



February 2022



Environmental Scan



# On social media

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Main themes are:

- Tangible health impacts of harassment
- Workplace culture (police)
- Racism, and Black History Month
- Bullying (Pink Shirt Day)
- Mental health





She Votes Illinois @shevotesil · Feb 27

"This study highlights why it's important for health research to examine women's experiences of sexual assault and **workplace sexual harassment**."

@CNET @MiyaClark4



cnet.com

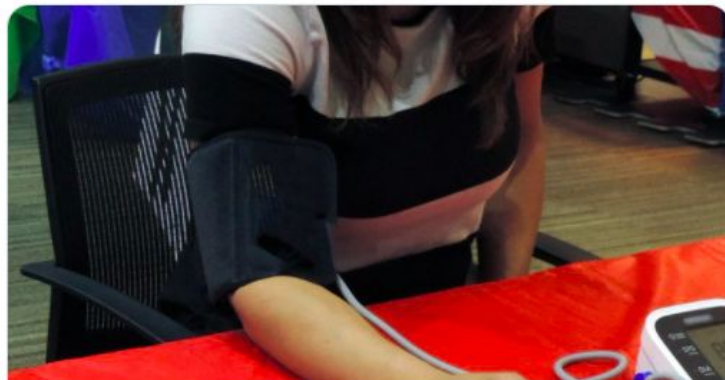
### Sexual Assault, Harassment Linked to Women's High Blood Pressure

Women who experienced assault or workplace harassment were most likely to develop hypertension, study finds.



ERA Coalition @ERACoalition · Feb 27

Women who have experienced sexual assault, **workplace sexual harassment** or both are at higher long-term risk of developing hypertension than women who have no history of these types of trauma.



newsroom.heart.org

### Sexual assault, sexual harassment linked to higher long-term hyperten...

Research Highlights: A new U.S. study found that sexual assault and workplace sexual harassment are common, and they may increase the...





**Merovitz Potechin LLP** @MPLawOttawa · Feb 11

"If you are going to make public statements outside the **workplace** that demonstrate clear opposition to the mandate of your employer, these could result in **workplace** discipline up to and including termination for cause."

[#EmploymentLawyer](#) | [#Termination](#)

[ow.ly/sQYM50DBA3v](https://ow.ly/sQYM50DBA3v)



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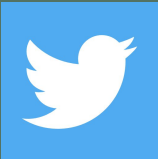
**Financial Post** @financialpost · Feb 23

When men are the victims of **workplace** sexual harassment, the normal assumptions don't always apply



[financialpost.com](https://financialpost.com)

When men are the victims of workplace sexual harassment, the normal assumptions don't always apply





**Heather Campbell** @ThatHeatherC · Feb 22



Work has been done, including by @CalgaryPolice to recommend transformative changes to the Alberta Police Act, Police Service Regulation, and Provincial Policing Standards to address sexual and gender **harassment** in the **workplace**. [[bit.ly/3Halim3](https://bit.ly/3Halim3)]

Hello Alberta Justice?



**CBC Calgary** @CBCCalgary · Feb 22

'Old boys' club': Civilian staff with Lethbridge police allege bullying, harassment, sexism at work [cbc.ca/news/canada/ca...](https://cbc.ca/news/canada/ca...)



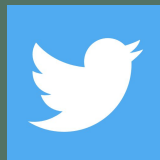
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**Christopher Scipio** @ScipioCk · Feb 6

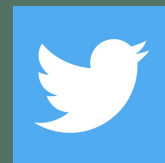
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Showing up at work without expending all of your energy to [#assimilate](#) is a [#privilege](#). Imagine the emotional effort required to analyze, monitor, and perform to consciously assimilate into a **workplace**. [@HarvardBiz](#) [hbr.org/2022/02/do-you...](https://hbr.org/2022/02/do-you...) [#diversity](#) [#inclusion](#) [#GC](#)



[hbr.org](https://hbr.org)

**Do Your Diversity Initiatives Promote Assimilation Over Inclusion?**  
Strategies to help your company craft professional development programs that celebrate diversity — instead of flattening it.







**EVA BC**  @EndViolenceBC · Feb 26



FREE [#WorkplaceHarassment](#) Training Sessions available for [#BCWorkplaces](#):

Register now to learn how to respond to and prevent **workplace** sexual **harassment** and improve your [#WorkplaceCulture](#)! In partnership with [@CLASBC](#).

Learn more and register here:



**SHARP**  
**WORKPLACES**

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

Training

Training Register for free training sessions now! (See below for available dates)A SHARP Workplace is respectful, understands its legal ...





**Kim Moir**  
@kmoir

I'm in a lot of tech slacks. Many people are looking new jobs now. The amount of backchanneling and research done to ensure people are choosing a psychologically safe workplace is staggering.

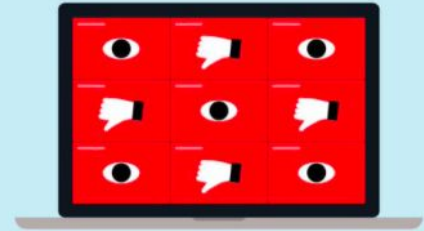
2:39 PM · Feb 11, 2022 · Twitter Web App

7 Likes



**Al Doran** @AlsFastball · Feb 20

**Workplace Harassment** Is Still Happening As We Work from Home—It's Just Harder to Detect [#WorkplaceBully](#)



canadianbusiness.com

**Virtual Workplace Harassment Is a Real Problem**

Research shows that not only did workplace harassment persist—and in some cases, increase—during the pandemic, it's taken on new ...







S.C. Coalition Against Domestic Violence & Sexual Assault [+ Follow](#) ...

216 followers  
20m •

April is Sexual Assault Awareness Month and this year's [National Sexual Violence Resource Center](#) campaign will continue the conversation to build safe online spaces together.

We will focus on building online communities centered on respect, inclusion, and safety and the ways we can work together to end sexual harassment, assault, and abuse online and offline. Learn more: [www.nsvrc.org/saam](http://www.nsvrc.org/saam)

[#SAAM](#) [#SAAM2022](#) [#WeCanBuild](#) [#StopSexualViolence](#)

**April 2021**  
Sexual Assault Awareness Month



*We Can Build Safe Online Spaces*

SAAM 2021 — We Can Build Safe Online Spaces

[nsvrc.org](http://nsvrc.org) • 1 min read



Workplace Investigator Network • 1st ...

WIN is the go-to resource for workplace investigation professional development...  
1w •

Termination upheld for repeated sexual harassment. Investigation deemed to be fair even though policy not completely followed.  
[#workplaceinvestigations](#) [#dueprocess](#)



Arbitrator upholds NAIT's decision to fire instructor over sexual harassment of 3 workers | CBC News

[cbc.ca](http://cbc.ca) • 5 min read



1

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Deb Hileman, SCMP • 3rd+

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[Institute for Crisis Management](#) has tracked business crises created by harassment in the workplace for decades. We always advise clients to include smoldering issues like harassment in their crisis communication plan because they pose a huge reputational threat to the business. Are you prepared to communicate with stakeholders if this kind of crisis arises? [#harassment](#) [#harassmentprevention](#) [#reputationalrisk](#) [#smolderingcrisis](#)



**38% of workers still experience harassment remotely—here's what employers can do about it**

cnbc.com • 3 min read





r/CanadaPublicServants · Posted by u/MHThrowaway999 9 days ago



52

## Discussing mental health issues with your manager?



Management / Gestion

Long story short, I have been struggling with mental health issues as of late and it is affecting my performance at work. I am having trouble focusing (which creates anxiety about not getting work done, which leads me to zone out and not focus, and it becomes a vicious cycle).

Unlike many others, working from home has not been good for me. As someone with perhaps some ADD tendencies (never diagnosed), a structured office environment is better for me than my house with plenty of distractions and nobody overseeing me. Having started this job during COVID, I haven't had the chance to build good relationships with my coworkers like I had at my old position and I often feel isolated and afraid to ask for help.

Would you mention these mental health issues to your manager? I have already reached out and had discussions with him regarding some organizational supports to help me perform better at work, but have never specifically mentioned "mental health". As much as the workplace is saying it's an important issue these days that we need to recognize, I still feel there is a stigma around it, and that revealing you may have some problems might subconsciously make others see you as a "weak" employee.

I have also been getting some counselling through EAP (So far it's mostly CBT, which I have mixed opinions about actually being helpful).

Is it a bad idea to write an email to my manager and have a followup Teams call about it? It should be fairly obvious to him that my performance is not optimal at this point, and if I don't start giving an explanation I'm not sure I will hold this job much longer (or at least not past my term).



28 Comments



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# B.C. school district suspends 2 trustees after bullying complaints

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The Greater Victoria School Board has censured and suspended two trustees after complaints of bullying and harassment.

The board made its decision following two formal complaints against Diane McNally and Rob Paynter for disparaging comments they reportedly made in public, according to a release from SD61.

Due to the serious nature of the complaints, the board launched a third-party investigation, which resulted in a report that substantiated the complaints.

McNally and Paynter have been suspended from their duties until October. The next election for school board trustees happens Oct. 15.

While details of the allegations were not confirmed, the board statement said it is reviewing the trustee code of conduct and bylaws “to ensure appropriate measures are in place to address these types of behaviours.”

“There must be zero tolerance for bullying in the Greater Victoria School District. All employees and students deserve to feel safe when they enter our schools and workplace,” the release stated.

# Ontario Civilian Police Commission to investigate Thunder Bay Police brass

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Ontario's Civilian Police Commission has opened an investigation into the Thunder Bay Police Service on allegations of serious misconduct and a range of other concerns, from disciplinary actions and conduct of officers in criminal investigations to how the police chief and deputy chief lead daily operations.

The announcement by the commission Friday comes a day after the Ontario Provincial Police said it was also considering an investigation and highlighted a number of allegations against Chief Sylvie Hauth and Deputy Chief Ryan Hughes, as well as the chief's lawyer, Holly Walbourne.

In the terms of reference, the commission said it decided to investigate after completing a preliminary review, which was conducted after requests from the Thunder Bay police board and Solicitor-General Sylvia Jones.

"I am satisfied that the circumstances require a thorough investigation," said Sean Weir, executive chair of Tribunals Ontario for the commission.

The commission said it will investigate allegations against Deputy Chief Hughes that he initiated a criminal investigation of breach of trust against board member Georjann Morriseau "without sufficient grounds and without the chief's knowledge." He also allegedly procured a production order on Ms. Morriseau's cellphone on "misleading grounds, which was obtained without the chief's knowledge," the commission said.



# 9 human rights complaints allege Thunder Bay, Ont., police on leave called 'broken toys' in toxic workplace

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The Thunder Bay Police Service faces allegations of a toxic work culture, detailed in nine complaints with the Human Rights Tribunal of Ontario that claim members of the force are discriminated against based on their mental health, race and gender.

The complaints were filed by active and retired officers and civilian employees, as well as a member of the service's oversight board.

"We have an unsafe workplace. We have officers and civilians in deep mental distress with the threat of suicide, with the threat of other harms that come along with workplace mental health injuries and policing," said Chantelle Bryson, a Thunder Bay-based lawyer representing the nine complainants.

According to five of the complaints, a whiteboard at police headquarters lists officers on mental health leave. The complaints say senior officers are known to refer to these members as "broken toys" who've taken "sad leave."

# Thunder Bay police force's troubled workplace culture must prioritize mental health, say experts and advocates

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Over the past few weeks, the Thunder Bay Police Service (TBPS) has faced public accusations about harassment and discrimination against its own members, and they're detailed in nine complaints filed to the Human Rights Tribunal of Ontario. The allegations, which haven't been tested in court, are based on issues surrounding mental health, race and gender. There has also been news of investigations by two police oversight agencies and the Ontario Provincial Police into different allegations of criminal misconduct.

9 human rights complaints allege Thunder Bay, Ont., police on leave called 'broken toys' in toxic workplace

Ontario's solicitor general requests investigation into Thunder Bay police leadership

But it's been at least a year since problems with the Thunder Bay force's workplace culture were first identified, long after the 2018 release of the Broken Trust report that found evidence of systemic racism within the service.

Experts and advocates in policing and mental health are now warning of dire consequences if policing culture doesn't change to support officers and civilians on the front lines.

Survey breaks down workplace concerns

A survey last year that was completed by nearly 70 per cent of the Thunder Bay Police Association showed issues from the rank-and-file.

- 60 per cent said they don't feel valued.

- 64 per cent disagree or strongly disagree that senior management prioritizes mental health.

- 74 per cent said senior management doesn't encourage openness and transparency.

- 76 per cent described morale at the TBPS as being negative or very negative.

"There's this feeling in our station that, you know, we're to toe the line, be quiet, not voice our opinions, not ask questions, because we get singled out or there's fear of reprisal for speaking up," said police association president Colin Woods, who represents 354 members.

# Review finds 'racist remarks, discrimination, and bullying' at Indian Oil and Gas Canada

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An independent review of working conditions at Indian Oil and Gas Canada (IOGC) has found a long list of serious issues facing staff at the troubled on-reserve fossil fuel regulator, APTN News has learned.

Currently facing a multi-million-dollar class-action lawsuit over systemic racism, IOGC's parent department Indigenous Services Canada (ISC) contracted Winnipeg-based consulting firm TLS Enterprises to conduct the probe.

The firm interviewed 55 employees and delivered a report with 78 recommendations to improve conditions at the agency, according to an executive summary penned by ISC and obtained by APTN.

"While TLS reported positive comments, they also reported that IOGC employees face significant challenges," reads the single-page document dated Feb. 1. "Issues included examples of racist remarks, discrimination, and bullying, recruitment of employees outside the organization, high turnover of Indigenous employees, limited access to staff development and restricted career path progression."

# Tesla says California plans to sue over alleged discrimination, harassment

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Tesla Inc said on Wednesday the California Department of Fair Employment and Housing (DFEH) intends to file a lawsuit against the company alleging systematic racial discrimination and harassment.

The lawsuit appears to be focused on alleged misconduct at its factory in Fremont, California, between 2015 and 2019, Tesla said <https://bit.ly/3ozSmPb> in a statement.

The electric-car maker said it will ask the court to pause the case once the state's civil rights regulator files its lawsuit.

Despite several requests, Tesla said, the regulator declined to provide the company with the specific allegations or the factual bases for its lawsuit.

# Rubin Thomlinson: Read with me: What I look for when I review readability in workplace investigation reports

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A new draft report hits my inbox, waiting for my review. As I click to open the document, I'm immediately curious about the particular situation our investigator faced. Every report is, in a sense, a new story.

As review counsel, I make sure the report is legally defensible. At the same time, I'm also assessing readability. Our aim is to make our reports easy reads, and, ideally, good reads for our clients — even when the subject matter is difficult.

So, what do I look for? In terms of style, I look for simple, punchy sentences. In terms of construction, sentences have to vary. Good writing has cadence and rhythm. If my attention wanders, it's probably because the writing needs tightening. At Rubin Thomlinson LLP, we have an in-house style guide. This helps our investigators write cleanly and consistently. Our style advice is what you might expect. Don't stack the main text on top of a lot of footnotes. Declutter in terms of headings, spacing, and general organization. Make your report as accessible as possible and embrace plain language. Investigation reports shouldn't read (even though we are all lawyers who write them) as if they were facta, academic articles, or Court of Appeal decisions. Argument and persuasion aren't necessary here.

The reports aren't manuals or pieces of technical writing, either. The best reports have a distinctive voice. One way to keep the reader's attention is to take ownership of the project and to be present in it. I want to have a sense of the investigator's own agency. I should be able to understand where and why the investigator made key decisions during the investigation. So, I encourage investigators to use the active voice when writing. I watch for the use of "I" and a demonstration that the investigator approached the issues definitively and didn't try to make themselves too invisible, as if the report wrote itself.

# Workplace harassment still happens remotely, says 38% of employees

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If you thought working from home would prevent harassment on the job, think again.

More than one-third (38%) of employees have experienced harassment through email, video conferencing, chat apps, or by phone, according to The 2021 State of Workplace Harassment. The report was commissioned by AllVoices, an online platform for employees to report workplace harassment, and polled more than 800 full-time employees in the United States.

Although working from home has its benefits, it also diminishes open lines of communication between employers and employees. That reduces workers' abilities to report cyberbullying, harassment, and discrimination. In fact, 24% of employees surveyed believe harassment continues or worsens on remote channels. That's disconcerting considering that an estimated 36.2 million Americans will be working remotely by 2025, according to work marketplace Upwork.

Whether at home or in the office, employees need to feel comfortable reporting misconduct to the HR department or even their supervisors. It's a major issue for employers, says Tom Miller, co-founder and CEO of ClearForce, a cyber and employee risk management company based in Vienna, Virginia.



## Howard Levitt: When men are the victims of workplace sexual harassment, the normal assumptions don't always apply

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Sexual harassment has not decreased in recent years, despite #metoo, the highly publicized cases involving Canada's military and the hundreds of thousands of dollars being provided by the federal government to provide workplace education to combat it.

In reviewing the Canadian media's narrative around workplace sexual harassment, much of the discussion focuses on women. Undeniably, with one in four Canadian women experiencing sexual harassment at work according to Statistics Canada, that emphasis is understandable.

But women are not the only ones who face harassment at work. Yes, men in Canadian workplaces are harassed and they struggle in a way that is unique in comparison with their female counterparts. Their experiences also run contrary to what the general public is taught about why people do not report sexual harassment at work.

## 'Old boys' club': Civilian staff with Lethbridge police allege bullying, harassment, sexism at work

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Seventeen current and former Lethbridge Police Service civilian staff, all of whom are women, say their work culture involves bullying, harassment and retaliation against anyone who speaks up.

Fifteen of the women voiced their grievances through a formal complaint. Several of those employees told CBC News filing a complaint in 2019 led to further abuse and multiple stress leaves.

Lethbridge Police Chief Shahin Mehdizadeh — who took the top job in 2020 — said in an interview last week that the service is committed to providing a safe and healthy work environment. He said he would not tolerate the sort of behaviour described by the women working at LPS.

# It's not people of colour's responsibility to solve microaggressions in the workplace

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Heather M. Pierce, a psychiatrist and Harvard professor, coined the term 'microaggression' in 1970 to describe subtle yet ongoing acts of racism. The definition has developed over time to now include acts of indirect bias and discrimination on the basis of race, gender, sexual orientation, and disability. It is important to recognize the immense effects of microaggressions on Black people, especially in the intersections of racialized and other minoritized groups, such as Black women.

## **Unpacking the implications of professionalism**

While all working women can likely attest to dealing with gender-based microaggressions in the workplace, Black women are subjected to both gender and racially motivated microaggressions. In an article from Benefit News, TaChelle Lawson – the CEO and founder of Fig, a brand strategy company – discussed how she is held to different standards as a Black woman. She explains that she is looked down upon for displaying the same character traits that her white men co-workers exhibit, such as being direct and non-emotional in a workplace setting.

# Workplace bullying on the rise in Yellowknife, therapist says

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Workplace bullying is increasing in Yellowknife, Jessica Bruhn told Yellowknifer.

It's been a constant issue she's seen in her work as a psychotherapist since she moved in Yellowknife four years ago, she says.

Simply put, "Adult bullying is an insecurity of one adult being projected onto other adults," said Bruhn.

"Usually it takes the form of hierarchical enforcement and prestige enforcement — like micromanaging, ignoring valid issues, complaints, or requests for help in problem-solving an issue, instead zeroing in on an employee's work unrelated to the issue or problem,"

Bruhn described workplace bullying as very common and increasing due to "pandemic fatigue."

# Arbitrator upholds NAIT's decision to fire instructor over sexual harassment of 3 workers

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The Northern Alberta Institute of Technology (NAIT) was right to fire an employee who repeatedly sexually harassed three co-workers, an arbitrator has ruled.

NAIT fired Dwayne Rurka, a co-ordinator of evening and weekend programs in the School of Applied Sciences and Technology, on Aug. 19, 2019.

In Rurka's termination letter, NAIT said it had investigated and concluded that he had "repeatedly, and without consent, made unwanted comments and/or jokes to three employees that were sexual in nature, or had sexual connotations or undertones, while in the workplace."

The letter also said Rurka subjected two employees to "unwanted touching while in the workplace."

The NAIT Academic Staff Association (NASA), the union representing the school's more than 850 academic workers, filed a grievance on Rurka's behalf.

# Worker mental health awareness training receives Ontario funding

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This month, the province announced \$1.7 million funding for the development and delivery of Workplace Safety North mental health training and resources for mining and forestry workers in northern Ontario. Both mining and forestry were deemed essential services, and have been operating throughout the pandemic. Many worksite locations are remote work camps or in northern Ontario region, where access to medical care is more difficult than in southern Ontario

“Based on the effects of the pandemic on mental health in the workplace and at home, workplace mental health has moved to the forefront of Ontario workplace safety,” says Paul Andre, President and CEO of Workplace Safety North (WSN). “People are dealing with prolonged anxiety, depression, isolation, and need information and reinforcement on healthy ways to cope.

“In response to growing demand, WSN has assembled a team of four Psychological Health and Safety Advisors, accredited with the Canadian Mental Health Association, who are available to consult with clients and help create psychologically safe and healthy workplaces.



# Health unit spent \$135K investigating workplace harassment in last 4 years

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The Middlesex-London Health Unit has spent \$135,000 in the last four years investigating workplace harassment or an internal toxic work environment, documents obtained by CBC News show.

In 2020 alone, the health unit paid almost \$70,000 to Schroeder Law, a London firm that focuses exclusively on workplace conflict and employs investigators and lawyers who deal with workplace harassment, violence, discrimination, bullying and human rights abuses.

Other external firms were hired by the health unit to conduct investigations in each of the last four years, the documents show.

"It's a lot. You have to wonder, what is the missing piece in their policies and processes and how they handle their culture, and what is this doing to their overall environment," said Jann Danyluk, a London-based workplace human resources investigator with Ford Keast Human Resources.

# Reports

- First annual harassment and violence occurrence report
- When leadership won't listen to HR
- Systemic racism and equity in the workplace



# Federal Employer's First Annual Harassment and Violence Occurrence Report

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On January 1, 2021, the Canada Labour Code (the "Code") was amended to include new Work Place Harassment and Violence Regulations (the "Regulations"). The Regulations brought with them extensive new requirements for federal employers, including new requirements regarding training, investigating, reporting and preventing workplace harassment and violence in federally regulated workplaces

As we pass the one year mark of the Regulations coming into force, federal employers should be aware that reporting requirements under the Regulations are about to kick in and they are required to file their first Annual Harassment and Violence Occurrence Report (the "Report") on or before March 1, 2022. The Report must include information relating to any occurrences of harassment or violence for which a notice of occurrence was provided to the employer pursuant to the Regulations during the 2021 year. Specifically, the Report must include the following information:

Business name (or name of person reporting); Business number (as defined in subsection 248(1) of the Income Tax Act; The name of the person who can be contacted in respect of the report; The following in respect of any Notice of Occurrences which occurred in 2021: the total number of occurrences; the number of occurrences that were related, respectively, to sexual harassment and violence and non-sexual harassment and violence; the number of occurrences that resulted in the death of an employee; if known, the number of occurrences that fell under each prohibited ground of discrimination set out in subsection 3(1) of the Canadian Human Rights Act; the locations where the occurrences took place, specifying the total number of occurrences that took place in each location; the types of professional relationships that existed between the principal and responding parties, specifying the total number for each type; the means set out in section 32 by which resolution processes were completed and, for each of those means, the number of occurrences involved; and the average time, expressed in months, that it took to complete the resolution process for an occurrence.

# Cont'd: Federal Employer's First Annual Harassment and Violence Occurrence Report

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The requirement to file the annual Harassment and Violence Occurrence Report coincides with other annual filing obligations of Federal Employers, including the requirement to file an annual Workplace Committee Report and an annual Hazardous Occurrence Report. Both reports are also due on or before March 1, 2022.

# Deaf ears and a blind eye: when leadership won't listen to HR

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When the news broke that Hollywood star Jeff Garlin had been investigated by HR for the past three years for his behavior on the set of ABC's hit comedy *The Goldbergs*, Natasha Bowman had a case of *déjà vu*.

The HR professional hadn't worked with the comedian before (who has since exited the show), but his situation was all too familiar. Garlin argued that any crass language or antics he performed while filming were merely for humorous purposes, insisting there was no malice behind them. However, former co-workers told *Vanity Fair* that they felt uncomfortable and demeaned by his actions.

"We hear that it's 'just a joke' all the time," Bowman, founder of talent management consultancy Performance ReNEW, told HRD.

"That may have been the case the first time, and that was an opportunity for the organization to give some education and awareness that those types of jokes are inappropriate in the workplace. Even if people are laughing, they're still offended, but because of who you are, they won't show you they're offended. When it happens over a period of time, though, the excuse of 'it's just a joke' is no longer acceptable. You're ignoring the advice of your organization, so you shouldn't have the opportunity and privilege to remain in your position."

# Conversation starter: Systemic racism and equity in the workplace

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Unconscious bias and racist attitudes negatively impact the careers and mental health of racialized public service workers, and they also impact the quality and accessibility racialized Canadians have to public services.

The Black Class Action lawsuit against the federal government shows that Black employees have been discriminated against for decades and that discrimination continues to this day. Black employees are one of the largest groups of racialized workers in the federal government but only represent 1.6% of workers at the executive level.

Indigenous employees are also pursuing a class action lawsuit against the federal government for systemic racism. Plaintiffs describe experiencing discrimination and harassment because of their Indigenous identity.