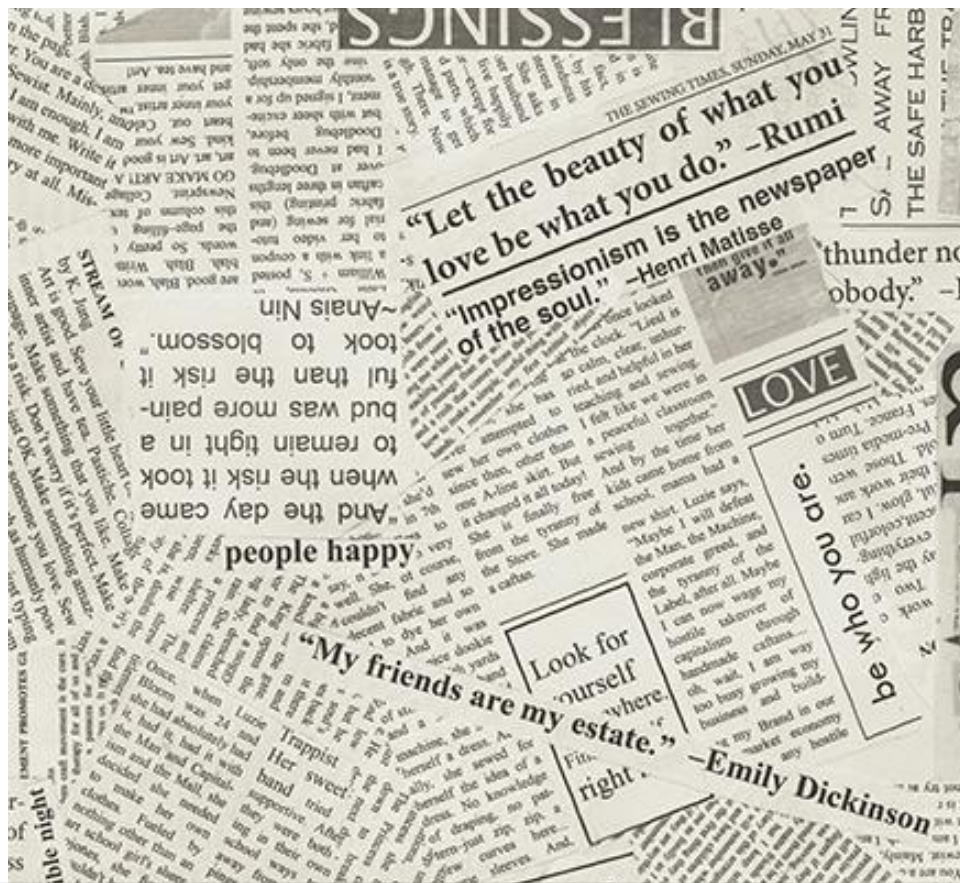


# January 2023 Environmental Scan

A dark green, solid-colored shape that starts from the bottom left and extends diagonally upwards towards the right, covering the bottom right portion of the slide.

## In the news

- 1 in 4 women have reported experiencing sexual assault at least once in their military careers
- Woman awarded 25k after workplace sexual harassment complaint
- Handling bad behaviour in the boardroom



# What's taking Canada's Armed Forces so long to tackle sexual misconduct?

Sexual violence in the Canadian Armed Forces (CAF) is a common, dominant and serious issue that has severe consequences for victims — not to mention its impact on unit cohesion and morale.

Workplace violence is an ever present issue in Canadian society, impacting nearly three-quarters of Canada's workers. Measures must be taken to treat any workplace violence as a public health issue.

But the impenetrable closed culture of the CAF in particular is prime real estate for predators and those who seek to abuse authority.

For perspective, a quarter of the women serving in the CAF say they'd reported sexual assault at least once during their military careers. The true extent is likely under-reported given a recent study that indicates 80 per cent of sexual assaults go unreported.

# When does an ‘angry’ email constitute workplace bullying?

Whether it’s a toxic message or an in-person verbal attack, harassment is harassment, according to Mike MacLellan, partner at CCP.

However, employers have to work that much harder in hybrid settings to get to the crux of the issue and decide on how to act.

“If it would be classified as bullying when it happens in person, it can be bullying if it happens via text or email. It’s the same standard as in-person conduct,” he says.

“When we're talking about bullying, a workplace may have their own definition in the form of violence and harassment policies. However, we do have a more standard definition of workplace harassment which is generally defined as a course of a vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.”

However, that’s a pretty broad definition. And when it comes to assessing harassment in remote work, the issue becomes even more convoluted.

# When does an ‘angry’ email constitute workplace bullying? (cont’d)

With more and more people opting to work from home, how people interact with their teams and managers has changed exponentially. As such, employees need to take extra care in how they communicate over emails, messages, and video calls — because what’s considered polite by one could be construed as aggressive by another.

“When it comes to determining if an email is ‘harassing’, employers need to return to the sender. Ask them what the intention behind the message was. Was it supposed to be aggressive? Or is there another explanation?” says MacLellan.

Using the example of voice to text apps, he says some can often miss words or accidentally type in all caps. That’s an explainable accident. However, repeated or obvious offenses could infringe on the world of microaggressions – something that most definitely is bullying.

# Kincardine Council Passes Motion To Support Bill 5

Kincardine Council is giving their support to Bill 5, known as the Stopping Harassment and Abuse by Local Leaders Act.

The Act was initially tabled in the Legislative Assembly of Ontario by Orleans MPP Stephen Blais.

The purpose of Bill 5 would be to amend the Municipal Act (2001) and the City of Toronto Act (2006).

It would give the council the ability to recall a member who acts inappropriately and against the municipality's Code of Conduct.

Kincardine Councillor Rory Cavanagh tabled the original motion.

“In Ontario, there currently exists no means of recalling a sitting councillor, and as such councillors can only lose their seats for breaking election spending rules, or certain conflict of interest rules,” said Cavanagh during Monday's meeting.

# Internal investigation into bullying, harassment at B.C. university finds 10 valid allegations

An investigation into bullying and harassment claims involving two senior leaders at Thompson Rivers University has found that some allegations were valid, according to a report released by the Kamloops institution on Tuesday.

The university says of the 55 complaints involving eight people who were investigated, 10 were substantiated. Investigators were unable to make findings on at least four allegations, according to the report, which has been heavily redacted.

Investigators were unable to make a finding for four of the 45 unsubstantiated allegations, because either the matter had previously been reviewed, allegations were "too general," or the parties could not provide enough information.

According to TRU, complaints first surfaced in February 2021, prompting the university to obtain legal counsel.

CBC News later learned that several current and former staff and faculty members came forward with allegations of anti-Indigenous racism and bullying, and one was also accused of sexual harassment.

"Its been a very difficult period for TRU," the university's president Brett Fairbairn said, speaking Wednesday on Daybreak Kamloops.

"The university has not had knowledge until very recently of what the complaints were, what the allegations were or who the complainants were, so in that environment, with an absence of information, there has been a lot of upset people," he added.

# London fire inspector fired for sending explicit photos to city staffers

An inspector with London's fire department has been fired after at least two women reported him for sending unsolicited pictures of his genitalia, CBC News has learned.

City officials would not confirm what occurred or even if the incident happened, but several sources told CBC News the inspector was let go Monday after being reported by women in different city departments. CBC News is not naming sources due to concerns about reprisals in the workplace.

"The City is committed to providing a safe and respectful workplace," city officials said in an emailed statement. "As an employer, we are not in a position to comment on personnel matters, which includes employment status. As such, we will not be providing any information related to questions related to any specific employee."

The 'dick pics' were sent to the city employees, all of whom were women, using a city-issued cell phone, sources said. The inspector had a history of sending such photos to women, they said.



# Coquitlam non-profit hit with \$134,000 fine for repeated violations; procedures to keep employees safe 'deficient'

A non-profit organization running a social housing facility in Coquitlam has been fined nearly \$134,000 for failing to take action on WorkSafeBC orders.

Deficiencies at the centre ranged from not having a protocol to deal with missing knives to having employees work alone around patients who could potentially harm them.

The Coast Mental Health's facility houses approximately 30 psychiatric patients transitioning back into the community.

Two inspections found three violations of the Occupational Health and Safety Act (OSHA) on May 25 and July 27, 2022. Inspectors were looking for infractions related to the potential for workplace violence faced by the facility's 22 employees.

WorkSafeBC said in an email that 24 injury claims related to acts of violence have been made at Coast Mental Health between 2017 and 2021.

While Coast Mental Health has various policies and procedures in place to keep its employees safe, the inspector called them "deficient" in reports.

# Kelowna woman awarded \$25K after workplace sexual harassment claim

A Kelowna woman has been awarded a \$25,000 payment from her former employer relating to their role in a sexual harassment complaint.

The woman, whose name is being withheld due to the nature of the allegations, was working at Bouchons Bistro, when she claims she was subjected to sexual harassment by a coworker in a supervisory position, according to a decision by the Human Rights Tribunal member Kathleen Smith.

The man accused of harassing the woman was not named in the decision but his activities at Bouchons, an arm of Gastronome Enterprises Ltd., which is owned by Stephane Facon, were laid out in the hearing and summarised in the decision.

Smith wrote that from August 2017 to March 2019 the man sent text messages that had sexually explicit content, made sexual comments and propositions for sex, engaged in sexual gestures, jokes and innuendo and forced physical contact, including sexual touching and exposure of genitals.

# Peterborough woman accused of allegedly defrauding \$230,000 from workplace

A 51-year-old Peterborough woman is facing several fraud charges following an investigation.

Peterborough Police say in late March of 2022, officers were notified of alleged fraudulent purchases and cheques in connection with the accused's employment.

The total amount involved in the fraud was allegedly about \$230,000.

As a result of an investigation, on Friday, Jan. 20, a 51-year-old Peterborough woman was arrested and charged with:

- Theft over \$5,000 x2
- Falsification books and documents
- Use document without authority
- Use, deals, acts on forged document x4

# Half Moon Bay mass shooting considered 'workplace violence incident,' police say

Police in Half Moon Bay, Calif. are calling a mass shooting that claimed the lives of seven people and critically injured one more on Monday as a "workplace violence incident," said Eamonn Allen of the San Mateo County Sheriff's Office. Officers arrested 67-year-old Chunli Zhao in connection with the shooting after his vehicle was spotted in a police parking lot.

# Badly behaving boardroom? Handling harassment allegations in the C-suite

With leadership teams under increased scrutiny for their actions both in-person and online, executives are being held accountable left, right and centre – with some even losing their jobs for ill-judged posts and risqué messages.

But where does HR factor into the equation? Is it a case of judge, jury and executioner? How should practitioners approach disciplinary matters in the upper echelons of the boardroom?

It begins with being prepared for anything.

“All companies should have appropriate employee handbooks and policies in place that contain comprehensive disciplinary procedures laying out steps that should be taken if a staff member commits an act of misconduct,” says Olivia Cicchini, legal specialist at Peninsula in Toronto.

“Typically, these disciplinary steps include both verbal and written warnings, suspension, and termination.”

These documents, in combination with the C-Suite employee’s contract, should provide the employer with important tools and rights, such as reserving the right to suspend the C-suite employee pending an investigation, says Cicchini.

“While employers should apply their disciplinary policy consistency amongst all employees, disciplining a high-ranking executive can present different issues.”

# \$100,000 workplace fine for Kitchener manufacturer and its CEO

A Kitchener company and its CEO have been fined \$100,000 for machine guarding violations.

THS Industries Ltd., on Manitou Drive, is a steel nail manufacturing company.

The Ministry of Labour, Immigration, Training and Skills Development said the company and its CEO Xiaoye He “failed to take all reasonable care to ensure equipment, materials and protective devices... were provided for nail-maker machines, leaving workers at risk of accessing moving parts inside the machine.”

On Dec. 22, 2021, occupational health and safety inspectors visited THS Industries Ltd. to “investigate an anonymous complaint that workers were bypassing machine guarding devices on nail-maker machines.”

They found unfixed access gates on several of them.

The investigators learned of one case, where an employee was seen “working inside an open access gate of a running machine”, and in another instance, “a machine’s lid was open while the machine was running.”

Inspectors also found that “fixed guards had been removed around a significant number of nail-maker machines and at multiple locations on each machine.”

The ministry said no one was hurt but the machine changes could have resulted in serious injuries.

# Kitchener company faces third conviction in six years for workplace safety violations

KITCHENER — A Kitchener steel nail manufacturer and its CEO were fined \$100,000 for not having appropriate safety guards on nail-making machines.

It's the business's third safety conviction in six years.

On Jan. 17, THS Industries Ltd. and its director Xiaoye He, who pleaded guilty, were convicted in provincial offences court in Kitchener for failing to take all reasonable care to ensure equipment, materials and protective devices were provided for nail-making machines.

This left workers at risk of accessing moving parts inside the machines, said a release from the Ministry of Labour.

The investigation found that the company violated a section of the Occupational Health and Safety Act that requires machinery to have a guard to prevent access to any pinch points.

The business, near Manitou Drive and Homer Watson Boulevard, was fined \$85,000, while the CEO must pay \$15,000.

# What are top companies doing to support workplace mental health?

In this people-powered economy, there isn't a more strategic resource than workers. Their innovation, productivity and the sustainability of their well-being are critical to the success of any company. But are corporate leaders fostering this potential?

More and more companies are talking about their performance on environmental, social and governance (ESG) criteria, and with good reason: it affects brand reputation, alignment with emerging regulations, and business performance and sustainability. The same is true for workplace mental health. However, a recent study of 100 of the largest publicly listed companies globally by CCLA Investment Management found that while nine in 10 companies recognize the business relevance of mental health, less than half have formalized their commitments. With this in mind, LifeWorks and Corporate Knights embarked on a collaboration to understand if ESG leaders are also leaders in workplace mental health.

In June, we offered the Top 50 Corporate Citizens in Canada of 2022 the opportunity to complete the LifeWorks Workplace Strategy Index for Mental Health (WSI-MH). The WSI-MH offers insight into how an organization's policies and programs compare to established frameworks in workplace mental health, such as the International Organization for Standardization, and how organizations benchmark against peers.