

EXECUTIVE REPORT – ADMISSIBILITY ANALYSIS

Our File: 1066-01

STUDENTS' SOCIETY OF MCGILL UNIVERSITY

Mtre Claudia Desjardins Bélisle, Partner

MILLER THOMSON LLP

February 7, 2022

A. PRESENTATION OF THE INVESTIGATOR

The Firm: HumaniLex Services conseils

HumaniLex is a firm specializing in the field of prevention and dispute management in the workplace.

Combining a solid experience in human resources management and in law, we are committed in assisting all companies and organizations faced with challenges related to human relations in the workplace, in order to transform a situation that would otherwise be difficult into a formative opportunity.

To achieve this, we offer services such as support for prevention and conflict management, investigation into situations of alleged harassment and misconduct, mediation and negotiation services as well as human resources management. We also offer training adapted to the reality of each of our clients.

We approach every mandate with a rigorous and accessible human vision, based on values of professionalism, effective listening, and integrity. Our services respect the highest standards of confidentiality and professional ethic.

Investigator and Founding Lawyer: Mtre Magalie Poulin

Called to the Quebec Bar in 1999, Mtre Poulin has provided legal counsel to her clients in many different fields while working in a private law firm, namely labour, civil and commercial law. She also held the position of Human Resources and Labour Relations Manager. In this capacity, she set up a labour relations and attendance management department within an organization of over 7,000 employees. She also acted as Human Resources Director in both the public and the private sectors. Finally, Mtre Poulin worked as a Human Resources Consultant and was involved in dispute management, internal inquiry and mediation.

Today, Mtre Poulin advises her clients on dispute prevention and management measures as well as on labour law issues. She is called upon, on a regular basis, to conduct investigations in matters of psychological harassment, violence and/or misconduct and performs work climate diagnosis. She also provides coaching to her clients in dispute management and offers a variety of training sessions regarding various workplace issues.

As member of the *Institut de médiation et d'arbitrage du Québec* (IMAQ), Magalie also provides mediation services. She is also a member of the Investigation Unit of the Sport Dispute Resolution Center of Canada.

B. PRESENTATION OF THE MANDATE

The Students' Society of McGill University (hereafter the "SSMU") received three (3) complaints by Complainants A, B and C respectively filed on June 23, 2021, June 9, 2021, and June 17, 2021, regarding the Respondent's conduct.

On November 16, 2021, in order for the SSMU to meet its duties in regard to the workplace climate as well as those pursuant to its *Psychological Harassment Policy* (hereafter the "*Policy*"), the SSMU's attorneys mandated the undersigned to lead an independent investigation into the allegations detailed in the aforementioned complaints, and ascertain if any form of harassment or discrimination, namely on the basis of gender, occurred under the terms of the *Policy* and the applicable legislation. Furthermore, the undersigned was also mandated to document any related issues revealed during the investigation as well as to elaborate an action plan to be implemented by the SSMU following the findings and recommendations of the investigation. Finally, the undersigned was to produce an investigation report.

On January 6, 2022, following our initial observations after the interviews of Complainants A and B, we were mandated to conduct an admissibility analysis regarding the allegations of psychological harassment detailed in their complaints.

C. CONCLUSION AND RECOMMENDATIONS

Considering the allegations raised by Complainants A and B in their respective complaints, we have concluded that none of these complaints are reasonably susceptible to lead to a conclusion of psychological harassment if they were respectively subject to an investigation. Indeed, even if all the alleged facts were proven as they were reported to us by the Complainants, they could not constitute a situation of harassment for either one of them.

Certain alleged conduct on behalf of the Respondent should nevertheless be addressed by the SSMU, as they constitute a breach of his duty of civility in the workplace.

We deem that the Respondent's comments and behavior in certain meetings affected his professional relationships with Complainants A and B. We recommend setting up facilitation or mediation meetings between the parties to allow them to discuss the terms of their future collaboration.

Furthermore, the alleged conducts of the Respondent are in relation to situations of collaboration, teamwork, and debate amongst colleagues and may have consequently negatively impacted the climate more broadly. In this regard, we recommend discussing these situations with the Respondent to obtain his point of view and to consider implementing a team building approach with the Executives to allow their issues to be addressed openly with a view to resolution.

Wishing the above to be to your satisfaction, we remain at your disposal if more ample information is needed regarding the current analysis.



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