

Type of Decision									
Meeting Date	Friday, Nov. 4, 2011				Report Date	Thursday, October 27, 2011			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	x	Information Only			Type of Meeting	X	Open		Closed
REPORT TITLE									
Harassment Complaint Report 04/11/11/1102									

Subject: Request to make a finding of harassment and define disciplinary action as per the municipal solicitor's findings.

RECOMMENDATION: That the following resolution be adopted to provide for compliance with the Municipal policy on Harassment and Workplace Violence and the Occupational Health and Safety Act.

WHEREAS the Clerk has filed a Harassment Complaint according to the Municipal Policy on Harassment and Workplace Violence against Reeve Stewart in May of 2011;

AND WHEREAS the Municipal Solicitor has provided his findings;

AND WHEREAS Bill Instance has verified that the Reeve:

1. "ordered Ms. Reith to refrain from talking with anyone..."
2. "Prohibiting Ms. Reith from speaking to such individuals is inappropriate for two reasons. Firstly it interferes with Ms. Reith's ability to do her job....Secondly, such a prohibition, if imposed at all, should only be imposed by Council as a whole."
3. "It is interesting that one of the statements in my letter which was excluded is a statement which indicates as follows: "The Clerk is correct when she states that she does not take direction from you alone" meaning from Ms. Stewart alone."
4. "Ms. Morin did indicate that instead of speaking to Ms. Reith, Ms. Stewart on one or two occasions asked questions in a situation where Ms. Reith was more likely to have the answers."
5. "...Ms. Stewart then personally contacted the Township solicitor and Stephen Sellar from the Ministry. Such behaviour would seem to undermine Ms. Reith's position as Clerk. One Councillor indicated that Ms. Stewart constantly second guessed Ms. Reith's opinions, and a second Councillor stated that Ms. Stewart generally ignored Ms. Reith's advice during Council meetings no matter how strenuously the advice was put forth by Ms. Reith."
6. "While this email does provide some support for Ms. Stewart's contention that she was simply doing what the Council wished her to do, it is to be noted that it appears that Ms. Stewart had contacted Mr. Sellar prior to the date of that email, and she had certainly spoken to me on a number of occasions prior to the date of that email."

AND WHEREAS the Municipal policy on Harassment and Workplace Violence 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."

AND WHEREAS vexatious is defined as "causing or tending to cause annoyance, frustration, or worry";

AND WHEREAS the report from Mr. Instance shows that there was a course of actions and/or comment meaning more than one action or comment;

AND WHEREAS the report from the Clerk states that the actions, statements and conduct of Reeve Stewart was certainly unwelcome;

AND WHEREAS the policy explicitly states that “it does not matter whether you intended to offend someone.”

AND WHEREAS it is not pertinent to prove each of the allegations made but instead to prove at least “a course” of behaviour which has been done by the Municipal Solicitor in his letter dated October 21, 2011;

AND WHEREAS the policy further states that “If a finding of harassment is made, THE MUNICIPALITY OF THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA will take appropriate corrective measures, regardless of the respondent’s seniority or position in the organization”.

AND WHEREAS the sanctions that can be taken against a member of Council are few in number;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby accept the report of the Municipal Solicitor and concludes that Reeve Stewart was indeed guilty of taking actions and/or making comments that caused annoyance, frustration and/or worry to the Clerk and were undisputedly unwelcome;

AND BE IT FURTHER RESOLVED THAT Reeve Stewart receive disciplinary measures which include one or more of the following:

- _____ discipline, such as a verbal warning, written warning or suspension without pay;
- _____ referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect ;
- _____ financial penalties, such as the denial of a bonus or performance-related salary increase;
- _____ any other disciplinary action deemed appropriate under the circumstances.

_____.

Carried _____ Defeated _____ Reeve _____

The options chosen by Council are to be indicated by a checkmark.

BACKGROUND/EXECUTIVE SUMMARY: A copy of the policy has been provided for your review. The initial complaint was confidential as per the municipal policy as it contained unproven allegations. This report is not subject to confidentiality as the letter from the solicitor clearly indicates that infractions contrary to the Municipal Harassment and Workplace Violence policy indeed occurred. The letter from the Solicitor is to be kept confidential and returned to staff at the end of the meeting. Resolutions of Council are to be made in open session. **Council may go into closed session to discuss additional content of the complaint but the resolution is to be read and a decision made in open session.**

Financial Implications/Budget Impact: ?

Policy Impact: is as per policy and legislation.

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

Melinda Reith