

WORKPLACE INVESTIGATION REPORT

TO:

Jamie Knight
Filion Wakely Thorup Angeletti LLP
Re: City of Sarnia
September 19, 2016

PREPARED BY:

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Introduction

The following is the report on the results of my investigation into allegations of harassment brought by four complainants: Jane Cooper, Beth Gignac, Nancy Wright-Laking and Margaret Misek-Evans against Mayor Mike Bradley, pursuant to the City of Sarnia's *Workplace Harassment* policy and the *Occupational Health and Safety Act*.

Qualifications and Mandate

I was retained by the City of Sarnia's external legal counsel, Filion Wakely Thorup Angeletti LLP to conduct an independent, objective investigation of four harassment complaints brought against Mayor Bradley.

I was called to the Bar in 1992 and have been conducting workplace investigations for approximately 20 years. I founded Bernardi Human Resource Law in 1995 which has grown to a firm of nine lawyers all of whom are dedicated to human resource law.

I have devoted my legal career to trying to eliminate workplace harassment through measures such as conducting respect in the workplace training and one-on-one sensitivity training, developing harassment policies, representing both complainants and respondents in harassment investigations and by conducting workplace investigations. My experience includes both public and private sector investigations involving a broad range of issues from sexual harassment to workplace bullying. I have investigated members of council and other municipal officials.

I have written numerous articles on workplace harassment and how to investigate it. I also developed and co-teach a three-day certificate program on workplace investigations in partnership with *Osgoode Professional Development* and the *Human Resources Professional Association* in addition to presenting workplace investigation training to numerous public and private sector organizations and associations, including the *Ontario Municipal Human Resources Association*. I have attached a copy of my C.V. which provides further information.

My mandate was to investigate the allegations, make findings of fact and to determine whether the conduct constitutes workplace harassment. Although I am a lawyer, I did not act as legal counsel in this matter; only as an independent and neutral investigator.

This is a distinct process from the complaints under the *Code of Conduct* brought by two of the four complainants, and investigated by the Integrity Commissioner. While the Integrity Commissioner's mandate was to investigate the Mayor's violations of the City's *Code of Conduct*, it was my mandate to investigate alleged violations of the City's harassment policy and the *Occupational Health and Safety Act*. Furthermore, the Integrity Commissioner was precluded

from addressing behaviour that occurred prior to the date on which the *Code of Conduct* came into effect. I was not bound by any such restriction.

This investigation was conducted in an objective manner that provided procedural fairness to all parties, including a full opportunity to be heard. There are always multiple perspectives and “sides to a story” and I took active steps to ensure that I fully heard and understood each of those perspectives prior to making my findings. In that regard I note that the Mayor and his legal counsel commented during the investigation that they appreciated the manner in which the investigation was conducted.

Legal Framework

Definition of Harassment

This investigation was conducted within the framework of the City’s *Workplace Harassment* policy, as well as the *Occupational Health and Safety Act (“OHS”)*. The *OHS* defines workplace harassment as:

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Assessing whether the respondent knew or should have known that the comments or conduct were unwelcome requires consideration not only of whether the respondent did know, but whether a reasonable person ought to have known that the comments and conduct were unwelcome. This standard has been explained by the Ontario Human Rights Commission as follows:

Comment or conduct that is known or ought reasonably to be known to be unwelcome contains a subjective and an objective element. First, the harasser’s own knowledge of how his or her behaviour is being received is part of the test. The second part is the point of view of a reasonable third party (i.e., how such behaviour might generally be received).

Therefore, the test of harassment is met if the recipient specifically says that the conduct is unwelcome; or a reasonable person would have recognized that his or her behaviour would be unwelcome to that specific recipient under the circumstances (the objective standard).

Workplace harassment may have some or all of the following components:

- it is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect;
- it is hostile, abusive or inappropriate;
- it affects the person's dignity or psychological integrity; and
- it results in a poisoned work environment.

The Psychology of Workplace Harassment

Workplace harassment, sometimes referred to as workplace bullying (which terms I use interchangeably in the report), remains largely misunderstood. Therefore, I have included information regarding the psychology of workplace harassment in this report, as it forms the framework within which I analyzed the allegations.

What is Bullying?

Workplace bullying is a form of abuse that is characterized by the use of power and aggression to control or distress another individual within the context of a work relationship. It is substantially the same as other forms of relationship abuse such as intimate partner abuse, child abuse, sexual and racial harassment, and schoolyard bullying.

Not unlike other forms of abuse, workplace bullying often contains a component of intermittent reinforcement, meaning that the bully alternates between being civil and respectful and being hostile or destructive. This can be very destabilizing to the victim as he or she is unsure how to respond or interpret the bully's behaviour. This enhances the bully's power. In many instances victims believe that the situation is getting better but then it gets worse, leaving them in an ever deepening power imbalance.

Bullying is different from normal workplace conflict in that the conduct is generally more frequent, such as weekly or even daily, and can extend over long periods of time (often more than six months). It also differs from uncivil behaviour, which is rude and annoying, rather than abusive.

It is important to reject the notion of harassment as simply a strong management style. Employee performance can be managed in an appropriate manner without resort to either disrespect or outright abusive tactics.

Examples of Harassment and Bullying

Bullying can range from blatant and obvious conduct to behaviour that is quite subtle and covert. One of the challenges with identifying workplace bullying is that people often want concrete examples or tangible proof of the behaviour but when it comes to the more covert forms of harassment, such examples are hard to come by. Bullying also doesn't translate well onto paper and conduct can seem trivial without the context of tone, body language and frequency. For example, being told that a bully refuses to engage in common pleasantries may not seem nearly as significant as it would to the victim who experiences it on a repeated basis. Indeed, behaviour that may seem fairly minor at first has a cumulative effect and can, over time, become overwhelming and poison the victim's work environment.

Workplace bullying manifests in many different forms. The following contains a non-exhaustive list of some of the behaviours that can constitute or contribute to bullying.

Abuse of Authority/Supervisory Bullying

- undermining the victim's efforts by setting impossible goals and deadlines
- having a different standard for the victim
- persistent, hypercritical comments and constant scrutiny
- singling someone out for unfavourable treatment or discipline that is not applied to other employees

Psychological Tactics

- humiliating someone in public or private
- spreading malicious rumours and gossip
- refusing to engage in common pleasantries
- giving someone the "silent treatment"
- "Jekyll and Hyde" behaviour – alternating between friendly or cooperative conduct, and aggressive or hostile behaviour
- sabotaging the victim's work or claiming credit for it
- discounting the victim's thoughts or feelings
- deliberately withholding information that would help the victim do his or her job
- repeatedly blaming another person for the bully's mistakes
- making false allegations in memos or other work-related documents

Verbal Abuse

- verbally abusive behaviour such as screaming or yelling
- insults and name-calling
- using offensive language
- using a disrespectful tone of voice
- mocking or mimicking someone

Non-verbal Behaviour

- using disrespectful body language such as sneering, smirking or a cocky smile
- staring or glaring
- turning away from the victim before he or she finishes speaking
- making little or no eye contact with the victim
- throwing temper tantrums

Relational Aggression

- character assassination: making disparaging remarks to others about the victim's competence, performance or other behaviour in order to malign his or her reputation and get others on side
- turning others against the victim
- excluding or ostracizing the victim
- constantly nitpicking and discussing the victim's behaviour or mannerisms

The Poisoned Work Environment

Lastly, even if an individual is not being directly harassed, their work environment can be poisoned by an overall climate of harassment and bullying. Bullying has a significant impact on the work environment and morale not only for direct victims of harassment but also those around them.

About Workplace Bullies

Workplace bullies are often highly skilled socially and can be quite pleasant and charming when it suits them. This makes it hard for those who aren't the targets of the abuse to see the behaviour for what it is, frequently because the bully displays an entirely different persona with them. In addition, bullies often plead that they did not intend to offend the victim and claim that he or she must have misunderstood their behaviour.

Bullies frequently display a complete disregard for the victims' dignity and rights; dehumanizing them and viewing them as less deserving of respect. Bullies generally know right from wrong but create reasons to distance themselves from the victim or to blame the victim, such as by arguing that he or she is incompetent or weak in some way.

When confronted with their behaviour, bullies frequently attempt to manipulate the situation and claim that they are the victim and are being bullied by the complainant. They also often lack insight into their own behaviour or deliberately remain unconcerned about the impact that their behaviour has on others.

Perception of Workplace Bullying

Bullying has historically been dismissed as a personality conflict, an attitude problem or hypersensitivity on the part of the victim. Outsiders may perceive the victim as overly sensitive or as a "complainer", and feel that the bully's conduct is just part of the job and should be accepted. Where the bullying involves an authority figure, some people may erroneously believe that it is just an aggressive but effective management style.

In reality, bullying is more than normal strong management styles, workplace conflict or differences of opinion. It is a course of vexatious and distressing conduct that can, in many cases, be as damaging to an individual's mental and physical health as physical abuse, eroding the victim's self-confidence and ability to perform effectively.

Why People are Reluctant to File a Complaint

It is not uncommon for victims of harassment not to complain immediately. This is not an indication that the behaviour is not affecting them negatively. Rather, many people do not speak up right away for many reasons, including that they:

- Are afraid of the effect it will have on their career
- Do not want anyone to get in trouble
- May be afraid of losing their job or facing other negative consequences
- Are afraid it will escalate or they will face reprisals
- Believe they will be told they are overreacting
- Hope that if they ignore the behaviour it will stop
- Are embarrassed and may blame themselves

- Don't want to be accused of not being a team player or being unable to handle management directives
- May feel they have to accept it, because that is the way things are and there are limited means to resolve it
- Do not want to be labelled as troublemakers, especially if they are new to the job
- Don't think anything will change because the behaviour has been happening for a long time and nothing has been done about it.

As a result, there is sometimes a gap between when the events occurred and when the individual brings the allegations forward and/or addresses it with the bully. This is not an indicator that the complaint lacks merit.

With the above description of workplace harassment in mind, I now turn to the evidence that was presented during the course of the investigation.

Overview of the Investigation

This was an extensive investigation involving four complainants, with over 70 different allegations and volumes of documents and emails all of which had to be reviewed and considered in depth to enable me to make my findings.

As part of the investigation, I interviewed the following individuals:

Complainants	Respondent
<i>Margaret Misek-Evans</i> City Manager	<i>Mike Bradley</i> Mayor of the City of Sarnia
<i>Jane Cooper</i> Former Director of Planning and Building	
<i>Beth Gignac</i> Former Director of Parks and Recreation	
<i>Nancy Wright-Laking</i> Former City Clerk	

I also interviewed a number of witnesses whose evidence I determined was both relevant and necessary. For reasons of privacy and confidentiality, I have not included the names of the individual witnesses in this report, and only identify Mayor Bradley and the four complainants.

Although I did not interview every witness submitted by the parties, I did interview those whose evidence was essential to the allegations. Determining which witnesses to interview is a balancing act that requires considering a number of issues, which I took into consideration such as:

- Whether the person actually witnessed events or is a “character witness”. People can and do act in different ways with different people. Therefore, I do not normally meet with character witnesses as such evidence is of limited probative value.
- Is their evidence essential? I generally only select witnesses who would be able to provide information on the allegations rather than peripheral issues.
- Has an issue been determined through other means such as emails or other documents, thereby rendering an interview unnecessary?
- Is there sufficient evidence to make an overall finding of harassment without proving absolutely every possible example?
- Does the value of the potential evidence from a witness justify the additional time, cost and disruption associated with a witness interview?

During the investigation I heard several allegations that Mayor Bradley may have harassed other employees in the past. I did not explore these allegations as they were outside my mandate and were not necessary for me to consider in order to make my findings.

In addition to the above interviews, I reviewed a significant volume of emails, notes and documents obtained during the course of the investigation.

Summary of the Complaints

The complainants each allege that Mayor Bradley engaged in harassing, bullying and abusive conduct towards them. They also allege that his conduct towards and about them created a poisoned work environment. The particulars are set out below.

Margaret Misek-Evans

It is alleged that Mayor Bradley harassed and bullied Ms. Misek-Evans, including that he:

- verbally abused and berated her with numerous accusations;
- used pejorative terms about her;
- unfairly criticised her performance and competence both publicly and privately;

- ignored and ostracized her from written and verbal communications; and
- used a personal incident involving her family members to harass and intimidate her.

Jane Cooper

It is alleged that Mayor Bradley harassed and bullied Ms. Cooper, including that he:

- publicly chastised and humiliated her; and
- unfairly criticized her performance.

Ms. Cooper alleges that Mayor Bradley's conduct and lack of respect for her was a key reason for her departure from her employment.

Beth Gignac

It is alleged that Mayor Bradley harassed and bullied Ms. Gignac, including that he:

- went on a rampage about her hire;
- openly and excessively criticized and opposed her proposals;
- unfairly criticized her performance to others and the media; and
- used pejorative terms about her.

Ms. Gignac alleges that Mayor Bradley's conduct and the resulting stress caused her psychological harm and forced her to take a leave of absence and ultimately resign from her employment.

Nancy Wright-Laking

It is alleged that Mayor Bradley engaged in harassment and bullying of Ms. Wright-Laking, including that he:

- ignored her for a prolonged period of time when he was upset with her;
- criticized and insulted her in front of other staff;
- was openly rude to her; and
- excluded her from municipal events that would normally be part of her job.

Ms. Wright-Laking alleges that Mayor Bradley's conduct resulted in a work environment that was intolerable and which led to her resignation.

Summary and Background

Mayor Bradley is a long serving member of Council who was first elected to Sarnia Council in November of 1985 and subsequently elected as Mayor in 1988; a position he has held since.

The Mayor's role as the head of Council is set out in the *Municipal Act* as follows:

225. *It is the role of the head of Council,*

(a) to act as chief executive officer of the municipality;

(b) to preside over Council meetings so that its business can be carried out efficiently and effectively;

(c) to provide leadership to the Council;

(c.1) without limitation, to provide information and recommendations to the Council with respect to the role of Council;

(d) to represent the municipality at official functions; and

(e) to carry out the duties of the head of Council under this or any other Act.

226.1 *As chief executive officer of a municipality, the head of Council shall,*

(a) uphold and promote the purposes of the municipality;

(b) promote public involvement in the municipality's activities;

(c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and

(d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

In October 2013, Ms. Misk-Evans commenced employment as the City Manager for the City of Sarnia. As the Chief Administrative Officer of the municipality, the City Manager's role is also outlined in the *Municipal Act*.

229. *A municipality may appoint a chief administrative officer who shall be responsible for,*

- (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and*
- (b) performing such other duties as are assigned by the municipality.*

Essentially, the City Manager is responsible for overseeing and managing City staff as well as liaising with and providing recommendations to Council based on the professional advice of staff. The City Manager reports to Council as a whole and is Council's only employee.

The evidence is that during the City Manager recruitment process, Mayor Bradley was the only Council member to vote against hiring Ms. Misek-Evans. All other Council members were in favour of hiring her based on her capabilities. It is apparent from the evidence that the Mayor was predisposed to find fault in her from the outset. This fault-finding ultimately escalated to the level of harassment and bullying. While there were brief periods of reprieve; for the majority of Ms. Misek-Evans' time at the City, Mayor Bradley harassed and bullied her. Understandably concerned about this behaviour, Ms. Misek-Evans took detailed notes of her interactions with Mayor Bradley from the outset, which formed part of the evidence in her complaint.

After she became City Manager, Ms. Misek-Evans hired the following members of the management team:

- *Jane Cooper*, Director of Planning and Building, June 2014;
- *Nancy Wright-Laking*, City Clerk, July 2014; and
- *Beth Gignac*, Director of Parks and Recreation, November 2014.

Each of these senior staff members hired by Ms. Misek-Evans also reported being victimized by Mayor Bradley while employed with the City. Ultimately, Jane Cooper retired from the City on January 6, 2016. She filed a harassment complaint against the Mayor on January 18, 2016.

Nancy Wright-Laking resigned from her employment with the City on December 15, 2015, and filed a harassment complaint against the Mayor on January 28, 2016.

Beth Gignac filed a harassment complaint against the Mayor on January 28, 2016, and subsequently resigned from her employment with the City on July 22, 2016.

Margaret Misek-Evans submitted a harassment complaint against the Mayor on February 3, 2016, and remains employed as the City Manager.

As is more particularly described below, the allegations have been substantiated by the evidence and I find that Mayor Bradley harassed all four complainants.

Credibility Findings

In order to make findings of fact, it is necessary for me to assess the credibility of the individuals I interviewed. These assessments are outlined below.

I found Ms. Misek-Evans to be credible. She provided her evidence in a clear and forthright manner, and her answers were consistent both internally and with that of other witnesses. Furthermore, Ms. Misek-Evans was candid about any admissions that may have been against her interest.

Mayor Bradley attempted to challenge Ms. Misek-Evans' credibility by alleging that she lied in an email to Council about his recent absence. Although I appreciate why he may have misunderstood the context of her email, I reviewed this matter with Ms. Misek-Evans and am satisfied that she did not lie in her email to Council.

Mayor Bradley also asserted that Ms. Misek-Evans lacked credibility given that she started taking notes from the outset of her employment. Mayor Bradley's criticisms of her began before her first day of work and he repeatedly told her that he was documenting her. Therefore, it is entirely reasonable for her to have taken notes and it does not impair her credibility to have done so. To the contrary, these notes enhance her credibility. One of the witnesses described Ms. Misek-Evans as a meticulous note-taker, and stated that he had "*no reason to doubt her notes of the conversations*". These notes help rehabilitate memory and I gave appropriate weight to them when assessing the evidence.

Although Ms. Misek-Evans did not bring her complaint forward until after the other complainants filed theirs, this does not impair her credibility. Her notes and statements reflect her genuine concern with the Mayor's conduct throughout her employment and her attempts to address the situation by various means, as outlined more fully below. It is also reasonable for her to have been concerned about the impact it would have on her career and employment to bring forward allegations regarding the Mayor.

I found both Nancy Wright-Laking and Jane Cooper to be credible. They provided their evidence in a direct and forthright manner, and their answers were consistent both internally and with that of other witnesses. Although they did not file their complaints until after they resigned, I do not find this impairs their credibility. Their statements reflect genuine concern with the Mayor's conduct throughout their employment and their attempts to address the situation prior to their departure. I similarly found Beth Gignac to be credible. She provided her evidence in a direct and forthright manner, and her answers were consistent both internally and with that of other witnesses.

During my interview of Mayor Bradley, he accused the complainants of colluding against him. By this, I understand him to mean that the complainants conspired together to manufacture or embellish complaints against the Mayor. I did not see any evidence of collusion between the complainants and found that their evidence was not only consistent, but was also supported by the documents and witnesses. Although the complainants acknowledged seeking advice and support from each other, this was reasonable given Mayor Bradley's persistent and often severe harassment, as outlined below.

Mayor Bradley was direct and composed throughout most of his interview and calmly answered all of the questions that were put to him. While I found him to be credible at times, there were numerous occasions when his answers were inconsistent, both internally and with that of other witnesses, and were not plausible or not a sufficient justification for his conduct. In many cases, Mayor Bradley also seemed to lack self-awareness in terms of his behaviour and its impact and seemed to believe that his conduct was justified. He also rationalized his behaviour through considerable finger-pointing at the complainants. Although he acknowledged that he "*could have*" engaged in many of the behaviours attributed to him, at no point did he acknowledge the impact of his behaviour on any of the complainants.

Overall, I have no reason to doubt the credibility of the witnesses and generally found them to be open, honest, forthright and balanced in their presentation of the evidence.

In light of the above findings of credibility, where there was a conflict between the evidence of the complainants and/or witnesses and that of Mayor Bradley, I accepted that of the complainants and/or witnesses unless otherwise specifically stated below.

Factual Findings

In order to make a finding of fact, the test I must consider is whether the conduct occurred on a "balance of probabilities". This means is it more likely true than not that the alleged conduct occurred. This is a much lower threshold than the criminal standard of proof "beyond a reasonable doubt". Although I considered and determined whether the allegations were more likely true than not, in most instances the allegations were substantiated on the higher standard of "beyond a reasonable doubt".

Based on a review of the numerous emails, documents and statements, and the above findings of credibility, I make the following findings of fact.

Mayor Bradley Harassed Margaret Misek-Evans

I find that Mayor Bradley engaged in hostile and disrespectful behaviour towards Ms. Misek-Evans as more particularly described below.

Abuse of Authority/ Supervisory Bullying

Mayor Bradley is a long serving and popular Mayor of the City of Sarnia, who has held the head of Council position for over 28 years. Ms. Misek-Evans, on the other hand, was a new employee of the City as well as a new resident to Sarnia when she commenced her employment. This meant that there was a significant power imbalance between the parties both in terms of the organizational structure and in terms of the political power Mayor Bradley held as a result of his tenure and popularity. This power imbalance was evident in the Mayor's attitude and conduct towards Ms. Misek-Evans, including his tendency to criticize and reprimand her both publicly and privately, his micro-management of her work, his intimidation tactics and his threats to document her conduct and performance. Particulars of his abuse of authority are set out below.

Criticizing Ms. Misek-Evans regarding the commencement of her employment

As outlined above, Mayor Bradley was predisposed to criticize of Ms. Misek-Evans from the outset. He was particularly upset that she did not arrange to meet with him or get herself established prior to her start date. I find that this was both excessive and unreasonable. It is not the norm for an employee to initiate a visit to the workplace before she ever commences employment nor is it a common expectation. This is particularly true in this instance given that Ms. Misek-Evans was relocating from across the country to take this position and had to complete her work at her previous employment, all of which Mayor Bradley was or should have been aware of. As noted by one of the witnesses, Mayor Bradley was upset that Ms. Misek-Evans did not set up meetings before she started, but *“when she got there and started to set up meetings, he wasn't happy about that either”*. It seems that Ms. Misek-Evans was in a proverbial “no-win situation”.

Criticizing Ms. Misek-Evans for establishing rapport with individual Councillors

Mayor Bradley criticized Ms. Misek-Evans for meeting with members of Council on a one-on-one basis claiming that it was inappropriate. However, at the same time he insisted that she provide complete disclosure to him on all matters. He stated that, *“the key to a successful relationship between the Mayor and City Manager is absolute trust and sharing of information...That is just between the two of us”*. Since Mayor Bradley is only one member of Council to whom Ms. Misek-Evans reports, this request was contradictory to his own request. In any event, I do not find anything inappropriate in her attempts to get to know members of

Council individually, especially given that she was being harassed by the Mayor throughout her employment and, on several instances, sought assistance from Councillors.

Publicly criticizing staff reports after not providing feedback

Mayor Bradley acknowledged that he expected to review staff reports on significant issues prior to their release to Council. Ms. Misek-Evans' evidence, which I accept, is that Mayor Bradley repeatedly did not comment on staff reports only to later publicly criticize those same reports causing public humiliation to the staff who prepared them and damaging their reputations.

For example, a report for Centennial Park was provided to Mayor Bradley for review on November 13, 2013. Ms. Misek-Evans sent him a follow up email on November 15, 2013. Although he was given ample opportunity to do so, Mayor Bradley did not provide his comments in advance of the November 18, 2013 Council meeting. Rather, he waited and harshly criticized the report publicly after it was released.

Another example involved the prototype of an off-leash dog park that Ms. Gignac sent to the Mayor for review. After reading the draft report, Mayor Bradley held a media scrum and made negative comments to the media about the proposal without first providing feedback to Ms. Gignac.

Mayor Bradley attempted to justify his behaviour by stating that he is very busy and that just because a report comes to him for review does not mean he needs to support it nor does it take away his right to comment on it publicly. Mayor Bradley acknowledged that this "*might be challenging*" for staff, but insisted that it was not malicious. Ms. Misek-Evans and other staff felt that this was part of Mayor Bradley's strategy to set them up to fail. I find that at times, particularly when Mayor Bradley was upset with staff, he would withhold his comments on the reports from staff and instead wait to publicly criticize those reports. This had the purpose or effect of embarrassing and demeaning staff in front of Council and the public.

Attempts to influence staff recommendations

The evidence supports that Mayor Bradley attempted to influence staff recommendations and became upset when staff reports were not consistent with his expectations. For example, in November 2013, he did not want a report on Centennial Park to mention the Ministry of Environment ("MOE") remediation process. He became upset when one of the options presented included the MOE process and he threatened Ms. Misek-Evans that he would be less forthcoming with information moving forward as a result.

In my interview of him, Mayor Bradley admitted that he would get upset if his recommendations were not incorporated into a report, yet also claimed that he would give comments if he had them and "*what they do with the comments was up to them*". I find these two statements

inconsistent. By becoming visibly upset and retaliating when his recommendations were not adopted by staff, he was not truly giving staff the choice to adopt his comments as they saw fit. Therefore, I find that he did get upset if staff did not incorporate his recommendations into a report to Council.

Criticism of her hiring decisions and staff

Mayor Bradley was very critical of Ms. Misek-Evans' hiring decisions, and victimized the staff hired by Ms. Misek-Evans: Beth Gignac, Jane Cooper and Nancy Wright-Laking, as more fully outlined below. Indeed one witness observed that, "*anyone that Marg hired he didn't like. In my humble opinion they were doomed from the beginning because Marg hired them*".

As set out below, I find that Mayor Bradley repeatedly shared his excessive criticisms of staff with Ms. Misek-Evans. She, in turn, would advise staff about those comments to enable them to avoid further criticisms from the Mayor.

In my interview of him Mayor Bradley asserted that he made such criticisms to Ms. Misek-Evans in confidence and did not intend for her to go to the staff members with his comments. In fact, he was critical of Ms. Misek-Evans for passing on his comments and indicated that his criticisms should have only been shared with staff as part of their performance review process. In these circumstances, I find that it was reasonable for Ms. Misek-Evans to share Mayor Bradley's comments with staff, as she was trying to help staff avoid conduct that would lead to further criticism in the future. I believe that Mayor Bradley should not have expected that the comments would only be shared in the review process, without explicit direction from him not to share them outside that process.

Criticizing Ms. Misek-Evans for pressuring staff to meet deadlines he imposed

I find that Mayor Bradley criticized Ms. Misek-Evans for pushing staff too hard when she was forced to rush to get something done even though she was essentially forced to do so because he provided his comments at the last minute, leaving them scrambling to meet deadlines. Witnesses noted that on many occasions staff would have to stay late because the Mayor would make last minute changes to the agenda but "*he never really thought anything was his fault*".

Mayor Bradley threatened to insert himself between Ms. Misek-Evans and the department heads

Years prior to Ms. Misek-Evans' arrival, Council passed a resolution which allowed Mayor Bradley to attend department head meetings. I find that on at least one occasion Mayor Bradley threatened to insert himself between Ms. Misek-Evans and her management of the department heads who reported to her as a way to intimidate her and usurp her managerial authority.

Verbal Abuse

I find that Mayor Bradley was persistently verbally abusive towards Ms. Misek-Evans and that he berated her with numerous accusations, both publicly and privately as more particularly described below.

November 25, 2013 meeting

During a meeting on November 25, 2013, mere weeks after she started her employment, the Mayor became verbally abusive and in an intimidating manner accused Ms. Misek-Evans of:

- being condescending;
- being a “*white knight know-it-all*”;
- being a rude person who interrupts people all the time ;
- being too formal;
- being bored to tears;
- being joyless and unpleasant;
- pushing people too hard;
- being in denial; and
- having an over-inflated sense of importance.

Mayor Bradley did not deny making the above comments. Rather he tried to explain that, to him, she was condescending, often looked bored, and gave the impression of being a know-it-all.

During this meeting, Ms. Misek-Evans was seated at the round table in the Mayor’s office while he stood in the doorway. This was intimidating for Ms. Misek-Evans as it created a physical power imbalance in addition to the power imbalance that already existed in the relationship.

Ms. Misek-Evans’ evidence is that after this tirade she was “*devastated and in tears,*” and felt “*demeaned, belittled, intimidated and abused*”.

November 27, 2013 meeting

In front of a senior staff member during a meeting on November 27, 2013, Mayor Bradley again berated and humiliated Ms. Misek-Evans. He told her that he questioned her judgment and also claimed that she:

- has a sense of entitlement;
- is rude;
- intimidates employees;
- flip flops on recommendations;
- doesn’t take things seriously;

- has a cavalier attitude;
- imposes her own schedule on others; and
- is rushing important items for Council.

Although Mayor Bradley claims not to recall a number of the specific statements, he indicated that this accurately reflects “*some of the general discussions we had around that time*”. I accept that he made these comments.

This was the second time in only a week where Mayor Bradley berated Ms. Misek-Evans. However, this time it was in the presence of a peer. When Ms. Misek-Evans attempted to defend herself to the Mayor, the verbal abuse got worse. This was corroborated by the witness who confirmed that Mayor Bradley cut Ms. Misek-Evans off when she tried to speak. I find that ultimately, Ms. Misek-Evans stopped talking so that the Mayor would stop attacking her.

Mayor Bradley tried to justify his escalating tirade by claiming that Ms. Misek-Evans would “*provoke*” and “*patronize*” him. He did not seem to appreciate the power imbalance or that this is not an effective or acceptable way of managing someone, regardless of any perceived performance concerns.

Ms. Misek-Evans’ evidence is that these verbal insults were both humiliating and intimidating. This greatly impacted her confidence and self-respect, as well as the respect her staff had of her. Ms. Misek-Evans reported being, “*nervous and tense all of the time, worried about the next episode of torment and abuse*”.

January 8, 2014 meeting

I find on a balance of probabilities that during a meeting on January 8, 2014, with Mayor Bradley, a senior staff member and Ms. Misek-Evans, the Mayor said he had stopped sharing information with Ms. Misek-Evans and besieged her with negative and unfounded allegations including that:

- she strikes fear in the eyes of the directors;
- she has taken away the “*esprit de corps*” of city hall;
- she has a sense of entitlement;
- she demonstrates poor judgement;
- her family must share the same sense of entitlement: being above the rules;
- she is untrustworthy;
- she withholds information; and
- she takes her responsibility too lightly.

He also said that he was documenting her “*poor judgement*”.

In January 2014, members of Ms. Misek-Evans' family were involved in an incident that she felt she should disclose to Mayor Bradley but was reluctant to do so because she felt intimidated. When Ms. Misek-Evans told the Mayor about the incident and admitted that she had delayed disclosing it because she was intimidated, he accused her of being the one that was intimidating him. By the end of this meeting, Ms. Misek-Evans was humiliated and in tears. She reported that the Mayor's "*insensitivity on this private matter was hard to take...There was no empathy; no consideration for me or my family*". Two witnesses confirmed that after this meeting Ms. Misek-Evans went to her office and broke down crying and I accept Ms. Misek-Evans' evidence that she had to rearrange the rest of her schedule and stayed in her office for the remainder of the day because the meeting with the Mayor left her so upset.

During my interview of him Mayor Bradley stated that he did not recall a number of the specific statements, but acknowledged that this was the type of discussion he would have had with Ms. Misek-Evans. He also acknowledged making comments about Ms. Misek-Evans' family's so-called sense of entitlement and being untrustworthy, but tried to justify those comments as being deserved.

Based on the above statements, I find that Mayor Bradley did berate Ms. Misek-Evans as alleged. Despite his attempt to argue otherwise, Mayor Bradley was not justified in his conduct regardless of what Ms. Misek-Evans did or did not do.

January 30 2014 meeting

I find that in front of a senior staff member on January 30, 2014, Mayor Bradley again berated Ms. Misek-Evans with negative and unfounded allegations including that:

- she is destroying morale at the City;
- staff is complaining about her;
- everything is too bureaucratic; and
- her emails are too long and formal.

The Mayor also said that he doesn't like coming to work anymore and that he doesn't trust her.

A witness noted that during the above meeting, Mayor Bradley's tone was elevated and he was leaning towards Ms. Misek-Evans, all of which I find created an intimidating environment. The witness also indicated that if Ms. Misek-Evans attempted to respond, the Mayor cut her off.

Ms. Misek-Evans described the impact of this and the other repeated verbal insults as follows:

By this time, I am worried every time I go into the Mayor's office to discuss agendas or other matters. I feel demeaned and humiliated by his ongoing rants in front of other staff. I feel that he is using his position of authority

to adversely affect my work performance and undermine my confidence and the confidence of staff.

The messaging, tone and delivery of these rants are very negative. I believe his is trying to create a hostile work environment so that I will quit. I am constantly feeling like I am being undermined, that nothing I do is satisfactory, that there will be reprisal or repercussions from any of my actions or decisions and I am always on edge anticipating the next blow-out. This abuse is negatively affecting my mental health and my ability to perform my duties.

March 3, 2014 Council meeting

On a balance of probabilities, I find that during and after a Council meeting on March 3, 2014, Mayor Bradley yelled at Ms. Misek-Evans in front of staff and Council members in Council chambers, and inundated her with negative and unfounded allegations including that she:

- is withholding information;
- is untrustworthy;
- has a sense of entitlement;
- is destroying staff morale;
- is disrespectful towards staff; and
- is causing people to retire.

He again raised the issue of her family matter and criticized her for how it was handled, which I find was both unreasonable and intimidating. Mayor Bradley confirmed that this transpired and repeated, “*I was upset with her*”, in an unsuccessful attempt to justify his outburst.

During this meeting, Ms. Misek-Evans felt insulted, verbally abused and humiliated in front of her staff. The bullying had undermined her self-respect and the respect of her staff toward her, and she felt that the work environment was poisoned. She stated that it was adversely affecting her work performance and mental well-being, as he repeatedly threatened and intimidated her and continued to raise her private family matter. In her notes taken at the time, she wrote: “*I am afraid of him*” and “*I feel abandoned*”.

November 20, 2014 discussion

I find that during a discussion on November 20, 2014, Mayor Bradley yelled at Ms. Misek-Evans in front of staff at their workstations, and berated her by repeating a number of the criticisms listed above, as well as other criticisms about her senior staff. He became quite agitated and

called the Clerk “*incompetent*” and “*disorganized*”. One staff member was so upset by this exchange that she left her workstation crying and went home for the day.

While Mayor Bradley acknowledged that his tirade in front of staff may have been inappropriate, he tried to blame Ms. Misek-Evans for making the staff member upset. I reject that argument and find that it was Mayor Bradley who directly upset the staff member by very publicly and loudly expressing his criticism of Ms. Misek-Evans and other staff in an open area next to the workstations thereby creating a poisoned and hostile working environment.

Following this incident, Ms. Misek-Evans was devastated that the harassment she was facing had extended to the new Clerk. She was also humiliated that the dressing down occurred in the open where it was heard by the Clerk’s staff and her assistant.

Anonymous note threatening the Mayor

In the morning of September 8, 2015, a customer service staff discovered a written threat against the Mayor in the night deposit box at City Hall. The staff member immediately brought the note to the attention of the Customer Service Manager, who promptly provided the note to Human Resources. The Human Resources Manager immediately advised the police about the threatening note and provided it to Ms. Misek-Evans to provide to Mayor Bradley. Within 10 minutes of receiving the note, she brought it to Mayor Bradley’s office accompanied by Ms. Wright-Laking.

When he found out about the note Mayor Bradley became very angry and yelled at Ms. Misek-Evans. He stormed out of his office and loudly told his assistant in an open area that Ms. Misek-Evans was “*the worst City Manager*” he had ever worked with.

While it may have been understandable that Mayor Bradley would be upset about the contents of the note and the fact that it wasn’t brought to his attention as quickly as he would have liked, I find his reaction was completely disproportionate and disrespectful.

After this incident, Ms. Misek-Evans felt “*humiliated and sickened*”. She felt that the Mayor’s disrespectful comment to the entire office was insulting, demeaning and hostile. She felt undermined and that he had created an impossible and poisoned work environment.

Not only was Ms. Misek-Evans stressed and anxious; her team was as well. This bothered her greatly as she felt responsible for protecting her staff from this abuse. However, when Ms. Misek-Evans tried to defend her staff against Mayor Bradley’s criticisms, including his criticism of the other complainants, he would berate her further.

January 6, 2016 meeting

On a balance of probabilities, I find that during a meeting on January 6, 2016, regarding an upcoming meeting with union officials, Mayor Bradley admonished Ms. Misek-Evans with negative and unfounded allegations including that:

- her email opposing his meeting with union officials was disrespectful;
- she should “*think long and hard*” before going down the route of criticizing his initiatives;
- she is completely responsible for all of the labour issues at the City;
- she has no respect;
- she does not take ownership of any issues;
- he does not trust her with any information;
- she should not be speaking to Council members individually;
- it had been nice and stress free in the building without her; and
- she does not know the *Municipal Act*

Ms. Misek-Evans described the impact of this exchange in her notes as follows:

My stress and anxiety levels have escalated and I am worried about my staff as well. I feel like I am on a runaway train heading for wreckage. When I try to assert my role, the Mayor turns it against me and bullies me with verbal insults, belittling and humiliation. This continuous practice of hostile behaviour is adversely affecting my health, my work performance, my relationships with staff and my self-respect. I have mixed emotions of despair, anger, humiliation and hopelessness. I feel like I can no longer continue in the current situation.

As outlined above, Ms. Misek-Evans took detailed notes of the conversations and incidents as they occurred. Although the witnesses did not all recall the exact details of the conversations, they confirmed that the allegations were consistent with behaviour that they had witnessed and recalled. Furthermore, although Mayor Bradley did not always recall the exact conversation, he admitted to a number of the allegations and acknowledged that he could have made those “*observations*”, although he often tried to justify them. Based on the evidence, on a balance of probabilities, I find that Mayor Bradley engaged in a campaign of verbal abuse directed at Ms. Misek-Evans and her staff that was in no way justified or appropriate.

Psychological Bullying

When Ms. Misek-Evans commenced employment as the City Manager, she and the Mayor agreed to set up regularly scheduled meetings on Monday mornings to keep each other

informed. However, within a few weeks, Mayor Bradley missed and failed to acknowledge his scheduled meetings with Ms. Misek-Evans. Ultimately, Mayor Bradley discontinued the regularly scheduled meetings altogether. Mayor Bradley acknowledged that they had agreed to have regularly scheduled meetings, but dismissed the fact that he didn't attend by claiming that there was not always something to meet about, and that he ultimately stopped attending because the meetings were no longer productive due to what he described as Ms. Misek-Evans' "attitude". Mayor Bradley claimed that Ms. Misek-Evans set him up to try to create issues and get him upset. Based on the evidence of Ms. Misek-Evans, the witnesses, and Mayor Bradley himself, I do not accept Mayor Bradley's allegation. The Mayor himself stated that he felt open communication was the key to success in the Mayor/City Manager relationship and I find that these meetings were a way of facilitating that. I also find Mayor Bradley's conduct was a further example of his attempts to undermine and bully Ms. Misek-Evans.

The evidence also substantiates that Mayor Bradley stopped addressing Ms. Misek-Evans by her name in written and verbal communication when he was upset with her. He also stopped copying her on important emails and decreased his direct communication with her generally, during those periods. For example, Ms. Misek-Evans alleges that in late 2013 and early 2014, Mayor Bradley stopped addressing her by name as part of a "freezing out". There are also a number of emails during this period in which Mayor Bradley does not address her by name or respond to her emails. Mayor Bradley explained that he does not always use names in emails and claimed that Ms. Misek-Evans was being "overly sensitive". While I accept that he did not always use names in his emails, I find that the tone of his emails was often curt or abrupt and, coupled with not using her name, had the effect of being disrespectful and dismissive. I also find that this was an attempt to diminish Ms. Misek-Evans' ideas or value in the organization.

Relational Aggression

Relational aggression is a form of abuse in which the bully attempts to discredit the victim in the eyes of others and to garner the support of others against the victim. This is another tactic used by Mayor Bradley in harassing the complainants.

Repeatedly raising a private family matter

As stated above, in January 2014, there was a private matter involving members of Ms. Misek-Evans' family that Mayor Bradley became aware of, first through someone else and subsequently from Ms. Misek-Evans herself.

I find that Mayor Bradley repeatedly raised this incident with Ms. Misek-Evans, including in front of and/or to others, which was embarrassing, humiliating and unnecessary. For example, he disclosed this incident to a number of staff, including Ms. Misek-Evans' assistant when he was upset that Ms. Misek-Evans was meeting with another member of Council. He also raised it

in front of others in Council chambers when he was berating Ms. Misek-Evans on another matter. Finally, when Mayor Bradley found out about this harassment complaint against him, his response was to again bring up this personal incident and threaten to go to the media about it. This was corroborated by witnesses who confirmed that Mayor Bradley was very upset about this family matter “*for quite a while*” and mentioned it to them on a number of occasions. One witness expressed her belief that “*to him, this was unforgivable*”.

Refusing to acknowledge Ms. Misek-Evans’ presence

The evidence substantiates that Mayor Bradley ostracized and deliberately ignored Ms. Misek-Evans in the presence of others, which is both demeaning and disrespectful. This was corroborated by one of the witnesses whose evidence is that there were times when Mayor Bradley would ignore Ms. Misek-Evans when she would try to get his attention. Another witness also confirmed that Mayor Bradley routinely ignored Ms. Misek-Evans. A witness noted that, “*she would just stand there and want to discuss something with him and, even though he knew she was there, he never looked at her or acknowledged her. Finally she would just walk away.*” On one occasion, a witness saw Ms. Misek-Evans standing in the Clerk’s area for 15 minutes trying to get Mayor Bradley’s attention while he simply refused to acknowledge her.

When questioned about these incidents, Mayor Bradley attempted to defend his actions by calling Ms. Misek-Evans “*socially awkward*” and “*rude*” for “*eavesdropping*” on his conversations. He also admitted to telling Ms. Misek-Evans to leave his office when she came in while he was having a conversation about Christmas with two staff members but tried to justify this conduct by claiming that he felt she was “*invading his space*”. However, he failed to recognize that rudely disregarding and excluding her from a conversation with staff was demeaning and undermined her authority.

Upon considering the evidence, I find that the above incidents were deliberate attempts by the Mayor to isolate and demean Ms. Misek-Evans and undermine her authority.

Intervening in labour relations

I find that Mayor Bradley deliberately tried to usurp Ms. Misek-Evans’ authority and engage directly with the unions. In particular, Mayor Bradley set up a meeting with three union presidents while Ms. Misek-Evans was on vacation and only reported the meeting to the Acting City Manager and Human Resources, not to Ms. Misek-Evans. She only discovered this meeting when the Acting City Manager forwarded the Mayor’s email to her. I find that this was a calculated attempt to sideline and exclude her, which was highly disrespectful.

Preventing her from contributing during Council meetings

I find that Mayor Bradley repeatedly cut off Ms. Misek-Evans during Council meetings and prevented her from speaking at times when she should have been allowed to do so. A witness stated that *“it is Council’s right to ask the City Manager for clarification since she was in the position to bring additional information to Council, but Mayor Bradley would cut her off”*.

For example, I find that when Council was discussing post-retirement benefits in October 2015, Mayor Bradley would not let Ms. Misek-Evans clarify her report or respond to questions. Not only was this disrespectful to Ms. Misek-Evans but it also denied Council the opportunity to benefit from her contribution to the discussion.

Conclusion

The above incidents demonstrate a pattern of harassment and bullying by Mayor Bradley of Ms. Misek-Evans, which significantly undermined her authority and negatively impacted the way in which staff perceived her.

Witnesses described how Mayor Bradley mistreated Ms. Misek-Evans and made the following observations:

- *“The Mayor was very controlling. He was either abusive to Marg or completely ignored her.”*
- *“When the Mayor would express concern it would sometimes be respectful, other times probably not so respectful. There was a certain tone. It came out as impatience, almost anger. Some of the interactions probably would have been antagonistic.”*
- *“He talked pretty openly to people about the fact that he didn’t like her. He didn’t like her management style. It was very possible he talked about her when other people were around. We didn’t go behind closed doors to discuss the fact that he wasn’t happy with her. It didn’t matter who was standing around.”*
- *“He doesn’t think he does anything wrong because he thinks it is his right in running the City. I think it was hard for him whenever a new person came in to run the City that he thought he was running.”*
- *“He wasn’t secretive or shy about the fact that he sort of disliked everything she did or tried to do. I don’t think it was the first City*

Manager he didn't like. It was a difficult time because he gave her a difficult time."

Ms. Misek-Evans remains employed as the City Manager for the City; however, she has retained legal counsel and has made it clear that the viability of her ongoing employment is uncertain in the face of Mayor Bradley's conduct.

Mayor Bradley Harassed Jane Cooper

I find that Mayor Bradley engaged in hostile and disrespectful behaviour towards Ms. Cooper, as more particularly described below.

Mayor Bradley openly criticized Ms. Cooper's performance to other City staff and to the public. For example, following a presentation to Green Drinks, a social group that meets to discuss selected topics about Sarnia, Mayor Bradley criticized Ms. Cooper to Ms. Misek-Evans. He claimed that Ms. Cooper was too political and referred to her as "*arrogant and flippant*". In my interview of him, Mayor Bradley admitted to calling Ms. Cooper flippant, but failed to recognize that there is an issue with using such derogatory terms. Mayor Bradley attempted to justify his comment by stating that it was just an observation, not a criticism. I do not accept this characterization. I find that this was demeaning and offensive to Ms. Cooper.

I find that Mayor Bradley also criticized Ms. Cooper to Ms. Misek-Evans after Ms. Cooper spoke at the long term service awards on March 15, 2015. He later told Ms. Misek-Evans that Ms. Cooper had "*stolen the limelight*" and was out of order.

Mayor Bradley publicly chastised Ms. Cooper and humiliated her at a community developer meeting on March 24, 2015. During the meeting the crowd had become agitated. When Ms. Cooper tried to calm the crowd, Mayor Bradley shouted out from the back of the room, in front of everyone: "*Ms. Cooper you are not in league with the developers and should not defend them!*" I find this his was demeaning and disrespectful. Even if his concerns had been justified, his response was not.

Mayor Bradley admitted to telling Ms. Cooper to let the developers speak for themselves, but tried to justify his behaviour by claiming that she was alienating a lot of people by the manner in which she was conducting the meeting. Mayor Bradley also admitted to later telling three staff members about the meeting and referring to it in a derogatory manner as the "*Jerry Springer meeting*". Ms. Cooper heard Mayor Bradley tell staff that the meeting was horrible and run unprofessionally. The Mayor argued that he discussed the meeting "*in jest*" and did not believe that it undermined Ms. Cooper's authority with staff. I do not accept that contention and find that it was disrespectful, humiliating and undermining.

Similar to Ms. Misk-Evans, Ms. Cooper's evidence is that the Mayor repeatedly denied her the opportunity to speak at Council meetings. For example, Mayor Bradley did not allow Ms. Cooper to participate in a Council meeting regarding funeral parlour planning in August 2014. When Ms. Cooper attempted to get his attention in order to comment, he refused to acknowledge her.

Mayor Bradley claimed that he does not intentionally ignore staff and says that he runs very controlled and disciplined meetings. He indicated that if staff spoke too long on issues, he had to keep control. While that may be true in a general sense, I find that Mayor Bradley deliberately ignored Ms. Cooper at Council meetings, which was disrespectful and demeaning.

Mayor Bradley Harassed Nancy Wright-Laking

I find that Mayor Bradley engaged in hostile and disrespectful behaviour towards Ms. Wright-Laking, as more particularly described below.

The Mayor wanted his campaign ads on City buses

On September 26, 2014, Ms. Wright-Laking was the Acting City Manager when the Deputy Director of Transit asked if a political candidate could advertise on City buses. Ms. Wright-Laking considered the request and advised the Deputy Transit Director not to permit political advertisements on any municipal property or vehicles. She did so to avoid any suggestion that the City was implicitly endorsing a political candidate, which is entirely appropriate and within the scope of her discretion. At that time, Ms. Wright-Laking was not aware that the political candidate in question was Mayor Bradley; only that a candidate had made the request.

Ms. Wright-Laking discovered that the Transit Director had already approved the request to allow the political advertisements on buses, so she told him to inform the campaign manager that the signage was not allowed. On behalf of Mayor Bradley, his campaign manager, Alison Mahon, sent a series of strongly worded letters to Ms. Wright-Laking challenging her decision. Ms. Wright-Laking maintained her decision but offered to reimburse the Mayor's campaign for the signage that had already been purchased as a result of the initial approval.

Ms. Wright-Laking alleges that when this final decision was made not to allow his campaign ads to be displayed on City buses, Mayor Bradley reacted in a hostile and negative manner towards her, both at the time and thereafter, in an effort to punish her for the decision. Mayor Bradley denied this allegation for two reasons: first, Ms. Wright-Laking would not have known he was the candidate, and second, he thought it was the City, and not Ms. Wright-Laking, that made the decision.

With respect to his first reason, the letters Mayor Bradley's campaign manager sent clearly state that she was acting on Mayor Bradley's behalf. With respect to his second reason, all letters from

the Mayor's campaign manager were addressed directly to Ms. Wright-Laking, and he was told that Ms. Wright-Laking was making the final decision. Therefore, I do not accept that Mayor Bradley was not aware of Ms. Wright-Laking's involvement in the decision.

In her correspondence to Ms. Wright-Laking, Ms. Mahon threatened to take legal action against the City on the Mayor's behalf for denying the request to campaign on City buses. Mayor Bradley claimed to not recall whether he approved that letter to Ms. Wright-Laking, and suggested that his campaign manager was very strong and could have taken that step on her own initiative. This is contrary to Ms. Misk-Evans' evidence, who specifically recalls Mayor Bradley stating that he was considering legal action against Ms. Wright-Laking for the advertising decision. This was further corroborated by another witness who also confirmed that Mayor Bradley was upset with Ms. Wright-Laking because of this issue. This witness stated: "*It wasn't him secretly saying they were wrong. He was unhappy with her over the signage on the buses.*" Accordingly, I find that Mayor Bradley was aware that Ms. Wright-Laking was responsible for the decision regarding campaign ads on buses, that he was upset with her about this decision and that his subsequent behaviour described above was a reprisal towards her as a result of her decision.

The Mayor ostracized Ms. Wright-Laking

Ms. Wright-Laking asserts that for months following her decision regarding the bus advertisements, the Mayor repeatedly ignored and ostracized her. For example, when Ms. Wright-Laking would say good morning to Mayor Bradley, he would turn his back to her. I accept this allegation.

Ms. Wright-Laking indicated that sometimes she would be in the Mayor's office with Ms. Misk-Evans, at which point he was forced to speak to her, but even then he would not engage her in conversation. It is Ms. Wright-Laking's evidence that she reported this behaviour to the Acting City Manager, who told her that Mayor Bradley was very upset with her and had questioned her competence. Mayor Bradley could not recall calling Ms. Wright-Laking incompetent over the incident. However, Ms. Misk-Evans confirmed that in the weeks following the campaign advertising decision, Mayor Bradley repeatedly referred to Ms. Wright-Laking as incompetent and threatened that he was considering legal action. I accept Ms. Misk-Evans' evidence in this regard.

Mayor Bradley provided a number of emails between himself and Ms. Wright-Laking from the period surrounding the campaign advertising decision to demonstrate that he did not ignore her and that the communications between them were positive. Based upon a review of the relevant emails and correspondence, it is apparent that the discussions regarding the campaign advertising began around September 26, 2014, and were finalized around October 24, 2014. In the emails provided by Mayor Bradley, there are a number of cordial emails between him and

Ms. Wright-Laking up to and including September 26, 2014. However, following this date, Mayor Bradley provided no emails between himself and Ms. Wright-Laking until November 21, 2014, which was about the upcoming inaugural meeting.

Ms. Wright-Laking provided a chain of emails that start on November 3, 2014, in which she asks Mayor Bradley a direct question, but instead of responding to her email, he responds to his assistant and says: *“Please inform Clerk that schedule is fine”*.

Ms. Wright-Laking stated that: *“You knew you were in his bad books when he didn’t use your name in his email, and when he would respond to emails through someone else”*. When I asked Mayor Bradley about his email to his assistant, he said that it was not unusual to communicate through an assistant and he did not believe that it was offensive to do so. He claimed that this was an example of Ms. Wright-Laking’s *“self-centeredness”* and stated sarcastically: *“Apparently I was not paying enough attention to her”*. He also suggested that Ms. Wright-Laking was being *“overly sensitive”* and that it was a problem whenever she did not *“get enough attention”*. I find that the curt and abrupt tone of the email, combined with his refusal to respond to Ms. Wright-Laking directly, was both offensive and intended to demean her. I also accept Ms. Wright-Laking’s allegation that Mayor Bradley ignored her for months after she made the decision on campaign advertising.

It is also Ms. Wright-Laking’s evidence that Mayor Bradley also completely ignored her and the Deputy Clerk when he brought tours of school children through the office. Mayor Bradley scoffed at that notion and claimed that he did not intentionally ignore her, claiming that he tended to leave people alone if they were busy. Based on the preponderance of the evidence, I find that Mayor Bradley deliberately ignored Ms. Wright-Laking while providing school tours.

Unwarranted criticism on the River City Vineyard report

In July 2015, [a senior employee] provided a confidential report on the River City Vineyard to Council. When the Mayor discovered that the report was provided to a Council member who had previously declared a conflict on a related issue, Mayor Bradley became excessively critical of Ms. Misk-Evans and Ms. Wright-Laking. Even though it was the [senior employee] and not Ms. Wright-Laking who provided the report to Council, Mayor Bradley called her *“incompetent”* and refused to speak to or look at her during the Council meeting.

When Ms. Wright-Laking, Ms. Misk-Evans and the [senior employee] tried to meet with the Mayor after the meeting to address this issue, he refused to discuss it with them. Mayor Bradley claimed he did not have time to meet with staff whenever they wanted but he failed to suggest any other time that he would be available to meet them to discuss this issue. Therefore, I find that Mayor Bradley was excessively critical of staff on this matter, and he refused to meet with them to discuss the matter or give them an opportunity to explain what happened.

Public criticism of Ms. Wright-Laking

As described above, I find that on November 20, 2014, Mayor Bradley loudly and publicly criticized and insulted Ms. Wright-Laking in front of a number of office staff. In particular, he became upset during a conversation with Ms. Misesk-Evans in front of the administrative workstations and referred to Ms. Wright-Laking as “*incompetent*”, criticized her for pushing people too hard and called her disorganized. Not only did Mayor Bradley’s comments offend and humiliate Ms. Wright-Laking, but it was also extremely upsetting to other staff who were exposed to his comments. As previously indicated, one of the individuals who was present during this conversation became so upset with how the Mayor was speaking that she left in tears.

Mayor Bradley also publicly chastised Ms. Wright-Laking at a Council meeting when the Minister responsible for the opening prayer arrived late. The Mayor later engaged staff in an unnecessary discussion about his negative opinion of Ms. Wright-Laking regarding this matter, which further undermined her. Mayor Bradley tried to justify his behaviour by explaining that it was embarrassing and awkward when he tried to start the meeting and there was no Minister to start the opening prayer. However, I find that Mayor Bradley’s critical comments towards Ms. Wright-Laking were neither reasonable nor justified, as she had no control over the Minister’s punctuality.

In late 2015, the City accepted applications for the arena management committee appointments. Mayor Bradley was very critical of Ms. Wright-Laking during a Council meeting on December 7, 2015, when she removed the personal information of the candidates from the committee applications being reviewed by Council out of concerns for the privacy of the information.

One of the witnesses confirmed that Mayor Bradley called Ms. Wright-Laking “*too bureaucratic*”, in spite of the privacy rationale for removing this information. During the Council meeting, Mayor Bradley did not give Ms. Wright-Laking the opportunity to respond to his criticism before moving on to the next item on the agenda. I find that this behaviour was disrespectful and demeaning towards Ms. Wright-Laking.

Disrespectful behaviour regarding a list of delegations

Mayor Bradley was upset and rude towards Ms. Wright-Laking when she left a list of delegations at Councillors’ desks. Ms. Wright-Laking explained that since Council did not have offices, she did not know where else to leave the material. She alleges that the Mayor was particularly upset when he saw a delegation regarding suicide on the list.

Mayor Bradley admitted to being upset that he had not been informed of the suicide delegation before the meeting, and claimed that he would have tried to assist the individual privately. While

it is understandable that Mayor Bradley may have preferred to deal with the sensitive matter privately outside of a Council meeting, I find that his rude reaction towards Ms. Wright-Laking was unwarranted and disrespectful.

Preventing her from contributing during Council meetings

I find that Mayor Bradley would not allow Ms. Wright-Laking to respond to direct questions from Council during Council meetings. Specifically, when Councillor Mitro asked Ms. Wright-Laking a question about freedom of information requests in December 2015, the Mayor talked over her and would not let her respond. Ms. Wright-Laking's evidence is that it was not unusual for him to ignore her or Ms. Misk-Evans at Council meetings and that if he was upset with them, he would visibly turn his back to them. I accept the evidence in that regard.

During one Council meeting when Ms. Wright-Laking tried to remind Mayor Bradley about a second public meeting he was rude and snapped at her saying: "*I will get to it when I get to it on the agenda*", although he had already passed it on the agenda by moving onto the delegation. After the delegation he shuffled through his papers and went back to the second public meeting which he had missed. However, he refused to acknowledge Ms. Wright-Laking's reminder or apologize for snapping at her.

Deliberately limiting her role in the inaugural meeting

Ms. Wright-Laking's evidence is that it is customary for the Clerk to act as Master of Ceremonies during an inaugural meeting and that at the first inaugural meeting after she joined the City, the Mayor refused to allow her to participate. Specifically, he asked the Director of Transit to be the Master of Ceremonies and the Acting Solicitor to do the swearing in.

When I asked Mayor Bradley why he excluded Ms. Wright-Laking from the inaugural ceremony, he claimed that it was because she did not ask and that various people were involved in the inaugural ceremony over the years, not just the Clerk. This is contrary to the evidence of one of the witnesses who said that it had been the custom for many years at the City for the Clerk to run the inaugural meeting.

He maintained that if she had asked, he would have considered a role for her. I do not accept that contention. Rather, I find that Mayor Bradley intentionally excluded Ms. Wright-Laking from the inaugural meeting as a reprisal for her decision to deny his campaign ads on municipal buses.

Mayor Bradley Harassed Beth Gignac

Before she arrived at the City, Ms. Misk-Evans told Ms. Gignac that Mayor Bradley was not supportive of the decision to hire her. Mayor Bradley had allegedly conducted his own background search into Ms. Gignac and questioned her suitability as a candidate. Mayor Bradley admitted to having conducted his own background search and to having expressed concerns about Ms. Gignac's suitability.

Unfortunately, as with Ms. Misk-Evans, Mayor Bradley was immediately critical of Ms. Gignac before she ever had an opportunity to demonstrate her competence. Ultimately this resulted in her being harassed by the Mayor as well.

Off leash dog park report

Ms. Gignac presented a prototype to Mayor Bradley for an off leash dog park in January 2015. Mayor Bradley did not provide any critical comments or tell Ms. Gignac not to proceed. Accordingly, she prepared a report for Council for April 2015. Although Mayor Bradley was provided with the report for review in advance, he waited and made negative and critical comments to the media instead.

The Mayor also said that the “*parks person*” (Ms. Gignac) did not know what she was doing. I find that not only was the Mayor again refusing to use direct names, which was disrespectful, but he was also disparaging her to others. Ms. Gignac felt embarrassed and “*sandbagged*” by the Mayor's conduct, both in his comments to the media and in his comments to others.

When I asked Mayor Bradley if he understood Ms. Gignac's concerns with his conduct, he was dismissive and claimed that she was being “*self-centered*”. He also claimed that his criticism had not been directed towards her; rather, he was negative about the idea itself.

Mayor Bradley further asserted that he is not obligated to support every staff decision; rather his primary obligation is to protect the interests of the City. While I agree with that contention, I find his failure to provide staff with comments and feedback, followed by his public attack of the proposal, to be disrespectful and demeaning towards staff.

Negative public comments regarding Ms. Gignac

Mayor Bradley publicly attacked Ms. Gignac's abilities, including making negative comments about the Centennial Park design in a speech to the media and to a major donor to the park. In particular, Mayor Bradley called Ms. Gignac's report “*underwhelming*”. He also circulated a negative report written by a local architect about the park design to the media, with comments that it was a great report. Although Mayor Bradley had the right not to support the park

proposal and was not the drafter of the negative report, I find the language he used to criticize the report, and his endorsement of the critique, to be pejorative and disrespectful to staff.

Kinsmen Centre issue

In the summer of 2015, a number of issues with the Kinsmen Centre were brought to the attention of the City's Parks and Recreation Department. Accordingly, Ms. Gignac prepared a reporting email to update Council on the situation and provided it to Mayor Bradley. Mayor Bradley proceeded to forward Ms. Gignac's reporting email to the media without informing her that he had done so, and then became very upset and critical of Ms. Gignac when she did an interview with the media about it.

One of the witnesses indicated that Mayor Bradley became "*irate*" when he found out about Ms. Gignac's media interview, called her a "*media hog*" and referred to her as the "*director of publicity*" rather than the Director of Parks and Recreation.

Witnesses corroborated Mayor Bradley's rant about Ms. Gignac, in which he alleged that she was "*out of control*". In addition, the Mayor told Ms. Misek-Evans that Ms. Gignac should be reprimanded for her media interview. When Ms. Misek-Evans asked Mayor Bradley how the media found out about the issues with the Kinsmen Centre, he claimed that it had come from a Kinsmen member but when Ms. Misek-Evans looked into the matter, she discovered that Mayor Bradley had been the one to forward Ms. Gignac's report to the media, not one of the Kinsmen. She also discovered that it was this email that led the media to contact Ms. Gignac for the interview in the first place. In fact, Mayor Bradley only acknowledged that he released the report to the media after Ms. Gignac received an email from the media confirming this fact.

It is also noteworthy that prior to the media interview, Ms. Gignac emailed the Mayor and informed him about the request for an interview. Accordingly, he knew in advance of the interview yet at no time did he tell her not to participate.

Mayor Bradley recalled the comments he made regarding Ms. Gignac's participation in the media, but rather than acknowledging the inappropriateness of his reaction, tried to blame the victim by claiming that Ms. Gignac was "*always creating a crisis*". Not only do I find Mayor Bradley's criticism of Ms. Gignac was excessive and unwarranted, I also find that he deliberately set her up so that he could publicly malign her.

The Mayor used derogatory terms to describe Ms. Gignac

I find on a balance of probabilities that Mayor Bradley used derogatory nicknames for Ms. Gignac, such as "*media hog*" and "*director of publicity*". This is particularly troublesome given the fact that he himself referred the media to Ms. Gignac.

The Mayor criticized Ms. Gignac for the animal farm proposal

Mayor Bradley condemned and excessively criticized the staff proposal to have the Humane Society take over the animal farm. He was very critical of the idea to the public and in his media scrum in advance of the Council meeting. Although Mayor Bradley maintained that he was critical of the “*idea*”, and “*not the person*”, he specifically called Ms. Gignac’s comments in relation to the proposal “*arrogant*” and “*too lengthy*”.

Ms. Gignac’s evidence is that Mayor Bradley threatened to start a public inquiry into this matter, which would effectively ruin her career and render her unemployable. Mayor Bradley could not recall threatening a public inquiry, but indicated he may have asked for the decision to be reviewed. He justified his disproportionately negative response to the proposal and to Ms. Gignac’s role in it by indicating that this was another example of Ms. Gignac “*creating a crisis*”. I do not accept this justification and find that Mayor Bradley did threaten a public inquiry and made derogatory comments about Ms. Gignac.

Preventing her from contributing during Council meetings

I find on a balance of probabilities that, like with Ms. Misk-Evans, Ms. Cooper and Ms. Wright-Laking, Mayor Bradley cut off Ms. Gignac during Council meetings and would not allow her to speak.

On those occasions when he did permit her to address Council, Mayor Bradley would criticize her contributions as “*too long*”, “*too short*” or “*too flip*”. This caused Ms. Gignac the impression that no matter what she did in Council, she was not welcome.

Ignoring Ms. Gignac and refusing to call her by name

Throughout most of the relationship, Mayor Bradley would not refer to Ms. Gignac by name. Rather, he often referred to her as the “*parks person*” or the “*director of publicity*”. Mayor Bradley indicated that he was puzzled that this was an issue, and claimed that it was natural for people to call others by different names.

It is Ms. Gignac’s evidence that Mayor Bradley ignored her, avoided eye contact and refused to respond when she said good morning. I accept this evidence and find that this was both disrespectful and demeaning.

The Mayor Engaged in Character Assassination of the Complainants

During the course of the investigation I received a large volume of emails. In many of those emails, Mayor Bradley made negative and disparaging comments about the complainants, as set out below. It is apparent that these emails are part of a longer history of conversations the

Mayor had with others in which he made negative and disparaging comments about senior staff. Although he characterized these discussions as being with his “*advisors*” in many cases it simply appears to be a means of character assassination to manipulate perceptions of what he was doing to them.

With respect to Ms. Misek-Evans, the Mayor sent emails to the media and other individuals that disparaged her, including, for example [THESE HAVE BEEN REDACTED BY REMOVING DATES AND NAMES TO PROTECT THE IDENTITY OF THIRD PARTIES]:

- Mayor Bradley forwarded a letter from Ms. Misek-Evans to [a senior employee] with the sarcastic comment: “*waiting for an English translation*”.
- Mayor Bradley forwarded an email that was critical of a staff proposal to [a third party]. In the conversation that followed, Mayor Bradley made disparaging comments stating: “*Council’s only input from staff is from the Department Heads. The same group where some of the major problems are.*”
- Mayor Bradley forwarded internal emails between members of Council and senior staff to [a former senior employee (hereinafter “Person X”), who] responded with the comment: “*I am saddened that things have deteriorated to this extent and the CM [City Manager] and/or her appropriate senior staff have not found a way to get the matters under control.*” In what appears to be an effort to malign Ms. Misek-Evans, Mayor Bradley then forwarded the email chain, including the negative comments about the City Manager, to [a current employee].
- Mayor Bradley forwarded an attrition report to [Person X]. The conversation that followed included suggestions that Mayor Bradley should conduct a meeting while Ms. Misek-Evans was away and his hesitation to contact one of the directors because he may “*report back to CM [City Manager].*” The email chain ended with Mayor Bradley claiming that, “*the atmosphere when the CM is off is incredibly different and positive*”.
- Mayor Bradley had an email exchange with members of Council regarding how certain procedural by-laws were being followed, which he forwarded to [Person X], who responded by saying: “*They know not what they have asked for. Your knowledge of the by-law leaves them all in the dust. They can and will be stymied by their own positions. CS seems to have a large axe to grind.*” In response, Mayor Bradley wrote in part: “*CS is way over head. Has now become the anti-Mayor with MM. Aided and abetted by the CM*”. [CS and MM are evidently Councillors; CM is evidently the City Manager.]
- [A] Councillor complimented Ms. Misek-Evans for her work in a group email distributed to certain staff and to Council. Mayor Bradley forwarded this email to [Person X] and said: “*Shouldn’t have read this email. Want to gag.*”

- In an email exchange between Mayor Bradley and [Person X] discussing the City Manager and other senior staff, [Person X] commented: “*The twit belongs on twitter*”, to which Mayor Bradley responded, “*Well said.*”
- In an email to [a third party with a prominent position related to the City], the Mayor claimed that Ms. Misek-Evans was responsible for the turnover at City Hall.
- In an email, Mayor Bradley stated to [a third party]: “*Councillors and some staff especially the new City Manager don’t like a hands on Mayor that is watch dog not a lap dog. City Manager and I have no relationship. She is fostering the Councillors on this issue which is totally unprofessional. Last two staff may have left may be because they don’t like the fact I ask questions and hold them accountable the others because of the City Manager.*”
- Mayor Bradley forwarded to [a third party] an email from Ms. Misek-Evans to Council in which she expressed concern regarding the Mayor usurping her authority by meeting with union leadership. Notwithstanding that Ms. Misek-Evans’ points were valid, the Mayor claimed that it was: “*an example of the City Manager and her leadership style*”. This clearly had negative connotations. The conversation that ensued between the Mayor and [the third party] included him [the Mayor] referring to Ms. Misek-Evans as, “*someone who doesn’t know their place*”.
- In an email, Mayor Bradley told [a third party]: “*Am concerned this is the first group since 2003 when there was the biggest turnover in Council history that has totally (sic) disrespect for myself and others on Council. Top city staff are not acting professionally and unfortunately no one asks (sic) my side of the story*”, to which [the third party] replied, “*it’s so unbelievably arrogant*”.

With respect to Ms. Cooper, the Mayor sent emails to outside parties in what I find was an attempt to disparage her, including:

- In an email exchange with the Mayor, [a third party] stated: “*Jane Cooper’s letter would have benefitted from a close edit. I have never trusted anyone who uses the word ‘whilst’ repeatedly*”, to which Mayor Bradley responded, “*will add whilst to my list of words used by unprofessional staff members who believe Council should approve everything staff do without question*”.

With respect to Ms. Wright-Laking, the Mayor sent emails to outside parties in what I find was an attempt to disparage her, including:

- After Ms. Wright-Laking resigned, [Person X] emailed the Mayor and said: “*Now the fab 4 are down to 3...My Christmas wish for you is the P&R person too*”. Mayor Bradley

responded with: *“Thanks. The first is benign compared to the P and R person.”* [P&R evidently refers to Parks and Recreation, namely Beth Gignac.]

- In an email to [a third party], Mayor Bradley commented: *“The Clerk that left was here 17 months. In her previous position lasted 18 months and quit because she could not work with Council. Classless here. She gave two weeks notice and then called in sick. Never said goodbye to her staff in person or by email. Thanks.”*
- For reasons that are unclear, Mayor Bradley emailed [a third party], and provided a link to an article about Ms. Wright-Laking entitled *“Incoming Lambton Shores Clerk a Frequent Traveller”*. After [the third party] thanked him for the article without commenting on its contents, the Mayor stated: *“don’t have high expectations on the response from the City Manager but will wait and see.”*

In addition to the emails above, Mayor Bradley also made negative statements about staff in media interviews. There is also evidence that he would forward critical emails about staff proposals directly to the media.

It is apparent that Mayor Bradley shared his critical comments and perspectives with a number of individuals outside of the City. He claimed that a number of key individuals acted as his advisors and he shared information and his insights on that basis. However, I find that the disparaging comments were not only disrespectful, but were a form of character assassination intended to demean the complainants in the eyes of the various recipients. This course of conduct was vexatious and inappropriate, regardless of whether the recipient was intended to be an *“advisor”*.

This conduct directly contributed to the poisoned work environment for the complainants (and at least one of the witnesses), and led members of the media, certain Councillors, and the public to openly criticize the complainants. For example, since the complaints have been filed and three of the complainants have departed, a number of critical comments have been made in the media, including:

- *“Personally, I found the bulk of the complaints from the former clerk Nancy Wright-Laking and former planning director Jane Cooper to be minor and basically a bitch fest by a couple of disgruntled former employees.”*
- *“Maybe if the planning director had been less flippant, customer oriented and better at her job she wouldn’t have gotten into the Mayor’s sightline.”*
- *“There was no ‘scandal’, just an investigation brought on by a couple of disgruntled employees and Councillors who crave publicity and probably have political ambitions...The Mayor is, as we all are, entitled to his opinions.”*

- *“Mayor Bradley is quite right that he is filling the position of the Mayor in the proper manner... ‘If you don’t like the heat, get out of the kitchen’... Mike is doing a great job and a Mayor should be in charge of all aspects in correcting anyone under his charge, right down to keeping city hall clean.”*

While these comments were not directly made by the Mayor, I provide them as context and to demonstrate the wide-reaching impact of his behaviour, including his success in maligning others against the complainants. I also note that the assumptions contained in these comments are incorrect – this is not a question of the complainants not being able to stand “*the heat*”. They were repeatedly subjected to hostile conduct at the behest of the Mayor. Being a civil servant does not mean having to tolerate the type of conduct exhibited by Mayor Bradley.

Does the Mayor’s Behaviour Constitute Harassment?

As stated above, the *Occupational Health and Safety Act* defines workplace harassment as:

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

A Course of Vexatious Conduct

It is clear from the evidence, including that of Mayor Bradley himself, that he engaged in a course of comment and conduct against the complainants that is vexatious.

Although I have listed examples of the Mayor’s conduct above, these very likely are not the only instances of his behaviour. Rather, these were the examples that the complainants had either documented or could recall.

While some of the incidents on their own would not constitute harassment, I find on a balance of probabilities that the Mayor engaged in a significant and longstanding pattern of conduct that has intimidated, demeaned and humiliated the complainants.

Knew or Ought to Have Known

The second element of the test I must assess is whether the Mayor knew or ought to have known that his behaviour was unwelcome.

Throughout his interview and his written response to the Integrity Commissioner, which he provided in defence of these complaints, Mayor Bradley repeatedly asserted that he was not aware of the issues raised in the complaints because they were never formally addressed with him. He claimed that, “*at no point in time did any of the [complainants] ever sit down, nor did City Council, to ask, firstly, about the concerns, and secondly, to hear the other side of the*

story”. He also alleged that the complainants “*at no time used existing policies, approached or discussed with me, any of the smaller or larger issues as per the policies of the City of Sarnia*”. The implication is that given the complainants’ failure to bring these issues to his attention, he could not be expected to have known that his behaviour was unwelcome.

The Mayor’s assertions are not supported by the evidence. Rather, there were many instances during which the complainants and others (including staff and Council) attempted to address Mayor Bradley’s conduct with him, including, for example:

- During a number of conversations between Mayor Bradley and Ms. Misek-Evans during which he was verbally abusive, Ms. Misek-Evans attempted to respond and defend herself or her staff. However, as corroborated by witness evidence, when she did so, he cut her off, or refused to meet with her.
- During a meeting on January 8, 2014, Ms. Misek-Evans explicitly told Mayor Bradley that she was intimidated by him and was afraid of what his reaction would be regarding her private family matter. Instead of acknowledging Ms. Misek-Evans’ concerns and taking this opportunity to address his behaviour, Mayor Bradley responded that he does not intimidate, rather it is Ms. Misek-Evans who intimidates people.
- Following the incident on November 20, 2014, where Mayor Bradley berated Ms. Misek-Evans in front of staff, the staff member who left the office crying later told Mayor Bradley that his negative treatment of Ms. Misek-Evans was creating a hostile work environment for her and that she could not take it anymore. The witness stated: “*I made it very clear to him and her that when I went to HR I said Marg is wonderful to me, the Mayor is wonderful to me, but the Mayor is not wonderful to Marg and it affects me*”. After this individual informed Mayor Bradley of her discussion with Human Resources, he made some initial attempts to improve his behaviour, but it did not last long and ultimately the harassment resumed.
- Councillor Kelch indicated that as the head of the City Manager Review Committee he had several conversations with Mayor Bradley regarding his conduct towards Ms. Misek-Evans but that the Mayor minimized this behaviour. Councillor Kelch recalled one specific conversation when Council was concerned about the Mayor yelling at staff in Ms. Misek-Evans’ office. Councillor Kelch warned Mayor Bradley not to do that and recalled that Mayor Bradley seemed surprised that this was an issue and did not seem to think it was a big deal to have yelled at staff.
- At the request of City staff, a harassment training session was scheduled for members of Council in September 2015. Although it was not mandatory, all Councillors attended, except for Mayor Bradley. Mayor Bradley claimed that he did not attend the session

because Ms. Misek-Evans and Andre Morin, City Engineer, allegedly scheduled a meeting with him during that time. It is Ms. Misek-Evans' evidence that she did not schedule a meeting with Mayor Bradley at the same time as the training session; rather she stopped by his office on the way to the training. I find that Mayor Bradley simply chose not to attend even though he was available and present at City Hall.

- After the training session, Councillor Kelch spoke to Mayor Bradley and asked why he did not attend. Mayor Bradley admitted that Councillor Kelch spoke to him about the harassment training and told the Mayor to “*be careful*”.

Despite the above attempts of staff and Council to address Mayor Bradley's disrespectful and harassing conduct, in his response to the Integrity Commissioner, Mayor Bradley stated:

The only time anyone made a request, that I am aware of, to talk about the workplace and the issues, was when I sent an e-mail to the City Manager, which never received a response and to this date has never been acted upon.

Not only does this statement deliberately ignore the numerous attempts to address his behaviour outlined above, but it is also inaccurate because, in fact, it was actually Ms. Misek-Evans who made the first request for a meeting with Mayor Bradley. More particularly, on January 26, 2016, Ms. Misek-Evans wrote:

Mayor Mike,

When we last met in your office on Jan. 6th, there was considerable tension between us. You stated that you found it stressful to work with me and indicated that you wished to lodge a complaint. I also felt significantly stressed by that exchange. When I left your office, I was upset and felt that you would not work with me. I thought I should allow some space and time before meeting again. Since the 6th, I have communicated to you by e-mail, however, I have not received a response from you on my e-mails nor any response regarding the last Council meeting agenda.

In order to perform my duties, communications are needed with the head of Council and I am requesting that we resume communications. I am requesting a meeting with you this Thursday or Friday at 8:00 a.m. to discuss the following:

There may be other items that you wish to discuss as well. If you are amenable to meeting, I will arrange to attend with staff who are directly involved in these items, being Scott and Dianne.

Please advise.

Thanks,

Margaret

Mayor Bradley responded to this email on January 27, 2016, suggesting a “*pre-meeting*” with a member of Human Resources present. However, by the time Ms. Misek-Evans received this response, the other complainants had already submitted their harassment complaints against Mayor Bradley, and Ms. Misek-Evans was in the process of preparing her own complaint. Accordingly, she decided to hold off on scheduling the meeting.

I find that Mayor Bradley disregarded and dismissed, deliberately or otherwise, the inappropriateness of his actions and the significant detrimental impact it has had on those subordinate to him. In many cases during my interview of him, he acknowledged but tried to justify his behaviour, blamed the victims or attempted to suggest his conduct was simply misperceived, or that the complainants’ perceptions were unreasonable or irrational. Considering the numerous attempts that the complainants and others made to address his conduct, as well as the blatant and serious nature of the offensive conduct (such as the verbal abuse) I find that Mayor Bradley knew, or at the very least ought to have known, that his behaviour was unwelcome. This is particularly true given the power imbalance between the Mayor and the complainants.

Furthermore, despite the fact that four harassment complaints and two *Code of Conduct* complaints have been filed against Mayor Bradley, he has maintained his refusal to acknowledge that his behaviour was improper or take any responsibility for his conduct.

In fact, since the date of the complaints Mayor Bradley has taken the offensive, which includes, for example:

- In his written response to the Integrity Commissioner’s report, he criticizes Ms. Misek-Evans and points to what alleges is her own blameworthy conduct. He writes: “*From my perspective, the actions of the City Manager need to be considered within this complaint*”. He accuses her of having little respect for him and infers questioning of her competence by stating that she has never held the role of City Manager before.
- Mayor Bradley also publicly attacked the Integrity Commission’s report and investigation in the media. In his response to the report, Mayor Bradley suggested that it was

“unnecessary, unfair and unhelpful”. In a statement to the media, Mayor Bradley expressly denied any culpability for workplace harassment and stated: “*It was not workplace harassment. It was about competency and it was about questioning how taxpayers’ dollars are being spent.*” I find that his response to the Integrity Commissioner’s decision reflects his refusal or inability to take responsibility for his actions and acknowledge any wrongdoing: a refusal that was likewise reflected in his response to the harassment complaints that were the subject of this investigation.

Mayor Bradley seems to suggest that had he known about the complainants’ concerns he would have been in a position to make changes. However, I find that Mayor Bradley’s conduct following receipt of the harassment complaints negates this assertion. Rather than acknowledging any wrongdoing or attempting to change, he vigorously tried to justify his inappropriate conduct throughout the investigation, and took the offensive to deflect blame onto the complainants and call into question the integrity of those involved in the investigation.

Mayor Bradley Engaged in Reprisals

The City’s Workplace Harassment Policy protects any employee who makes a complaint or participates in the investigation of a complaint from reprisals and states:

All employees have the right to be free from reprisals or threats of reprisals as a result of filing a complaint or being a party to the investigation of a complaint.

In addition to the original complaints having easily been substantiated, I find that the actions of Mayor Bradley after he became aware of the complaints also constituted a reprisal, including his harassment complaint against Ms. Misk-Evans and some of his comments in his public attack of the Integrity Commissioner’s report. I find that Mayor Bradley’s conduct was orchestrated to further intimidate and harass Ms. Misk-Evans, and was a direct retaliation because of her complaint. Notably, in an email dated January 16, 2016, between Mayor Bradley and an “advisor”, the Mayor stated that he drafted a letter to Human Resources about Ms. Misk-Evans and “*general disrespect for the Office of the Mayor*”. In the email, Mayor Bradley wrote that he had prepared it “*as a pre-emptive move to have something on the record when needed.*”

Conclusions

To summarize, I find on a balance of probabilities that the allegations against Mayor Bradley have been substantiated and that he has engaged in a course of vexatious comments and conduct which created a poisoned work environment for the complainants. In other words, he harassed and bullied all four complainants. In fact, Mayor Bradley engaged in almost all of the different forms of harassment listed above, including verbal abuse, psychological abuse, supervisory abuse, relational aggression and character assassination.

It can be difficult to accept that someone who is as well-liked and popular as Mayor Bradley can engage in such egregious bullying and harassment of those around him. However, as outlined above, there is overwhelming evidence to demonstrate that Mayor Bradley did exactly that.

This was not a matter of the complainants being unable to stand the ordinary pressures of their jobs. This was not a question of a strong leadership style, and this was more than the Mayor not understanding the boundaries of his role. I find that Mayor Bradley deliberately bullied and harassed the complainants, repeatedly and throughout their employment. Even if there were legitimate performance concerns with the complainants, and there is no evidence to support that notion, it would still not justify the Mayor's abusive and demeaning behaviour.

As with most bullying and harassment, it may be hard to appreciate the severity of the conduct without the context of tone, body language and frequency. However, I find that the harassment and bullying was ongoing, very serious, and severely impacted the complainants both personally and professionally.

Thank you for the opportunity to assist with this matter. I remain available should there be any additional questions or issues that require clarification.

Yours very truly,

Bernardi Human Resource Law LLP



Lauren Bernardi