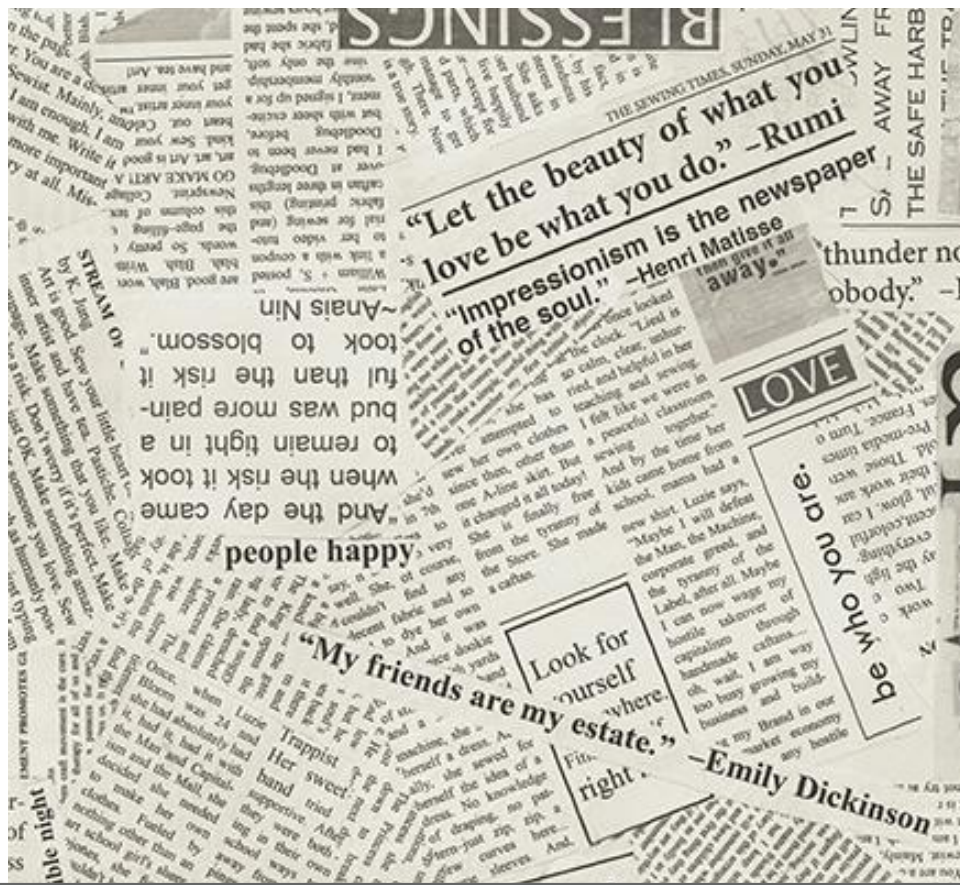


June 2023 Environmental Scan

A dark green, solid-colored shape that starts from the bottom-left corner and extends diagonally upwards towards the right, filling the bottom half of the page. It acts as a design element separating the title from the main content area.

In the news

- AFN chief RoseAnne Archibald ousted
- Former Chiarelli staffer appalled bill to oust abusive councillors voted down
- Judge jails man for touching coworker inappropriately
- UWaterloo stabbing: work to be done to fight gender based violence



University fails to investigate harassment complaints after external investigation

The worker was a tenured professor at Toronto Metropolitan University (TMU). TMU had a harassment and incivility policy that complied with the Ontario Occupational Health and Safety Act (OHSA) definition of workplace harassment. The policy also set out procedures for reporting, investigating, and responding to harassment complaints.

In the fall of 2011, the worker's relationship with a colleague became strained. The colleague started taunting or confronting her every time she went to her office or passed by his office. The worker brought this to the attention of TMU's human rights services (HRS) and asked the dean for a camera outside her office.

In early 2013, the worker raised concerns about a toxic and unsafe work environment. She also requested an office relocation for either herself or the colleague, and again asked for a camera outside of her office.

In August the dean told her that she had determined that the colleague was not uncivil to her.

In 2014, the worker drafted a human rights complaint and met again with the dean about her concerns regarding her colleague's behaviour.

Unifor's ground breaking Women's Advocate program

A Women's Advocate is a specially trained workplace representative who assists women with concerns such as workplace harassment, intimate violence and abuse. The Women's Advocate is not a counsellor but rather provides support for women accessing community and workplace resources.

These specially-trained, easy to contact workplace representatives have been instrumental in creating healthier workplaces and safer communities. We work closely with management ensuring strong cooperation to achieve this goal.

One of the best tools the union has to prevent violence against women and workplace harassment is the Women's Advocate program.

To learn more about the program and how you can negotiate Women's Advocate language, contact the Women's Department for more information.

Sales director accused of ignoring sexual misconduct 'stepping away' amid legal proceedings

A home construction company in Alberta is taking steps to address an issue surrounding one of its officials.

Robin Nasserdeen, Coventry Homes' director of sales, is "stepping away" from the company amid investigations, according to CEO Henri Rodier. The 42-year-old Nasserdeen is a primary shareholder at the company.

Five women are suing Coventry Homes for a combined \$6.2 million, alleging Nasserdeen's sexual misconduct created a "poisoned" work environment wherein employees were subjected to harassment and complaints about workplace safety were ignored, according to a CBC report.

"This week's allegations against Robin Nasserdeen have made it unworkable for Mr. Nasserdeen to continue to be with Coventry Homes," Rodier said. "While legal proceedings are underway, he will be stepping away from the company to allow us to continue to focus on what we do best: building beautiful homes for families."

Previously, the British Columbia Supreme Court awarded \$25,000 in aggravated damages to a worker who was fired for workplace sexual harassment.

Failure to investigate?

The women at Coventry Homes claimed that the employer failed to investigate allegations of sexual misconduct against Nasserdeen, even after he was charged by Edmonton police for sexually assaulting an employee. They also claimed that the company pushed out those who expressed concern about his conduct, according to the CBC report.

National Chief Archibald continues battle over human resources investigation ahead of chiefs assembly

Assembly of First Nations (AFN) National Chief RoseAnne Archibald is once more fighting to retain her position as head of the national organization.

It's not unexpected, Archibald told Omushkegowuk Nations chiefs at their annual general assembly on May 30.

Anytime change is needed, the status quo pushes back because there is “discomfort by people and some lashing out,” she said.

The AFN is no different as it has become a “cushy place where some people benefit and others don't,” she said.

The AFN is holding a Special Chiefs Assembly (SCA) June 28 for chiefs and their proxies where a recommendation from the AFN executive to remove Archibald from her position will be voted on.

That recommendation is coming ahead of the meeting, which according to the post on the AFN website, is “being convened to determine an appropriate remedy, if any, resulting from the HR investigation which may include, but is not limited to, the removal of the National Chief from office.”

The meeting and recommendation flow from resolution 03/2023 Investigation and Audit of AFN's Financial and Management Policies. It stems from the complaints of five AFN staffers against Archibald, and a number of statements made by the national chief about the misuse of AFN resources.

AFN chief claims she was 'exonerated' by workplace investigation

The national chief of the Assembly of First Nation (AFN) is speaking out again about the investigation that looked into allegations against her. Last month, an outside legal firm tapped by the AFN to look into allegations against its national chief RoseAnne Archibald found that that group's leader created a toxic workplace culture for some employees.

However, the findings actually exonerated her, Archibald said in a 19-page counter report, according to CBC.

This is because the investigation concluded that 93% of the allegations against her were "unsubstantiated."

"Once the full HR reports are rightfully shared with the First Nations-in-Assembly, everyone will agree that the national chief has been substantively exonerated," her office wrote.

Previously, Archibald claimed that the investigation is an attack on her person.

In February, Archibald also cried foul about the investigation.

Former Chiarelli staffer 'beyond appalled' bill to oust abusive councillors voted down

A former staffer of longtime Ottawa councillor Rick Chiarelli said she was crushed this week when a majority of Ontario MPPs voted down a private members' bill that would give municipalities the power to oust politicians for harassment and violence.

"I am beyond appalled and upset at this situation," said Stephanie Dobbs by phone on Thursday.

Dobbs was at the Ontario legislature Tuesday when the Stopping Harassment and Abuse by Local Leaders Act, or Bill 5, had a second reading. She saw it fail during a vocal count before being defeated in a formal vote the following day.

"It's hurtful because they're trying to kill something that would help save people," Dobbs said, referring to the bill.

"[The power to oust a councillor] exists for financial impropriety. Why do we care more about a dollar than a human being?"

Stephanie Dobbs was one of the complainants who spoke out against her former boss Rick Chiarelli. (Richard Dufault) Dobbs was one of several employees CBC spoke with in a series of stories about Chiarelli's conduct around female employees. Former staffers alleged a range of bad behaviour, including setting up visits to nightclubs to recruit volunteers and pressuring women to go braless or to wear revealing clothing.

TTC CEO accused of 'disregard' for safety, enforcement unit by former constable in lawsuit seeking nearly \$900K

Toronto transit CEO Rick Leary has been accused of displaying a "flagrant disregard for employee safety" and enforcement units in a wrongful dismissal lawsuit launched last month by a former employee of more than 30 years, according to documents filed with the Ontario Superior Court of Justice.

The civil lawsuit, filed with the Ontario Superior Court of Justice on May 5 on behalf of former constable Tom Farrell, is seeking just over \$885,000 in damages.

The court documents allege Farrell was pushed out of his "lifelong career" in an effort by Leary to move away from an enforcement-forward approach to safety on the publicly-funded system.

The claim states Farrell was subject to two "meritless" investigations of misconduct, which he was ultimately cleared of, but which saw him placed on paid leave for the better part of two years. It also alleges Leary expressed an "animus," or prejudice, against Farrell, participated in a "campaign to humiliate" him.

"Our claim alleges Tom was forced to abandon his employment, flowing from a toxic and unsafe work environment created at the highest levels of the TTC, including current CEO Rick Leary," legal representation for Farrell, Damien Buntsma of Beard Winter LLP, said in an interview Monday.

In total, Buntsma said he currently represents three former TTC enforcement officers alleging wrongful dismissals. The allegations have not been tested in court.

Newfoundland judge jails man for touching backside of young co-worker

In a ruling the judge says was intended to send a broad message, a 44-year-old Newfoundland man has been sentenced to 90 days in jail for touching the backside of a much younger female co-worker.

“The accused is old enough to be her father,” Judge Harold Porter of the province’s provincial court said in a recently released ruling that emphasized “denunciation and deterrence” as a key consideration when sentencing someone for a workplace sexual assault.

The woman, a junior employee to Stephen Rueben Hillier, had been bent over from the waist, with her head, arms and torso in a large container of clams when he assaulted her.

“He touched her backside, and then tried to make a joke of it,” said the Grand Bank, N.L., judge, adding that the woman, whose name is subject to a publication ban, now suffers from fear, anxiety and panic.

Hillier’s lawyer said his client had lost his job because of the assault. The defence lawyer had asked for a suspended or conditional sentence, while the prosecutor had recommended three to six months behind bars.

The judge noted Hillier has a criminal record dating back to 2007 for assault, mischief and other offences, although no convictions in the past decade. Porter said the sentence must be strong enough to send a message that would deter others tempted to sexually assault a co-worker. “Sexual assault and sexual harassment are not to be tolerated in the workplace because it not only causes harm to the victim, but it also poisons the work environment,” said the judge.

Minister O'Regan discusses 2SLGBTQI+ rights and workplace violence and harassment at International Labour Conference

Today, Minister of Labour Seamus O'Regan Jr. concluded his participation at the 111th annual International Labour Conference in Geneva, Switzerland. During the Conference, Minister O'Regan discussed key issues with his international counterparts. Topics included promoting respect for fundamental rights at work, supporting inclusive economic growth and combatting forced labour in global supply chains.

During his plenary address to the Conference, the Minister reaffirmed Canada's commitment to upholding the rights and freedoms of 2SLGBTQI+ people around the world and reiterated that workers should be protected from discrimination on all grounds, including their sexual orientation and gender identity. The Minister took the opportunity to speak about protecting the most vulnerable workers around the world and to reaffirm Canada's unwavering support for Ukraine.

The Minister also met with Gilbert Houngbo, Director-General of the International Labour Organization (ILO), to reiterate Canada's position on 2SLGBTQI+ rights and the importance of the ILO's work addressing all forms of discrimination at work. They also discussed ongoing efforts to advance gender equality, including ILO Convention 190, which Canada ratified in January. Convention 190 is the first-ever global treaty on ending violence and harassment in the workplace, and it provides a clear framework to prohibit, prevent and address workplace violence and harassment.

Report on UPEI allegations describes 'dire, toxic' issues, calls for 'urgent action'

The authors of a third-party review looking into allegations of workplace misconduct at the University of Prince Edward Island has concluded the university "has failed to create a safe, respectful, and positive environment for working and learning for all members of its community."

In its report, released in a redacted form Wednesday, the firm of Rubin Thomlinson described "dire" problems on campus that it said "should raise alarm bells and spark urgent action."

The firm was hired after former UPEI president Alaa Abd-El-Aziz resigned in December of 2021, citing health reasons. Abd-El-Aziz's resignation came after fresh allegations of misconduct were brought forward against him; he had been the subject of two previous complaints years earlier.

But Rubin Thomlinson's investigation into those allegations is not included in the report UPEI made public Wednesday. A separate report on that investigation was finalized on April 28 and provided to the university, but has not been made public.

Playing explicit music in the workplace can be treated as discrimination, US court rules

Vulgar music played in a workplace may be a form of sexual discrimination, a US federal appeals court has ruled.

Former employees from S&S Activewear in Reno, Nevada, had said in a lawsuit that the company allowed its managers and other employees to play music featuring "sexually graphic" and "violently misogynistic" lyrics.

The lawsuit claimed that it, therefore, fostered a hostile and abusive work environment at the company's facility.

The people who took offence to the music were eight claimants – seven women and one man.

They claimed the music allegedly "denigrated women" and graphically detailed extreme violence against them.

According to the lawsuit, one of the songs in question included an Eminem single about a pregnant woman being put into a car trunk and "driven into water to be drowned".

Canada's unions: Domestic workers deserve to be seen, supported and protected

As we mark International Domestic Workers' Day on June 16, Canada's unions are urging the federal government to urgently provide much-needed recognition and legal protections for domestic workers in this country.

Domestic workers do the indispensable work of caring for our children, families, and communities, and help us meet our essential household care needs. However, they also often face barriers to decent work such as poor working conditions, low pay, wage theft, exploitation and limited pathways out of precarious immigration status.

"Canada's ratification of ILO Convention 190 (C-190) earlier this year was an important and welcomed step in protecting the right of all workers to be free from workplace violence and harassment. But domestic workers remain vulnerable at work without the additional and specific protections provided by ILO Convention 189 (C-189)," said Bea Bruske, President of the Canadian Labour Congress. "Canada must also ratify C-189 to ensure decent, fair and safe work for domestic workers."

There are an estimated 75.6 million domestic workers around the world, and women make up the vast majority of this workforce. A 2022 ILO report stated that just six percent of domestic workers worldwide have access to comprehensive social protections. In Canada, most domestic work is carried out by racialized women, many of whom are migrant workers.

Workplace discrimination can have adverse health effects

Sexuality based discrimination experienced in the workplace can harm the health of those oppressed, according to a newly released study by the Community-Based Research Centre (CBRC), a Vancouver based research centre that promotes the health of people of diverse sexualities and genders.

“Despite the social and legal gains of the last three decades, gay, bisexual and men who have sex with men (GBMSM) continue to face violence and discrimination, including in workplace settings,” Said Dr. Olivier Ferlatte from the Université de Montréal in a press release. Ferlatte was the lead author of the CBRC study.

“It is important to recognize that workplace discrimination not only limits employment opportunities for this population, but it is also detrimental to their health and wellbeing,” Ferlatte added.

The study analyzed data collected for a 2015 survey. Of the more than 7,000 respondents, the study found that an “important minority” of GBMSM experienced discrimination in the workplace. Approximately 6.5 per cent of respondents experienced workplace discrimination.

Kamloops mayor under investigation for harassing multiple city employees

The City of Kamloops has hired an outside investigator to probe harassment complaints levelled at Mayor Reid Hamer-Jackson.

An investigator was called in after multiple City employees claimed the mayor bullied and harassed them, but it's not clear what consequences he'll face and the conclusion of that report hasn't been made public.

"The municipal corporation has been forced to take extraordinary steps to protect certain members of staff from ongoing mistreatment and a hostile work environment at the hands of an elected official," councillor Mike O'Reilly said.

The investigation began at least a month ago, lining up closely to council's adoption of a code of conduct policy for elected officials, but O'Reilly wouldn't confirm when the complainants came forward.

Exactly what complaints were levied about the mayor isn't clear. Hamer-Jackson refused to comment or acknowledge the existence of a workplace investigation.

"We've had a lot of leaks, as you know," Hamer-Jackson said. "I would think that would be a human resources issue and I think that would be something happening in closed (council meetings)."

He said there have been "a lot" of in-camera, or closed, meetings he hasn't been a part of.

Women who signed NDAs with UPEI 10 years ago break their silence, call for permanent release

Two women who signed non-disclosure agreements with the University of Prince Edward Island a decade ago are speaking out, asking that the institution permanently release them from the threat of a lawsuit for speaking about their experiences.

CBC News isn't naming the two women because of the confidentiality agreements, commonly referred to as NDAs.

Both came forward with complaints of sexual harassment against the university's former president in 2012. Eventually they took those complaints to the P.E.I. Human Rights Commission before reaching agreement on settlements and signing NDAs with the university in June 2013.

This week a lawyer representing the two women provided CBC News with a written statement on their behalf. The lawyer said the women are not prepared to take part in an interview at this time.

In the statement, the two women said the university offered them temporary releases from their NDAs to take part in the recent review of UPEI conducted by the firm Rubin Thomlinson.

"We were completely willing to participate in the review and investigation process and to provide evidence," the statement says. "But we were only prepared to do this if we were given permanent release from our NDAs."

Settlement reached in class action lawsuit by Leduc female firefighters

A settlement has been reached in a class action lawsuit filed against the City of Leduc.

The lawsuit filed on Feb. 24, 2022, alleged a system and culture where the abuse of female firefighters was systemic, common and tolerated.

The settlement is still subject to court approval but is the first of a class action involving sexual misconduct and sexual assault in a fire department or municipality in Canada.

“We hope [to] send a message to fire departments and municipalities that you can’t tolerate this kind of conduct and that there’ll be consequences and accountability if they don’t change workplace cultures,” said Robert Martz, BD&P’s lead lawyer on the case.

The class action was started by two female firefighters, Mindy Smith and Christa Steele.

Steele, who was a member of the fire department from 2002 to 2022, is pleased with the settlement.

“Relieved everything that we’ve worked so hard for has come to fruition, but I mean, this is just the start of accountability,” she said.

NDP still investigating allegations against northern Ontario MPP, who is content to be an Independent

The provincial NDP leader says the party continues to investigate "workplace misconduct" allegations against a northern Ontario MPP, nearly three months after he was removed from caucus.

Michael Mantha, who has won four straight elections in Algoma-Manitoulin, has been sitting as an Independent since April.

Party leader Marit Stiles says it is still too early to say if Mantha will be welcomed back into the New Democrat fold.

"It's still underway and I know it's frustrating because these things do take a while," Stiles told CBC Radio's Morning North.

"I wish it didn't, but it does and we'll see where it lands."

She says with unionized staff and grievances, she has a "responsibility" to make sure the process is "conducted in the fairest way possible," but added she thinks it's "great" that Mantha is "still doing the work he does in the community."

Female RT Sexually Harassed and Was Racist = Just Cause

Health Sciences Association of Alberta v Alberta Health Services, 2023 CanLii 37831 (ABGAA) (Nicholson Grievance) is a labour case where a female respiratory therapist's employment was terminated for just cause by AHS for making unwanted comments of a sexual nature and referring inappropriately to the Asian heritage of a co-worker.

This case is interesting because there are not a large quantity of female on male sexual harassment cases, and because I think it would have been difficult for the HSAA union to predict whether AHS was likely to have just cause for termination prior to this hearing.

Facts

The following are the pertinent facts summarized by the grievance arbitration panel:

The grievor Angel Nicholson was a respiratory therapist in Alberta Children's Hospital in Calgary for about 15 years

The grievor's employment was terminated following a complaint against her by a co-worker (the "complainant") and an investigation by AHS

The complainant and the grievor worked on the same shifts for a period of about 6 weeks

The complainant had a very small pen clipped to his lanyard. The grievor found this to be funny, and made racial comments and innuendo almost daily over a 6 week period that implied a comparison between the small pen to the size of the complainant's genitalia size as an Asian man, often in front of others

the complainant initially joked or said things like "that is not true for all Asians", but became more withdrawn and went to gathering areas like the lunchroom less frequently as a result

the grievor admitted at the hearing that she had made jokes about the size of the complainant's pen, but denied that there was any sexual innuendo or comparison to genitalia

Howard Levitt: Companies are off the hook for negligent workplace investigations, but outside investigators are a different story

I have written previously about the victimization of the accused in workplace investigations.

Those facing allegations are, too often, suspended and, while rumours fly, their reputations are irremediably muddled. Even if the “investigation” “clears” them, it is usually difficult to return to their workplaces with their careers and prospects intact.

As I have put it, suspension is not a neutral act and the fact of suspension renders the employee’s situation untenable.

Worse, even at a new place of employment, if co-workers learn (often by an anonymous letter) that the person had been accused of misconduct in a previous job, the employee can never regain their career footing.

All that is true even if the employee is found to have been entirely innocent. But what if they are, indeed, innocent, but the investigator negligently finds them to be at fault? What recourse does an employee have against their employer for conducting a negligent investigation?

RoseAnne Archibald ousted as Assembly of First Nations national chief

Assembly of First Nations chiefs have voted to oust RoseAnne Archibald as national chief, adopting a non-confidence motion to remove the embattled leader Wednesday at a historic, one-day meeting held virtually via Zoom.

The motion needed 60 per cent support from First Nations leaders in attendance to pass. It eventually secured 71 per cent, or 163 of the 231 votes cast.

The chiefs and proxies in attendance were faced with competing resolutions — one calling for Archibald's removal, the other endorsing her to continue until 2024 — but scrapped the second after the first succeeded.

Chiefs Irene Kells and Kyra Wilson, of Ontario and Manitoba respectively, advanced the motion to topple Archibald. The chiefs who backed removal were heavily critical of Archibald's leadership but met resistance from others who saw the potential impeachment of the first woman national chief as too extreme.

But the overarching mood was one of disappointment, sadness and concern for the AFN's future, with several chiefs calling it upsetting that the issue has drawn on so long — a sentiment that evidently prevailed.

U Waterloo stabbing shows we have work to do on gender-based violence

Accounts of the perpetrator's entrance into a classroom describe him asking about the subject of the class, and upon hearing it was a philosophy course on gender issues, proceeding to close the classroom door, pull out two knives and attack the professor and students, leaving three injured.

With disturbing echoes of the 1989 gender-based attack at the Ecole Polytechnique in Montreal, the University of Waterloo stabbing is a sadly predictable escalation of attacks on trans, queer and gender-diverse people by politicians, public figures and right-wing hate groups that foster division and hate.

We must call out those who use attacks against trans and queer people as rallying cries, and we must un-seat politicians who seek to dismantle human rights protections for 2SLGBTQIA+ people and other equity deserving people. The hysteria being carefully crafted by far-right strategists to distract us from their profiteering and self-enrichment comes at the cost of our humanity.

Unions and other progressive organizations have been fighting for decades to eliminate violence in many ways. From advocating for high-level systemic efforts like supporting evidence-based policies like Policy 713 in New Brunswick, and urging the federal government to accelerate funding for the National Action Plan to End Gender-Based Violence, to daily person-to-person actions like naming misogyny, sexism and harassment whenever we see it.

This is a job for each and every one of us.

Treaty 6 Chiefs ‘disappointed’ in ousting of AFN national chief

The Confederacy of Treaty 6 Nations said they are “embarrassed and disheartened” by the way the Assembly of First Nations has voted to oust national chief RoseAnne Archibald.

“We are disappointed these events have led to the expulsion of the first female National Chief. During a time when Treaty rights should be our focus, this has been an unwelcome distraction,” said the emailed statement.

On Wednesday, AFN members voted 71 per cent in favour of removing Archibald.

The decision comes after a third-party investigation this year into five complaints made against Archibald in 2022.

A draft resolution from June 28 says, “The investigators found that the National Chief harassed two complainants contrary to the AFN’s Workplace Violence, Discrimination, and Harassment Policy.”

The resolution further states that “the National Chief breached the confidentiality requirements of the Harassment Policy, the AFN’s Whistleblower Policy and Code of Conduct and Ethics for the AFN Executive Committee.”

The resolution also said that Archibald “retaliated” against all five complainants “as reprisal for bringing forward their complaints.”

Alberta does not currently have representation at the AFN executive after the Assembly of Treaty Chiefs organization in Alberta dismissed Marlene Poitras who held the position since February 2018.

Fox News Agrees to Pay \$12 Million to Settle Hostile Workplace Suit

Fox News has agreed to pay \$12 million to Abby Grossberg, a former Fox News producer who had accused the network of operating a hostile and discriminatory workplace and of coercing her into providing false testimony in a deposition.

Parisis G. Filippatos, a lawyer for Grossberg, said that the settlement concluded all of Grossberg's claims against Fox and the people she had named in her complaints, including former host Tucker Carlson and some of his producers.

Grossberg's legal team filed a request in U.S. District Court for the Southern District of New York on Friday to dismiss a remaining lawsuit against Fox in light of the settlement.

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Grossberg said in a statement Friday that she stood by her allegations, but she was "heartened that Fox News has taken me and my legal claims seriously."

"I am hopeful, based on our discussions with Fox News today, that this resolution represents a positive step by the network regarding its treatment of women and minorities in the workplace," she said.

A spokesperson for Fox said in a statement Friday: "We are pleased that we have been able to resolve this matter without further litigation."