

Resolution

WHEREAS:

- A. An employee of the Regional District (the "Employee") filed a complaint against Director Gisborne alleging that he engaged in conduct involving the employee, other staff, and Directors in contravention of the District's Workplace Discrimination and Bullying and Harassment Policy, #4.16 (the "Policy"), its Code of Conduct, and the law (the "Complaint");
- B. The District retained an experienced external investigator to investigate the Complaint (the "Investigator");
- C. The Investigator conducted virtual interviews with the Employee, Director Gisborne, and 13 witnesses being District staff and Directors and provided the Regional District with a report containing his findings (the "Report");
- D. The Investigator determined that there were five incidents where Director Gisborne's conduct constituted personal harassment and bullying of the Employee under the Policy as well as under WorkSafeBC.
- E. The Investigator also determined that Director Gisborne's age-related comments constituted a poisoned work environment under the law;
- F. The Investigator determined that three of the five incidents involving the Employee also violated a number of provisions of the Code of Conduct, and that two separate incidents also violated a number of provisions of the Code of Conduct;
- G. The Investigator found that there was consistent evidence that Director Gisborne has a strained relationship with Board members, and that his behaviour at meetings is typically confrontational, and can be disrespectful, rude, and aggressive;
- H. The Investigator determined that the evidence was also consistent that Director Gisborne is sometimes condescending toward staff, and that he will personalize his critiques of their reports or presentations;
- I. The investigation revealed that Director Gisborne maintains a considerable amount of resentment against the District and Chair Patrick Brabazon for what he perceives as mistreatment of his father, a long-time Director at the District, after he had become disabled and wished to return to the Board;

- J. The investigation also revealed that Director Gisborne has a distinct animus toward Al Radke, the CAO, and that Director Gisborne is somewhat preoccupied with finding fault with CAO Radke's performance despite the fact that, by all other accounts, CAO Radke continues to perform capably in his role;
- K. The Investigator made three recommendations to address the conduct of Director Gisborne;
- L. The Regional District has an obligation under WorkSafeBC to provide a safe and harassment free workplace for all of its employees; and
- M. The Regional District has an obligation to protect the personal privacy of the Employee;

THEREFORE the Board resolves that:

1. The Board disapproves of the conduct of Director Gisborne as found in the Report;
2. Director Gisborne be directed to treat all employees of the Regional District in a respectful and professional manner;
3. The Board accept the Recommendations contained in the Report as follows:
 - a) Director Gisborne will have no face-to-face interaction with the Employee (or the Employee's staff), and all his communication with the Employee (and the Employee's staff) will be confined to writing, e.g. email. This arrangement will be reviewed by the CAO after six months to determine if it is appropriate to remove these restrictions or if they should continue for a further period of time;
 - b) Director Gisborne will issue a written apology to the Employee within 30 calendar days of the date of this Report. This apology will include the following components: (i) an acknowledgement by Director Gisborne that he engaged in conduct toward the Employee which was in violation of the Policy; (ii) an acknowledgment by Director Gisborne that this conduct had a significant negative impact on the Employee; (iii) a statement by Director Gisborne that he apologizes for this conduct; and (iv) a statement by Director Gisborne that he is committed not to repeat that conduct or otherwise violate the Policy vis-a-vis the Employee; and
 - c) Within 90 calendar days of the date of this Report, Director Gisborne will undergo one-on-one sensitivity/Respectful Workplace training from an expert third-party provider. This training will be paid for by the District and will be a minimum of three hours in length. This training will include but not be limited to the following areas/topics: conflict resolution; communication

and listening skills; principles of good leadership; trust in teams; scope of the workplace; discrimination and discriminatory harassment; personal harassment and bullying; and poisoned work environments.

4. Any time related recommended actions contained in the Report, or otherwise, are effective as of this meeting date.
5. Any correspondence recommended actions contained in the Report, or otherwise, are to be carbon copied to the qathet Regional District Board.
6. Any sensitivity training recommended actions contained in the Report, or otherwise, are to be coordinated by administration and a confirmation of attendance, as well as an evaluation report, is to be submitted to the qathet Regional District Board by the expert third-party provider.
7. The Board rise and report on the Chair's report and this resolution.