminated against her on the basis of sex and family status when it decided to keep her maternity leave replacement in a permanent position and failed to follow up with LaFleche about an equivalent, alternative role.

According to the decision, LaFleche began working full time at Prince George Ford as a social media manager in 2015. In April 2017, she was promoted to marketing manager, which was a new, full-time position.

She remained in that role until she began her maternity leave in May 2018. LaFleche had her child in June of that year, and was scheduled to return to work on July 2, 2019.

# Mel Pearson deemed ‘not credible’ multiple times in Michigan hockey investigation, report says

ANN ARBOR, MI - University of Michigan hockey head coach Mel Pearson did not provide credible answers repeatedly during a WilmerHale investigation into his program, according to the report obtained by MLive/The Ann Arbor News.

Pearson has been under fire since fall 2021 after a complaint was filed against him and former director of hockey operations Rick Bancroft about multiple allegations into the hockey program.

Allegations that were investigated and detailed in the report include:

Pearson “instructing students to lie on their COVID-19 tracing forms” ahead of the 2021 NCAA Tournament opener in North Dakota.

Pearson and Bancroft discriminating against female staffers and “creating a toxic work environment for female support staff.”

Pearson retaliating against a student athlete for “raising concerns” about the hockey team’s culture.  
Bancroft knowing about sexual misconduct committed by late UM athletic Dr. Robert Anderson.

# Lawmaker under investigation by Utah Senate after intern makes sexual harassment allegations

SALT LAKE CITY — Longtime Utah state Sen. Gene Davis is under investigation by the Senate after a social media post from a former intern alleged he sexually harassed her during this year's legislative session.

"The entire Senate and I take these comments seriously. After reviewing recommendations from the legislative general counsel and human resource administrator, I have directed an independent investigation be initiated to evaluate these allegations," Senate President Stuart Adams said in a statement Friday.

He added that the Senate "condemns and does not tolerate workplace harassment. It has no place in any political, professional or personal setting."

The one-time intern in an Instagram post accused the senator of inappropriate touching during her internship, and when she was later hired to help with his bid for reelection.

Davis, D-Salt Lake City, has served in the Senate since 1999, and previously served in the House since 1987. He lost his campaign during this year's primary election to challenger Nate Blouin, a renewable energy advocate.

The senator did not immediately respond to calls from KSL.com requesting comment on the allegations Friday.

# Arlen Dumas seeking treatment for trauma

Days before he faces a non-confidence vote regarding his role as Grand Chief of the Assembly of Manitoba Chiefs (AMC), Arlen Dumas announced he will be seeking treatment for trauma.

Dumas, who was suspended this summer following a workplace misconduct investigation, said Wednesday he is voluntarily enrolling in treatment “to begin healing not only from the events of the past five months but also a lifetime of trauma.”

“Leadership is about role modelling and having the strength to undertake a journey of self-discovery,” Dumas said in a statement. “These past months have been extremely difficult but they have helped me begin to recognize and acknowledge the impacts of the many traumas I have suffered dating back to my early childhood.”

Dumas’ suspension came following the AMC’s executive council determined that Dumas’ actions amounted to workplace sexual harassment. He has been suspended from his role without pay, and faces a vote of non-confidence on Friday.

Manitoba's top First Nations leader Arlen Dumas facing sexual assault allegations  
Grand Chief Arlen Dumas facing calls to step down amid suspension over sexual harassment and sexual assault allegations

AMC working to remove Arlen Dumas after probe found his conduct amounted to 'workplace sexual harassment'  
AMC schedules vote to decide Arlen Dumas' fate  
Dumas has called the claims, “unfounded.”

# Review says Canada Soccer mishandled sexual harassment allegations against coach

TORONTO — An independent review has concluded that Canada Soccer "mishandled" sexual harassment allegations in 2008 against then under-20 women's coach Bob Birarda, who is currently awaiting sentencing on sexual assault charges.

The 125-page report by McLaren Global Sport Solutions, commissioned by Canada Soccer, paints a picture of a governing body "described by many as being dysfunctional and inefficient," with "significant leadership upheaval and transition at the highest levels" in 2007 and 2008.

It concludes a "complete lack of familiarity" with the harassment policy amongst Canada Soccer senior officials in 2008 and that "harassment was not a priority issue amongst the senior CSA (Canadian Soccer Association) leadership team" at the time.

It also says there was a lack of oversight over the women's under-20 team and that Canada Soccer did not follow its own harassment policy.

And it suggested that Canada Soccer just wanted the issue to go away at the time.

"The CSA press release that characterized Birarda's departure (in 2008) as being in the mutual interest of both parties without so much as addressing the harassment was a gross mischaracterization of the circumstances and failed the victims of the harassment, their teammates, and the organization as a whole," the report says.



# Players who don't participate in Hockey Canada sexual assault investigation will be banned: investigator

A third-party investigator hired by Hockey Canada to look into an alleged group sexual assault said players who don't participate in her investigation will be banned from Hockey Canada for life — and that many players she hasn't interviewed are worried that Hockey Canada and some politicians have pre-judged them guilty.

Danielle Robitaille, a partner at law firm Henein Hutchison LLP, told the House of Commons standing committee on Canadian heritage that Hockey Canada has advised her that players who don't take part in her reopened investigation will be banned from Hockey Canada and will be named publicly.

In May 2022, Hockey Canada settled a \$3.55-million lawsuit filed in April by a woman who alleges she was sexually assaulted by eight former Canadian Hockey League (CHL) players following a Hockey Canada Foundation event in London, Ont., in June 2018.

The allegations have not been proven in court. The identities of the players allegedly involved and the alleged victim are not publicly known.

In her testimony, Robitaille said Hockey Canada contacted her firm shortly after the alleged assault and gave her a mandate to learn the truth of what happened and make policy recommendations to Hockey Canada.

# Woman at heart of Hockey Canada probe took polygraph, cooperated with police: lawyer

The woman at the heart of a sexual assault allegation rocking Hockey Canada to its core volunteered to take a polygraph test about those allegations, her lawyer told Global News.

It is part of what Robert Talach describes as an effort to “correct the record” and address attempts to “discredit” his client, who he says made it clear to police in London, Ont., from the very beginning of the matter in June 2018 “that she wanted criminal charges pursued.”

The decision comes after defence lawyers for several players reportedly shared text messages and video clips with a Globe and Mail reporter last month, in which the report said the lawyers believed the woman consented.

Global News has not independently verified the content of those reported texts or videos.

Hockey Canada officials previously claimed in statements that Talach’s client, identified in court documents only as “E.M.” had “chosen” not to speak with police in London or an external probe paid for by the organization when they attempted to probe the alleged sexual assault by eight Canadian Hockey League players including members of the 2018 World Juniors championship team.

Hockey Canada later reversed those claims, but Talach said he and his client fear that correction hasn’t been widely noted.

# Sport scandals an opportunity for real change on how sexual misconduct allegations are handled

In the past few weeks, Canadian sports have been in the news—but for all the wrong reasons.

First, it was Hockey Canada, with the horrific news that members of the 2018 gold-medal winning world juniors team allegedly sexually assaulted a young woman after a gala in London, Ont.

This quickly snowballed, with allegations emerging of yet another sexual assault in 2003 at the World Junior Championships. Police have opened investigations into both..

Then came Gymnastics Canada's turn.

Five hundred gymnasts put their names to an open letter to the Minister of Sport requesting that its public funds be frozen because of its systemic “culture of abuse.”

This has now become a full-blown crisis, with the government in damage-control mode.

Federal funds have been suspended to both Hockey Canada and Gymnastics Canada. Parliamentary hearings have been launched and were ongoing last week.

MPs are trying to get to the bottom of it. Who knew what and when? Why was nothing ever done? How could this have happened?

# Wage-Fixing and No-Poach Agreements Between Employers to Become a Criminal Offence in Canada

## New provisions in the Competition Act

Employers should take care to ensure that their current practices and agreements are compliant with the new provisions of the Competition Act, or face criminal charges.

Amendments to the Canadian Competition Act (the “Act”) received Royal Assent on June 23, 2022, some of which are aimed at protecting workers from anti-competitive conduct of employers. The amendments include a new provision that makes it a criminal offence for employers to conspire, agree, or arrange to fix, maintain, decrease or control wages or other terms and conditions of employment (“wage-fixing agreements”) and to refrain from soliciting or hiring each other’s employees (“no-poach agreements”). The penalty for violating this provision includes: 1) imprisonment for up to fourteen years 2) a fine at the discretion of the court, or 3) both. This provision adds to the existing criminal conspiracy provisions of the Act.

These employment-related provisions come into force June 23, 2023, giving employers time to take proactive efforts to ensure compliance with the new law.

The new provisions appear to come as a result of employer wage-fixing during the COVID-19 pandemic, which at the time, was not prohibited by competition laws. A June 2021 Report of the House of Commons Standing Committee on Industry, Science and Technology, asked the government “to prohibit cartel-like practices related to the purchase of goods and services, including wage-fixing agreements between competitors.”

# AT&T workers fight return to office push: 'We can do the same job from home'

The Covid-19 pandemic sent millions of workers in the US from working in offices to working remotely. As unemployment benefits ended, vaccines rolled out, and reopenings expanded, employers and commercial real estate groups have been pushing to try to get workers back into offices.

But the pandemic further exposed the issues in returning to office, from long commutes to and from work, exorbitant childcare costs, ongoing concerns over exposure to Covid-19 variants and now monkeypox, workers are pushing to keep working from home as an option as employers force a return to the office.

At AT&T, the world's largest telecommunication company, workers represented by the Communications Workers of America agreed to a work from home extension until the end of March 2023, but workers say the company is forcing many workers to return to the office much sooner than that, while other departments had already been forced back to the office by their managers.

James Bloch, an AT&T employee in Cleveland, Ohio, for 21 years, said the work from home option has been beneficial for workers' mental health, protection from Covid-19, productivity, attendance and carbon footprint.

# The World's First Global Initiative against Bullying in the Academic Community

Cactus Communications (CACTUS), a science communications and technology company, launched “THINK Academia,” an initiative that envisions a global academic culture that is free from all forms of bullying. THINK stands for Thoughtful, Humane, Inclusive, Nurturing, and Kind—all the qualities that CACTUS believes are necessary to create a better, safer, and more welcoming work environment for researchers globally...

In 2020, the CACTUS Mental Health Survey—with over 13,000 responses from researchers globally—found that over one-third (37 percent) of survey respondents had experienced some form of bullying or discrimination at the workplace. Also, nearly 40 percent of respondents indicated that their organizations lacked stringent policies to avert or act against such hostile behaviors in the workplace. The data further showed that bullying is one of the major factors negatively affecting the mental health and well-being of researchers.

One of the main goals of THINK Academia is to spread awareness on what academic bullying looks like, including certain acts and behaviors that might be subtle, non-verbal, and invisible. We are encouraging researchers and academics to embody more positive behavior, to lead with kindness and empathy in their interactions, and to be more mindful of their actions and behavior. CACTUS is also urging academic institutions to create safer channels of communication and to implement policies that prioritize their people's safety, health, and holistic well-being.



# Great minds don't think alike: Neurodiversity in the workplace

Imagine in an alternate universe, would companies have been jumping to hire a young Bill Gates, Richard Branson, or Albert Einstein? Although the brilliance of these leaders is evident today, it might not have been so obvious to a hiring manager years ago. In fact, all three of them had to overcome social and academic challenges because of their unique ways of thinking.

My CEO and I are both mathematicians, and our company, PureFacts, has a culture of math geeks and data experts. So, when we participated in a recent London summit, and heard an expert talk about neurodiversity, we listened very intently.

“Think different” was a famous advertising slogan used by Apple Inc. in the '90s. The phrase takes on a deeper meaning when applied to neurodiversity.

Neurodivergent people are those with dyslexia, dyspraxia, autism, ADHD, and other neurological conditions that can affect the way they process information. Many have extraordinary skills in areas like pattern recognition, memory, and mathematics, yet struggle to fit employer profiles.

The term seems ubiquitous now, given its relevance to current diversity and inclusion efforts. It highlights the importance for HR business leaders and company cultures to ensure a “diversity of thought.” Neurodiverse people can often be underappreciated and under-recruited due to biases in the hiring process, despite being excellent at their jobs.

Up to 10 per cent of the population demonstrates at least some neurodivergent traits. Adding diversity of thought to company Equity, Diversity and Inclusion policies can be a deciding factor in success.

# Assembly of Manitoba Chiefs votes to remove suspended Grand Chief Arlen Dumas

The Assembly of Manitoba Chiefs has voted to remove suspended Grand Chief Arlen Dumas, and publicly apologized to the two women who came forward with allegations of sexual misconduct.

At a special general assembly held in Winnipeg on Friday, dozens of Manitoba chiefs held a non-confidence vote to officially remove Dumas from his position, following accusations he sexually harassed and assaulted an employee.

Interim Grand Chief Cornell McLean told CBC News that 30 voted in favour of immediately removing the grand chief, and 13 voted against in the closed-door meeting.

"On behalf of the assembly, we have to [apologize], because we need to protect them from things like this happening," McLean said.

Dumas was suspended in March pending an investigation into allegations he engaged in workplace sexual harassment and sexually assaulted an employee, who at the time was anonymous. The employee filed a police report, but no charges have been laid.

# Assembly of Manitoba Chiefs Removes Arlen Dumas as Grand Chief Over Sexual Harassment

WINNIPEG — An Indigenous leader in Manitoba was removed from his job Friday after being accused of sexual harassment.

The Assembly of Manitoba Chiefs voted to drop Arlen Dumas as grand chief during a closed-door meeting in Winnipeg. Dumas had already been suspended without pay after a staff member lodged a misconduct complaint against him in May.

“There are policies that need to be put in place and women that need to be protected,” acting grand chief Cornell McLean said following the non-confidence vote among chiefs, which passed by a 30-13 margin.

“When you’re a leader in your community you can’t (mis)use your power of trust in any way, shape or form.”

Dumas had said the accusation was unfounded and earlier this week issued a press release that said he was seeking treatment for trauma.

# John Derringer leaves Q107 as investigation into workplace allegations continues

John Derringer is leaving Q107 as an investigation into alleged workplace misconduct continues, the radio station announced Tuesday.

“Q107 and John Derringer have agreed to part ways, effective today,” a statement from Q107 said.

“This follows a 22-year tenure as host of Derringer in the Morning. Plans for the show will be forthcoming.”

Q107 said an independent investigation previously launched by Corus Entertainment, which owns the radio station, is ongoing.

“Corus remains committed to having a full, fair investigation that enables all relevant concerns under Corus’ Code of Conduct to be raised and treats all participants equally regardless of their current employment status with Corus,” the statement concluded.

# Ottawa MPP re-introducing bill to oust councillors who misbehave

An Ottawa MPP plans to re-introduce his private member's bill looking to change the law so that a city councillor who has behaved disreputably can lose their seat.

Orléans MPP Stephen Blais's bill, called the "Stopping Harassment and Abuse by Local Leaders Act," would allow for a councillor who contravenes the code of conduct by failing to comply with workplace violence or harassment policies to be removed from office.

Currently, councillors can lose their seats for breaking election spending rules and certain conflict of interest rules. But the most severe penalty for a councillor who behaves egregiously is a suspension of pay.

"It's important to make sure that everyone works in a safe environment and also that your elected leaders have the moral authority to make decisions on your behalf," Blais said.

## **Bill sparked by Chiarelli investigation**

Blais said the bill was inspired in part after CBC and two damning integrity commissioner reports revealed Coun. Rick Chiarelli harassed former staff members and job applicants for years, and abused his power of office.

# Ex-McDonald's employee filing discrimination complaint

A former Saratoga McDonald's employee is filing a discrimination complaint against the company, according to a report.

Kenia Chapas, 27, claimed that she was inappropriately touched, received lewd comments on the job and felt stalked while working at the fast-food restaurant, reported The Mercury News.

“After participating in a sexual harassment investigation, McDonald’s retaliated against me by reducing my hours and then terminating me,” Chapas said in the draft complaint, obtained by The Mercury News.

The sexual harassment started in January, when a male coworker started offering to buy gifts for her and her children, to give her money and buy her something nice for Valentine’s Day, according to Chapas. The coworker also touched Chapas’ arms and asked to see her hands while working, she said.

Chapas claimed she was initially polite to her coworker, but soon told him to stop spending money on her and her kids. However, the coworker persisted, and that made Chapas feel very uncomfortable.”

Once, Chapas asked a coworker to borrow some money. She soon found out that her alleged harasser told that friend that she would give Chapas the money if she went to a hotel with him. Chapas also claimed that her male coworker followed her to the bathroom and she felt like she was being stalked.

# Act to thwart workplace harassment at city hall on the horizon

A law creating a path for municipal councils to remove their members who violate workplace violence and harassment policies is back on the Ontario government's radar.

Orleans MPP Stephen Blais, the Liberal municipal affairs critic, introduced the Stopping Harassment and Abuse by Local Leaders Act for the third time Wednesday in the Ontario legislature.

“City councillors and mayors must be held to a higher standard for workplace violence and harassment,” Blais said. “In any other working environment, employees would lose their jobs for the behaviours we’ve seen in Ottawa, Brampton, Mississauga, Barrie and likely countless others.”

Barrie city council endorsed the Stopping Harassment and Abuse by Local Leaders Act in April 2022. If passed, the act would permit municipalities to direct their integrity commissioners to apply to the court to vacate a member's seat for failing to comply with the municipalities' workplace violence and harassment policies, as laid out in their codes of conduct.

“I think this is actually a good way to make the consequences for these kinds of actions fit the crime,” said Barrie Mayor Jeff Lehman. “If the integrity commissioner was to recommend removal from office, they would have to petition the court to do that, and that's a good thing because it creates a check and balance even on the integrity commissioner's decision.”

# Should NDAs be banned?

Amid the public outcry over Hockey Canada's handling of sexual assault claims, a Manitoba lawmaker is looking to limit the use of non-disclosure agreements (NDAs) in federally regulated workplaces.

“This is the time to move” because of the public outcry over revelations from the Hockey Canada hearings, non-affiliated senator Marilou McPhedran told the Hill Times.

The legislation would take effect on Parliament Hill and in federally regulated workplaces such as airlines and banks.

On Jan. 1, 2021, Bill C-65, took effect. It outlines the essential elements of a workplace harassment and violence prevention policy, as well as the procedures that must be in place to respond to incidents of harassment and violence if they do occur.

While it was “a remarkable initiative” intended to “create the most protective set of changes possible,” the new law just wasn't clear and specific enough when it comes to NDAs, says McPhedran.

Recently, Hockey Canada dropped an NDA with the complainant of a high-profile alleged group sexual assault in 2018 involving eight hockey players, including some members of the world junior team, CBC News reports.

The NDA was officially withdrawn the day before Hockey Canada's executives testified before a parliamentary committee on July 27 that is looking into the organization's handling of the alleged sexual assault case, says the CBC.



# Howard Levitt: Harassment cases between lawyers can reach unrivalled heights

Nobody fights like lawyers other than, perhaps, other lawyers. And harassment cases between lawyers can reach unrivalled heights.

## Article content

“Harassment” has become much talked about but little understood. What is harassment to some is “a day in the office” to others. Employees often file harassment complaints defensively, in response to justified discipline, hoping to derail that process. Others believe they are being “harassed,” and certainly feel harassed but, to the average person, they are simply overly sensitive and thin-skinned. Harassment in the workplace, such as to be actionable in negligence, constructive dismissal or a violation of the Occupational Health and Safety Act, must be objectively intolerable to a reasonable person. Despite one case which found continual unfounded discipline to be a constructive dismissal, generally employers are permitted to discipline without risk of liability, as long as they conduct it in good faith.

In addition to the various types of civil harassment that one can sue for, harassment can also be a criminal offence.

# Apple retaliated against employees who complained of harassment

According to a report in the Financial Times, Apple has actively retaliated against employees who complained of workplace harassment.

The findings, if true, discredit Apple's call for inclusiveness. Several former and current Apple employees shared their experiences in the report and how Apple, for its part, had failed to properly address these complaints, some of which relate to sexual harassment.

Although Apple claims that it “supports the right of its employees and contractors to speak freely,” the report shows that the company is actively working to suppress employees organizing. Apple also blocked Slack channels used by employees to complain about bad managers and wage inequality.

Software engineer Cher Scarlett said Apple retaliated after she filed a complaint with the National Labor Relations Board (NLRB). According to Scarlett, Apple offered her a severance package of C\$213,000, but she refused to sign it because Apple required her to hand over a letter to the NLRB containing the names of other employees.

Apple however stressed that it is working hard to thoroughly investigate the allegations of misconduct and is seeking to create “an environment where employees feel comfortable reporting issues.”

# One of Mining's Top Female Leaders Vows Change After Abuse Shame

(Bloomberg) -- Complaints about workplace conduct at Rio Tinto Group have almost doubled in the wake of inquiries that exposed a mining industry rife with sexual abuse, harassment and racism, according to one of the sector's highest profile female executives.

"It has encouraged our people to speak up about poor conduct on our sites or in our offices, with the number of reports up by 95%," Kellie Parker, chief executive for Australia at Rio, the world's No. 2 miner, said in a speech Friday. "The process of publicly airing these matters has built trust and accelerated the momentum for change."

A landmark report on Australia's mining sector published in June detailed a shocking catalog of abuse and violence against women working for top miner BHP Group, Rio and other major companies. That investigation -- by the Western Australia government -- followed Rio's own earlier inquiry which found more than a quarter of its female staff had experienced sexual harassment, and more than half of all employees had been bullied.

# PROVINCE ADVISES EMPLOYER PROSECUTED FOR WORKPLACE INCIDENT

Manitoba Labour, Consumer Protection and Government Services is reminding employers to ensure workers are appropriately trained and supervised after an employer was prosecuted for violating the Workplace Safety and Health Act.

On July 16, 2018, a worker employed by Sandhill Construction was helping install rafters on a two-storey garage in the Rural Municipality of Alexander. The worker was working on the top platform of a moveable steel scaffold on the second floor when five of the rafters, not yet secured to the top girder, began to fall in a domino effect. One of the rafters struck the scaffold and caused the worker to fall approximately 10 feet to the plywood surface below, resulting in a spinal fracture.

Officials from Workplace Safety and Health conducted an investigation and laid charges under the act. On July 19, 2022, Dwight Reimer, sole proprietor of Sandhill Construction, pleaded guilty to failing to provide information, instruction, training and supervision to ensure the safety, health and welfare of a worker. A fine of \$18,500 was imposed by the court.

More information can be found at [www.gov.mb.ca/labour/safety/compliance.html](http://www.gov.mb.ca/labour/safety/compliance.html).

# MPPs urge investigation into Pinecrest-Queensway Community Health Centre's management

Two Ottawa MPPs have written a scathing letter to provincial Health Minister Sylvia Jones, asking that the government investigate the management at Pinecrest-Queensway Community Health Centre.

The missive came just days after four PQCHC health workers with decades of cumulative experience lost their jobs without cause, the latest in what Ottawa West-Nepean's Chandra Pasma and Ottawa Centre's Joel Harden, both NDP MPPs, describe as a string of similar staff reductions in recent years.

“Over the past three years, multiple employees with long-tenure and good performance reviews have been terminated or have left due to what they felt were unsustainable working conditions, leaving the PQCHC's primary care clinics and other programs short-staffed and unable to deliver adequate levels of care to patients,” their letter says.

“We have been told that over the past three years as many as one-third of the staff of the PQCHC have been terminated or have left,” the letter continues. “Although non-disclosure agreements prevent all of the details from being known, we do know that there are multiple wrongful dismissal suits against the PQCHC, diverting funding from programs towards legal fees.”

# Workplace investigation leads to barring former fire chief for life

ATHABASCA — There were several motions made after an unusually long in-camera meeting by Athabasca County council July 21 but only one which was shocking.

Mixed in among the motion to accept Frank Coutney as the interim CAO (Chief Administrative Officer) and five other motions was one made by Coun. Ashtin Anderson following the summary in a workplace investigation which cost taxpayers about \$35,000 because administration can't investigate a sitting councillor regardless of when the alleged events occurred.

“Moved by Councillor Anderson that Gary Cromwell be prohibited from being involved in any and all operations associated with any Athabasca County Fire Departments.”

The motion passed by a vote of 7-2.

When asked for clarification on July 28, reeve Brian Hall replied in an e-mail July 29 he was unable to explain what was behind the motion arising from the workplace investigation at that moment.

“It is a requirement that the content of ‘closed session’ items remain confidential until made public, so the context that I am presently able to share is limited to what is recorded in the minutes,” said Hall.

# Indigenous, Black city employees rate workplace experiences lower than colleagues

A City of Vancouver employee survey has found that Indigenous and Black workers — along with people with disabilities and those who identify as non-binary, gender-fluid and trans — rated their experiences in the workplace lower than the average respondent on virtually every question asked.

The voluntary, confidential electronic survey administered by BC Stats on behalf of the city in the spring of 2021 received 3,732 responses from employees, a 55 per cent response rate, according to a memo from city manager Paul Mochrie.

“The finding confirms the need for targeted interventions to support these groups of staff,” said Mochrie in the July 25 memo, which has since been posted to the city’s website.

Vancouver Fire and Rescue Services, the Vancouver Police Department and Vancouver Public Library conducted similar and parallel exercises, but the results are not reflected in the data or provided in the memo.

## Bullying and harassment

A report attached to the memo from Aftab Erfan, the city’s chief equity officer, said the survey asked two types of questions: a set of largely close-ended “demographic questions” inviting employees to self-identify and a set of “experience questions,” which asked respondents to indicate the degree of agreement with statements related to a sense of inclusion and belonging in the workplace.

# Bell Executive Who Fired Lisa LaFlamme Interfered With CTV News Coverage, Says Colleague

Lisa LaFlamme, chief anchor of CTV National News, was unceremoniously and clumsily fired because she pushed back against one Bell Media executive, say several sources with firsthand knowledge of the situation.

Michael Melling, vice president of news at Bell Media, is responsible for ousting LaFlamme, multiple sources tell Canadaland.

Melling did not immediately respond to emails requesting comment.

One high-level CTV National News source provided Canadaland with a thorough account of today's events, aspects of which were corroborated by other sources.

CTV National News staff found out about LaFlamme's exit at the same time as the public, stunning CTV team members who were spoken with for this story.

LaFlamme clashed with Melling on two key issues: one, as previously reported by The Toronto Star, was a dispute about the size of the budget CTV News had dedicated to coverage of the Ukraine war – LaFlamme wanted more resources than Melling wished to provide.

In another instance, LaFlamme stood up for her executive producer Rosa Hwang when Melling tried to shuffle her off of the CTV National News broadcast and into a role at their local Toronto news channel, CP24.



# Microaggressions in remote work: HR's legal responsibilities

As we pivot towards more regulated hybrid models, HR leaders are tasked with yet another challenge – online harassment and abuse. In the days before COVID, workplace harassment was pretty easy to spot – easy to address and eradicate. Now, as we're all pushed to work remotely, abuse has taken on a more subtle and dangerous tone.

“Monitoring for harassment online is not exactly a new development, but working from home during a pandemic when tensions may be higher than normal has certainly given employers a reason to be more diligent about workplace harassment that does not occur in person,” Mike MacLellan, partner at Crawford, Chondon and Partners and speaker at our upcoming Employment Law Masterclass, told HRD. “Further, new communication tools like Teams and Zoom have given workers a way to stay in communication, but also a new setting in which harassment can occur.

One of these issues is the rise of microaggressions – thinly veiled insults that donate sexism, racism, ageism, or any other kind of bias. According to MacLellan, the shift to remote work has led to an increase in this toxic trend and seen many employers reach out to lawyers for advice.

“We are of course getting more and more requests from clients for advice on how to deal with complaints of microaggressions,” he told HRD. “Generally speaking, a microaggression can be considered a commonplace verbal, behavioural, or environmental slight or indignity, whether intentional or unintentional, that communicates hostile, derogatory, or negative attitudes toward stigmatized or culturally marginalized groups.”

# ‘It needs to get done’: Barrie mayor supports Ontario's revived Stopping Harassment and Abuse by Local Leaders bill

Will this time be the charm? Barrie Mayor Jeff Lehman sure hopes so, as it relates to a private members' bill that was just revived at Queen's Park.

The Stopping Harassment and Abuse by Local Leaders bill has been introduced in the Ontario legislature for a third time. If eventually passed, it would create a process for municipal council members' seats to be declared vacant for violations of workplace violence and harassment policies.

“I'm really glad to see it (again), especially so early in a session,” Lehman said. “That means the issue's got to get dealt with. If the government votes against this, they better proceed with their own legislation along similar lines. It needs to get done to take stronger measures to prevent harassment.”

Liberal MPP Stephen Blais first introduced the bill in March 2021. He reintroduced it that October following the prorogation of the legislature. The bill passed second reading unanimously on March 9, 2022, but the government didn't debate it again before the writ dropped on June's provincial election.

If enacted, the bill would give municipalities the power to direct an integrity commissioner (IC) to apply to the Ontario Superior Court of Justice to force council members to relinquish their seats. It is also intended to prevent those who are removed from re-seeking office in two subsequent elections.

# Attack that injured workers at B.C. psychiatric hospital leads to workplace safety orders

Multiple workplace safety violations were identified after three workers were attacked by a patient at the Forensic Psychiatric Hospital in Coquitlam, B.C., last month, according to WorkSafeBC.

Two of the workers suffered concussions and one was left with back pain after the assault inside a kitchen, an incident summary says.

In response, WorkSafeBC has issued two orders to bring the hospital into compliance, finding that there were problems with a risk assessment for the patient in question and with the policies for dealing with violence.

"This employer has failed to establish procedures and policies to minimize the risk of violence to workers," occupational hygiene officer Cris Barzan wrote in one of his two orders.

In the other, Barzan wrote that "I determined that the risk assessment for violence did not include circumstances in which the work will take place with this patient."

# Whistleblower blasts review that found Whitecaps' response to misconduct allegations was appropriate

A former Vancouver Whitecaps player and whistleblower says an independent investigation into the club's response to allegations of misconduct by former women's coaches Bob Birarda and Hubert Busby Jr. was not thorough and lacked independence.

The report, prepared for Major League Soccer by lawyers Janice Rubin and Melody Jahanzadeh of Rubin Thomlinson LLP, said the club's response was serious and "appropriate."

It also noted that while the club acted "expeditiously" in hiring an experienced workplace investigator, there were issues with the investigation itself.

The report also said the investigations were "superficial and lacking in depth."

It concludes some of the investigator's findings "seemed overly generous" to Birarda and Busby, despite the evidence about their misconduct towards players.

# Whitecaps' response to misconduct allegations was appropriate, review concludes

An independent investigation has concluded that the Vancouver Whitecaps' response to allegations of misconduct by former women's coaches Bob Birarda and Hubert Busby Jr., was serious and “appropriate.”

But the report, prepared for Major League Soccer by lawyers Janice Rubin and Melody Jahanzadeh of Rubin Thomlinson LLP, says while the club acted “expeditiously” in hiring an experienced workplace investigator, there were issues with the investigation itself.

The report says the initial investigations were “superficial and lacking in depth.” And it concludes some of the investigator's findings “seemed overly generous” to Birarda and Busby, despite the evidence about their misconduct towards players.

It also says the Whitecaps could have done more to support the players.

MLS hired the law firm in November to review how the Whitecaps dealt with sexual misconduct allegations against Birarda in 2008 and Busby in 2011.

# ‘Buddy system’ to deal with Hamilton City Hall bullying sends a dangerous message

If you were bullied by someone with power at your workplace and you had the courage to stand up and file a formal complaint to hold the bully accountable, would you expect to be protected or to have to change your behaviour to accommodate the bully?

What if it was your child being bullied at school and the principal investigated the complaint, found the bully guilty and then told your child to adjust their behaviour to avoid the bully?

You would think something was very wrong.

Well, that’s what just happened at Hamilton city hall. Several employees complained about the ongoing bullying behaviour of a longtime councillor. Two integrity commissioner investigations found the councillor guilty.

What did councillors do? Did they protect the staff — the victims — from the bully? Ban him from the premises? Look high and low for every legal option they have at their disposal to keep staff safe? Send a strong, unified message in their statements at the council debate that the bully alone was in the wrong?

No. They messaged sympathy for the issues the bully is having, understandable to a point given their long-term relationship and his mental health struggles, but then they came up with a complicated plan putting most of the responsibility on staff to implement. The victims have to protect themselves.

# Online abuse is on the rise – here's how to deal with a workplace bully

There's no law against being a jerk – but when arrogance bleeds into harassment, HR has a duty to step up. In the current working climate, a lot of employees have become accustomed to remote and hybrid setups. And while you may assume this would preclude workplace harassment, in reality it's just shifted it online.

“Just as in person, diligently taking active steps to address online harassment is important,” added Mike MacLellan, partner at Crawford, Chondon and Partners and speaker at our upcoming Employment Law Masterclass. “This may be more difficult when work is done remotely, and employers will be held to a reasonable standard – however, organizations should know what to look for and how to act if harassment is either noticed or reported.

In most cases, an employee will report a complaint to management. As such, HR leaders should properly gather information and investigate the complaint as appropriate in the circumstances. The potential ‘bully’ ought to be made aware of the substance of the complaint and given an opportunity to respond.

# New report details sexual harassment and gender discrimination at Nintendo of America

Nintendo is famous for having a family—friendly image and game that people of all ages can enjoy. But a report by Kotaku paints the picture of a company that's not so different from other gaming giants that had previously been accused of fostering a "frat boy" workplace culture. The publication talked to several female game testers who recounted how they were harassed by colleagues and how they were paid less than their male counterparts.

One of Kotaku's main sources is a former game tester called Hannah, who was allegedly told to be less outspoken after she reported the inappropriate behavior of a full-time Nintendo employee in a workplace group chat. The employee reportedly posted a copy of a Reddit post detailing why Vaporeon was the best Pokémon to have sex with and justified why it was OK to be sexually attracted to Paimon, a Genshin Impact NPC with a child-like appearance.

Hannah, who was a contractor, also found that she was being paid \$3 less than a junior male tester and struggled to get her contracting agency to agree to a pay increase. As a queer worker, she was subjected to inappropriate comments by male colleagues whose advances she'd rejected, as well. "Oh, you're a lesbian. That's kind of sad," a significantly older colleague told her shortly after starting to work at the company.



# Two-thirds of Nunavut nurses report experiencing violence in workplace

About half of the territory's nurses plan to retire over the next decade and two-thirds have considered leaving their jobs in the past two years, according to survey results released Wednesday by the Government of Nunavut.

The survey, conducted in February by the Registered Nurses Association of the Northwest Territories and Nunavut, looked at working conditions for nurses across both territories.

The survey received responses from 328 Nunavut nurses.

While about 60 per cent of the nurses surveyed said they were satisfied with working conditions, two-thirds said they had personally experienced violence in the workplace and even more had witnessed violence there.

More than two-thirds also said their current job is contributing to burnout, with the vast majority experiencing burnout over the past 12 months.

“Nurses reported the burnout was the result of two main factors, management issues and inadequate supports,” the survey report said.

# Violence Prevention in the Workplace - BC General Employees' Union (BCGEU)

In B.C., you have the regulated right to a workplace free of violence and your employer must take all steps that they can to minimize the risk of violence. This is inclusive of verbal harassment and intimidating behaviour. The OHS Regulation Section 4.27 defines violence as:

“The attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury.”

We are advising that workers in our retail locations do the following:

Ensure that the employer has provided the worksite with the process for reporting violent incidents, and that the process is posted on the worksite OHS board

Request a review of the violence risk assessment through your worksite OHS Committee or supervisor

# Bell Media 'regrets' handling of Lisa LaFlamme ouster

The parent company of CTV News says it will launch a workplace review conducted by an independent party amid criticism of its dismissal of Lisa LaFlamme from her role as chief anchor.

Bell Media said in a statement Friday it "regrets" the way in which LaFlamme's departure was handled, as it "may have left viewers with the wrong impression" that her storied career wasn't valued.

On Monday, LaFlamme released a video statement saying she was "blindsided" after finding out in June that Bell Media was ending her contract at CTV National News. She said she kept the news under wraps until the details were finalized.

The dismissal, which Bell described as a "business decision," raised questions among media observers about whether sexism and ageism played a role in the shakeup.

Bell Media said in its statement it takes allegations of discrimination "very seriously" and is taking steps to initiate a third-party internal workplace review in the newsroom over the coming weeks.

The company did not respond to questions about whether a firm has been chosen to conduct the review.

# Ontario New Democrats Re-Introduce Workplace Violence and Harassment Bill

QUEEN'S PARK — On Tuesday, NDP Health critic France Gélinas was joined by frontline nurses to announce the reintroduction of a bill that would protect health care workers who speak out about violence in their workplace.

The Speaking Out About Workplace Violence and Workplace Harassment Act would protect nurses, health care workers and other workers from employer reprisals when they speak out about violence or harassment in their workplace and require hospitals and long-term care homes to publicly report on workplace violence and harassment.

“My bill will protect workers from reprisal for speaking out against violence or harassment,” said Gélinas. “No one should head to work worried about being assaulted. Even more so, no one’s career should be negatively affected for raising concerns about their personal safety or dignity. This is especially true in health care, where workers are being forced to experience the brunt of public frustration caused by an overburdened and understaffed health care system. This is wrong, it’s hurting our health care workers, and it must change.”

Gélinas’ bill amends the Occupational Health and Safety Act to prevent any penalty of any kind from being used against an employee for speaking out about violence or harassment. Gélinas said that would encourage workers to speak out when violence and harassment happens, instead of staying silent.

# Female officer says she was set up for failure at Waterloo Regional Police

WATERLOO REGION — The lawyer representing the Waterloo Regional Police Services Board continued his cross-examination of former constable Angie Rivers Thursday, saying she would not take responsibility for performance shortcomings or acknowledge legitimate concerns about her time management.

But Rivers gave little or no quarter to Donald Jarvis, saying she was set up for failure by a sergeant who was sexually harassing her. She said her minor mistakes were blown out of proportion while misconduct or illegal activity by male officers was ignored.

Rivers is at the centre of a landmark arbitration hearing into how senior officers at the Waterloo Regional Police handled her complaint about sexual harassment.

After Rivers filed a formal complaint of sexual harassment against Sgt. Nathan Cardoza in the summer of 2015, the Waterloo Regional Police retained Oakville Lawyer Lauren Bernardi to conduct a workplace investigation.

Bernardi interviewed everyone involved, and wrote a report saying Rivers was sexually harassed but was not subjected to reprisals for refusing to sleep with Cardoza. Bernardi also said in the report Rivers had trouble taking responsibility for her own shortcomings as a police officer.

# One-party workplace investigations: What to do when a party won't participate.

An investigation usually involves a complainant and a respondent. The basic premise is that as workplace investigators, we hear what each party has to say, collect other relevant evidence, and then weigh the evidence to decide whether, on a balance of probabilities, the allegations are substantiated.

But what happens when one of the parties decides that they do not want to participate in the investigation? It does not necessarily mean that the matter can't be investigated; the lack of participation, however, does create some challenges, which I address below.

In our experience, while parties may at times decide not to participate, this is not something that happens often. Most parties are aware of the importance of participating and are generally cooperative. As for those who decide not to participate, the reasons for this tend to vary. For example, a complainant may express, after submitting a written complaint, that it would be too emotionally taxing for them to revisit the allegations. Parties may also decline to participate if they have left the organization or there are ongoing proceedings relating to the matters under investigation.

Regardless of the reason, it is important to ensure that the party does, in fact, not wish to participate. If a party simply does not respond to an investigator's email correspondence, then alternative means of contacting the party should be sought. As external investigators, we may, for example, ask the client to contact the party directly to ensure that they are receiving our communications.

When a party expresses not wanting to participate, the investigator should be transparent with the party and alert them that the investigation may go ahead without them. This is so the party understands that their non-participation does not necessarily stop the investigation. The investigator can also tell the party that if they do later decide to participate, they can let the investigator know.

# Three officers from Thunder Bay police force facing misconduct charges

Three Thunder Bay Police officers are being charged with misconduct under the Police Services Act after a Hamilton police investigation that substantiated allegations of harassment and mobbing a fellow officer.

The charges follow an onslaught of allegations and investigations of the police chief, active and former officers, and the police board.

The officers facing charges include Staff Sergeant Shawn Harrison, who was recently found guilty of misconduct and neglect of duty as the lead investigator in the 2015 sudden death investigation of 41-year-old Anishinaabe man Stacy DeBungee. Staff Sgt. Harrison also serves as the local police association's vice-president.

The association's president, Constable Colin Woods, also faces misconduct charges, as does Sergeant Justin Dubuc.

A disciplinary hearing is yet to be scheduled, where the officers will answer for the charges.

# A few grey hairs

I have a few grey hairs starting to come in on my head. OK, probably more than a few, I prefer not to count.

When younger, I always said I wouldn't fight the inevitable and dye my hair as it greyed. Aside from highlights, I've stayed true to that — but never say never. And I fully understand people, including my friends, who greyed prematurely and darkened their roots accordingly.

Am I worried that a full head of grey hair will have negative consequences at work? Not with my youthful spirit... ha ha. I'm still managing to bike 20 km to work and back on my office days, so that reassures me I'm not dead yet.

There are many younger people in my office, meaning in their 20s and 30s and 40s. I know I'm one of the oldest, if not the oldest, at work. And some days I'm more aware of it than others, but in chatting with my work colleagues, I don't feel especially aged – that comes out more in talking to my 18-year-old son, who tries to keep me up to date on the latest lingo and trends (and dies laughing when I get the terminology wrong).



# Executive to take leave amid fallout from Lisa LaFlamme's departure from Bell Media

TORONTO - A Bell Media executive is taking a leave from his job amid the fallout from the ousting of Lisa LaFlamme as anchor of the company's flagship newscast. An internal Bell Media memo says Michael Melling, vice-president of news, is taking leave effective immediately to spend time with family.

Bell Media, the parent company of CTV News, has been facing criticism after LaFlamme announced last week in a video on social media that her contract had been terminated.

In the video, the longtime CTV National News anchor said she was blindsided by the company's decision.

Bell Media said terminating LaFlamme's contract after 35 years was a business decision and it wanted to move the chief news anchor role in a "different direction."

The dismissal raised questions among media observers about whether sexism and ageism played a role in the shakeup.

# 'Quiet quitting' an opportunity for employers to help reshape the workplace

TORONTO - Conversations about so-called quiet quitting are everywhere these days, and one expert says it's a "profound opportunity" for Canadian companies to both get it right with employees and improve the work landscape for the future.

Melissa Nightingale, co-founder of management training firm Raw Signal Group, says smart organizations will take this moment to try to understand current workforce dynamics and to meet people where they are.

Though definitions vary, quiet quitting essentially refers to clocking in when you're expected to, doing your assigned tasks, leaving on time and not taking on extra work outside your regular hours.

It's not about slacking off on the job, but rather setting boundaries and preventing burnout, and not taking on additional work for which the employee isn't being paid.

In a tight job market, attraction and retention of talent take on increased importance since workers has more options. Job vacancies are at a high, having climbed 3.2 per cent in June from a month earlier as employers were looking to fill more than one million positions for a third consecutive month.

# Lisa LaFlamme exit: Will an independent workplace review make a difference?

As Bell Media undergoes an independent workplace review following the dismissal of Lisa LaFlamme as CTV National News' chief anchor, one corporate governance expert cautions the move doesn't guarantee change.

Richard Leblanc, professor of governance and law at York University, doesn't believe this is a public relations stunt, but says it is possible that Bell Media or any company for that matter can "stifle the process," in turn rendering the review pointless.

He also says that employees should be encouraged to participate in the confidential interviews and that the third party doing the review should make it easy for employees to come forward.

In a social media post Friday, the CEO of BCE Inc., the parent company of Bell Media, said an independent review involving "confidential interviews with all newsroom employees who choose to participate" is underway.

# B.C. worker fired after threatening HR director, refusing to apologize

A British Columbia arbitrator has upheld the firing of a worker for intimidating an HR representative and sending aggressive emails to management.

Although the worker had no previous discipline, he made it difficult for the employer or the arbitrator to find a reason to mete out lesser discipline, says Michael Penner, a labour lawyer at Kent Employment Law in Victoria.

“An ounce of contrition likely could have saved his job at some point but, unfortunately, at every juncture [the worker] doubled down,” says Penner. “And he tried to set up a scenario where he was the victim of an employer conspiracy, failed miserably at establishing that, and as a result the hammer came down.”

The worker was a gas turbine engine mechanic at MTU Maintenance Canada, a provider of commercial engine maintenance services based in Delta, B.C. He was initially hired in 2011 and had no discipline on his record.

In September 2019, the worker contacted MTU’s director of HR requesting a look at his personal file. After reviewing the file, he said that an apology letter that had been part of a settlement agreement was missing.

The HR director replied that the settlement agreement had a confidentiality clause restricting him and anyone else from revealing the contents. She asked him to email her about it because the meeting had included a shop steward who had not been part of the settlement agreement.

# Reports

- Workplace stress management market booming
- Human Rights Tribunal of Alberta cracks down on Workplace Sexual Harassment



# Report: Workplace Stress Management Market is Booming Worldwide with Central Corporate Wellness, Fitbit, ComPsych

California (United States) – The updated report on the Workplace Stress Management market gives a precise analysis of the value chain assessment for the review period of 2022 to 2029. The research includes an exhaustive evaluation of the administration of the key market companies and their revenue-generating business strategies to drive sustainable business. The Service industry report further enlists the market shortcomings, stability, growth drivers, restraining factors, opportunities for the projected timeframe.

# Enough Is Enough: The Human Rights Tribunal Of Alberta Cracks Down On Workplace Sexual Harassment

Nearly five years following the start of the #MeToo movement, courts, administrative tribunals, and arbitrators are cracking down on sexual harassment in the workplace. See also: [Employers May Terminate for a Single Incident of Harassment and Employment & Labour – Top 10 Cases of 2021](#).

In *Yaschuk v Emerson Electric Canada Limited*, 2022 AHRC 62, the Human Rights Tribunal of Alberta (the "Tribunal") handed down a record-breaking \$50,000 general damages award to a complainant following years of ongoing workplace sexual harassment and an inadequate investigation.

## Background

The complainant worked for Emerson Electric Canada Limited (the "Employer") in the human resources department over a period of three years. Throughout the course of her employment with the Employer, the complainant was subjected to ongoing inappropriate sexual commentary and behaviour from her direct supervisor, the human resources manager (the "Manager"). The complainant ultimately reported her Manager's conduct to the Employer's vice-president of human resources (the "Vice-President").

The commentary and behaviour that formed the basis of her complaint included:

- The Manager repeatedly asserted his power and influence over the complainant's tenure and referred to her as a "credenza."
- When the complainant separated from her partner, the Manager's behaviour escalated to include sexually suggestive comments and flirtatious behaviour. On one occasion, the Manager expressed his desire to have an affair.
- The Manager invited the complainant to view a video clip that contained sexually explicit content.
- The Manager routinely made intrusive inquiries about the complainant's dating and sex life.
- When the Manager learned that the complainant reconciled with her partner, his flirtatious attitude turned to anger. He would not talk to the complainant, but instead belittled and humiliated her in front of her colleagues.
- Following the complaint, the Manager terminated the complainant's employment under the guise of performance issues. Following a brief, superficial investigation, the Employer determined that the complaint was unfounded.

The complainant filed a human rights complaint with the Tribunal on the basis that she was discriminated against in her employment because of her gender, alleging that she was sexually harassed by her Manager.