

Council's Ruling Regarding Personnel Matter

January 31, 2020

At its meeting on January 30, 2020, Council for the Municipality of the County of Colchester received the findings of an investigation carried out by Rebekah Powell, an independent investigator, into a complaint by an employee of the Municipality of the County of Colchester as a result of a comment made by Councillor Robert "Bob" Pash, District 9.

The Municipality took the complaint seriously, moving immediately to retain the investigator and ensuring the matter was addressed in a timely way. In the course of the investigation, and in the absence of a Code of Conduct, reference was made to the Municipality's Respectful Workplace Policy, the law on harassment and sexual harassment as well as provisions of the Human Rights Act.

The following are key findings presented by the investigator:

- i. Councillor Pash did make an inappropriate comment of a sexualized nature to the employee during a Municipality organized social event.
- ii. As an isolated comment, the statement did not constitute harassment or sexual harassment but a repeated course of conduct of similar statements could be considered harassment or sexual harassment; and,
- iii. The breach of confidentiality of the complaint and the Councillor's public comments during the investigation is a significant concern as it serves a possible deterrent to legitimate complaints being made in the future.

In addition, Council was made aware that Councillor Pash indicated that he may commence legal proceedings against the complainant and the Chief Administrative Officer.

Council accepts the findings of the investigator. It endorses the decision by the employee to bring the complaint forward and expresses its strong disapproval of the breach of confidentiality during the investigation, Councillor Pash's decision to speak of this matter publicly during the investigation and the threat to commence legal action.

Council also adopted a Code of Conduct at its January 30, 2020 meeting but will be working to improve on the document. It will also be undertaking a training and awareness strategy to ensure that Council and all municipal employees are aware of the basic tenets of a respectful work environment.

In addition, Council determined that the following recommended measures:

- i. The CAO is to provide a letter to the complainant confirming that the complaint was found to be valid and that Council affirms the employee's right to advance such a complaint. Further, the letter shall communicate that the breach of confidentiality and the threat of litigation are unacceptable and such conduct is rejected entirely by Council. Finally, the letter will confirm that Council will indemnify the complainant from any litigation that may be commenced as a result of the complaint.

- ii. The Mayor is to provide a letter to the CAO communicating that the threat of litigation against him is unacceptable and such conduct is rejected entirely by Council. Further, the letter will confirm that Council will indemnify the CAO from any litigation that may be commenced as a result of the investigation into the complaint.
- iii. The Mayor is to provide a letter to Councillor Pash confirming that the complaint was found to be valid and that the conduct as described herein is not acceptable and is inconsistent with a respectful workplace. Council directs that Councillor Pash undergo respectful workplace training, including the importance of confidentiality in the course of an investigation, no later than March 31, 2020, said training to be arranged by the CAO.

The goal of any investigation is to ensure there is a respectful work environment where employees feel comfortable in raising concerns. The purpose of any response is to not punish but to remediate and strengthen the working relationship to avoid any future occurrences.

The Municipality will have no further comment on this matter.