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Integrity
Commissioner

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April 2, 2024

Town of Cobalt Council
c/o Steven Dalley,
Town Manager, Clerk-Treasurer

By Email: sdalley@cobalt.ca

RE: IC Response to Request for Inquiry – Councillor Harry Cooper

The Integrity Commissioner's Office (E4m) received a request for an inquiry into the behaviour of Councillor Harry Cooper at the July 12, 2023, Committee of the Whole meeting. The meeting was open to the public, recorded and posted on YouTube as a link from the Town's website.

The allegations included a complaint of harassment, which if proven would be a violation of the Town's Workplace Violence and Harassment Policy and in turn then also a contravention of the Council's Code of Conduct. Harassment is against the law and complaints must be dealt with in accordance with the Occupational Health and Safety Act (OHSA).

The investigation by the Integrity Commissioner was put on hold until an internal investigation on the harassment claim had been completed by a third party. That report has now been received by Council and dealt with in closed session as a personnel matter allowing the Integrity Commissioner to proceed with a public reporting of the inquiry respecting the allegations of contravention of the Code of Conduct.

The request to the Integrity Commissioner was based on a staff report agenda item, where Councillor Cooper proceeded to question the staff member on technical details and managerial decisions both associated with the report and with respect to other issues in the same department that were not the subject matter of the report being presented. Fortunately, the Mayor put an end to the questioning, but it resulted in a complaint to the Integrity Commissioner.

According to Section 4 of the Code of Conduct, respecting *Conduct at Meetings*, c) states, ***"Respect and courtesy will be provided to delegations, fellow members, staff and members of the general public."*** Section d) continues with, ***"In accordance with the Ontario Human Rights Code, the Occupational Health and Safety Act, and the Town's Workplace Harassment Prevention Policy, all persons will be treated with dignity and respect in an environment free of discrimination and harassment."***

Section 7. of the Code of Conduct, *Relations with Staff* includes the statement, ***"Members shall refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility."***

The OHSA 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"***.

All municipalities are required by the OHSA to have a **Workplace Violence & Harassment Policy**. Since they involve named personnel these investigations are confidential with their reports confined to a closed session meeting of Council.

The Town of Cobalt's policy, By-law 2010-021 further defines harassment as follows:

"Harassment is any behaviour that demeans, humiliates or embarrasses a person that a reasonable person should have known would be unwelcome. It includes actions, comments or displays. It may be a single incident or continue over time".

In addition to the above-note definition, the Town of Cobalt's policy goes on to provide examples of harassment and how complaints are to be dealt with.

- ***Patronizing or condescending behaviour (including Council Meetings and conduct between members of Council);***
- ***Humiliating an employee in front of co-workers;***
- ***Abuse of authority that undermines someone's performance or threatens her or his career (including statements made in jest).***

Integrity Commissioner Decision

Councillor Cooper, immediately following the meeting and again during these investigations, claimed he never intended to embarrass or humiliate staff.

However, the detailed and off topic questioning by Councillor Cooper evidenced in the recording of the July 12, 2023, Committee of the Whole meeting, did not enable the staff person to prepare detailed answers in advance for Council. Regardless of Councillor Cooper's claimed intent, his behaviour left that person feeling blindsided, stressed, demeaned and harassed. His conduct, contravened sections 4. c) and d) and 7. of the Code of Conduct.

Council may choose to impose the following penalties: a reprimand (including an apology to the staff member) or suspension of remuneration for up to 90 days.

Integrity Commissioner Recommendation

Due to the Respondent's reluctance to admit he had breached the Code, and the fact that training had been provided to Council shortly after the last election on more than one occasion, the Integrity Commissioner recommends the suspension of remuneration for up to 90 days.

It is also within the role of the Integrity Commissioner to provide training to Councils respecting their obligations under the Code of Conduct and the Municipal Conflict of Interest Act (MCIA). Considering this and the past investigation undertaken by this Integrity Commissioner, it has become apparent that although overall improvements in meeting conduct have been observed, Council could benefit from additional training.

I trust this input will be helpful in moving forward in your quest for good governance for the Town of Cobalt.

Respectfully,



Colleen Hannigan, RPP MCIP
E4M Integrity Commissioner