

IN THE MATTER OF AN ARBITRATION

BETWEEN:

**GOVERNMENT OF THE NORTHWEST TERRITORIES**  
as represented by the Minister responsible  
for the *Public Service Act*

Employer

- and -

**THE UNION OF NORTHERN WORKERS**

Union

**Grievance re: CSSWIII Rejection on Probation**

**AWARD**

BEFORE:	Thomas Jolliffe, Q.C.
FOR THE EMPLOYER:	Brad Patzer
FOR THE UNION:	Chantal Homier-Nehme
HEARING LOCATION:	Yellowknife, Northwest Territories
HEARING DATES:	April 15, 16, 17 and 18, 2008 June 10, 2008

**Date Award Issued:**  
**February 12, 2009**

Our File: 52,054 TJ

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This matter concerns the grieved rejection on probation of a registered social worker from her Community Social Service Worker III (CSSW III) position with the Yellowknife Health and Social Services Authority (YHSSA), positioned as she was approximately 150 air kilometres distant in an “outlying community”, which for purposes of this award will receive no other identification, and coming within the Authority’s administrative structure and authority. Due to the sensitive and confidential nature of information presented throughout this award, including evidence about certain child clients, the rejected probationary employee will be referred to as “the grievor”. This award will refer to her immediate office co-workers positioned by YHSSA in the outlying communities with whom interpersonal conflicts developed only by the jobs they performed, not by name, which is to say references will be made repeatedly to the “other community social worker”, the “community co-ordinator”, and the “administrative assistant”. It will refer to managers and executives positioned in Yellowknife by name. Outside adult witnesses are referred to by one initial, and child clients as such.

The written notification sent to the grievor by Gregory Cummings, the Chief Executive Officer (CEO) at YHSSA rejecting her while on probation, dated February 22, 2005, includes the following reasons:

**After reviewing your submission and the circumstances surrounding your work performance problems, I have decided to accept the recommendation to reject you on probation. Over the past ten months you have been disciplined for negligence and insubordinate behaviour. The latest incident occurred when you yet again placed a youth in our care at risk by not taking appropriate steps to address the situation. Thus you are being rejected on probation for negligence, incompetence, and overall unsuitability for the position.**

The grievance was filed during the next week, with the Union claiming that the dismissal

was not justified under Section 21 of the *Public Service Act*. It reads as follows:

**21.(1) At any time during the probationary period of an employee, the Minister, on the recommendation of the deputy head, may reject the employee but any such rejection must be made in good faith.**

**(2) An employee who has been rejected under subsection (1) ceases to be an employee.**

The Union further stated its position in the grievance to be:

**“... that the dismissal was not in good faith and the Employer deliberately “set up” (the grievor) for failure, and did not even attempt to follow appropriate steps in regards to alerting and guidance as outlined in the FMBS Human Resources Manual. (Section 1601).**

**Furthermore it is the Union’s opinion that the letter written by Les Harrison, Director Social Programs is borderline malicious, slanderous, and a defamation of (the grievor)’s character and work ethics.**

**To the best of our knowledge, (the grievor) at no time received any corrective action or direction by the Employer which could have led to improvement in her performance, and carry out her job duties as described in her Job Description.**

The above reference to the Human Resource Manual issued by the Financial Management Board Secretariat, Section 1601, reads as follows:

- 1. The purpose of a probationary period is to provide the employing department with a reasonable period of time in which to ascertain whether an employee is suitable and competent in the duties of the position assigned. It also provides an employee with the opportunity to adapt to the work environment.**
- 2. Where a probationary employee fails to maintain the required standard of conduct and corrective action has not resulted in acceptable improvement in performance, rejection on probation may be considered. Rejection on probation may also be considered if during the probationary period it is determined that the employee is not suitable for the position or does not have the competency to perform the duties of the position at an acceptable level. ...**

In its filed grievance document, by way of remedy, the Union has sought the full range of compensation possibilities speaking to the grievor being made whole, in addition to claiming punitive damages for undue hardship, stress and public humiliation, and reinstatement.

There was no issue raised speaking to the arbitrator's jurisdiction to hear and determine this matter on the merits, inasmuch as the collective agreement, unlike some others, does not preclude the Union from grieving the dismissal of a probationary indeterminate employee, and having the matter heard on its merits at arbitration by reference to the *Public Service Act* and applicable case law providing some interpretive guidance.

The voluminous evidence and argument in this matter was heard over five days in Yellowknife, as recorded in 364 pages of the arbitrator's foolscap notes and some 60 exhibited documentary materials addressing many aspects of the grievor's employment tenure lasting from her acceptance of the appointment offer into a full-time indeterminate position, effective April 20, 2004, carrying a one-year probationary period, until she was rejected on probation some 10 months later. Overall, it can be said to have centered on whether the Employer fulfilled its obligation to act in good faith by providing the grievor with a workplace environment in which a new employee could realistically succeed over the course of her probationary period, including her having reasonable assessment and guidance along the way, or were there a variety of ongoing circumstances within the workplace taking the situation sufficiently outside the grievor's control such that she was realistically bound not to succeed despite her best and competent efforts. At the same time the Employer acknowledges its obligation to provide a safe and healthy work environment, for any employee. A consideration of the grievor's efforts at succeeding included one having to review

certain documented incidents and occurrences prior to her release which generated discipline and which were seen by her superiors, certainly, to reflect adversely on her suitability, and her commitment to succeed at the job. In this respect, much of the evidence presented at hearing can be said to be contentious, realistically raising issues speaking to motive, and credibility, and the overall attitude or actions of co-workers, and reactions by superiors.

The job description under which the grievor was hired sets out at some length her expected responsibilities in providing support services within the community in order to identify needs involving both crisis intervention and ongoing child or parent-child relations' management and find appropriate solutions within the community. As pointed out during the course of the hearing, the job description document applicable to the grievor, in addition to suitable education and experience required:

**The incumbent must have the ability to work independently with a minimum of supervision. Skills in managing a varied caseload are required. The nature of the caseload requires a high level of skill in problem solving techniques and the ability to reach sound decisions in highly stressful situations.**

**Exceptional skills in communication and interviewing techniques are required in both written and verbal form; effective listening skills are essential to fulfill the demands of the position.**

**The incumbent must have the ability to work effectively in a cross-cultural setting, have direct counselling experience, and have an understanding of human behaviour and development as well as a family dynamics.**

The grievor's credentials and professional background leading to her accepting the job offer cannot be considered in dispute. Between 1993 and 1999 she held positions in Peace River and Edson, in the province of Alberta, as a child welfare worker, employment counsellor, support services worker, income support worker, and supervisor, working for the Department of Family and

Social Services, running the gamut of usual programme delivery. Her experience included working within the team concept in organizing, liaising, and providing action plans for assigned clientele in a variety of circumstances giving rise to Provincial support or intervention. Between 1999 and 2003 the grievor worked as a regional manager for Native Counselling Services of Alberta, positioned in Edmonton with duties which included co-ordinating and organizing the work of staff under her supervision to ensure effective programme delivery in order to meet the varied needs of the assigned clientele within her region. It included creating and overseeing the delivery of programming and resources at the regional level, relative to eight separate offices, budgeting and monitoring of financial expenditures. She also participated in hiring, and doing performance evaluations of programme staff, and ensuring as the regional manager that they received ongoing training support and development, working in the areas of family support, child welfare issues, employment counselling, and court worker assignments within aboriginal communities. The grievor testified that her past total disciplinary record while working in Alberta amounted to a one-day suspension for having taken part in an illegal strike action. She said that during all those years she never received a below standard work performance rating in any of her formalized annual work appraisals.

By the grievor's description, she left her position in Alberta in 2003 after having decided to relocate to the outlying community where some members of her immediate family had lived for many years, including parents and sisters, and where she considered she had numerous ties and a commitment to the community. Her family was of aboriginal descent, being members of the Metis nation. As a single parent, she made the decision to live in the community and place her son in school there in September 2003. At the time of applying for the available permanent position with

YHSSA in April 2004, she had been working as a community social worker on a casual employment basis for Health and Social Services in that community since the previous November. She said that her on-site training for her period of casual employment was a matter of starting work and being shown the files on which she would be working. By her recollection, she spent about three hours with the other community social worker reviewing a manual with her, and talked to the office supervisor, Robert Hopkins who was positioned in Yellowknife, from time to time. She simply went about her business handling the assigned full caseload. She said that she never met Mr. Hopkins "face-to-face" until the spring of 2004. She also recalled that from time to time she also received advice from another supervisor positioned in Yellowknife, Margo Kennedy.

The grievor testified that she applied for a permanent position as a community social worker in April 2004 at the suggestion of the community co-ordinator, but that immediately upon commencing her duties in the permanent position she was told by the other social worker in the same office that she was disappointed with the choice. She had wanted one of her friends to get the job, who had been out of the Northwest Territories during the time of the interviews. To put it bluntly, serious difficulties in their working relationship, and with other co-workers, by the grievor's observation, surfaced almost immediately on her accepting the position although not with respect to the case load on which she worked. The grievor started seeing various persistent issues developing which she felt plainly impacted the supposed professionalism of the office. This included co-workers showing up late, and upon arrival not starting to immediately deal with client matters, also their "gossiping" in front of clients and talking about other persons' files with co-workers within hearing distance of clients. She saw there to be emotional discord openly displayed

at work, even some suspected ongoing illicit drug use by one co-worker, the administrative assistant. The evidence in many respects centered on the unhappy and deteriorated relationship amongst co-workers, with certain matters and occurrences being recorded on the grievor's file as time passed, including a successful allegation of harassment made by the grievor against the community coordinator, as investigated. The grievor encountered some disciplinary responses with respect to her own actions, and eventually experienced the immediate contentious circumstances leading to the release decision being taken by her superiors.

The first Employer called witness, Margo Kennedy, became an acting supervisor for YHSSA in June 2004, with duties primarily focussing on intake and investigation matters, before accepting the position on a permanent basis in February 2005. To that point she had been an investigator and case manager at the YHSSA for some six years, having previously worked in Alberta doing child protection work in Slave Lake and also in a regional position with Child and Family Services. By Ms. Kennedy's description, from August 2004 onward she was supervising four staff workers in Yellowknife, before taking on the supervisory duties from mid-December onwards, both administrative and clinical, over the two community social workers positioned in the outlying communities, including the grievor who had started working in her indeterminate position eight months earlier, with a one-year probationary period to apply. She described her main responsibilities in her supervisory role as being available to staff on a consultative basis, providing guidance and clinical direction if need be on difficult files as matters developed, and assisting them in team building efforts as might be necessary. She also expected she would play a role in the performance review process, including meeting with individuals and setting objectives within an

office under her supervision including the one in the outlying community. She saw her clinical supervisory role as involving discussions with the social workers respecting their caseloads, reviewing their reports and their dealings with any clients including both the children and the adult services' files within the community. Her administrative supervisory duties included reviewing and approving time sheets, hours and scheduling, and time off requests. She recollected that the previous supervisor in the outlying community, Robert Hopkins, who had only provided clinical supervision from his office in Yellowknife, had mentioned that there had been "difficulties" in that office for several months involving both community social workers and the community co-ordinator. Generally her involvement would be in discussions held by telephone as well as reviewing the written case scenarios and reports submitted to her Yellowknife office. She acknowledged that on moving into the supervisory duties over the outlying community caseworkers, she was not yet familiar with the community workers or any perceived interpersonal difficulties having arisen amongst them. She also acknowledged never having been a part of setting out any specific objectives or expectations with respect to the grievor's work as a social worker, having only come into a direct supervisory role over the outlying community office in mid-December 2004. By Ms. Kennedy's recollection, her first conversation with the grievor had been over the phone in August 2004, about two months after she had taken on acting supervisory duties in Yellowknife, but while Mr. Hopkins was still doing the formal clinical supervision of the caseworkers positioned in the outlying community.

Ms. Kennedy testified that prior to becoming a supervisor she had worked in the Yellowknife office for the previous two years, and had herself received at least one performance evaluation, by

her recollection, in about February 2004. Therein, she said, there was some discussion of goals, observed strengths, and areas to be “worked on” relative to her own performance level as a staff social worker at that point. She also remarked that had there been any concerns with her own performance she would have expected that before receiving the formal performance document, there would have been some discussions with her as to what required some attention. As a supervisor, she said, she was expecting to complete performance appraisals on the caseworkers under her supervision by about the end of February 2009, in preparing to move ahead for the upcoming year. She said she was not sure about the dictates of policy in that respect, but that the performance appraisal forms for anticipated upcoming completion arrived in the Yellowknife office by about the end of January each year. She said she was not sure what the grievor may have received by way of a performance appraisal or feedback prior to her arriving on the scene as her supervisor in mid-December 2004. She was aware from her discussions with her Director, Les Harrison, and Mr. Hopkins that there had been an ongoing, observed, “personality conflict” between the grievor and the other community social worker. By the time she moved into the supervisor’s position they were working in different buildings within the same community. Ms. Kennedy did not indicate having any concerns at that point with the grievor’s casework reports, or the manner in which she served here assigned clients. She acknowledged understanding at the time of taking over the advisory duties of that the outlying community office was considered “really needy” as amongst the YHSSA workers and that Mr. Harrison and indicated that supervisory issues were likely to arise often.

Ms. Kennedy’s first relevant notation on her supervisor’s calendar on which it was her practice to record events, was her taking over supervision of the outlying community’s office from

December 13, 2004 onwards. She next recorded, day by day, that the grievor's co-worker, the other community social worker, was off work on medical leave, ultimately lasting through the end of the month, and also that she had made her first visit to the YHSSA office on December 17. She had e-mailed the grievor on December 15 asking her how things were going, with the response being that she had taken a teenaged female client to Hay River for her therapist's appointment where the grievor was "glad to be going", while pointing out that there was "absolutely no communication between (the administrative assistant) and myself". She said that on reviewing the office case files she found there were three with no adequate case plan yet recorded thereon, two belonging to the other community social worker. However, she had no reason to suspect that appropriate child care protection work was not being carried out on a professional basis, or that their developed expertise in that area was not being adequately applied.

In her testimony, Ms. Kennedy indicated being aware that the grievor had had some contact with a teenaged client she was transporting to Hay River by way of a "voluntary support agreement", with her only role at that point being to drive her to counselling appointments in Hay River related to resolving ongoing family conflict issues. Ms. Kennedy's visit on December 17 followed her having received an e-mail message the administrative assistant the previous day, which she recorded in a memorandum form, that she was to call the girl's mother, L., who wanted to present a complaint over the grievor's conduct concerning her daughter. The grievor had confirmed in a follow-up telephone call that a complaint had been received but that she also thought everything had been worked out. From the grievor's version of the "history" of what had occurred as given to her, and as recounted by Ms. Kennedy in testimony, following the girl's aunt A., having assaulted her during

a verbal altercation while inebriated, the adult person was criminally charged. Thereafter, prior to the girl yet having had the opportunity to attend Court to make a victim's impact statement, or testify, the grievor was driving her into Hay River for a scheduled psychological counselling appointment, when they came upon the aunt standing by the side of the road, just outside town, hitchhiking in very cold weather. In their initial brief follow-up telephone discussion, the grievor indicated to Ms. Kennedy that the girl, on being asked, had said it was "okay" to give her aunt A. a ride into Hay River, which they did. The grievor also indicated to Ms. Kennedy that she had already been contacted by L. who wanted to talk with her supervisor. She also indicated that L. and the administrative assistant, were best friends and that this co-worker had put her up to the complaint. On hearing from the grievor, Ms. Kennedy next placed a call to the girl's mother, L. who indicated that she "wasn't happy" that the grievor had picked up the aunt with her daughter in the car when, by her understanding, there was a no-contact order in place, following the assault charge which had not yet been finalized. By Ms. Kennedy's description, L. indicated to her that she did not want to see it happen again. Ms. Kennedy thought the grievor must have been aware despite her indicating not knowing. She did not explain why she thought the grievor would have been fully aware of the legal situation. She testified that on the girl's file, which she looked at, while there was "no mention" of any no-contact order, also could see that the "incident" would have amounted to an assault, inasmuch as the aunt was reported to have struck the child while inebriated.

By Ms. Kennedy's recollection, the December 17 interview of the grievor in the outlying community office, was her first previously planned and scheduled visit to that location in about two months. Ms. Kennedy's immediate superior, Les Harrison, the Director of Social Programs and

YHSSA, accompanied her. In addition to their discussing various other files with the grievor, by Ms. Kennedy's recollection, the grievor said she had been "set up" by the administrative assistant, with respect to the situation involving the girl's aunt. The grievor told her that she had actually spoken to the aunt earlier on the day of the occurrence, in the office, and had pointed out that she was dealing with a client and was not able to give her a ride to Hay River. However, later that morning as she and the girl were driving away from the community they came upon the aunt hitchhiking in very cold conditions near a restaurant at the edge of town, although only a short walk from the person's home. Having asked her, and then specifically noted that the girl did not object, the grievor had decided to give the aunt a lift. Nothing significant was thought by her to have occurred in the car, with the girl and her aunt interacting with each other in appropriate enough fashion.

On December 18, 2004, the day following their interview, Ms. Kennedy compiled a comprehensive memorandum reviewing the salient facts as she understood them, including the grievor denying that she had known there was a no-contact order in place, and asserting that the administrative assistant, and her friend L., and the aunt had used drugs together. Ms. Kennedy reported that the grievor's actions had shown poor judgment, being not in the best interests of the child. A three day suspension resulted, which was not grieved.

At the same time, while in the outlying community, according to Ms. Kennedy, she "began to get a feel" for the grievor's ability to complete her reporting requirements on various files on which she was working. Ms. Kennedy did not indicate that there were any difficulties disclosed in that regard, nor on her subsequent visit of January 27 and 28, 2005. By her assessment, the grievor

was providing appropriate coverage and properly involving herself in the community at that point.

However, she later observed there to be another "incident" having occurred on February 3 and 4, 2005, starting with her receiving a telephone call at her home in Yellowknife from the grievor at about 11 p.m. on February 3. The grievor indicated to her that she had been talking with an adult person in the community, T, that same morning concerning her eleven year old niece, who had been staying in her home on a "plan of care" arrangement, as recently renewed which originated in Fort Good Hope. By the grievor's description, T. had indicated to her that the child had "accused" T.'s teenage son of "sexually bothering her", or to put it somewhat differently, he had been "bugging her". Ms. Kennedy recalled the grievor relating that the accusation levelled against the son had upset T. to the point of this person telling her niece to "pack her bags", and that she had "kicked her out". Ms. Kennedy understood that the child was from Fort Good Hope and was only staying in the outlying community by reason of her being placed in a relative's home. Coming from another community, with her caseworker file remaining there, the grievor's situation was one of a "courtesy social worker", but nevertheless she was the one on site able to take immediate action. Ms. Kennedy's impression was that the grievor had not been in contact with the girl's case manager, indeed remarking that she understood the grievor had not attempted to contact the child or the caseworker "until the next day". Ms. Kennedy's response at that point was to ask the grievor where the child was presently located to which she recalled the immediate response she gave was, "walking around town with a friend", or as indicated in her file notes, was still "around, walking with friends". She testified that she then asked the grievor where the child would be staying, to which the grievor responded, by her recollection, that she had stayed the previous night with another aunt, but relating

nothing about plans for the future, or even what was happening that night. At the same time, according to Ms. Kennedy, the grievor also indicated that she had “got the impression” that the child’s version was inaccurate and that there had been no sexual harassment or abuse. She also indicated being aware that the girl may have been sexually active in the community since her arrival. By Ms. Kennedy’s description, on listening to the grievor, she was immediately concerned that she had not yet properly interviewed the girl or even spoken to her, who was by then out of the home where she had been staying, possibly out on the street somewhere. At the same time she expected that by then the grievor would have had “face-to-face contact”, and been able to make an informed assessment as to whether the situation required the RCMP to be involved also with the foster parenting aunt who had reported the possible abuse allegation. There was also the issue of whether other children might be living in the home, concerning which a risk assessment was now indicated by reason of the current allegation, albeit the caseworker in Fort Good Hope still had file management. By Ms. Kennedy’s testimony, she was not satisfied that the grievor had made any sufficient effort to understand and clarify what was going on. It was her view that when a child living in a plan of care situation verbally raised sexual concerns with respect to her living arrangements, or had possibly even been kicked out of the house where she was staying, a community social worker becoming aware of such a situation was obligated to take immediate action including appropriate interviews and formulating a report, and an action plan. At the same time, by her assessment from their late evening telephone conversation, it was her view that the situation plainly had been developing for at least a full day with no steps yet taken by the grievor to ensure the child’s safety and immediate security, or understand what was actually occurring. She also

recollected that the grievor was not sure whether the girl had been only staying in her aunt's residence, or had been formally placed there.

By Ms. Kennedy's assessment also, the grievor had wrongly placed some emphasis on whether the girl had already been sexually active, and whether the aunt had believed her son's denial. She said the grievor seemed to have missed the point that it was her duty to take steps and realistically investigate the matter on the basis of what had been alleged, and, if necessary, let the RCMP make a determination speaking to validity of the child's complaint following its own investigation of the matter. Moreover, she seemed not to have recognized that her principal obligation at that juncture was to protect and support the child, make sure that she was safe, meaning securing a proper place for stay that night. Ms. Kennedy also testified that under the circumstances presented she would have expected the grievor to have called her supervisor immediately upon learning of the child's complaint, not hours later at 11 p.m., although she was home sick that day. Her office had received e-mails earlier that same day from the grievor at 10:39 a.m. and again at 5:08 p.m. without any mention of a developing situation. She said she did not see that circumstance at the time to be necessarily concerning, but in her later review of the situation she would have at least expected some contact over the issue during the course of the day, and not waiting until 11 p.m. to call her, or another supervisor, with the child at that point apparently not having anywhere safe to stay, with even her current whereabouts not being established. She said that she also observed in their telephone discussion that the grievor's description of what had occurred was only "coming out in pieces" as distinct from her providing an organized reporting of a concerning event, which Ms. Kennedy would have expected, and which required careful consideration in order to develop an

immediate plan of action. Her notes made that same night describing her telephone discussion with the grievor were entered into evidence, including her direction to the grievor that she call the RCMP "right now". Ms. Kennedy was aware that the Referral and Investigation protocol contained in the Standards and Procedure Manual required of that in any "investigation" being carried out, in the event the child was considered to be at immediate risk, the child should be apprehended, or at least the decision made whether the child was in need of protection. The child protection worker, according to the protocol, should also be notifying the RCMP, "if, at any time, it appears that physical or sexual abuse may have occurred". By Ms. Kennedy's description from their late evening telephone conversation, under the circumstances, she had to characterize the grievor's response on February 3, 2005 to the situation facing the 11 year old girl as "negligent" and further that she had observed the manner in which the grievor had related the developing situation to her as "very unprofessional".

The following morning, February 4, 2005, Ms. Kennedy met with her immediate superior, Les Harrison, accompanied by the grievor's previous supervisor Robert Hopkins. Together with Mr. Hopkins, she placed a conference call to the grievor and the other social worker, with the grievor indicating at the time that the girl had been "acting out" and was wanting to return to Fort Good Hope. Thereafter, by her understanding at some point, the child was located to Yellowknife, with the teenage boy being charged and eventually convicted of a sexual interference offense.

There was no follow-up February 2005 performance appraisal prepared respecting the grievor, which she would have expected to be doing in normal course as her supervisor, inasmuch as she thought they were issued yearly at about the end of that month. The decision was made that month to reject the grievor on probation. Indeed, Ms. Kennedy was not able to indicate that there

was a formal written appraisal done at any time during the grievor's probationary period to the point of her rejection, at least not one involving her input as her last supervisor. She did not indicate any specific awareness of the Performance Planning and Review language from the Human Resource Manual, Section 1406, which under para. 7 requires performance development reports to be completed quarterly during one's probationary period and under para. 19 states that supervisors are to "complete a written probationary performance development plan prior to three, six, nine and 12 months of employment for individuals on 12 months probation." Her level of supervisory involvement, apparently, did not include that aspect of performance planning and reviews, at least not for the grievor.

Ms. Kennedy's immediate superior, the Director of Social Programmes at YHSSA, Les Harrison, testified that he was not directly involved in the grievor's hiring into an indeterminate position in May 2004, carrying a one year's probationary period. Nevertheless, he indicated being aware that the grievor successfully completed that same month the usual eight days' Child Protective Services (CPS) training and a further three days of Child and Family Information System (CFIS) training. She was provided with a copy of the *Child and Family Services Act* and the applicable Standards and Procedure Manual. He also knew that the grievor's main activities in her job involved responding to and investigating requests or complaints concerning the protection of children, and determining what further action might be necessary, concerning she had considerable applicable experience. The grievor, he knew, was initially assigned to work under supervisor Hopkins who was available for consultative purposes from his office in Yellowknife, in addition to making periodic visits to the outlying community, where initially it was thought that a meeting every two

months or so would be appropriate. As matters developed, with difficulties being encountered amongst co-workers working together, his visits, he said, occurred more frequently. At the same time, he said, Mr. Hopkins would have had telephone calls or e-mails with the grievor every two or three weeks involving clinical and other issues as they developed. Mr. Harrison was well aware of the job description document applicable to the grievor, which would have been provided to her at time of hire. He said that in a situation of a developing child protection emergency, a crisis within the home environment possibly affecting a child's well-being, with a further possibility of apprehension, he would expect "immediate contact within the hour" from the worker who has become apprised or otherwise connected with the situation. The "risk" was to be understood and immediately managed in an appropriate fashion. A developing child-at-risk situation, he said, is always the most pressing issue to be handled given the critical dual issue in such a situation of child protection and risk assessment. Suffice to say that by his information, he was not satisfied the grievor's handling of the situation involving a female child being put out on the street by her family caregiver following a complaint to the woman over her son's actions in the home, with possible sexual interference being raised as an issue, was appropriate.

At the same time, Mr. Harrison was aware that from almost the moment of her being hired into the second CSSW III position in the outlying community, a difficult ongoing working relationship had developed between the grievor and the other community social worker. This co-worker had first alleged in May 2004, shortly following the grievor's hiring, that she had conducted herself in a fashion unbecoming to a social worker living and working within the community, and had damaged the relationship between co-workers. The initial situation, as he understood it,

involved allegations of the grievor having attended the home of a client in her professional capacity, with her own niece in tow, and then sometime later had gotten into a shouting match with a 16-year-old female outside her own home while off-duty. In the resulting investigation conducted by a senior outside social services professional, Rose O'Donnell-King, who was the CEO of Sahtu Regional Health Authority, she found no-fault resting with the grievor for having allegedly attended at client's home with a family member present. She concluded in her reporting letter of June 16, 2004 that the grievor had left her niece outside the residence and was not thought by the investigator to have committed any act warranting disciplinary action with respect to that allegation. However, she found the grievor to have used abusive language towards a teenage female in a confrontational verbal situation which had developed in a public setting, the front yard of her sister's home, where the grievor had verbally taken issue with the young person wanting to spend time with her adult son who was nine years older than she. The had grievor admitted to having said to her, "stay the fuck away from my house and stay the fuck away from my son". The incident was reported to the RCMP by the girl's mother, resulting in one of its members speaking with the grievor.

In her investigative report, Ms. O'Donnell-King advised the YHSSA CEO, Gregory Cummings, Mr. Harrison's immediate superior, that her concerns regarding the grievor's behaviour on her off-hours included her using abusive language towards the teenage female, not being professional in that instance, and also indicating that the grievor was not careful enough as to choice of behaviours in the community setting. She thought the grievor might benefit from sensitivity training at that point. It was also of concern to the investigator that the grievor's co-worker attended the meeting when the RCMP Const. had discussed the incident with the grievor, which she should

not have done, not being her direct supervisor, or personally involved in the altercation. She had insinuated herself into the investigations for her own unsupportable reasons. In her report, the investigator indicated doubt for the success of their working relationship, which was obviously strained at that point. In dealing with the question of whether they had been working in a professional, respectful, and collaborative manner with each other, given that the grievor had alleged the other community social worker and made false allegations against her with respect to the incidents, she reported that from her discussions and investigation, “no, I did not receive any indication that they (other community social worker and the grievor) had worked co-operatively in the past, or any indication that a goal would be to work collaboratively in the future”, and further, “no, I do not believe that this relationship is repairable unless extensive mediation and ongoing supervision is extended. The fallout from their behaviours have extended to other staff and the community”. The investigator also reported that she perceived there to be an impact already on other staff in the office, who “admitted to feeling torn between two sides and were already at the point of choosing sides” having identified that there had been “a lot of tension and anger” in the office. She reported her information that many of the office conversations between the grievor and the other community social worker “are underlined with anger and antagonism”, going on to provide numbers of examples, and allegations of inter-office problems between the two of them as taken from their own admissions and known events.

On Mr. Harrison’s review in late June 2004 of the issues and circumstances set out in the investigator’s report, he did not see that the grievor’s off-duty interaction with the teenage female boded well for her ongoing reputation in the community. He noted that Ms. O’Donnell-King had

made several recommendations, including that the lines of communication and supervision be clearly stated and shared between social workers; that both the grievor and the other social worker receive a disciplinary response, with the grievor having acted irresponsibly while dealing with a family matter; that she attend sensitivity training; that supervision from Yellowknife be implemented on more than a three-month basis; that file audits take place; that separate offices for the two social workers be provided; that a facilitator/mediator be made available to the office staff in the community were they to be willing participants; and that the community co-ordinator who was absent during the investigation be fully briefed, and her role explained in the process of “repairing the damages in the office and in the community”. Certainly, by then Mr. Harrison was also aware the grievor was not on good working terms with her immediate on-site supervisor, for office administrative purposes, the community co-ordinator.

There was no indication from Ms. Harrison of any planned mediation to occur, or any specifically detailed intervention which actually occurred. Mr. Hopkins soldered on as their supervisor from his office in Yellowknife for the next five months, making visits from time to time, although doing what exactly to change the situation was not clear on the evidence. In response to these reported concerns and possible fixes, the evidence was that Mr. Hopkins did try to visit the outlying community more frequently than before; the file audit occurred which uncovered nothing of any import; there was no sensitivity training; no mediation occurred; but disciplinary warnings were issued, and the grievor and her co-worker were placed in different office locations with the community. As matters developed, the community co-ordinator, the only on-site supervisory person day-to-day, made matters worse by all accounts, not better.

In any event, on June 28, 2004, Mr. Harrison issued a written reprimand for unprofessional

conduct to the grievor, which went ungrieved. He also addressed therein her strained relationship with the community co-ordinator, working in a supervisory position over her at that point. He knew that the grievor had indicated she was not satisfied taking any direction from her. In dealing with the grievor's treatment of that person, he advised her:

**You have continually questioned the authority and at times confidence of your supervisor. Incessantly you have questioned who you report to, a question that has been answered on more than one occasion. On May 26 & 27, 2004 you made allegations against your co-worker, some of which have since been found to be untrue. You have repeatedly been critical of and condemned the social work practices at YHSSA. You have undermined YHSSA by expressing your views to fellow staff members, community members and senior officials at the Department of Health and Social Services. You have not followed the chain of command and allowed your supervisor or myself time to thoroughly assess your practice concerns. Your behaviour since April 19, 2004 has been erratic and this is causing stress in the work environment and leads me to the reasonable conclusion that it may also be causing stress in the community and among your clients. Your pattern of behaviour has had a significantly negative impact on what was previously a healthy and productive work environment.**

He went on to advise the grievor that in issuing a formal letter of reprimand for insubordination following the O'Donnell-King report, not subsequently grieved, he was expecting that she would change her behaviour immediately by:

- working with your supervisor(s) and co-workers as a cohesive team of professionals**
- modeling the level of professional behaviour expected of a social worker, and**
- ensuring no further incidents of insubordination or unprofessional conduct take place**

Mr. Harrison also advised the grievor in the notification letter that should her behaviour not change it would lead to further discipline and/or rejection of probation "due to serious suitability concerns". Realistically, as evident from Mr. Harrison's testimony, the suitability concern was that

he took the grievor as having to shoulder as much blame as her immediate co-workers for their deteriorated working relationship albeit he did not state any specific concerns over her management of her caseload files, or her work and involvement with her "clients".

Thereafter, from periodic telephone conversations with the grievor and also with the community co-ordinator, by Mr. Harrison's testimony, the internal office relationships were not seen to be improving. Notably, in September 2004, the grievor complained that the community co-ordinator was opposed to her attending a community meeting, not having given her any work time to attend, with the community co-ordinator responding that the grievor had been looking for preferential treatment. By then the grievor was alleging harassment, and abuse of authority, with the discussions which followed centering on the application of the Department's workplace conflict resolution policy.

Eventually, on October 6, 2004, the grievor filed a formal complaint alleging that she was being harassed by her administrative supervisor, the community co-ordinator, including that this person had recently sworn at her after she had made a request to take part in a workshop which the Metis Council wanted to arrange. The grievor also raised other discriminatory treatment issues including, generally, that since her disciplinary letter three months earlier she was being "treated horribly, like crap". She reported that she had reached the stage where she was concerned that any error in judgment on her part would be used against her in order that she could be fired.

At that point an outside mediator/arbitrator, Colin Baile, investigated the complaint with interviews of office staff and others conducted by him. In his report issued on November 24, 2004, he concluded that the community co-ordinator had verbally addressed the grievor rudely, had interrupted her in the presence of others and engaged in belittling behaviour. She was seen to have

abused her authority in dealing with the grievor “by not affording (her) the same consideration as other staff”, for example refusing her time off while granting the same request to other persons, allowing others greater flexibility in terms of vehicle use, and allowing other staff to be away from work while recording them to be present. He stated that “more generally, it is concluded that (the community co-ordinator) has harassed (the grievor) during the time of her employment with the Authority”. In reading that conclusion, he cited the GNWT Workplace Conflict Resolution Policy as follows:

**The Policy defines both harassment and abuse of authority.**

**Harassment is defined as:**

**Harassment means any improper behaviour by a person that is directed at, and is offensive to, any other employee of the GNWT or anyone who is related to the business of the GNWT and which that person knew or ought reasonably to have known would be unwelcome. It comprises objectionable conduct, comment or display made on either a one-time or continuous basis, that demeans, belittles, or causes personal humiliation or embarrassment to an employee.**

**It includes harassment based on race, creed, colour, sex (gender), marital status, nationality, ancestry, place of origin, age, disability, family status, political beliefs, sexual preference or religion.**

**Harassment includes a poisoned environment where offensive conduct or comments, not necessarily directed at anyone in particular, are pervasive, and have a negative effect on morale; for example, the encouragement of repeated jokes related to race, women, same sex couples. Harassment also includes the exclusion of a individual or individuals, based on any of the grounds listed above, from activities within the workplace.**

**Abuse of authority is also defined:**

**Abuse of authority is a form of harassment which occurs when an individual improperly uses the power and authority inherent in his or her position to endanger an employee’s job, undermine the performance of that job, threaten the economic livelihood of the employee, or in any way interfere with or influence the career of the employee. It includes intimidation, threats, blackmail or coercion.**

In a follow-up second report issued the same day, November 24, 2004, meant for management eyes only, Mr. Baile indicated as follows with respect to the “workplace environment” he observed to exist in the outlying community:

**The nature of this workplace requires independent tasking and decision-making from all personnel including both the Complainant (grievor) and Respondent (community co-ordinator).**

**The Complainant needs a great deal of structure and guidance in order for her to perform to potential. The Respondent expects staff to come to the job with the skills necessary to ‘et the job done’. As a result the Complainant is adrift in an environment without the landmarks she requires and the Respondent has failed to provide what the Complainant needs in the form of tailored guidance and gentle encouragement. The Complainant requires affirmation and genuine assistance in her skill development.**

**The organization would appear to have a poor reputation in the community and is known in the community as being a dysfunctional workplace. Both the Complainant and Respondent have contributed to this situation.**

***The Complainant*, since her arrival has repeatedly and frequently undermined the organization’s role in the community by forming alliances with community members to speak out against how the organization does its business. She has alienated her co-workers in favour of her vision of how the organization should operate.**

***The Respondent* attempts to maintain an old school, status quo in how she conducts her work. She is not entirely sensitive to the community, nor its needs. Her reputation in the community was expressed and being “cold”, “not proactive”, and “elitist”. Her relationship with the community-based RCMP members was raised by several individual as being too close. This has created the impression that client information is shared between them freely.**

Mr. Baile concluded that the community co-ordinator had shown an inability to address the grievor’s needs as her supervisor and recommended that a written reprimand be issued to her. With respect to his observations of the grievor’s approach to her job, he stated:

**As to the (grievor), it is unlikely that her modus operandi will change significantly regardless of any reasonably available modifications being introduced into the workplace. She will likely continue to contribute to the escalating dysfunction of the workplace. Her relationships with her co-workers lack trust or respect. *As she is presently on job probation, it is recommended to terminate her employment or transfer her to an organization with exceptionally strong management capacity.* (Emphasis his)**

Mr. Baile went on to advise that he did not see the workplace as an appropriate one for mediation, as by his observation the community co-ordinator and the grievor's other co-workers had shown a lack of trust in her. He stated his view in the report that if the grievor remained in her position it would be critical for staff to participate in some form of team building and conflict resolution process, there being "numerous unresolved interpersonal issues between the (grievor) and other staff members".

Mr. Harrison testified that he discussed the Baile report and the recommendation contained therein with his immediate superior, Mr. Cummings while accepting the merits of the conclusions contained therein. They decided it was not appropriate to release the grievor on probation at that point given the harassment and supervisor abuse which had emerged. He did not mention what he and Mr. Cummings may have thought their duties were to a probationary employee in the "escalating dysfunction" of the workplace, especially where as yet no caseload audit had turned up any real issue with respect to the grievor's working on her own assigned community based files, apparently without any positive assistance from her immediate on-site co-workers with respect to guidance and counsel. At the same time, there was no indication on Mr. Harrison's evidence that they doubted the accuracy of what Ms. Baile had concluded. He testified that in response they determined there should be a supervisory change at the outlying community office and that Margo Kennedy should be brought into the situation with respect to both the grievor's clinical and administrative supervision at that

point. He also referred to her as “a fresh pair of eyes”, inasmuch as by his understanding she had not been involved previously with the outlying community office in any assigned supervisory capacity. Mr. Harrison advised her of the dysfunctional situation which had developed as amongst the staff, including providing her with a copy of the Baile reports. Within about two weeks, as earlier described by Ms. Kennedy in her testimony, she had contacted the grievor and made her first visit to her office, which is to say the day following the hitchhiker incident.

Mr. Harrison testified that he next met with the grievor in the outlying community office, to discuss the hitchhiker incident. He indicated in testimony being made aware of the circumstances, including the grievor’s version of what had occurred which he set out in some considerable detail in memorandum form following his on-site discussion with her. He remarked that whether or not there was a Court order preventing any contact between the aunt and the client whom she had assaulted, and he thought there likely would have been prior to trial, the grievor should have at least discussed the situation with the child’s parent or guardian before allowing any contact between the two of them in her company. Certainly, he did not see what the grievor had allowed to occur as being good clinical practice. In his reviewing the incident he saw the client as hardly being able to turn down the grievor’s inappropriate request to allow the person to ride in the same car with her. Additionally in talking to the grievor about the incident he formed the view that her approach was to “downplay the seriousness” of what had occurred by suggesting that the aunt was actually the girl’s greatest support within her family group. Further, by his impression, she was massaging the facts in order to blame her co-worker, the administrative assistant, for the concerned mother’s complaint, with her indicating that she had “set her up”, which is to say by Mr. Harrison’s assessment of what had occurred, the grievor was not taking responsibility herself what she had done

and was attempting to wrongly deflect the seriousness of what had occurred. By his analysis, the incident had occurred as a result of the grievor having made the decision herself to give the hitchhiking aunt a ride to Hay River, and in doing so had "used very poor judgment". He knew that the grievor had continued to have a very poor working relationship with the other community social worker, also with the community co-ordinator, and also apparently with the administrative assistant who she must have thought was disgruntled enough over her working there to have "set her up".

Mr. Harrison's next involvement was in recommending to his superior, the Acting Chief Executive Officer at the time, Ruth Robertson, while Mr. Cummings was away on leave, that the grievor, who was recognized as still being on probation, should receive a three-day suspension for the incident involving his allowing the assailant aunt to be in contact with the child in the circumstances described in evidence. She had already received a written reprimand for unprofessional conduct in June 2004. In his letter to Ms. Robertson he rejected the grievor's explanation that she did so because she was somehow unaware of a no-contact order being in place, and that both the child and her assailant were thought to be alright with the contact inasmuch as their relationship was a good one at that point. He pointed out to his superior, which long-standing view he confirmed at hearing, that it was standard practice for a no-contact order to be issued in an assault investigation, and that the grievor should have reasonably known that one existed in her case. He reported that by his assessment she should have shown better judgment and should not have let any agreement by the child to the other person's presence guide her decision. By his assessment, her priority should have been the safety of the child, with the grievor's actions having placed the client at unnecessary risk. The three-day suspension which resulted, following the recommendation, was not grieved.

Thereafter, Mr. Harrison was involved in the investigation of the February 3, 2005 occurrence involving the 11-year-old girl, earlier remarked on by Ms. Kennedy in her testimony. He met with the grievor the next day who had detailed her version of events at some considerable length in a follow-up memorandum which was entered in evidence. By his description, on his subsequent review, the grievor's actions, or lack thereof, had caused him to have "really significant concerns". He was aware that the girl's formally instructed case manager at that point resided in her old community, Fort Good Hope, and that the grievor's assigned role was to provide "courtesy supervision". Nevertheless, given her position in child care protection work, he said, she should have responded immediately after being notified that the child was out of her current living arrangements and on the street by the actions of her foster parenting relative. She should have taken a leadership role by locating the child as the on-site professional, arranging an immediate alternative placement, and also involving the RCMP having regard to the allegations which had surfaced respecting the teenaged male's alleged actions. Her not taking the time to interview the child, he said, which disclosed what he took to be unacceptable inaction on her part, "made me more concerned". In his investigation, Mr. Harrison also spoke with the instructed child care worker in Fort Good Hope, the girl's home community. That person, he knew, had been the local caseworker handling the open file who had arranged for the girl's temporary placement with relatives in the outlying community. Despite the grievor having indicated to him in their discussion being under the impression that she had already been sexually active in the community, which he saw as a matter of the grievor wanting to downplay the significance of what was being reported, the managing caseworker in the other community which the girl had recently left advised there was no indication of any sexual activity being reported there. Further, the grievor had presented her view to him that the girl may have made

the “sexual stuff” comment inasmuch as she was upset over whatever interpersonal difficulties she was experiencing while living with her relatives. Having listened to her, Mr. Harrison said, it was evident that the grievor had not talked directly to the child during the day and evening following the aunt having reported her leaving the home, that she had not discussed the situation immediately with the RCMP despite the report of there being possible sexual abuse implications, and apparently did not know where the child was other than “walking around in the community”. If there was any doubt at the time she should have contacted a supervisor in Yellowknife, albeit with Ms. Kennedy home sick that day, it would have been someone else. By his assessment, the grievor had failed to adequately carry out her supervision role of a child who was currently living in her community while in a foster care situation. Further, he did not see it as an academic exercise in considering her proper role, but a failure on her part which had potentially placed a child’s safety at risk. He did not view the situation as merely raising a questionable practice issue but was more a matter of the grievor having failed in a core professional duty, and showing “seriously poor judgment”. There was no indication from Mr. Harrison that he talked to anyone from the girl’s immediate family, her caregiver aunt, the father who resided in the outlying community, or the girl herself, for purposes of completing his investigation of what had occurred. This would be despite the grievor’s own file memorandum indicating that she had met with the girl’s father that day, whom she understood was about to have his children live with him, had discussed the situation with both the caseworker from Fort Good Hope, and the aunt, had told the dad to keep the child with him in their discussion, having arranged a meeting with the caseworker for the next day.

Prior to making his recommendation, Mr. Harrison discussed the circumstances with his subordinates, supervisors Ms. Kennedy and Mr. Hopkins, also his immediate superior at that point,

Mr. Cummings. He had not talked to other than the grievor, and the caseworker in Fort Good Hope, and Ms. Kennedy who reported her conversation with the grievor occurring late on the evening of February 3. He then wrote to Mr. Cummings on February 9, 2005 in presenting his recommendation for rejection on probation which letter reads as follows:

**This letter is to inform you that I am recommending that (the grievor) be rejected on probation for negligence in fulfilling her duties as a Community Social Services Worker in Fort Resolution, NT.**

**Twice in less than two months she has displayed very poor judgment, which put youths in our care in vulnerable and potentially dangerous positions. In December, 2004, (the grievor) was given a three-day suspension for an incident in which she admitted to allowing someone whom she knew had assaulted a youth to ride in the same vehicle with the youth while on escort to Hay River.**

**The most recent incident of negligence also put a youth at great risk. The youth in our care made an allegation of abuse against one of the members of her caregiver's family. (The grievor) became aware of the concern at 10:00 o'clock in the morning, yet did not report this to her supervisor until approximately 11 p.m. that night; did not report this to the RCMP until directed to do so by her supervisor; she did not interview the child; and she did not physically ascertain or ensure the child's whereabouts and hence their safety.**

**This accumulating pattern of poor judgment leaves me to conclude that (the grievor) has not demonstrated the clinical skills to safely work as a Community Social Services Worker.**

Mr. Harrison also wrote to the grievor indicating that she had exercised very poor judgment in putting youths in their care in "vulnerable and potentially dangerous positions". He pointed out that she had already been given a three-day suspension for the first incident, with the Department's position being that the most recent incident had "also put a youth at great risk". He raised the issue of the abuse allegation having received no immediate follow-up, also the fact that she had become aware of the situation during the morning but not reported anything to her supervisor until the late evening, did not report the situation to the RCMP and "did not physically ascertain and/or ensure

the whereabouts of the child and hence their safety". He went on to allege that the grievor had shown an "accumulating pattern of poor judgment, most recently resulting in dereliction of duty and gross negligence" which he saw as leaving him no choice but to recommend that she be rejected on probation. He also indicated that she had five working days to make a submission refuting the recommendation.

The grievor did respond in writing, in her correspondence to Mr. Harrison dated February 14, 2005 which was entered in evidence. Therein she stated that she had been a registered social worker since 1996, indicating that no such allegations had ever been made against her in the past, and that she had always received above average performance ratings in any appraisals recorded on her personal file, elsewhere. She next reminded Mr. Harrison that she had initially voiced her concerns about "office practices" prior to her being offered a permanent position, both over the way clients were treated and the lack of office supervision. She remarked therein that even at the time she accepted the permanent position she felt that it would be "just a matter of time" before she would be let go "because of my style of practice, differing values and a different approach than that of the community co-ordinator and other social worker". She recalled having voiced her concerns even during her training sessions in Yellowknife concerning how different the practice and operations in the outlying community office were. She went on to speak to the first "serious allegations" against her occurring shortly following her accepting the indeterminate position, which she described as not being true, and remarking that thereafter she received the letter of reprimand and "was harassed, belittled, humiliated and embarrassed" by her three co-workers in the office. She reminded Mr. Harrison that following her October 2004 complaint, the investigator assigned to report to management had determined that the community co-ordinator had used her authority and had

harassed her, which interfered with her ability to perform her duties. She stated that even though she was under a great deal of stress due to the "constant harassment, isolation and working in an unhealthy environment, I completed my work in a satisfactory manner". She mentioned that by mid-December she had applied for another social worker's job in a different community, Fort Smith, concerning which her supervisor was made aware, and thinking about her current situation that it was "just a matter of time before I was set up and fired". She also reminded him that she had submitted a formal request to be released from her commitment to the outlying community position in order to take the job which was offered in late January for a social worker position in Fort Smith. In her dealing also with the incident involving the hitchhiking aunt, the grievor indicated in her written response that she was not aware there was any no-contact order in place as she had seen the teenager and her aunt interacting together in the community. While recalling that she had admitted at the time to using poor judgment in providing transportation to the woman while the young client was in her car, had she known that such an order was in place she would have decided differently. She added that it was evident to her that again she had been "set up" by the administrative assistant. She reminded Mr. Harrison that in mid-January that she had conveyed to him and Mrs. Kennedy her belief that her co-worker had been acting erratically and was "using drugs again". She went on to assert that the community co-ordinator was "acting aggressive towards me, name-calling, swearing in the reception area, arguing with her family at the office, as well as inviting people into the office only to sit or stand around and talked negatively about me while I was present". There was no suggestion in her letter to Mr. Harrison that she understood these kinds of complaints about her co-workers were being actively investigated.

Moving along in her response letter to Mr. Harrison, to specifically addressing the situation

involving the child leaving her foster parenting placement, she acknowledged therein that it was correct to say that she had become aware of the situation in the morning of February 3, 2005. However at that point it was only "a potential situation" and that after consultation with the caseworker in Fort Good Hope it was her understanding that this person would be following up on the file. At some point during the day she had located the father of the child who was residing in the outlying community, advising him that she needed more information. By about 11 p.m. when she had her discussion with Ms. Kennedy, and indicated that she would be contacting the RCMP, she understood the child by then was in safely in bed. As she put it in her written response, "I knew of the child's whereabouts and I knew she was safe", although not stating where that might be. The grievor in her written response also went on to indicate that she found it "very disturbing" that it was only after she had worked into the community office for 14 months (including both her casual and indeterminate status work time) and was nearing the last two months of her probationary period, having been offered and accepted another position elsewhere, that she was suspended twice and rejected on probation. She stated that there had been no concessions made for her even though the 'usual practice' of the other social worker and administrative support staff in the community showed much greater degree of 'dereliction of duties', concerning which she believed she had advised her clinical supervisors of numerous examples in the past year. She went on to indicate that in light of having secured replacement employment by then, and seeing Mr. Harrison as preferring to have her without a job, inasmuch as once rejected on probation she would be ineligible to work in any type of employment with the GNWT for the next three years, she saw him as wanting to destroy her credibility and career. She cited her observations respecting "the difference in treatment" in the office between staff members, concerning shortfalls of others observed within the outlying

community office, and her belief that the administrative assistant had by then relapsed into drug use. She harkened back to her interview with Mr. Baile in November 2004, whom she recalled as having asked her why she would want to stay and put up with the abuse she had been receiving from her co-workers. If indeed she accurately recalled such a remark from Mr. Baile, it indeed would have been a curious one given the Employer's obligation to provide a health, safe, and harassment free work environment. She also indicated that she was not prepared to "sit back and let myself or other members of this community be treated unfairly and unjustly".

Mr. Harrison's response to the grievor's written explanation was that it was inaccurate, although he did no further factual investigation over anything she related to him therein. For example, he did not see how the grievor could say that the child on February 3 was necessarily in a safe place on being informed that she was back that night in the same home where she had been staying, and without the grievor yet having interviewed her or gotten the RCMP involved in the situation, given the allegations which had surfaced. He did not understand her to have located the child that first day, or spoken to her, or even spoken again with the aunt after she advised that she had told the child to leave her home. By his assessment, it was not even clear where the girl was staying at that point. In short, the grievor's explanation given to him in writing did not relieve his concern over the way she had handled the situation. On reading the grievor's response, he recollected that she had mentioned in late December that she was looking at the possibility of taking a social worker position in Fort Smith, but being another GNWT position with another Authority she would have had to obtain the CEO's permission while on probation. He said he was aware that she had earlier corresponded with Ms. Robertson. Indeed, the grievor's record of correspondence indicates that she wrote to the Acting CEO, Ms. Robertson, on January 27, 2005 asking for the

