



# Staff Report

## Human Resources

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**Report To: Special Meeting of Council**

**Meeting Date: September 15, 2016**

**Report Number: FAF.16.90**

**Subject: Recommendation for Sanctions**

**Prepared by:** Jennifer Moreau, Manager Human Resources

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### A. Recommendations

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THAT Council receive Staff Report FAF.16.90 "Recommendations for Sanctions";

AND THAT Council direct that sanctions be implemented against Councillor Michael Seguin under the *Occupational Health and Safety Act* and the Town's Policies POL.HS.10.12 Workplace Violence and Harassment Program, HR.06.01 Discrimination and Harassment-free Workplace and HR.06.02 Respectful Workplace as follows:

1. Council make a declaration that Councillor Seguin violated the harassment policy on all allegations and the workplace harassment provisions of the *Occupational Health and Safety Act*;
2. Any contact by Councillor Seguin with municipal staff must be in writing (email or letter) and delivered via the Mayor;
3. Any of Councillor Seguin's inquiries regarding municipal staff must be approved in advance by Council. Requests must be provided to the Mayor in advance for inclusion on a Council agenda.
4. Councillor Seguin may only attend at the Town's municipal offices on the following basis:
  - a. to attend council and committee meetings; or
  - b. to attend to any of the normal business of council, which will be conducted only during business hours, arranged in advance through the Mayor's office and supervised by the Mayor or his delegate;
5. Councillor Seguin not be allowed to have any one-on-one meetings with staff;
6. Councillor Seguin be enrolled in training regarding harassment and bullying, to correct his behavior;
7. Councillor Seguin be removed as Chair of the Finance, Administration & Fire portion of the Committee of the Whole;
8. Councillor Seguin be advised to stop harassing and bullying behavior.

## **B. Overview**

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This is a report to provide Council with recommendations for sanctions for violations of the Town's policies related to providing and maintaining a respectful workplace and the *Occupational Health and Safety Act* found to have been committed by Councillor Michael Seguin. The recommended sanctions are brought forward on the basis on the legal opinion of Lauren Bernardi and on Council direction.

## **C. Background**

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On September 12, 2016 Council directed the Manager of Human Resources to prepare, in consultation with legal counsel, a staff report to be considered at a Special Meeting of Council, in open session, to implement sanctions for violations of Town Policy and breaches of *the Occupational Health and Safety Act* by Councillor Michael Seguin.

On May 9, 2016 the Mayor received a formal written complaint from CAO Troy Speck alleging violations of the Code of Conduct for Members of Council and Town Policies by Council Member Michael Seguin. The Mayor engaged the Town's Employment Lawyer, Lauren Bernardi, to assist in assessing the validity of the allegations. Lauren Bernardi retained an independent investigator, Dean Benard, to conduct a fact-finding investigation to assist her in determining if there was a breach of the *Occupational Health and Safety Act* or the Town's policies by Councillor Michael Seguin. Based on Dean Benard's factual findings, Lauren Bernardi concluded that Councillor Seguin engaged in behaviour that met the test of harassment under the *Occupational Health and Safety Act* and the Town's policies.

## **D. The Blue Mountains Strategic Plan**

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Goal #4: Promote a Culture of Organizational & Operational Excellence

- To be an Employer of Choice

## **E. Environmental Impacts**

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Not Applicable.

## **F. Financial Impact**

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Not Applicable.

## **G. In consultation with**

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Bernardi Human Resource Law LLP

Aird & Berlis LLP

**H. Attached**

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Not Applicable.

Respectfully Submitted,

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Jennifer Moreau  
Manager Human Resources

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