

Frequently Asked Questions Regarding the Workplace Investigation Report

What is Council doing to create a safe and healthy workplace, as required by law, and to prevent future harassment claims?

Council has:

- Provided the following public declaration: *"Mayor Bradley violated the Harassment Policy and the Workplace harassment provisions of the Occupational Health & Safety Act. Mayor Bradleys' behaviour was a serious multi-faceted violation of the Harassment Policy and is not supported by the City or in keeping with its values."*
- Made the Workplace Investigation Report public, as allowed under MFIPPA, so that all may learn from it.
- Limited the Mayor's access to City Hall to that of regular business hours, just like the other members of Council.
- Appointed Councillor Gillis as an intermediary for all matters that require involvement with the Mayor except for his Executive Assistant and her backup, and the Secretary to the Police Services Board.
- Directed the relocation of the Mayor's office inside City Hall with appropriate separation from space occupied by City Hall workers. In the meantime, while an appropriate location is being prepared, the office is to be relocated to the Sarnia Transit office.
- Approved recommendations for coaching and sensitivity training on harassment, effective management techniques, and anger management for Mayor Bradley, with an extension to include all of Council.
- Approved governance training for Mayor and Council.
- Eliminated a 1992 directive allowing the Mayor to attend senior management meetings.
- Directed Staff to amend to the Code of Conduct section entitled "Conduct Respecting Staff" to include the following: *Members of Council voicing their personal opinion on a matter, either within or without Council Chambers, shall ensure their opinion relates to the matter at hand and shall not make any negative comments or insinuations about staff or other Members of Council. Press releases, interviews, social media, and any other communications with the media and the public shall focus on policies and initiatives, not individuals. Members shall accurately communicate the ideas in reports as well as decisions of Council even if they disagree with the report or the decision.*

Why were there 2 separate reports (Integrity Commissioner's Report and the Workplace Investigation Report)?

The Integrity Commissioner's report focused on contraventions of the Code of Conduct under the authority of the Municipal Act. After receiving 2 complaints the Integrity Commissioner looked at issues such as:

- the timing of the flow of information between staff and the Mayor versus the rest of Council;
- interfering with the City Manager's duties by meeting with 3 union presidents; and
- the presumed authority over staff.

The workplace investigation report was required as a result of 4 complaints of workplace harassment by the Mayor. The investigation is required under the *Occupational Health and Safety Act*. The *Occupational Health and Safety Act* focuses on the health and safety of workers and prevention.

How did the Workplace Investigator get appointed and what was her mandate?

On January 29, 2016, the City of Sarnia retained James Knight as external counsel to provide advice in respect of workplace harassment complaints that had been received; the complaints involved allegations of violations of the *Occupational Health & Safety Act* and the Workplace Harassment Policy. Mr. Knight is an experienced and widely respected labour and employment lawyer.

Mr. Knight was authorized to retain an external investigator, Lauren Bernardi, who is an experienced and widely respected HR lawyer and investigator. This was an appropriate and normal process in a situation like this, featuring multiple complaints and allegations against the Head of Council.

Once complaints of this nature are filed, the expectation of the law and the Workplace Harassment Policy is that there be an unbiased investigation and recommendations that would promote a safe and healthy workplace.

Ms. Bernardi's mandate was to complete an investigation and report to Mr. Knight, who in turn reported to Council with recommendations.

Was Mayor Bradley given the opportunity to resolve the issues?

Yes. In the Workplace Harassment Report, it states, "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..." (page 39).

The Mayor was invited to discuss recommendations arising from the report at two closed meetings, September 28 and October 6, 2016, and he declined.

Could Mayor Bradley's strong management style have been mistaken for harassment?

No. According to the Workplace Harassment Report, "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."

"I find that the harassment and bullying was ongoing, very serious, and severely impacted the complainants both personally and professionally" (page 43).

Why are tax dollars being used in these investigations?

Sarnia City Council is required by law, through the Occupational Health & Safety Act as well as the City's Workplace Harassment Policy, to take action. The costs are funded through the Corporation of the City of Sarnia and have amounted to \$305,830 before HST(as of May 23, 2017) for outside legal counsel Jamie Knight and the investigator Lauren Bernardi. In addition, \$82,000 has been spent on the integrity commissioner Robert Swazye. These amounts exclude HST and are current as of December 31, 2016. No other payments have been made to other parties in connection with the workplace investigations.

Three of the complainants – valuable and effective senior staff - have left employment because of Mayor Bradley's actions and have issued demands that may yet translate into serious legal actions against the City. Staff morale is low and the City's reputation as an employer has been harmed.

According to the Workplace Harassment Report, "Mayor Bradley ... 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" (page 43).

The best way to have avoided the costs was for Mayor Bradley to have conducted himself in accordance with the law and City policy. The best way to end the cost to the City is to stop the bullying and harassment.

Will the in-camera resolutions regarding this matter be released to the public?

In-camera resolutions will not be released. As per the Municipal Act, those matters that can be appropriately released in detail have been. For example, the report out of the October 6, 2016 Closed Meeting is available to the public in the City of Sarnia Workplace Investigation and Related Materials section of the website.

Is the City aware of any complaints submitted to the Ontario Ombudsman's Office in relation to the workplace investigation?

The Ombudsman's Office received a complaint regarding the October 6, 2016 Closed Meeting and will not be taking any further action at this time.