

Background Information Related to the Findings of the “Workplace Investigation Report”

How did the Workplace Investigator (Lauren Bernardi) 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 Code of Conduct. 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 Code of Conduct is that there be an effective 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 would report to Council with recommendations. This is what has occurred at Special Meetings of Council on September 28 and October 6, 2016.

What is the difference between the Integrity Commissioner’s Report and the Workplace Investigation Report by Ms. Bernardi?

As indicated by the Integrity Commissioner, Robert Swayze, in his Report dated June 28, 2016, his original mandate was as follows:

- Investigate whether the Mayor, at any time during this term of Council, has contravened the Workplace Harassment Policy J-01, by harassing members of staff and former staff of the City of Sarnia,
- Investigate whether the Mayor has contravened the Code of Conduct for Council, in respect of the sections entitled “Conduct at Meetings”, “Conduct Respecting Staff” and “Discreditable Conduct”.

In light of the ongoing investigation at that time by Ms. Bernardi, Mr. Swayze did not pursue the first part of his mandate and, instead, deferred to Ms. Bernardi.

As such, Mr. Swayze focused on the Code of Conduct. By contrast, Ms. Bernardi concerned herself with workplace harassment in accordance with

the requirements of the *Occupational Health and Safety Act* and the City's Workplace Harassment Policy.

What are the recommendations that Council is pursuing to create a safe and healthy workplace as a result of this investigation?

Council has met at two Special Closed Council meetings to discuss the report and recommendations on moving forward. Council has directed staff to take certain immediate steps and to provide several reports, all of which will be presented at the Regular Council meeting of October 24th, 2016, which will consider the implementation of recommendations stemming from the findings of this investigation.