



Cunningham Swan

LAWYERS

• EST 1894 •

Tony E. Fleming
Direct Line: 613.546.8096
E-mail: tfleming@cswan.com

May 16, 2025

BY E-MAIL: clerk@gananoque.ca

Council Members – Town of Gananoque
c/o Penny Kelly, Clerk
Town Hall, 30 King Street East
P.O. Box 100
Gananoque, ON K7G 2T6

Dear Ms. Kelly:

RE: Town of Gananoque – Complaint against Mayor John Beddows
Our File No. 16418-171

Introduction

This public report of our investigation is being provided to Council in accordance with Section 223.6(2) of the *Municipal Act*. We note that Section 223.6(3) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should be made public.

Should Council desire, the Integrity Commissioner is prepared to attend at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. The only decision Council is afforded under the *Municipal Act* is to decide how the report will be made public, and whether to adopt any recommendations made by the Integrity Commissioner. Council does not have the authority under the *Municipal Act* to debate the findings of the report, only the recommendations.

00237720.DOCX:

TEL: 613-544-0211
FAX: 613-542-9814
EMAIL: [INFO@CSWAN.COM](mailto:info@cswan.com)
WEB: WWW.CSWAN.COM

We remind Council that the *Municipal Conflict of Interest Act* contains an exception that allows a member of Council to speak to the recommended penalty. Notwithstanding that the recommendation is for a financial penalty, the Act expressly provides the Member with an opportunity to address the penalty only, without breaching the Act.

The Integrity Commissioner has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Integrity Commissioner the duty to conduct investigations in response to complaints under the Code of Conduct, and that the Integrity Commissioner is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Integrity Commissioner's final decision in this matter.

Complaint:

On September 25, 2024 a complaint was filed alleging that Mayor John Beddows (the "Member") had engaged in a series of behaviours that breached the Code of Conduct. The behaviours were reported as occurring at various dates in 2024. One behaviour was reported as commencing in November of 2023 and recurring through July of 2024. Some of the behaviours were reported as being recurring or as happening on multiple occasions.

After our investigation, a number of allegations were not substantiated by evidence from witnesses that supported a finding that the Code of Conduct had been breached and as such those allegations were dismissed and are not found in this report. The remaining allegations are summarized below in the Findings section.

Timeline of Investigation:

- September 25, 2024 complaint received
- October 1, 2024 Complaint package prepared
- October 31, 2024 – due to an internal miscommunication in our office, the complaint package was not received by the Member. Package sent October 31, 2024
- November 27, 2024 response from Member received
- December 6, 2024 – the Member's response was sent to the Complainant with a request for further details to particularize the complaint
- January 7, 2025 – revised complaint with added details sent to Member
- February 2025 – conduct interviews
- March 14, 2025 provide summary of evidence from the interviews to the Member
- April 1, 2025 interview Member
- April 17, 2025 final written submission received from Member

Findings/Analysis:

As a preliminary matter, the Member, through legal counsel, on November 27, 2024 raised an allegation of conflict of interest due to the fact that the Integrity Commissioner was also legal counsel for the Town of Gananoque. The Integrity Commissioner considered the allegation and provided the Member with a written response to the allegation. With the exception of a very specific allegation contained in the complaint, the Integrity Commissioner disagreed that any conflict existed. For the aspect of the complaint that raised some perception of a possible conflict, the Integrity Commissioner provided options to the complainant and the complainant decided to withdraw that aspect of the complaint.

On January 16, 2025, the Member, through legal counsel, raised allegations of bias on the part of the Integrity Commissioner related to statements made by the Member during his election campaign directed to the Integrity Commissioner. The Integrity Commissioner responded by letter dated January 23, 2025 to confirm that the Member's perception of bias was misplaced and that the Integrity Commissioner disagreed with the allegation.

After interviews with witnesses were conducted, the Integrity Commissioner provided the Member with a high-level summary of the evidence, clarified or particularized certain complaints and indicated that certain allegations would be dismissed – requiring no further response from the Member for those aspects of the complaint that were dismissed. The Member was subsequently interviewed and was provided a final opportunity to submit a written response to the allegations after their interview.

All of the written submissions of the Member and their interview responses were considered in detail as part of the process to arrive at the findings summarized below.

Allegation	Summary of investigation findings	Analysis
On July 9, 2024, the Member stated at an agenda setting meeting, “We can fire the CAO without cause. If we could prove sexual harassment, we would not have to pay severance.”	Multiple witnesses confirmed that this statement was made by the Member. Witnesses considered the statement to be a form of threat. Witnesses stated that there was no contextual or circumstantial reason to assume the statement was other than a threat.	We find that while the statement may have been factually accurate, making this statement to the CAO is inappropriate. Section 8 of the Code of Conduct prohibits abuse, intimidation and harassment. The statement is a form of intimidation. There was no context provided by any witness or the Member to

Allegation	Summary of investigation findings	Analysis
	<p>The Member admitted he made this statement. The Member stated that the statement was factually accurate, but that he was in no way accusing the CAO of sexual harassment and used this merely as a hypothetical example of how a CAO might be terminated for cause. The Member denied that he was dissatisfied with the performance of the CAO and stated he has in fact lauded their performance publicly.</p>	<p>justify making such a statement. The Member was unable to justify how reminding the CAO that they could be fired without cause was an appropriate comment.</p> <p>This statement was a breach of section 8.</p>
<p>On July 22, 2024 The Member is alleged to have said to the CAO, “Did you know that the Mayor of Mississauga has Strong Mayor powers and her first act after being appointed was to fire the CAO. I could call the former CAO of Mississauga and offer her a salary of \$120,000 and she would be willing to become the CAO of Gananoque for that salary.”</p>	<p>Confirmed by multiple witnesses.</p> <p>The Member recalls making the statement but denies saying that he stated he could hire the Cao from Mississauga, or that he intended to suggest that the current CAO should be replaced. The Member stated that he was disturbed by the firing in Mississauga and only observed that there was now a highly qualified CAO available – in the context of the demand for qualified employees in municipalities generally.</p> <p>On a balance of probabilities, we find that the Member did state that</p>	<p>We accept the Member’s statement that he did not intend to suggest that the CAO should be replaced.</p> <p>However, for the Head of Council to make this statement to the CAO is inappropriate. The Member appears to have little appreciation for how comments like this can affect staff.</p> <p>Section 8 of the Code of Conduct is not dependent on intent. Commenting to the current CAO that another CAO could be hired has the effect of creating an atmosphere of intimidation, contrary to section 8.</p>

Allegation	Summary of investigation findings	Analysis
	if he called the dismissed CAO of Mississauga they would be willing to come to Gananoque.	
On July 29, 2024, the Member is alleged to have said to the CAO, "If I could prove that you sexually harassed a senior manager, we could dismiss you without severance pay"	This was confirmed by witnesses. The Member did not recall the specific statement, but as in the allegations above, replied in his defence that it was a factually accurate statement. The Member confirmed that he was not suggesting that any sexual harassment occurred, only that if in fact it did happen no severance would need to be paid.	As with the behaviour alleged to have occurred on July 9, 2024 above, while the statement may have been factually accurate, making this statement to the CAO is inappropriate. The statement is a form of intimidation and a breach of section 8.
On September 12, 2024, the Member stated at an agenda setting meeting, "We could fire the CAO without cause as the CAO is the only employee who serves at the whim of Council"	Similar to the allegation above, this was confirmed by multiple witnesses. Similar to the allegations above, the Member confirmed he made this statement, and his response to the allegation was the same.	Similar to the allegations above, this statement is a breach of section 8 of the Code of Conduct, for the same reasons. In addition, the repeated comments about firing the CAO establish a pattern of conduct that ought to have been known by the Member to be unwelcome and offensive. In the circumstances, this pattern of behaviour also constitutes harassment.
The Member is alleged to have made the recurring statement, "Women are often promoted above their abilities because of	Multiple witnesses confirmed that this statement was made more than once by the Member.	We accept that the Member was recounting his experience in the military, and that he holds the belief that the military affirmative action

Allegation	Summary of investigation findings	Analysis
affirmative action"	<p>Witnesses also heard the Member saying that women are only hired because they are women, to even out hiring statistics. The witnesses described the statement as, “just coming out of the blue” with no idea how the conversation got there or where it would go.</p> <p>The Member admitted making the statement, but disagreed there was no context. The Member recalled making the statement in reference to his experience in the military and “the politically driven ‘pink ticket quota’ at the Royal Military College, the Joint Staff College in Toronto, and in the Canadian Armed Forces, which can sometimes result in women being provided opportunities for courses and postings due to gender and not purely on objective merit.”</p> <p>The Member characterized this allegation as being stripped of context and merely an attempt to malign his character. The Member pointed to statements he has made</p>	<p>program allowed women to be promoted above their abilities or to receive postings and opportunities for courses based on gender and not merit.</p> <p>The fact that the Member was commenting about his military experience does not offer an excuse for making statements in the workplace about women being promoted beyond their abilities.</p> <p>A number of the witnesses interviewed about this statement were female and they perceived this comment as demeaning.</p> <p>Section 8 of the Code of Conduct requires that members of Council ensure that the work environment is free from discrimination.</p> <p>Despite the Member’s assertion that his statement was factually accurate, or that it reflected his military experience, this type of comment is inappropriate, is in itself a form of discrimination, and creates an atmosphere in the workplace where staff objectively perceive that the Head of Council is condoning discrimination.</p> <p>This is a breach of section 8 of the Code of Conduct.</p>

Allegation	Summary of investigation findings	Analysis
	that promote merit based advancement.	
<p>The Member is alleged to have made the recurring statement, "Women are often not the best candidates for hiring because they may not return to work after having children"</p>	<p>Multiple witnesses confirmed that this statement was made a number of times by the Member. No witness recalled the context of why the statements were made, often describing such statements as coming "out of the blue".</p> <p>The Member agreed that he made this statement, but took issue with the fact that the allegation did not properly contextualize the statement.</p> <p>The Member recalled making this statement in the context of physician recruitment and the need to offer better incentives to female physicians to promote retention, as the Member believed that many female doctors left the profession after having children. The Member denied that anything he said was derogatory.</p>	<p>We accept the context and facts surrounding the statement as presented by the Member.</p> <p>Notwithstanding the factual and other context, it is discriminatory to make a general statement that women may not be the best candidates due to the fact that some women may not return to work thereafter.</p> <p>As with the allegation above, this type of comment is inappropriate, and creates an atmosphere in the workplace where staff can objectively perceive that the Head of Council is condoning discrimination.</p> <p>This is a breach of section 8 of the Code of Conduct.</p>
<p>The Member is alleged to have made the recurring statement, "When I was in the military I could command my staff to work 18 hours a day without paid overtime."</p>	<p>This statement was confirmed by witnesses and not disputed by the Member.</p> <p>The Member stated that he made this statement as part of a discussion about</p>	<p>There is no evidence that this statement was an attempt to intimidate staff or force them to work outside normal working hours.</p> <p>This aspect of the complaint is dismissed.</p>

Allegation	Summary of investigation findings	Analysis
	leaving cell phones and laptops at home when on vacation to balance the demands of military operational needs when at work.	
In July of 2024, the Member is alleged to have said to staff at their desks, "I see and hear everything that goes on in this building".	This statement was confirmed by witnesses. The Member did not deny making this statement. The Member categorically denied the inference made by staff that they worried that a listening device may have been planted by the Member.	There is no evidence that a listening device was planted by the Member. We agree with the Member that the suggestion from staff that a listening device may have been planted is not an objectively reasonable conclusion based on this statement. Objectively this statement is not intimidating, nor do we find that this was the intent. This aspect of the complaint is dismissed.
In July of 2024, the Member is alleged to have said to staff at their desks "The only thing that I can't do is breastfeed"	This statement was confirmed by witnesses. The Member did not recall making this statement.	We prefer the evidence of the witnesses and find that the statement was made by the Member. Section 8 of the Code of Conduct prohibits abuse, intimidation and harassment. There was no evidence that this statement was abusive, intimidating or in any way sexual harassment. We find the statement inappropriate for the workplace, but not a breach of the Code of Conduct in the circumstances.

Allegation	Summary of investigation findings	Analysis
<p>The Member is alleged to have made the recurring statement, "I am the smartest person in this building (meaning Town Hall)"</p>	<p>This statement was confirmed by multiple witnesses.</p> <p>The Member recalled making this statement, but added that when he makes that type of statement he typically adds that he is, "not very people smart/almost certainly I'm not the smartest". The Member clarified that he says this to reflect on his own perceived shortcomings in that he does not often understand people as well as others do.</p>	<p>Section 8 of the Code of Conduct prohibits intimidation. Staff perceive this comment by the Member to be a form of intimidation.</p> <p>In the circumstances, we find that the comment does not rise to the level that engages the Code of Conduct.</p> <p>This statement was not a breach of the Code of Conduct.</p>
<p>The Member is alleged to have made the recurring statement, "I am the only person in the building with a Masters degree (meaning Town Hall)"</p>	<p>This statement was confirmed by multiple witnesses.</p> <p>The Member denies that he made this statement. The Member advised that he is working towards a Master's Degree, but has not completed the degree. He therefore would not have made that statement as it would be factually inaccurate.</p>	<p>We find that it is more likely than not that the Member discussed his Masters Degree, but that the statement as presented in the complaint was not made as alleged.</p> <p>Even if we accepted witness recounts that the statement was made as alleged, there is no basis to find that the statement was intended to be a form of intimidation as prohibited by the Code of Conduct.</p> <p>This allegation is dismissed.</p>
<p>It is alleged that the Member made a comment to the Former CAO regarding "how to find a 'G spot'" and recounted that when the Member was in</p>	<p>This was confirmed by the former CAO.</p> <p>The Member agreed he made these statements, but clarified that they</p>	<p>As with other comments made by the Member, staff did not recall how the comments came about and described the comments and others of a similar nature as being out of</p>

Allegation	Summary of investigation findings	Analysis
<p>the Military staff would strip naked and search each other for ticks.</p>	<p>were not made as one statement.</p> <p>The Member commented on the Town's security provider, "G – Force" having a parking spot and referred to "finding the G-[parking] spot". The Member considered this a joke and believed the CAO took it as such.</p> <p>With respect to soldiers searching each other for ticks, the Member recalls making that statement, but separate from the G-spot comment. He made this comment as an example of the need to change personal perceptions of certain situations in order to properly address those situations. There was no malintent on the Member's part and he believed the comment was appropriate in the context.</p>	<p>context of the preceding conversation.</p> <p>In the circumstances, we accept the Member's recollection of the context.</p> <p>Regardless of context, the "joke" about finding the G-spot is inappropriate and ought to have been known to the Member to be unwelcome.</p> <p>We find this comment to constitute harassment, contrary to section 8.</p> <p>With respect to searching for ticks, as we accept the context as described by the Member, we do not find the statement to constitute harassment or otherwise breach the Code of Conduct.</p>
<p>The Member is alleged to have made the recurring comment, "I am the most qualified person to be the CAO"</p>	<p>Confirmed by multiple witnesses.</p> <p>This statement occurred in the context of CAO interviews as a comment on the quality of candidates.</p> <p>The Member does not recall making the statement, but believes it</p>	<p>There was no evidence that the statement was recurring.</p> <p>Regardless of the number of times it may have been stated, there is no basis to conclude that the statement was a form of intimidation as prohibited by the Code of Conduct.</p> <p>This aspect of the complaint is dismissed.</p>

Allegation	Summary of investigation findings	Analysis
	may have been made to Council.	
<p>It is alleged that the Member frequently fails to follow the disconnect from work policy. The Member calls various staff on evenings, weekends and while staff are on vacation.</p>	<p>Confirmed by multiple witnesses.</p> <p>Some staff recalled receiving calls while on vacation, with some recalling calls every day during the vacation.</p> <p>Calls were received on evenings and weekends regularly.</p> <p>Witnesses stated that the calls were almost always not for anything important or for anything that could not be done during business hours.</p> <p>Staff did comment that the behaviour has improved since the complaint was filed.</p> <p>In response to this allegation the Member made detailed arguments that the disconnect from work policy does not apply to members of Council.</p> <p>The Member stated that he makes calls and emails when they happen and it is up to staff to respond when they respond. He does not have access to staff calendars and as such he may not know</p>	<p>We find that the Member's statement that he does not know when staff are on vacation to be only partially accurate. The Member called the CAO on vacation frequently and we find it implausible that the Member did not know that the CAO was on vacation.</p> <p>We agree with the Member that the Policy applies to employees of the Town. We also agree that the Member and members of Council are not employees.</p> <p>This however is not the end of the analysis.</p> <p>The policy gives every employee the right to disconnect from work.</p> <p>Section 1 of the Code of Conduct states that members of Council are governed by policies of Council.</p> <p>Section 2 of the Code of Conduct sets out the purpose of the Code. Obligations to maintain a "high quality of public administration and governance" and "encouraging high standards of conduct on the part of Town officials", should be interpreted as requiring members of Council to respect the policy.</p>

Allegation	Summary of investigation findings	Analysis
	when staff are on vacation.	<p>The Integrity Commissioner believes it is inappropriate for Councillors to contact staff outside working hours and expect the staff to refuse to communicate on the basis of the policy – Councillors should lead by example and follow the policy.</p> <p>Unfortunately, the policy excludes members of Council and we cannot read into the policy an obligation that Council chose not to impose upon themselves.</p> <p>As drafted, the Code of Conduct does not make breaching this policy a breach of the Code of Conduct.</p>
<p>On July 11, 2024, at an agenda setting meeting it is alleged that the Member:</p> <ul style="list-style-type: none"> - Stood over a member of Council and yelled at her about a motion to allow the First People to leave shoes on the steps of Town Hall for Truth and Reconciliation. - When a sign was placed with the shoes the Mayor attempted to direct staff to remove the sign 	<p>Witnesses at the agenda setting meeting confirmed that the member:</p> <ul style="list-style-type: none"> - Was angry about the request to place shoes at Town Hall - Stood over a seated member of Council and yelled <p>The Member confirmed that the discussion with the member of Council became “heated” but denied yelling. The “heated” discussion arose because the other member of Council made an analogy with Remembrance Day and</p>	<p>We find on a balance of probabilities that the Member did stand over a seated member of Council and raise his voice. While no one in attendance recalled the words used, everyone recalled the tone of the exchange and recalled that the Member’s behaviour was intimidating and inappropriate.</p> <p>Section 8 of the Code of Conduct prohibits abuse, intimidation and harassment.</p> <p>The Member’s behaviour in this incident was intimidating and abusive, contrary to Section 8.</p> <p>Regardless of whether another member of Council may also</p>

Allegation	Summary of investigation findings	Analysis
	<p>made a comment the Member found disparaging of veterans. In the Member's words, after hearing comments disparaging of veterans, "of course the conversation became heated".</p> <p>With respect to the sign, we reviewed emails related to this issue and find that there was no direction to staff to remove the sign.</p>	<p>have made inappropriate comments, the Member is responsible for controlling their temper and leading by example.</p>
<p>On 25 July 3, 2024, it is alleged that the Member attended the scene of an emergency on King St. bridge which was cordoned off by Fire & Police. The complaint alleges that the Mayor was directing a vehicle placed in the road to control traffic to move.</p>	<p>The investigation confirmed that Hydro/Fortis was asked by first responders to place a vehicle in the road to act as traffic control.</p> <p>Witnesses stated that the Member directed the hydro/Fortis vehicle to move.</p> <p>The Member disputes that he was directing anyone responsible for the scene. The Member stated he was merely observing at the time.</p>	<p>Section 11 of the Code of Conduct directs members of Council not to direct staff. In this situation, there is no evidence the Member directed or attempted to direct staff. The vehicle that the Member was concerned with was not a Town vehicle and the evidence does not support the allegation that the Member was directing staff.</p> <p>Although being involved in any way with this type of incident is not appropriate for a member of Council, the Code of Conduct is specific to directing staff and this aspect of the complaint must be dismissed for lack of evidence specific to that prohibition.</p>
<p>On September 19, 2024, the Member filed a bylaw/property standards</p>	<p>Our investigation confirmed that the letter was sent and that it was</p>	<p>Section 11 of the Code of Conduct prohibits members of Council from directing staff.</p>

Allegation	Summary of investigation findings	Analysis
<p>complaint about a building in Town, using Town Letterhead and signed as the Mayor. Council was not consulted in advance.</p>	<p>on Town letterhead and signed as the Mayor.</p> <p>Staff interviewed were concerned that staff might consider this type of letter to be issued by Council, or be a direction to staff to take action – because it was signed by the Mayor.</p>	<p>The letter in question cannot be construed as directing staff.</p> <p>At most, it is potentially confusing to staff if they believed that a letter from the office of the Mayor was speaking on behalf of Council – which is not stated in the letter (in fact the letter is clear that it is the Mayor’s personal opinion that the building is in breach of the by-law).</p> <p>While this is not a practice that the Integrity Commissioner endorses, it is not sufficient to constitute direction to staff. Further, staff confirmed that they did not treat it as direction.</p> <p>This aspect of the complaint is dismissed.</p>
<p>It was alleged as a weekly occurrence for the Member to tell various staff that he is leaving for the day, and then he would go out to his car, drive around the building and come back in to the office.</p>	<p>Confirmed by multiple witnesses.</p> <p>Witness observed this behaviour at least twice a week on occasion.</p> <p>Staff feel this is an attempt to intimidate them, or surprise them to catch them not working. Staff find this disruptive to work flow.</p> <p>The Member admits leaving and coming back, but disputes the frequency. The Member explained that he often forgets things in Town</p>	<p>We accept the Member’s explanation that he often forgets things and is forced to return to Town Hall to retrieve them.</p> <p>There was no evidence of an ulterior motive disclosed in the investigation. This aspect of the complaint is dismissed.</p>

Allegation	Summary of investigation findings	Analysis
	Hall and returns to pick them up. The Member denied any ulterior motive or any intent to intimidate staff.	

Conclusion:

The Integrity Commissioner finds that while a number of complaints related to directing staff were found not to cross the line established by the Code of Conduct, staff clearly are struggling with how the Member navigates that balance. The dismissal of these complaints ought not to be seen as endorsing the Member's approach to staff relations. The dismissals rather reflect the fact that the Member is careful to phrase his comments to staff in a way that they are not overtly direction. We caution the Member to be mindful of his role and to let staff deal with day to day operational matters without oversight.

Comments about affirmative action and whether the CAO can be fired only exacerbate the difficult relationship between staff and the Member. This strained relationship is also apparent in the aspects of the complaint that were not found to breach the Code of Conduct. Comments about "seeing and hearing everything that goes on in this building", while not a breach of the Code, do not foster a positive working relationship with staff. Similarly, comments about being the smartest person in the building do not establish the Member as a strong leader, they appear to have the opposite effect with staff.

Our overall finding is that the Member has a genuine desire to create a positive working environment, but he struggles with interpersonal relationships. The Member recognizes that he struggles with reading people, and we see this as being at the core of many of the issues in the complaints. As with many complaints our office receives, the relationship between the Member and staff has reached a point where behaviour that staff might otherwise ignore or that would be unremarkable are now perceived to be offensive or as having meaning that the Member does not intend.

We hope that all of the behaviour complained about, regardless of whether it met the threshold for a breach of the Code of Conduct or not, is thoughtfully reflected upon by the Member so that this report can serve as the starting point for re-setting his relationships with staff.

Recommendations:

Making recommendations for penalties in this circumstance is about understanding the nature of the breaches and considering what is necessary to create an incentive to change inappropriate behaviour.

As stated above in our conclusions, for the most part the behaviour that breached the Code of Conduct was not driven by ill-intent, but rather by a failure to appreciate the role of the Head of Council and what is appropriate for the relationship between staff and the Head of Council.

8 of the 18 complaints reported on were found to breach the Code of Conduct. The breaches fall into four general categories of complaint as discussed below:

1. Comments suggesting the CAO could be fired;

4 separate complaints fall into the first category. Although the comments are similar, they were made on separate occasions that form a pattern of behaviour. The Member's argument that the statements were factual and therefore not a breach of the Code of Conduct demonstrates a lack of awareness of the seriousness of the comments and how inappropriate it is for the Head of Council to talk about terminating an employee.

The pattern of conduct amounted to harassment of the CAO. More generally, other members of staff who heard first-hand or were made aware of the comments commented in their interviews that this was intimidating. Behaviour such as this creates concerns for job security.

In order for Council to demonstrate that it does not support such behaviour, we recommend that Council suspend the Member's remuneration for a period of 30 days.

2. Comments about women and affirmative action;

The second category of complaints contained two examples of comments that were discriminatory. While we accept the Member's explanation about the context in making such statements, the impact of such statements on female staff must be considered in assessing an appropriate penalty. We find that this type of comment, especially coming from the Head of Council, is likely to create a workplace atmosphere where the contributions of female staff are devalued.

We recommend that Council demonstrate its support for and appreciation of its staff by suspending the remuneration of the Member for a period of 30 days for these incidents. To be clear, this recommendation is in addition to the 30 day suspension recommended above.

3. An offensive sexual joke;

The Member acknowledged that his joke was in poor taste. Individuals in a position of power over staff must be aware of the impact of their actions, rather than simply believing offensive jokes are acceptable because no one objects at the time. The imbalance in power often prevents staff from objecting.

This behaviour is not one that was repeated, but it is still offensive and should not be tolerated. We recommend that the Member's remuneration be suspended for a period of 5 days. Again, this is in addition to the recommendations above.

4. Aggressive behaviour towards a member of Council;

The Member's behaviour towards a member of Council at the agenda setting meeting was abusive and cannot be tolerated. While the Member disputes that he raised his voice, that is contrary to the recollection of other attendees of the meeting. Attendees found the behaviour aggressive and intimidating and one witness expressed the sentiment that they would not want to expose someone else to that behaviour.

This is not behaviour that Council should expect from its members or that any member of Council or staff should be exposed to. We recommend that Council suspend the remuneration of the Member for a period of 15 days. As with the other recommendations, this recommendation is in addition to the recommendations above.

Our total recommended suspension of pay is 80 days.

This concludes our investigation and report in this matter.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



Tony E. Fleming, C.S.
LSO Certified Specialist in Municipal Law
(Local Government / Land Use Planning)
Anthony Fleming Professional Corporation
TEF: am