May 8, 2019

s. 40 (1)

Dear [REDACTED] — s. 40 (1)

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: OSW/6/2019]

On April 15, 2019, the Office for the Status of Women received your request for access to the following records:

All emails sent/received by the Office of the Status of Women re harassment and bullying from April 2018 to present.

On April 15, 2019, the Office for the Status of Women ATIPP Coordinator contacted the applicant via email to obtain clarification on the scope of the request. The applicant provided the following clarification:

- “The specific information I’m requesting is in relation to the House of Assembly and MHAs”.

I am pleased to inform you that a decision has been made by the Deputy Minister of the Office for the Status of Women to provide access to some of the requested information. Access to some information contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

29. (1) (a) The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister.

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.
In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John's, NL. A1B 3V8  

Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-2987 or by email at leannelane@gov.nl.ca.

Sincerely,

Leanne Lane  
ATIPP Coordinator
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.
(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45(2).
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<tr>
<th>Exemptions Cited</th>
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<td>29. (1) (a)</td>
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<td>40. (1)</td>
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If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Good afternoon

I am sending the attached on behalf of Minister Coady in response to your email of May 3, 2018.

Thank you
Barb Hickey
Secretary to Deputy Minister
Women's Policy Office
Executive Council

From: [Redacted] [Redacted]
Sent: Thursday, May 03, 2018 8:18 AM
To: Natural Resources Minister
Subject: HPRM: Fw: A Harassment Scandal Is Sinking Newfoundland Premier Dwight Ball's Government - VICE

Dear Minister,

Below is a link to the above captioned article, which you may have seen.


The reason for my letter today is to comment on your comments regarding the current issue of bullying in the legislature. You do not believe this to be true as it has not affected you, or words to that effect.

I also listened to the Honourable Member Tracey Perry make her comments in the house regarding her motion to change the way the house is operating. The Honourable Cathy Bennett also gave an excellent interview with Anthony Germain. She is very knowledgeable about the subject of a safe friendly work place and on at least two occasions put Anthony in his place.

You all sit in the same house. As a minister in the same cabinet, you allowed the abuse to happen with Ms Bennett.

I have sat in the the visitors gallery. I have listened to the way "Honourable Members" behave. Are you sitting in that same house?

What I have heard, and was supported by Ms Perry's comments, what can best be described at times as a bumbling bunch of idiots nattering. I have seen kindergarten children behave better.
The legislature is the place of business for our province. We hire MHA's to work on our behalf. The Cabinet is the board of directors and the Premier is our CEO. No other place of business would run a meeting in such a way, so why do MHA's think it appropriate? To listen to Joyce's comments---well I made sure they got their funding for such and such. Any other situation, this could be construed as bribery. Using public money in order to get my way! In your previous life, did you ever run your place of work in such a manor? Why do you tolerate it now?

Ms. Coady, you are a smart woman. As with the article above, I choose to think that the Premier and others such as yourself may not choose to see the problem, or not know what bullying and intimidation is unless it bit you in the arse.

Wake up, start behaving "honorially" any you may just gain that respect back. We are to call you Honourable Members. When do you intend to start behaving like Honourable Members.

Ms Perry referenced comments such as "this is the way legislatures act, people expect theater". I recall the old MHA, Rossy Barbour's comments as well "To the victor goes da spyles".

Well, Siobhan, in 2018 it doesn't have to be this way. I really do not think you are in the same class as Eddie Joyce. It is up to you and your colleagues to establish the playing field. You can either elevate it to what we, your employers want, and pay for, or stay the course. Which level do you wish to be associated with?
Dear [Redacted]:

RE: A Harassment Scandal Is Sinking Newfoundland Premier Dwight Ball's Government - VICEDHM

Thank you for your email. As the Minister Responsible for the Status of Women and as a Member of the House of Assembly, I consider allegations of harassment or misconduct to be a serious issue.

Changes are coming to workplaces throughout Canada and Internationally. The #MeToo and #TimesUp initiatives are indicative of collective condemnation of harassment and violence. Within Government, we are also working to prevent and eliminate harassment. A new Harassment-Free Workplace Policy will be implemented June 1, 2018. Once implemented, this policy will provide unprecedented support for provincial government employees in our province who have experienced harassment at work by bringing greater awareness of workplace harassment; increasing accountability for those in authority; and, establishing timelines for formal investigations; all complemented by a comprehensive complaint resolution process. The legislature is also currently considering modernizing the policies for the legislature, including the code of conduct.

I urge you to stay engaged in the changes that are ongoing and upcoming in our Province. It is important that we all continue to work together towards the elimination of all forms of harassment in Newfoundland and Labrador.

Sincerely,

SIOBHAN COADY, MHA
St. John's West
Minister
Good morning

I am sending as per request; for your information.

Thanks
Barb

Dear Ms. Hickey,

Please forward my comments to Minister Coady.

Dear Minister,

Thank you for your letter explaining the new legislation protecting employee's from various forms of harrasment. It has been long overdue.

However, and as noted in the Telegram editorial of Saturday, you have sat in this governments legislature and caucus.

You watched the abuse of Cathy Bennett and others. Your lack of action allows this type of abuse.

My point is, you can legislate all you want, and as the editorial points out, the law needs to cover all work places. What matters is when people stand up and say, this activity will not continue. As with the example of Mr Joyce and Kirby.

Take a good look at the House on any given day. Would you run ANY business meeting this way? I think not. So, as a Minister in the Government why do you sit in this chamber and allow it.

I have seen kindergarten class is behave better
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Looks good. Hang on to them pending the release of the next reports.

Donna Ballard, Q.C.
Deputy Minister
Department of Children, Seniors and Social Development
Women’s Policy Office
Telephone: (709) 729-0583
Email: dballard@gov.nl.ca

From: Furlong, Susan
Sent: Thursday, September 20, 2018 5:16 PM
To: Ballard, Donna M <DBallard@gov.nl.ca>; Lane, Leanne <LeanneLane@gov.nl.ca>
Subject: RE: Harassment reports MHA Kirby, Joyce

Here is some general messaging around this

From: Ballard, Donna M
Sent: Tuesday, August 28, 2018 10:49 AM
To: Lane, Leanne <LeanneLane@gov.nl.ca>; Furlong, Susan <SusanFurlong@gov.nl.ca>
Subject: Harassment reports MHA Kirby, Joyce

We will need to prepare the Minister for questions around these reports as well as the reports that are coming regarding complaints from MHAs Perry, and Gambin-Walsh. Likely more for the HOA, but you never know. Not sure if the reports are public but please KIV (I know you are both very busy).

Donna Ballard, Q.C.
Deputy Minister
Department of Children, Seniors and Social Development
Women’s Policy Office
Telephone: (709) 729-0583
Email: dballard@gov.nl.ca
Key Messages
Harassment in the HOA
September 20, 2018

Summary:
In May 2018, a series of complaints were received under section 36.(1) of the House of Assembly, Accountability, Integrity and Administration Act. Questions may include: As Minister Responsible for the Status of Women, what do you think should be done to support women in politics? Do you think there should be more supports around harassment in the legislature?

Key Messages:

- The Commissioner for Legislative Standards for Newfoundland and Labrador, Bruce Chaulk, is responsible for undertaking the work required to fully investigate complaints received under section 36.(1) of the House of Assembly, Accountability, Integrity and Administration Act. I recognize the work that he and his office have completed in this area.

- I would also like to acknowledge the efforts of the Privileges and Elections Committee for their ongoing work toward the development of a legislature-specific harassment-free workplace policy. This is important work and will contribute positively to our province.

- Harassment is unacceptable. The Government of Newfoundland and Labrador has taken a strong stance against harassment including the work to establish a new Harassment Free Workplace Policy and the work undertaken by the Privileges and Elections Committee toward the development of a legislature-specific harassment-free workplace policy.

- The Provincial Government strives to create a work environment for employees where they are safe and free from harassment. Harassment in the workplace cannot, and will not be tolerated.

- The new Harassment Free Workplace Policy brings greater awareness of workplace harassment; increases accountability for those in authority; establishes timelines for formal investigations; and includes a comprehensive complaint resolution process.

- HRS has a full-time Harassment-Free Workplace Manager, who is solely dedicated to the administration of the Harassment and Discrimination-Free Workplace Policy, including the coordination of harassment investigations.
Hollett, Nancy

From: Hollett, Nancy
Sent: Wednesday, April 10, 2019 2:50 PM
To: Haley, Carol Anne; George, Eric; Ross, Linda; Lane, Leanne; Furlong, Susan; Peyton, Maggie
Subject: MHAs met in bathrooms

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If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Hollett, Nancy

From: Hollett, Nancy
Sent: Monday, April 15, 2019 9:41 AM
To: Bruce, Glenn; Barfoot, Scott; Joyce, Luke; Higdon, Geoff
Subject: OSW Top Three April 15

1. [Redacted] s. 29 (1) (a)
2. 
3. MHAs meeting in bathroom/Harassment

Nancy Hollett
Director of Communications
Office for the Status of Women
Government of Newfoundland & Labrador
4th Floor West Block, Confederation Complex
P.O. Box 8700, St. John’s NL A1B 4L6

(709)729-4934 | 725-6078

Newfoundland
Labrador
Ms. Ross:

Please see the attached letter from Mr. Scott Reid, Chair, on behalf of the Standing Committee on Privileges and Elections, House of Assembly.

This letter relates to your presentation to the Committee respecting the development of a legislature-specific harassment-free workplace policy. The Committee tabled its final report in the House of Assembly this afternoon. The report can be accessed here: