

Type of Decision									
Meeting Date	Friday, December 2, 2011				Report Date	Tuesday, November 29, 2011			
Decision Required	X	Yes		No	Priority	x	High		Low
Direction	x	Information Only			Type of Meeting	X	Open		Closed
REPORT TITLE									
Appoint an External Investigator Report 02/12/11/1102									

Subject: Request for Council to consider the appointment of one of the following firms to perform the investigation into the harassment complaints filed by the Clerk.

RECOMMENDATION: That one of the firms who has submitted their reports to Council for consideration be selected to perform the investigation into the harassment complaints as per Council's direction.

**WHEREAS** the Council of the United Townships of Head, Clara & Maria decided at its meeting of Friday, November 18, 2011 to hire an external investigator to look into the harassment complaints filed in early October;

**AND WHEREAS** Council has reviewed the resumes and proposals as solicited by staff in an attempt to make an informed decision;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby appoint \_\_\_\_\_ to conduct a workplace harassment investigation and to propose resolutions to the current workplace challenges.

BACKGROUND/EXECUTIVE SUMMARY: Council approved the hiring of a firm to conduct workplace investigations. Council was to hold selection interviews however; executing that direction posed challenges. Staff made a request of Council via email for a process that was workable and timely. Failing to receive alternate suggestions from Council and as suggested to them, staff contacted various firms and asked for a resume with references as well as a cost estimate for Council consideration.

Staff sent requests to the three firms originally contacted, to a local firm, requested contacts for firms in North Bay and posted the request on-line. A deadline of December 2, 2011 was provided. All proposals received were given to Council for its consideration.

There is some question at this point as to the purpose of having these investigations completed. Councillor Foote made statements at the meeting of Friday, November 18, 2011 which speak to the mindset and goal of the Reeve over the past months, to have the Clerk removed from her position. The municipal solicitor has provided a letter of report on the issue of harassment by the Reeve directed at the Clerk at the cost of approximately \$1200. The two members of the public involved also publicly requested that the Clerk be replaced.

Although confirmation of harassing activity against an employee may result in discipline or dismissal it must be remembered that there are limited actions that Council may take against a member of Council or a member of the public once a complaint has been proven. If Council is to spend this money, it must also commit to taking action based on the outcome or the funds will be spent to no purpose.

Staff has already spoken with a representative of the Public Service Health and Safety Association to arrange a presentation on workplace harassment and violence and to review and modify policies so that they are workable and enforceable. This is available at no cost and has been tentatively planned for the New Year. The Public Service Health and safety Association works with the Ministry of Labour to ensure workplace compliance with legislation.

Financial Implications/Budget Impact: The use of the services of an independent investigator will likely cost the municipality at least a couple of thousand dollars in addition to the money already paid to the municipal solicitor. Council must consider staff and Council time dedicated to this issue over the past six months. An independent outside source would provide an objective opinion free from bias and allow Council members to deal with any decision and move on; hopefully eliminating the “poisoned” and divided culture that currently exists within this workplace. However, unless Council is willing to follow the advice that is provided, there is no point in pursuing this activity further.

Policy Impact: Follows Municipal policy to ensure accountability and transparency in staff and Council conduct.

Others Consulted: Sloane Gagnon and Alain Chenard, the Public Services Health & Safety Association; Pete Stewart, Ministry of Labour; Bill Instance; Chris Rootham, Nelligan, O'Brien & Payne; Ruth Morin, Treasurer/Deputy Clerk;

Approved and Recommended by the Clerk

Melinda Reith,  
Municipal Clerk

*Melinda Reith*