



**LEGISLATIVE AND COURT
SERVICES DEPARTMENT
MEMORANDUM**

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Pending #:

TO: MAYOR LEHMAN AND MEMBERS OF COUNCIL

FROM: W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES

NOTED: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: RESPONSE TO ENGAGE BARRIE CORRESPONDENCE DATED FEBRUARY 28, 2021

DATE: MARCH 29, 2021

The purpose of this Memorandum is to provide members of Council with response to the correspondence from Engage Barrie, dated February 28, 2021 (attached as Appendix "A" to this Memorandum) concerning the corrective actions and other actions being taken by the City undertaken in regards to the workplace harassment investigation, which was referred to the Legislative and Court Services Department by motion 21-G-063.

City Council adopted motion 20-G-257 at their meeting of December 21, 2020:

20-G-257 CONFIDENTIAL PERSONAL INFORMATION AND SOLICITOR-CLIENT PRIVILEGE MATTER - WORKPLACE INVESTIGATION

That the following corrective actions be undertaken in response to the workplace investigation identified in Staff Report HRS002-20:

- a) The Respondent undertake training relative to workplace violence and harassment, to be funded by the City, and that training be approved by the City's Chief Administrative Officer (CAO) and/or the Director of Human Resources;
- b) Going forward, the Respondent be required to strictly comply with the City's Staff Council Relations Policy, and only make contact with staff through the appropriate management; and
- c) The Respondent be requested to issue a written apology to the Complainant, if requested, and Council for the Respondent's conduct. (HRS002-20) (File: H00)

It is staff's understanding that the Respondent has scheduled the training in paragraph (a), based on program timing. The Respondent has stated that they will strictly comply with the City's Staff Council Relations Policy noted in paragraph (b). In terms of paragraph (c), City staff would not be aware of whether a written apology had been provided to the Complainant, if requested or if one had been provided to individual members of Council. The Respondent did speak to the matter at a confidential meeting.



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City Council provided the following direction to staff, as part of motions 20-G-174 on October 26, 2020 and 21-G-045 on March 22, 2021;

Motion 20-G-174 – October 26, 2020

1. That Staff Report HRS002-20 concerning confidential personal information and advice that is subject to solicitor client privilege matters concerning a workplace investigation, be received.
2. That the Director of Human Resources and City Clerk in consultation with the Integrity Commissioner and Legal Counsel be authorized to amend the Violence in the Workplace and Workplace Human Rights Procedures to remove the language identifying roles and responsibilities for City Council and staff in the investigation process associated with complaint allegations involving Council and Committee members.
3. That the City Clerk in consultation with Integrity Commissioner and Legal Counsel review the Council and Committee Member Code of Conduct and report back to General Committee regarding amendments that may be required to provide clarification of roles and responsibilities of the Integrity Commissioner associated with complaints concerning members of Council and Committees related to workplace violence or harassment.
4. That external legal counsel be retained to provide advice to General Committee on alternative actions and related risks regarding the matter discussed in confidential Staff Report HRS002-20 and that this information on alternative action and related risks only be circulated to members not directly associated with the matter.
5. That an external party(s) with expertise in human resources and municipal law be retained to review staff's handling of the complaint as outlined in confidential Staff Report HRS002-20 with a report back to General Committee on possible changes to policy and procedures on how complaints are dealt with in the future.
6. That the City's Integrity Commissioner be consulted by City staff on the choice of the external parties in paragraphs 4 and 5 and that City Council approve the choice.
7. That City Council and City staff be encouraged to participate in the national survey on workplace harassment and violence, "Respect in the Workplace" being conducted by the Centre for Research and Education on Violence Against Women and Children at Western University.
8. That Council condemns all forms of harassment and are ensuring by this motion that all out of date workplace policies are updated to align these policies with the role of the Integrity Commissioner.



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Motion 21-G-045 – March 22, 2021

1. That the confidential correspondence from Aird Berlis LLP dated March 2, 2021 concerning a Review of Human Resources Human Rights Policies and Procedures, be received.
2. That further to the direction provided in motion 20-G-174, staff be directed to address the recommendations contained in the confidential correspondence from Aird Berlis LLP dated March 2, 2021 in the updates to the Violence in the Workplace Policy and Workplace Human Rights Policy and Procedure.
3. That the CAO report back to General Committee concerning all the actions that have been undertaken by the Corporation resulting from the workplace investigation and the recommendations provided for in the confidential correspondence from Aird Berlis dated March 2, 2021.

Staff have been working on updating Corporate Policies and Procedures since October 2020, but were waiting to finalize them to ensure that any recommendations from Aird Berlis would be incorporated. The updated City policies and procedures and the Code of Conduct will be addressed together with other actions that have been undertaken as a result of the workplace investigation in a report from the Chief Administrative Officer to be presented to General Committee at a future meeting.

APPENDIX "A"

Engage Barrie Correspondence dated February 28, 2021



February 28, 2021

Equitable,
empowered,
engaged.

TO: Michael Prowse, CAO
Anne Marie Langlois, Director of Human Resources
Mayor and Council
City Clerk / Circulation List

re: corrective actions undertaken on workplace harassment investigation

We are writing to follow up on the General Committee minutes from December 21, 2020, specifically Section "C", regarding the workplace harassment investigation:

That the following corrective actions be undertaken in response to the workplace investigation identified in Staff Report HRS002-20:

- a) *The Respondent undertake training relative to workplace violence and harassment, to be funded by the City, and that training be approved by the City's Chief Administrative Officer (CAO) and/or the Director of Human Resources;*
- b) *Going forward, the Respondent be required to strictly comply with the City's Staff Council Relations Policy, and only make contact with staff through the appropriate management; and*
- c) *The Respondent be requested to issue a written apology to the Complainant, if requested, and Council for the Respondent's conduct.*

Engage Barrie

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We would like to give the City an opportunity to reassure the women of Barrie that it takes the issue of workplace harassment seriously, and that it has ensured the corrective measures listed above have all been completed.

There are many women (and others) in this city who were upset not just with the substantiated harassment of a City Councillor towards a staff member, but also in watching how the handling of this case unfolded. It has caused many to lose faith in the process, and this is a trust that the City needs to show it is working hard to rebuild.

As the lead Corporation in this city, the City of Barrie sets the standard for other businesses in this City. It is important to set an example by dealing with problems in a timely manner, and ensuring that significant changes are taking place, not just in policy but in behaviour and workplace culture.

While the Respondent's harassment was certainly of concern on its own, the actions undertaken (or failed to have been taken) by the City were also deeply concerning and indicative of a more systemic problem — including the "procedural irregularities in the handling of the complaint" referenced in the City's press release, Council's voting pattern throughout the case (especially the vote against allowing the Integrity Commissioner to investigate, which substantially reduced the corrective options and accountability for the Respondent), the wording of the City's final press release on the issue, and its continued protection of the identity of the Respondent.

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Therefore, we would also like to invite you to share with us what concrete actions are being taken by the City to correct these deeper systemic issues, to demonstrate Barrie's commitment to workplace health and safety, as well as to the safety and well-being of women on staff and in the city at large. How has the City addressed where the process failed the Complainant, and what is it doing to ensure this situation does not have the opportunity to repeat itself? Are there new policies and procedures being created to more fully support the safety and well-being of the female-identifying members of Council, Staff and Public?

This is a follow-up that Engage Barrie had already been planning on asking for. However, our concerns over both the Respondent's and the City Administration's understanding of harassment, and the full scope of what it encompasses, were further heightened this week — after witnessing and learning of the public and private, overt and covert harassment of our City's own Poet Laureate, when her name appeared on the deputation list for this Monday's City Council. This behaviour, unfortunately, leads us to believe that at least two members of Council are still unclear about the concepts and laws around harassment, Human Rights law, and the City's own Code of Conduct.

We hope you will prove these concerns to be unfounded, by sharing with us the corrective actions undertaken to date, updates on any improvements to City policies and procedures forthcoming, and plans to re-educate all Council and Management on their responsibilities towards the safety and well-being of all Staff and Residents.

Sincerely,
The Womxn of Engage Barrie