

Integrity Commissioner

Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli

July 9, 2020

THE COMPLAINTS

- 01 I received a total of five formal complaints against Councillor Chiarelli. Between September 6, 2019 and October 8, 2019, I received three individual formal complaints from job candidates alleging that Councillor Chiarelli contravened Section 4 (General Integrity) and Section 7 (Discrimination and Harassment) of the Code of Conduct for Members of Council (“Code of Conduct”).
- 02 These formal complaints were filed by members of the public who had interviewed for a job in Councillor Chiarelli’s office. The detailed allegations of each formal complaint allege that:
 - Complaint 1:** During a job interview with Councillor Chiarelli, the Councillor asked Complainant 1 what she would be willing to wear on the job, including whether she would “go bra-less” and if she was comfortable showing her arms and legs, showed Complainant 1 inappropriate photographs, on his phone, of former staff, and explained to Complainant 1 how attractive women are important to gather information and attract volunteers by getting men to hit on them.
 - Complaint 2:** During a job interview with Councillor Chiarelli, the Councillor discussed recruiting volunteers (specifically young men) at nightclubs, indicating that recruitment works best if the individual isn’t wearing a bra, and asked Complainant 2 if she would be willing to not wear a bra at nightclubs to recruit young men.
 - Complaint 3:** During a job interview with Councillor Chiarelli, the Councillor made inappropriate comments respecting the Complainant’s body and asked her inappropriate questions including whether she would consider stripping (because of her dance experience) or had participated in “World Orgasm Day”.
- 03 The two additional formal complaints against Councillor Chiarelli were filed by former employees of his office. I will deal with the two complaints from former employees in a separate report. The allegations set out in all five formal complaints are analogous in nature, and for this reason, I conducted one inquiry. However, each complaint has been treated separately, each with individual findings and recommendations.

SUMMARY OF FINDINGS

04 For the reasons set out in this report, I make the following findings in relation to the three complaints:

Complaint 1: I find that Councillor Chiarelli breached Sections 4 and 7 of the Code of Conduct.

Complaint 2: I find that Councillor Chiarelli breached Sections 4 and 7 of the Code of Conduct.

Complaint 3: I find that Councillor Chiarelli breached Sections 4 and 7 of the Code of Conduct.

INQUIRY PROCESS AND STEPS

05 I met individually with each of the three complainants (separately) to review the complaint process and the options before them, as follows:

Complaint 1: On July 2, 2019, I received an anonymous email alleging inappropriate behaviour by Councillor Chiarelli during an interview. As I cannot accept anonymous complaints under the Complaint Protocol, I advised the individual of my duty of confidentiality and suggested to the individual that she meet with me to discuss the complaint process. On September 6, 2019, I met with Complainant 1 and discussed her options. Complainant 1 filed her formal complaint, including a sworn affidavit, on September 6, 2019.

Complaint 2: On October 3, 2019, a member of the public contacted me by email and indicated she wished to file a formal complaint against Councillor Chiarelli for inappropriate behaviour during a job interview. On October 8, 2019, I met with Complainant 2 to discuss the complaint process at which time she filed her formal complaint, including a sworn affidavit.

Complaint 3: On September 22, 2019, a member of the public reached out to my Office by email to indicate she wished to file a complaint against Councillor Chiarelli for inappropriate behaviour. On October 8, 2019, I met with Complainant 3 to discuss the complaint process at which time she filed her formal complaint, including a sworn affidavit.

- 06 The Complaint Protocol (Appendix A of By-law 2018-400, the Code of Conduct for Members of Council) sets out the framework for receiving complaints, conducting investigations and reporting to Council.
- 07 Following an intake analysis of each complaint, I concluded that each individual complaint was not frivolous or vexatious. I determined that I had jurisdiction over the complaints. In considering jurisdiction, I reviewed the City's Violence and Harassment in the Workplace Policy and the Council-Staff Relations Policy, which states that the language of the Code prevails in any discrepancy between the Council-Staff Relations Policy and the Code. Consequently, I decided that there were sufficient grounds for a formal investigation. In conformity with the Complaint Protocol, I issued notice of an inquiry to each complainant and the Councillor, as follows:

Complaint 1: Notice of Inquiry was sent on September 17, 2019. The Councillor was provided with a copy of the complaint and asked to provide a written response by October 1, 2019.

Complaint 2: Notice of Inquiry was sent on October 10, 2019. The Councillor was provided with a copy of the complaint and asked to provide a written response by October 25, 2019.

Complaint 3: Notice of Inquiry was sent on October 15, 2019. The Councillor was provided with a copy of the complaint and asked to provide a written response by October 29, 2019.

The Respondent

- 08 On September 24, 2019, I received a communication from Councillor Chiarelli's legal counsel. The letter raised a "preliminary procedural issue" with respect to the processing of complaints and my authority and/or jurisdiction to move forward with an investigation. In effect, Councillor Chiarelli's legal counsel argued that allegations against the Councillor fell squarely within the scope of the Ontario Human Rights Code and the jurisdiction of the Human Rights Tribunal of Ontario.
- 09 I responded to Councillor Chiarelli, through his legal counsel, on October 3, 2019. I advised his legal counsel that I was of the opinion that the formal complaints before me at that time fell squarely within my jurisdiction as Integrity Commissioner and that the investigation would proceed.

- 10 That same day (October 3, 2019), Councillor Chiarelli released a public statement in which the Councillor wholly denied the allegations respecting his conduct that had been identified in public media reports and challenged my jurisdiction to investigate these matters (see Appendix A). In his public statement, the Councillor stated, “I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate “gender-based” fashion.” The Councillor further indicated he would be willing to respond to “any human rights complaint that any former employee, or candidate for employment, might see fit to file against [him],” and characterized the Formal Complaint Procedure as a “process that clearly restricts and prejudices [his] ability to defend [himself].”
- 11 On October 10, 2019, I received a second communication from Councillor Chiarelli’s legal counsel. I was advised of the Councillor’s intention to file a Judicial Review Application regarding my jurisdictional authority. I was further advised that, “Councillor Chiarelli will not be responding substantively to any complaint that has been filed with [my] office to date, or any similar and/or related complaint that might be filed, until a judicial decision on this extremely important jurisdictional issue has been rendered by the Ontario Divisional Court.” On October 18, 2019, through my counsel, I responded to Councillor Chiarelli’s position, set out a legal analysis of the jurisdiction issue, and confirmed my jurisdiction under the Code of Conduct.
- 12 The October 18, 2019 letter also advised the Respondent’s legal counsel of my intention to proceed with the investigation and offered another opportunity for the Respondent to confirm his willingness to participate by October 29, 2019. The Respondent was further advised that should he choose not to participate, the fact-finding process would conclude without his response and I would issue my reports to Council.
- 13 No response was received to the letter of October 18, 2019 from the Respondent or his legal counsel.
- 14 Having neither a reply to my legal counsel’s October 18, 2019 letter, nor received a notice of an application for judicial review from the Respondent’s legal counsel, I continued my investigation into all three complaints.
- 15 Despite his earlier confirmation that he would not participate, in my efforts to ensure a fair process, I instructed the Investigator to offer the Respondent an

opportunity to be interviewed. On December 10, 2019, a written request was sent to the Respondent to take part in an interview under oath, as provided for in s. 33 of the *Public Inquiries Act, 2009*.

- 16 Three days later, on December 13, 2019, the Respondent's legal counsel confirmed to my Office that the Respondent had been admitted to the Ottawa Heart Institute. He advised that the Respondent would undergo open heart surgery and would not be in a position to consider whether to participate in the investigations until his medical recovery had progressed to a stable and acceptable level (approximately 6-12 weeks later).
- 17 On January 29, 2020, I issued notice to City Council of my intent to report on an ongoing investigation. My interim report was released with the Council agenda on February 7, 2020, five calendar days in advance of the meeting as required by the Council Procedure By-law. The evening of February 11, 2020, the day before the Council meeting, the Respondent's legal counsel issued a letter to City Council and myself (see Appendix B) formally requesting that "all current proceedings and related investigations be stayed and/or terminated, on the basis of actual bias and/or Councillor Chiarelli's reasonable apprehension of bias." In that letter, the Respondent repeated his intention to move forward with a Judicial Review Application, but also indicated his intention to "exhaust any and all internal mechanisms, related to the City's internal policies and procedures, so that it cannot be later argued that a judicial review application was somehow premature."
- 18 In the subsequent weeks, through communications with his legal counsel, I sought to confirm the Respondent's intention to voluntarily participate in an interview as part of the inquiry. I was advised that due to the Respondent's medical condition, the Respondent was not able to confirm whether or not he would participate in an interview once he was medically cleared by his doctors. Without a definite commitment from the Respondent, I elected to issue a summons under Section 33(1)(3) of the *Public Inquiries Act* for the Respondent to attend an interview. The interview was scheduled for April 6, 2020, approximately 1.5 weeks following the Respondent's anticipated return to work, as outlined in the medical certificates provided by the Respondent's legal counsel.
- 19 I first sought the agreement of the Respondent's legal counsel to issue the summons to him, on behalf of his client, on February 28, 2020. I received no

response from the Respondent's legal counsel. Consequently, on March 4, 2020, I engaged the services of a process server to serve the summons on the Respondent at his home. The process server made four attempts to serve the Respondent. During the first three attempts, the process server observed individuals in the house who would not answer the door. On the fourth attempt (March 16, 2020), the process server arrived at the Respondent's home and viewed the Respondent sitting at a computer through a front window. As the process server walked up the driveway, he saw the Respondent get up from his chair and move towards the front door. When he knocked on the door, the process server could hear the door then lock. After knocking and ringing the bell, the process server saw the Respondent looking through the front window. The process server waved the envelope at the Respondent and informed him that he was serving a summons from the City of Ottawa. When the Respondent refused to answer the door, the process server placed the envelope at the door and deemed the personal service complete as the documents were brought to the Respondent's attention. The process server provided a sworn affidavit of the events.

- 20 In the days after the Respondent was served, the situation involving the COVID-19 pandemic evolved quickly. On March 17, 2020, Premier Ford declared a state of emergency in the Province of Ontario. Shortly thereafter, a wide range of measures and closures came into effect.
- 21 On March 20, 2020, in light of the measures associated with the COVID-19 pandemic, I advised the Respondent's legal counsel that his appearance scheduled for April 6, 2020, was postponed *sine die*.
- 22 On March 25, 2020, the Mayor of the City of Ottawa declared a state of emergency due to the COVID-19 health crisis. Then on March 28, 2020, the Province issued an emergency order prohibiting gatherings of more than five people. As it became clear the COVID-19 measures would be in place for some time, and in an effort to avoid undue delay to the inquiry, I decided the interview would have to proceed by way of a teleconference.
- 23 During this time, the Respondent appeared to resume some of his official duties. Specifically, the Respondent attended the City Council meeting of February 26 and participated in the Special City Council meetings of March 26 and April 8 (by teleconference). He also appeared to be resuming some of his constituency

duties and was active on social media (including a personal video message he posted on March 22).

- 24 No updates were offered by the Respondent or his legal counsel with respect to the Respondent's medical recovery. It continued to be my understanding that the Respondent's anticipated return to work date was March 24, 2020 (although it is clear he had already returned to some of his duties almost a month earlier).
- 25 On April 14, 2020, I advised the Respondent and his legal counsel that the interview was rescheduled to May 6, 2020 and would proceed as a teleconference. I requested confirmation of the Respondent's participation.
- 26 On April 17, 2020, I received a response from the Respondent's legal counsel and was advised that the Respondent had experienced another medical emergency on April 14, 2020. I was also provided with a medical certificate from the Respondent's reassessment on March 26, 2020 which stated the Respondent was to remain off work until June 29, 2020 (despite that advice, the Respondent participated in the April 8 Council meeting).
- 27 In addition to the update on the Respondent's medical situation, the Respondent's legal counsel argued that, in his opinion, the Respondent had not been properly served with any summons. Taking into consideration the efforts of the previous months, I responded to his legal counsel on April 24, 2020 and provided the Respondent with notice that the May 6, 2020 interview was cancelled and advised that no further requests for interviews would be made. If the interview had proceeded as planned and the Respondent had failed to attend as summonsed, I would have had the option to apply to a court, under the *Public Inquiries Act, 2009* to have Councillor Chiarelli held in contempt for his failure to comply with the summons. However, I determined that I would not pursue this course of action as the costs of such a Court application would be a further City expense. I am conscious of the fact that the investigation is funded ultimately by the taxpayers, and I do not intend to increase costs in an effort to compel the Respondent's participation.
- 28 I further informed the Respondent's legal counsel that in the absence of his participation, I intended to rely on the Respondent's public statements as his response to the allegations set out in the formal complaints and would proceed with making my findings and reporting to Council as appropriate.

- 29 On May 12, 2020, I received a response from the Respondent's legal counsel in which he asserted that the Respondent had in fact provided confirmation of his intention to participate in the investigation in past correspondence. I disagree. Neither the Respondent nor his legal counsel ever asserted such in any of the correspondence. The Respondent's legal counsel also stated that there is no obligation on counsel to accept service of a summons on a client's behalf. I was further advised that the Respondent's legal counsel had received instructions to move forward with an application for Judicial Review.
- 30 On May 12, 2020, I provided the Respondent with a final opportunity to provide his firm and unequivocal commitment to participate in the investigation when he is medically cleared to do so, by end of day on May 15, 2020. I received no response from the Respondent or his legal counsel.
- 31 At all times during the inquiry, and in accordance with the Complaint Protocol, the Councillor was afforded the opportunity to provide written responses, information, and documentation, to be interviewed on invitation and to represent his position in response to the allegations. Because of his refusal to respond to an invitation to participate, I issued a summons for his appearance to provide testimony under oath. He contested that the summons was properly served, although there is no doubt that it was brought to the Respondent's attention.
- 32 As a result, I have opted to file my report with Council relying on the Respondent's public statement of October 3, 2019, as his substantive response to the three complaints addressed herein (see Appendix A):

"I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate "gender-based" fashion."

Duty of Confidentiality

- 33 The *Municipal Act, 2001* stipulates:

Duty of confidentiality

223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

- 34 During the course of the investigation, both complainants and witnesses expressed fear and anxiety about participating in the inquiry. They were apprehensive that the Councillor could use his position, authority and his powerful contacts in the community to negatively impact their reputations or their current and future employment, in retaliation for their coming forward to testify.
- 35 I have not received any evidence of actual reprisals. While there are serious consequences for a respondent who retaliates against complainants and witnesses, in light of the expressed concerns and my duty of confidentiality, I have not disclosed the names of the complainants and witnesses in this report. However, because of the documentary evidence and summaries of oral testimony contained in this report, I have no doubt that the Respondent on reading this report can determine the identity of several individuals. Redactions in this report simply aim to protect the complainants and witnesses and should be viewed as such.

Delegation of Investigative Powers

- 36 The formal investigation into Complaint 1 began on September 17, 2019. Given the nature of the allegations, I sought out expertise in harassment investigations. After reviewing the profile of four companies and interviewing three of the said firms, I retained the company that in my view best fit the complex nature of these complaints. The seasoned investigator had specific experience in conducting harassment investigations.
- 37 The Investigator was delegated the responsibility for the investigation in accordance with s. 223.3 of the *Municipal Act, 2001*:

Delegation

223.3 (3) The Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.

Same

223.3 (4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.

38 The Investigator was tasked with gathering evidence, conducting interviews under oath and providing a detailed analysis of the relevant facts as part of an investigative report.

39 The following excerpt from the investigative report describes the scope of the investigation:

“The investigation was conducted by interviewing complainants and witnesses under oath. In total 34 individuals have been interviewed by this inquiry, 26 of them providing sworn testimony which was recorded [the remaining eight individuals affirmed their statements to be true]. Among the 26 individuals were the five complainants; past, current and potential employees of the Respondent; individuals to whom the complainants had confided their experiences; City of Ottawa officials and employees. The investigation examined extensive email, Facebook messages, photographs and text messages provided by complainants and witnesses as well as in the case of [Complainant 1], recorded telephone calls with Councillor Chiarelli. The investigation reviewed an extensive “keyword” search of [documentation] and...cell phone records. City of Ottawa Human Resource department records were examined. The investigation also reviewed [relevant] public social media entries.”

40 The witnesses either (i) approached the Integrity Commissioner’s office directly or (ii) were identified by a complainant or another witness and the Investigator made contact with the potential witness. All of the witnesses participated voluntarily.

41 The majority of this intensive work was accomplished by December 10, 2019 in an effort to meet the 90/180 day target for reporting dates in the Complaint Protocol.

42 I sought to meet with the Respondent on numerous occasions. As detailed above, the Respondent never agreed to participate.

43 On February 4, 2020, the Investigator submitted a summary of her investigation performed to date, without the Respondent’s input, pending a decision on his participation.

- 44 Pursuant to my interim report to Council of May 27, 2020, I instructed the Investigator to submit her final investigation report, without an interview with the Respondent. I received her final report on June 18, 2020.
- 45 I reviewed the investigation report, along with the sworn testimony summaries, the recorded oral interviews, and the documentary evidence gathered by the Investigator. I have also carefully reviewed the Respondent's published October 3, 2019 statement in which the Councillor wholly denied the allegations respecting his conduct.
- 46 Based on this body of evidence, the analysis of the facts, the Investigator's report, and the Councillor's public statement of denial, I prepared my draft report to City Council with my own findings and recommendations.
- 47 While not required by the Complaint Protocol, on June 25, 2020, I provided the Respondent, through his legal counsel, with a copy of my draft report to City Council and invited him to comment on it. The Councillor was given a deadline of July 3, 2020. I did not receive a response from the Respondent or his legal counsel.
- 48 Pursuant to the Complaint Protocol, I filed my final report with the City Clerk on July 9, 2020.

BACKGROUND

- 49 As part of her investigation, the Investigator interviewed each complainant, under oath or affirmation, and gathered documentary evidence relevant to the inquiry.
- 50 In addition, the Investigator interviewed various witnesses. All witnesses have affirmed or sworn an oath that their statements are true.

Complaint 1

- 51 On September 6, 2019, Complainant 1 filed her formal complaint, including a sworn affidavit. Complainant 1 provided sworn testimony to the Investigator on October 7, 2019.
- 52 In her report to me, the Investigator provided the following summary, in relevant part, of her interview with Complainant 1:
 - “[Complainant 1] was working for the federal government in early 2019 and was coming to the end of a 90-day contract so she was interested and

motivated towards getting work. [Complainant 1] has a background in journalism and public affairs. [Complainant 1] had a friend who was a bit of an activist, and well connected with people at the City of Ottawa. The friend told [her] she would get her resume to people at the City of Ottawa. [Complainant 1] sent her resume to her friend on the May 30, 2019.

- [Complainant 1]'s first response to her resume was an outreach email from the Respondent inquiring if she was still interested in a job. The Respondent described the job as being in communications, social media and events. [Complainant 1] stated that these were her areas of expertise and so they agreed over email to meet at the Bells Corners Starbucks at 12:30 pm on the following Sunday [June 23, 2019].
- The meeting was rescheduled to 1:00 pm after [Complainant 1] had already arrived. The Respondent had her resume with him, and he described the job in question as one that focussed on managing social media and also attending community events. They discussed the types of events she would have to attend.
- [Complainant 1] stated that the conversation then focused on events rather than other aspects of the job and the need to dress appropriately for these events. The Respondent talked about a woman who used to work for him who liked dressing up for events and he mentioned the "COMICON" event specifically. He described an employee dressing up as Tinkerbell. [Complainant 1] stated she said to him that if it was at Christmas and "you are working with kids why not." He showed [her] photos from his phone which [she] felt were "sexier" than they needed to be. [Complainant 1] stated that the Respondent then asked her "What wouldn't you wear?" [Complainant 1] asked what he meant and [she] said the Respondent asked, "well would you go bra-less?"
- [Complainant 1] stated she couldn't believe where the discussion had gotten only twenty minutes into the interview and that she felt very uncomfortable at this point.
- [Complainant 1] then described the Respondent talking about a former employee who knew how to dress for different events and gave an example of the employee attending a barbeque in the morning dressed as a cowgirl, then dressed appropriately for dinner, and then later in a "slutty" dress to attend a bar.
- The Respondent told [Complainant 1] again that she would have to know how to dress for each occasion and asked again if she would go bra-less.

The Respondent then showed her another photo of an employee in a red t-shirt with a white maple leaf which [Complainant 1] thought was taken on Canada Day where the individual was clearly and obviously not wearing a bra as the sides of her breasts were visible in the photo.

- [Complainant 1] said that she thought the Respondent now sensed her discomfort and alarm because she said he then explained the reason he had all those photos on his phone was because “they will do an audit” and he had to prove his staff were actually working.
- [Complainant 1] described the Respondent then explaining his practice of having his staff dressed attractively to go into bars to pretend to “hit on guys” to obtain their social media credentials so they could get those individuals to volunteer in support of his work. [Complainant 1] asked how that worked, and she said the Respondent claimed women had power to make men do anything. [Complainant 1] said the Respondent explained that if for instance [she] was dressed in a sexy outfit and alone in a bar then someone might approach her, and he could use that in his favour by either getting information or having the individual assist at volunteer duties such as pamphlet distribution. He relayed a story where he once had sent his staff to a town to ask some questions during the day and the people would all have the same story, but at night when the staff went into the bars dressed in a sexy way then the guys started talking about the real thing.
- [Complainant 1] was wearing a summer dress during the interview with the Respondent. He asked her which parts of her body she was comfortable showing. [Complainant 1] described the Respondent then looking her over from head to toe, saying she was okay with showing her arms and legs. [Complainant 1] said the Respondent then asked her which parts she would not show to which she believed she replied she would not show her belly.
- [Complainant 1] stated the interview lasted between 2 and 3 hours and focused on how women could get information from men based on their dress. [Complainant 1] again stated she couldn't believe she was experiencing this during the interview and thought perhaps it might have been a staged event and that someone was videoing the event as a joke.
- [Complainant 1] said there were many unusual aspects to the interview with the Respondent. She described him asking her what the worst thing was that she'd ever done and how he pressed her when she said she'd

done nothing really bad. He told her the answer wouldn't affect whether he hired her. He asked her about drug dealing. [Complainant 1] said that at no time in the interview were her qualifications discussed.

- Following the interview [Complainant 1] messaged her mother and brother to say what an unusual interview she'd had which she described as 'sexist'. [Complainant 1] said she did not mention being asked to go braless since her brother was in the discussion. [Complainant 1] said she messaged [her roommate] after the interview and told her what had happened.
- [Complainant 1] said she did tell the Respondent that she would not go braless and would not want to wear costumes. At a point after the interview, she knew she didn't want the job and she decided what had transpired at the interview was not right.
- [Complainant 1] said that she emailed the Respondent after the interview to thank him. [Complainant 1] said that the Respondent told her he was interviewing two other individuals for the position. [Complainant 1] told him that while she did not speak French, she was taking classes. He said he'd get back to her by July 04.
- On July 06, 2019 the Respondent called [Complainant 1] on the telephone...She continued to speak with him on the premise that she could obtain proof. [Complainant 1] thought she would then have more than her words. She wanted him held accountable and in that context, she was thinking "...I am going to get him." The Respondent said, "I'm calling to tell you, you got the job." [Complainant 1] then went on to describe to the Respondent some ambiguity around her current employment circumstance, in that her current employers were trying to get her extended in her job. She explained how it wasn't clear when she would know whether she would be able to stay on in her existing role. As they discussed possible time frames the Respondent references an upcoming New Year's Eve event saying "...we have at least three things you can wear that don't have any of the things you don't want to do..." (laughing) and "...you wouldn't be asked to wear anything that you don't want to wear."
- On July 08, 2019 [Complainant 1] informed the Respondent via telephone she was not in a position to accept the employment offer."

53 The Investigator spoke with two individuals who substantiated portions of the account of Complainant 1 (insofar as they recalled their interactions with Complainant 1 after the interview with the Respondent. Neither witness was present at the interview or the phone calls in which Complainant 1 spoke with the Respondent). The Investigator provided a synopsis of those witness interviews in her report to me.

54 The first individual was the Complainant's roommate, who described her conversation with Complainant 1 to the Investigator as follows:

“Right after the interview, [Complainant 1] texted her saying the interview was very weird. [The roommate] was out of town until the following day when [Complainant 1] provided her the details of her interview. [The roommate] said she learned from [Complainant 1] that the Respondent had not asked about her competencies at all, that the Respondent showed [Complainant 1] pictures and talked about former employees. [Complainant 1] told [the roommate] that the Respondent had asked how she would feel not wearing a bra. [The roommate] also found it weird that the interview was on a weekend in a coffee shop.”

55 Complainant 1 had described to the Investigator that she had posted an anonymous request on the social media platform Reddit seeking anyone who had ever interviewed or worked for the Respondent. Complainant 1 reported doing this on June 26, 2019, after her interview with the Respondent and before the Respondent called her to offer her the job. An anonymous individual replied to Complainant 1's Reddit post confirming she had worked for the Respondent.

56 The anonymous Reddit user (“the Reddit user”) independently came forward in this investigation. The individual provided sworn testimony to the investigation, as well as a copy of the June 26, 2019 Reddit exchange with Complainant 1 (see Appendix C).

57 The Reddit user explained her interaction with Complainant 1 to the Investigator as follows:

“On June 26, 2019, [the Reddit user] anonymously corresponded with the person [Complainant 1] who put up the original post on Reddit but deleted her open post shortly after as she did not want the Respondent to figure out it was her. [The Reddit user] advised the person against working for him if the person had any other options. [The Reddit user] told the woman that the

Respondent tended to hire very young girls with very little experience. [The Reddit user] messaged her because she was hoping she could prevent someone else from making the same mistake as [the Reddit user].”

- 58 Complainant 1 also provided two recorded phone calls with the Respondent that followed the interview. Transcripts of the recorded calls, prepared by my Office, are attached at Appendix D. Complainant 1 also provided telephone records confirming the date, time, incoming telephone number and length of call.

Complaint 2

- 59 On October 3, 2019, Complainant 2 reached out to my office and provided a copy of a completed Request for a Formal Investigation, which she formally submitted on October 8, 2019 with a sworn affidavit. In her formal complaint, Complainant 2 described her motivation for coming forward:

“Women are coming forward with similar experiences and Mr. Chiarelli is denying the allegations. Denying these allegations is unacceptable. He did this. And I am now compelled to file a formal complaint that Rick Chiarelli did this to me, too.”

Complainant 2 provided sworn testimony to the Investigator on October 18, 2019.

- 60 The Investigator provided the following summary, in relevant part, of her interview with Complainant 2:
- “In 2014 [Complainant 2] was enrolled in her first year of the public relations program at [a local community college]. She described a charity event put on by the program to which City Councillors and media were invited. She was leading media relations within the program at that time and consequently got to meet everyone who came to the event.
 - [Complainant 2] stated that the fundraising kick-off event took place on March 25, 2014 and she met the Respondent then. She was interested in working in the media relations field and had discussions with the Respondent in that regard. She stated she was subsequently “friended” on Facebook by the Respondent and a few days later the Respondent messaged her saying “Hi, do you still want to meet on that matter you mentioned?” to which she replied “Hi Rick. Regarding potential employment? Yes, I would like that.” She says that the Respondent asked her to text him and they switched to text messages in order to arrange a

date and a place for an interview. The Respondent suggested they meet at MacLarens Pool Hall on Elgin Street and asked her to keep the meeting on the “DL” (down low) [confidential]. [Complainant 2] provided supporting Facebook messages [see Appendix E] about the contact which occurred on March 29, 2014, and she provided a photo of her and another woman posing with the Respondent for the photo at the charity event.

- [Complainant 2] did meet with the Respondent for 20 to 30 minutes in the afternoon of what she believed was April 10, 2014. [Complainant 2] stated in her material to [the Integrity Commissioner] that by the end of that month she was already working for another employer which was after her interview with the Respondent.
- [Complainant 2] described the interview as proceeding unremarkably for the first few minutes. [She] recalled the Respondent asking about her motivations and interests. She recalled expressing the hope of helping with any communications needs in the Respondent’s office and more specifically gaining some real “communications” experience beyond managing social media, but then she described the interview taking a sudden turn.
- [Complainant 2] said the Respondent described the kinds of duties and things she would be part of and how his team worked. He said that there was a lot of face to face engagement with the community and then segued into one of his team’s practices. [Complainant 2] said he described the work as recruiting younger audiences at night clubs and young men specifically. She said he told her that recruiting young men in nightclubs works best if you don’t wear a bra. [Complainant 2] said then “he flat-out asked me” whether she’d be willing to not wear a bra for that purpose. [Complainant 2] remembered feeling very uncomfortable and getting embarrassed but not wanting to make anything awkward, so [she] stated she kind of “played it off.” [Complainant 2] can’t recall precisely what she said in reply but thinks she may have asked a question about it and said something similar to “... if that’s what you need to do”. [Complainant 2] said the interview was a “big blur” except for that moment.
- [Complainant 2] stated she felt uncomfortable and awkward as a result of that aspect of the interview but said as odd as it now sounded, she didn’t want to make the situation uncomfortable for the Respondent.

- [Complainant 2] was struck by the matter-of-fact manner in which he asked her that question and how he made it seem like that's just what the people in his office did.
- [Complainant 2] knew that she did not want to work for the Respondent after this and neither recalls nor has any record of communicating any further with him.
- [Complainant 2] took a job in another field a week later. She told no one except her mother about the details of the interview.”

61 The Investigator spoke with the mother of Complainant 2, who Complainant 2 identified as someone she had spoken with about the incident shortly after her job interview. The Investigator provided a summary of the interview in her report, as follows:

“[Complainant 2] arrived home from her interview with the Respondent extremely upset. [Complainant 2] told [her mother] that the Respondent had asked her if she was okay not wearing a bra when she was working. [Complainant 2] and her mom were both shocked that something of that nature would be asked. [Complainant 2's mother] definitely recalled the bra comment and also thought he may have asked [Complainant 2] to wear miniskirts. After [Complainant 2's] interview in 2014 or 2015, [Complainant 2], [her mother] and her [father] were at a function where the Respondent was present with an extremely young girl who [Complainant 2's mother] described as looking like a “bimbo, a hooker”, wearing a mini skirt with blondish hair, not professional looking. [Complainant 2's mother] was extremely upset that someone would speak the way the Respondent did to her daughter. She didn't tell [Complainant 2] to do anything at the time, but [Complainant 2's mother] told people about what happened. When the allegations came out recently, she was very proud that [Complainant 2] stepped forward because the Respondent is denying it and is lying about it.”

Complaint 3

62 On September 22, 2019, Complainant 3 reached out to my office and indicated that she wished to submit a formal complaint respecting the conduct of Councillor Chiarelli. Complainant 3 completed a request for a formal investigation and swore the affidavit on October 8, 2019. In her formal complaint, Complainant 3 described her experience and expressed her reason for coming forward:

“I will never support this behavior. I felt awful. I knew if he did this to me, he probably did this to others. And I’m sorry. I will stand by others who have been violated by Chiarelli as well.”

On October 25, 2019, Complainant 3 was interviewed by the Investigator.

63 The Investigator provided the following summary, in relevant part, of her interview of Complainant 3:

- “[Complainant 3] had been in the Public Relations program at [the same local community college] in 2016 and knew of the Respondent through his attendance at various events at the college when she was there. [Complainant 3] stated she had not talked to him at those events nor had she given him her name or number.
- In 2018 the Respondent sent her a “friend request” on Facebook and then immediately reached out to her by Facebook messenger to inquire if she had “done much work in PR events yet?”. [Complainant 3] provided screenshots of the messaging between her and the Respondent (see Appendix F):

[Respondent]: ... I am arranging things right now for the lead up to the election and then for the election campaign itself. And I have great respect for the [local community college] and [local university] programs. So, because I think ahead I often scoop up a bunch of names each year when I am out supporting their events, because I know in 2+ years they will graduate and if I happen to be looking at that time I can speak to some and see if they would ever consider it. I have recruited that way before and it worked out well for everyone involved.

[Complainant 3]: What are you looking for specifically?

[Respondent]: A couple of spots. It really depends on who is available and best combinations that flow from that. Are you in Ottawa these days? Downtown? East end? The South?

[Complainant 3]: I’m living downtown. Are you looking for a paid position or a volunteer position?

[Respondent]: Paid and a number of volunteers. But it is the paid ones that have to be the best combinations. FYI before my law degree, my

degree was in media and communications from Uottawa – which used to include PR.

[Complainant 3]: Yes, I would love to hear some more information about what you have available

[Respondent]: Well politics is nasty. And if you can handle the nastiness and succeed at it your stock rises everywhere else in PR...

(Agree to meet at College Square Starbucks)

- [Complainant 3] stated that by this point in her life she had heard about Councillor Chiarelli and his practice of reaching out to people wanting to interview them in public places such as Starbucks. [Complainant 3] stated that she had also heard rumours about how he was “slimy”; how the things he would say would be a bit inappropriate; how he would ask people for pictures; and, how he would ask people to go to bars and strip clubs. [Complainant 3] said that the gossip was that if he reached out to you – not to do it – and indeed some of her friends had cautioned her not to meet him.
- [Complainant 3] stated that the messaging she experienced with the Respondent at first was very professional and appropriate, so she agreed to the meeting but then upon reflection and in consideration of the rumours she had heard she cancelled the meeting.
- [Complainant 3] said that two weeks later she changed her mind in consideration of the job opportunity and texted the Councillor apologizing for having cancelled the first meeting. They agreed to meet at the Starbucks in the Chapters store near the IKEA complex. [Complainant 3] said she was 21 years old at that time.
- [Complainant 3] described meeting the Respondent and the initial portion of the interview in which he described the job as being one that managed social media. [Complainant 3] stated that as she would inquire about the duties of the job, he would steer the conversation back to her. They discussed the PR program at [her school]. He asked about her hobbies. She said she had been a dancer and done ballet and jazz dance to which she stated he asked, “if you’ve been dancing so long would you ever consider being a stripper with your dance background?” [Complainant 3] was taken aback and did not answer. She stated that the Respondent went on to ask, “would you consider stripping, you have the body for it.”

- [Complainant 3] stated that her throat dropped immediately, and she turned red. She said two people who were sitting nearby looked over, having heard the comment. She stated she had dressed very conservatively for the meeting, so the Respondent had nothing to look at. [Complainant 3] stated she noticed that the Respondent was holding his phone sideways (leaning it on the counter) instead of up and down and kept looking at it as he spoke to her. She wondered if he was taking a picture or a video of her as they spoke.
- [Complainant 3] advised he produced a picture on his phone of a young attractive woman in a bikini who he described as one of his associates who would be soon working for him. [Complainant 3] says that the Respondent said to her as he showed her the picture “oh don’t be wearing this to work.”
- [Complainant 3] stated that she continually tried to steer the conversation back to the job when at the end of the interview the Respondent related what he claimed was a funny story that had happened at his home recently when his youngest daughter had said to him “hey Dad did you know today was world orgasm day?” [Complainant 3] said that the Respondent then asked her “So if it was yesterday, does that mean you participated in it?” To which [Complainant 3] says she replied “I’m gonna go, I have my car keys I feel really uncomfortable, I don’t want any job opportunity with you.” [Complainant 3] stated that the Respondent just sat there as she left. She found her friend in the store and they left. She said she was angry.
- In discussion with her friend, [Complainant 3] was upset and reflected about how everything she had heard was true. [Complainant 3] called her mother and told her. Her mother was supportive and recommended she report the matter to [the school authorities].”

64 The Investigator spoke with three individuals who had personal knowledge of portions of the account of Complainant 3 and provided a synopsis of those interviews in her report to me.

65 The Investigator interviewed the friend who drove Complainant 3 to the interview. The Investigator summarized the statements made by Complainant 3’s friend as follows:

“[Complainant 3’s friend] and [Complainant 3] were both in the PR Program at [the local community college] and met in 2017 (while at [a local university]). [Complainant 3’s friend] was a year ahead of [Complainant 3], graduating in 2015. The Respondent had a reputation within the College of saying things that were inappropriate or that made individuals uncomfortable. [Complainant 3’s friend] had never spoken to, had never met, and had never been approached by the Respondent but she did know of him. The Respondent attended events at [the local community college] PR Program as each year the Program hosts charity fundraisers and he was, on the year she was involved, the government representative to launch the campaign. [Complainant 3’s friend] had heard of people being approached for interviews with the Respondent but was unaware if he collected names at any of the charity events. [Complainant 3] had been offered an interview and initially cancelled but then reconsidered in the hopes of obtaining a job. [Complainant 3’s friend] could not recall the exact time in 2018, but said it was not too hot and not too cold so thought it might have been the fall, she wasn’t sure, but she drove [Complainant 3] to the interview in the early afternoon, at the Starbucks connected to the Chapters near Ikea. [Complainant 3] does not drive and [her friend] wanted to ensure she had an escape route if she needed to leave. [Complainant 3’s friend] provided her keys to [Complainant 3] so it would appear as though [Complainant 3] had her own car and a private place to go to if needed. [Complainant 3’s friend] walked around Chapters looking in every now and then over the 30 to 45 minutes [Complainant 3] was at the interview. She did not see anything untoward from afar and she could not hear the conversation. She did not notice the Respondent’s phone. When [Complainant 3] left the interview, she found [her friend] and they exited the Chapters. [Complainant 3] was upset and told [her friend] the interview was very different, it was not an interview, it was not a professional conversation but more of a personal conversation, the Respondent did not have a job position. [Complainant 3] told her the Respondent had asked about her extra-curricular activities and [Complainant 3] told him she had danced for a long time. [Complainant 3] told her the Respondent then made inappropriate comments about strippers, she could not remember the exact wording that [Complainant 3] had used. [Complainant 3’s friend] was asked if she recalled anything about World Orgasm Day. [Complainant 3’s friend] immediately said she did, it was brought up to [Complainant 3] and it was linked to the Respondent’s daughter somehow,

perhaps she was a supporter of it. [Complainant 3] was very uncomfortable with what had happened.”

- 66 The Investigator also interviewed the mother of Complainant 3. The summary of her statement is as follows:

“[Complainant 3’s mother] stated that she had been home with her daughter [Complainant 3] when the Respondent had reached out to her via Facebook for a possible interview. She stated that her daughter had expressed concern that the interview was to take place at a Starbucks but said that she was also excited to explore the job possibility. She stated that her daughter had called her right after the interview and described what had taken place. She said her daughter was infuriated, angry and shaken over the interview. Her daughter told her everything the Respondent had said to her during the meeting including the comments related to World Orgasm Day.”

- 67 The Investigator also interviewed the grandmother of Complainant 3, who she also spoke with about the interview. The summary of her statement, in relevant part, is as follows:

“[Complainant 3’s grandmother] first learned of the situation that took place during the interview between her granddaughter and the Respondent during a lunch outing she had with [her granddaughter], although [Complainant 3’s grandmother] could not recall the exact date. [Complainant 3] told [her grandmother] during her interview, the Respondent asked what her hobbies were, and [Complainant 3] had told him that she danced for many years. The Respondent then said to her, “you must be very flexible, have you ever tried stripping, have you ever been to a strip club and that.” [Complainant 3’s grandmother] said [her granddaughter] didn’t tell her about the “orgasm thing” as [Complainant 3’s grandmother] felt [she] would have been embarrassed to tell her that information. [Complainant 3’s grandmother] said [her granddaughter] also told her that at the interview, the Respondent had his phone on the table and held it up like he was recording [her] which upset [Complainant 3]. [Complainant 3] told [her grandmother], at the end of the interview, she stood up because she realized this was going all wrong and told the Respondent the job was not what she was looking for, so she ended the interview and walked away.”

ANALYSIS

68 With respect to the allegations made by Complainant 1, the Investigator reported as follows:

“[Complainant 1]’s three allegations relate to a job interview in 2019 where:

- 1) The Respondent questioned her tolerance and limits for wearing revealing or provocative clothing for work including whether she was willing to dress without a bra. **The investigation finds this allegation to be established.**
- 2) The Respondent showed her inappropriate photographs, on his phone, of former staff in his office wearing unprofessional clothing, including a photo of a young woman wearing a low-cut t-shirt who was not wearing a bra. **The investigation finds this allegation to be established.**
- 3) The Respondent explained to her how attractive women are important to gather information and attract volunteers for his office by getting men to hit on them. **The investigation finds this allegation to be established.”**

69 With respect to the allegations made by Complainant 2, the Investigator reported as follows:

“[Complainant 2]’s allegations relate to a job interview with the Respondent in 2014 where:

- 1) The Respondent told her that the best way to get a younger audience interested in politics and to recruit them for his campaign was by recruiting young men at nightclubs, which he said works best if you are not wearing a bra. **The investigation finds this allegation to be established.**
- 2) The Respondent asked her if she was willing to not wear a bra at nightclubs to recruit men. **The investigation finds this allegation to be established.”**

70 With respect to the allegations made by Complainant 3, the Investigator reported as follows:

“[Complainant 3]’s allegations relate to a job interview with the Respondent in 2018 where:

- 1) The Respondent said to her “you must be flexible if you have done so much dancing” and asked if she would “consider stripping” saying “you have the body for it”. **The investigation finds this allegation to be established.**
- 2) The Respondent asked her if she had participated in “World Orgasm Day”. **The investigation finds this allegation to be established.”**

71 In summarizing the testimony and evidence relating to the three complaints, the Investigator provided the following observations, in relevant part:

“Each of these 3 complainants were women seeking, in good faith, to advance their professional lives by hoping to secure what to them would be a valuable and rewarding job experience in support of what ought to have been honourable work for the community of Ottawa.

...

The evidence suggests not only that the Respondent ought to have known that his conduct was unwelcomed but that he did know. [Complainant 1] stated that at one point in the interview the Respondent recognized her discomfort and suspicion as he showed her photographs of scantily dressed employees. She stated that he then explained to her that he had the photos on his phone for “audit” purposes in order to demonstrate his employees actually were working.”

The Respondent’s response to the three complaints

- 72 As outlined earlier, the Respondent, through his legal counsel, has refused to respond in writing to the three complaints as required by the Complaint Protocol; he refused to schedule an interview to testify in the investigation; he deliberately sought to avoid service of a summons to appear before me to be examined under oath under the *Ontario Public Inquiries Act, 2009*; and he did not respond to an invitation to provide comments on the draft report.
- 73 The Respondent was given ample opportunity to reply in writing to each of the three complaints. He declined to do so.
- 74 It was his choice to not participate and leave the body of evidence against him unchallenged during the investigation. While he did not respond to the allegations in the course of the investigation, he did make a public statement in the media.

75 On October 3, 2019, the Respondent issued a public statement stating, in relevant part:

“I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate “gender-based” fashion.”

76 That is the only pertinent statement made by the Respondent in response to the complaints. It is a blanket denial. Consequently, in the absence of any other reply or input from the Respondent, I have taken that published statement as the deemed substantive, and comprehensive response to the complaints filed against the Respondent and have considered that denial in formulating my findings.

77 In the same public statement issued by the Respondent, he claimed that these complaints are part of an organized political conspiracy because of his seeking information about the LRT procurement programme. Specifically, he stated the following:

“People should know that I formally retained legal counsel in July of this year, after learning that I was being targeted over my attempts to bring greater transparency to the LRT procurement process. I had no idea, at the time, of the direction that these political attacks might take. Then, we were made aware of one of my political adversaries attempting to persuade a number of women to join an organized group to speak negatively about me.”

78 Having reviewed the testimony and the evidence, I have concluded that there is no credible basis for such a conspiracy theory. There is no evidence of an organized political movement. The three complainants did not know each other and there is no evidence of any collusion. The stated reasons in their testimony for coming forward are that the complainants feel a sense of victimization and a responsibility to prevent this from happening to other women. All three complainants are believable (as detailed below).

79 The witnesses mentioned above are also very convincing. While none of the corroborating witnesses interviewed by the Investigator were present during the complainants' job interviews, they all interacted with the complainants immediately or shortly after the interview. Their evidence helps to confirm that the interviews did take place and that there was no issue of them recently fabricating a story after hearing about allegations in the media.

80 During the course of the inquiry, the Respondent faced some significant health challenges. On December 13, 2019, the Respondent underwent open heart surgery. Due to an infection, the Respondent was readmitted to hospital in mid-January. I was advised by his legal counsel that the Respondent was to remain off work until March 24/25, 2020 at which time he was set to be reassessed by his physicians. During subsequent communications with his legal counsel, I was provided with an additional medical certificate on April 17, 2020, in which the Respondent's physician recommended he remain off work until June 29, 2020.

FINDINGS

81 While those who did participate in this inquiry may find it unsatisfactory and unjust for it to conclude without the Respondent participating, there is precedent for municipal Integrity Commissioners to report findings and make recommendations when respondents chose not to participate in investigations ([Toronto Parking Authority and Emery Village BIA \(Re\), 2019 ONMIC 12 \(CanLII\)](#); [Ford \(Re\), 2016 ONMIC 11 \(CanLII\)](#)).

82 Consequently, based on the Investigator's report, the transcripts of complainant and witness interviews, and the documentary evidence as well as the public denials of the Respondent over the course of the inquiry, I have prepared my findings as Integrity Commissioner with respect to the allegations against Councillor Chiarelli.

83 I determined that the Investigator's summaries of the complainants' interviews and the witnesses' interviews contained all of the relevant information. As a result, I have not added to the factual review here.

Standard of Proof: Balance of Probabilities

84 In making findings of fact, Integrity Commissioners in the Province of Ontario adhere to the standard of proof for fact-finders in civil cases known as the 'Balance of Probabilities'. That standard is clearly explained in *F.H. v. McDougall*, [2008 SCC 53 \(CanLII\)](#), [2008] 3 SCR 41, 61; 2008 SCC 53 (SCC),

"In civil cases in which there is conflicting testimony, the judge must decide whether a fact occurred on a balance of probabilities, and provided the judge has not ignored evidence, finding the evidence of one party credible may well be conclusive of the result on an important issue because that evidence is inconsistent with that of the other party. In such cases, believing one party will

mean explicitly or implicitly that the other party was not believed on an important issue. That may be especially true where a plaintiff makes allegations that are altogether denied by the defendant...”

- 85 The balance of probabilities standard of proof requires a finding that it is more likely than not that an alleged event has occurred and requires that this finding is based on evidence that is clear, convincing and cogent.¹
- 86 The criminal standard of “proof beyond a reasonable doubt” does not apply.
- 87 However, the findings in this report are not solely based on the testimony of the complainants. This is not simply a “he said, she said” situation. The findings take into consideration the corroborating testimony of witnesses and the documentary evidence provided by the complainants. Each of the three complainants identified at least one witness who was contacted by the Investigator. Each of the three complainants provided documentary evidence (Facebook messages, Reddit thread) which was consistent with their testimony.
- 88 Without the Respondent’s written response or testimony, I have before me his public and categorical denial versus the sworn testimony and supporting documentation provided by the complainants and corroborating witnesses.

Each Allegation Must be Proved Separately

- 89 I recognize that although there are allegations regarding multiple interviewees, I must consider the allegations with respect to each Complainant separately, based on the facts related to the Respondent’s interactions with that particular interviewee. I must not and have not engaged in propensity reasoning. Even if the burden of proof with respect to the allegation of one complainant is satisfied, I must not and have not inferred that the Respondent is the kind of person who would commit the other alleged acts. I must ensure that each allegation is proved separately.

Witnesses

- 90 All of the interviews happened one-on-one, such that only the Respondent and the complainant were present (except to the extent that the interviews were in

¹ F.H. v. McDougall, [2008 SCC 53](#) at paragraphs 49 and 46.

public places and may have been overheard by others. However, no witnesses came forward who had overheard the interviews). The evidence of the witnesses about the conversations between the Respondent and the complainants is hearsay, and I do not rely on it to corroborate the exchange of words or sharing of photographs. Rather, the witnesses' testimony was important for me when I considered whether there was evidence of recent fabrication or collusion between the complainants. As set out below, I find no evidence of recent fabrication or collusion.

Credibility and Reliability

- 91 Credibility and reliability are fundamental principles when evaluating testimony. "Credibility refers to the witness's sincerity and willingness to speak the truth as he or she believes the truth to be. Reliability relates to the witness's ability to accurately observe, recall and recount the events at issue."² I appreciate that "an honest witness can still be mistaken and, consequently, his or her evidence while sincerely given, may be unreliable."³
- 92 In assessing credibility and reliability, I looked at the totality of the evidence and considered whether there were any inconsistencies (and if so, the impact of those inconsistencies). I did not find any inconsistencies of a material nature which would demonstrate carelessness with the truth.
- 93 I find that each complainant was credible, honest, and open. Each complainant had good memories of the incidents and none of them appeared to have an interest in the outcome (other than a desire to hold the Respondent to account). Each of the complainants gave consistent testimony. I also find that their evidence was reliable.
- 94 I also find the witnesses to be credible. Their testimony was valuable in assessing the issues of recent fabrication and collusion. There were no material inconsistencies with the complainants' testimony or documentary evidence.
- 95 I see no reason the complainants or the witnesses would lie or make false statements, and certainly all affirmed their statement was true.

² *Ontario (College of Physicians and Surgeons of Ontario) v. Phipps*, 2018 ONCPSD 48

³ *Ibid*

Complainant 1

- 96 In addition to her sworn affidavit and testimony, Complainant 1 provided messages between herself, her mother and her brother and recordings of telephone calls with the Respondent (supported by telephone records confirming the date, time, incoming telephone number and length of call). Parts of Complainant 1's detailed testimony were corroborated by her roommate, who was also interviewed, and by another witness who she corresponded with anonymously over the social media platform Reddit.
- 97 Complainant 1 was clearly disturbed by the experience of interviewing with the Respondent. She recorded a subsequent telephone call with the Respondent and explained that the purpose was to try to provide some evidence of the misconduct. In the recording, the Respondent states, in reference to the New Year's Eve event, that "we have at least three things you can wear that don't have any of the things you don't want to do in them. So that's good, you wouldn't be asked to wear anything you don't want to wear." I conclude that this statement was made in reference to Complainant 1 and the Respondent's earlier conversation at the interview in which the Respondent asked Complainant 1 which parts of her body she was comfortable showing.

Complainant 2

- 98 Complainant 2 provided Facebook messages between herself and the Councillor making arrangements for the interview as well as messages between herself and a friend confirming she was scheduled to interview with the Councillor and that he had implied she should keep the interview confidential.
- 99 Complainant 2's mother was also interviewed. She confirmed that her daughter shared her experiences on the day of the interview. I relied on her evidence to corroborate the timing of the interview and to confirm that there was no issue of recent fabrication or collusion between the complainants.

Complainant 3

- 100 In addition to her sworn affidavit and interview, Complainant 3 provided Facebook messages between herself and the Respondent making arrangements for the interview.
- 101 Three witnesses were interviewed in respect of Complainant 3: the friend who drove Complainant 3 to the interview, Complainant 3's mother, and Complainant

3's grandmother. Complainant 3 shared some of the details of her interview with the Respondent with each of them. I find that their testimony confirms that the interview took place when Complainant 3 suggested and that there are no issues of recent fabrication or collusion with the other complainants.

102 There was one detail in Complainant 3's story which at first seemed inconsistent, specifically that Complainant 3 had been driven to the interview by her friend because she had no car but then reported that she ended the interview by saying "I have my car keys" before leaving. However, in her interview, Complainant 3's friend explained that she had provided her car keys to Complainant 3 to make it appear to the Respondent as though Complainant 3 had her own car. As a result, I concluded that this was not an inconsistency in Complainant 3's story.

103 Having carefully reviewed the audio recordings, transcripts, and other corroborating evidence, I concluded that the complainants and witnesses were credible and reliable.

Section 4 of the Code of Conduct

104 The first element of Section 4 that is pertinent is:

(4.1) Members of Council are committed to performing their functions with integrity, accountability and transparency.

105 The Merriam-Webster dictionary defines "integrity" as follows:

"firm adherence to a code of especially moral or artistic values."⁴

106 The second element of Section 4 that is pertinent is:

(4.4) Members of Council shall at all times serve and be seen to serve the interests of their constituents and the City in a conscientious and diligent manner and shall approach decision-making with an open mind.

107 I have concluded on a balance of probabilities, 1) that the conduct of the Respondent in interviewing and seeking to recruit all three complainants for employment did not serve the interest of his constituents nor was he acting in a

⁴ "Integrity." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/integrity> (19 June 2020).

conscientious and diligent manner; 2) that in the interviews with Complainants 1 and 2, he was planning to objectify these two women by using their sexuality for the purpose of recruiting male volunteers and assist in his re-election efforts.

108 None of this serves the public good. None of this meets the definition of the word “integrity”.

109 Therefore, I find that the allegations are founded and find **that the Respondent has breached Sections (4.1) and (4.4) of the Code of Conduct in respect of each of the three complainants.**

Section 7 of the Code of Conduct

110 The Code of Conduct for Members of Council states:

“7. All members of Council have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The Ontario Human Rights Code applies and, where applicable, the City’s Violence and Harassment in the Workplace Policy.”

111 The Ontario Human Rights Code (“OHRC”) s. 10 (1) defines harassment as:

“harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome;

112 The City of Ottawa’s *Violence and Harassment in the Workplace Policy* defines harassment as:

“as an incident or course of conduct of behaviour, gestures or comments that is:

- a) vexatious*
- b) unwelcome or ought known to be unwelcome.”*

113 The Policy also includes examples of the types of behaviour defined as harassment, including:

- a) unwelcome remarks, jokes, innuendoes about a person's body, mannerisms, attire, sex, race, ethnicity or religion, sexual orientation or disability;*
- b) leering (lewd staring) or other explicit sexual gestures;*

- c) unwelcome physical contact such as touching, kissing, patting or pinching;
- d) unwelcome sexual flirtation, advance or proposition with promise of reward for complying;
- e) refusing to work or co-operate with a worker because of his/her ethnic, racial or religious background;
- f) persistent unwanted contact or attention after the end of a consenting relationship;
- g) behaviour that undermines or sabotages the worker's job performance; and
- h) behaviour that threatens the livelihood of the worker.

114 Section 1(1) of the *Occupational Health and Safety Act* lists the following definitions:

“workplace harassment” means,

(a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or

(b) workplace sexual harassment; (“harcèlement au travail”)

“workplace sexual harassment” means,

(a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome ...”

115 The Council Staff Relations Policy states:

“The City of Ottawa will promote a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the corporation, guided by the Code of Conduct for Members of Council, the Employee Code of the Conduct, the Violence in the Workplace Policy, the Harassment in the Workplace Policy and the Procedure By-law.”

- 116 While harassment often refers to a course of conduct against a specific individual, it also encompasses a single incident as set out in the City of Ottawa's *Violence and Harassment in the Workplace Policy*. I have evaluated each case on its own merits and thus reach no conclusion about whether the Respondent has engaged in a course of vexatious comment against an individual. However, I do conclude that these are incidents of harassment that fall squarely within the definitions set out in the above City policy.
- 117 First in their formal complaints and again in their sworn testimony, all three complainants allege that, during a job interview, the Respondent made comments, shared stories, showed pictures or asked questions that were inappropriate and sexual in nature. Specifically, Complainant 1 alleges that the Respondent asked her what parts of her body she would be comfortable showing and directly asked her if she was willing to go bra-less. She was told stories of former employees who dressed provocatively to use their sexuality to attract volunteers for the Respondent. Complainant 2 alleges that the Respondent asked her if she was willing to go bra-less and told her going bra-less would work best to recruit young, male volunteers. Complainant 3 alleges that the Respondent commented on her body, asked her if she would consider stripping, and asked her if she participated in 'World Orgasm Day'.
- 118 The sexual nature of the comments, stories and questions focused on women's bodies (both the complainants' and former staffers' bodies) and how the women could use their sexuality to benefit the Respondent (i.e. signing up volunteers).
- 119 In his public statement, the Respondent firmly stated that he has "never treated a member of [his] staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate "gender-based" fashion." In the face of the detailed, credible testimony of the three complainants along with the corroborating evidence, this bald denial is not credible.
- 120 It is not necessary for a complainant to make it known to the Respondent that these types of comments or behaviour are unwelcome; the Respondent ought to have known that fact, especially where the Respondent held a position of authority or influence in respect of his interactions with the complainants.
- 121 All three job candidates state that the Respondent's comments and questions made them uncomfortable, embarrassed and troubled. The complainants met with the Respondent on the understanding they were interviewing for a position

in the Respondent's office. The Respondent exploited the power dynamic of the situation, in which the Respondent held out the possibility of employment, to sexualize the discussion and questions in a manner that was upsetting and unacceptable.

122 Though only one complainant recalls telling the Respondent that she was uncomfortable with his comments and questions, the Respondent ought to have known that his comments and questions were inappropriate and unwanted. All three complainants were shocked and taken aback by the Respondent's comments and questions.

123 Section 7 of the Code of Conduct imposes on Members of Council the duty to treat members of the public with respect which means to be treated with "high or special regard"⁵. I also conclude that these incidents described above constitute a failure by the Respondent to treat the complainants with the respect they were due and required of him by the Code.

124 I am not competent to nor am I asked to evaluate the possible psychological harm to these female complainants, but I can say without hesitation that such a comportment by an elected public office holder deeply harms the public interest and seriously damages the trust covenant with the citizens who elect them.

125 On Section 7, I conclude that the allegations are founded. I find on a balance of probabilities that the Respondent did make comments to and ask questions of the complainants that were sexual in nature or focused on women's bodies.

126 In summary, based on the principles stated in *F.H. v. McDougall*, 2008 SCC 53, I find that the complainants' evidence is credible, and I consider that the public denial published by the Respondent is simply not credible. I find **that the Respondent has breached Section 7 of the Code of Conduct.**

RECOMMENDATIONS

127 As provided for in both s. 223.4(5) of *Municipal Act, 2001* and Section 15 the Code of Conduct for Members of Council, I may make recommendations to City

⁵ "Respect." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/respect> (22 June 2020).

Council with respect to sanctions and other corrective actions when I am of the opinion that a contravention of the Code of Conduct has occurred.

128 Section 15 of the Code of Conduct reads as follows:

1. *Members of Council are expected to adhere to the provisions of the Code of Conduct. The Municipal Act, 2001 authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, to impose one of the following sanctions:*
 1. *A reprimand; and*
 2. *Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board, as the case may be, for a period of up to 90 days.*
2. *The Integrity Commissioner may also recommend that Council impose one of the following sanctions:*
 1. *Written or verbal public apology;*
 2. *Return of property or reimbursement of its value or of monies spent;*
 3. *Removal from membership of a committee; and*
 4. *Removal as chair of a committee.*
3. *The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial action at his or her discretion.*

129 As Integrity Commissioner, it is my responsibility to recommend sanctions when findings, following proper investigation, determine that provisions of the Code of Conduct have been breached.

130 The most serious sanction is the suspension of up to 90 days of the Councillor's remuneration. This sanction should normally be used in a progressive way, such as 30/60/90 days, depending on the experience of the Councillor, how flagrant the behaviour and whether acknowledgment of misbehaviour, remorse or regret are expressed. Suspensions of pay should be reserved for the most egregious violations of Code of Conduct. It should also only apply when there are no

acceptable avenues for reparation or no mitigating circumstances that could in part explain the offending behaviour.

131 The three complaints are similar in nature and were grouped for purposes of this report. However each complaint stands alone when making a finding and in considering an appropriate sanction recommendation.

132 Having considered the above mentioned principles, because the Councillor is the longest serving elected public office holder on Council and that this offensive and disreputable behaviour has been going on for a very long time, I have decided that the most severe of sanctions are warranted in this case.

133 Therefore, I recommend that City Council:

1. Receive this report, including the finding that Councillor Chiarelli has contravened Sections 4 and 7 of the Code of Conduct; and
2. Consecutively impose the following sanctions for each individual contravention of the Code of Conduct commencing on adoption of this report:

Complaint #1 – Suspension of the remuneration paid to the Respondent in respect of his service as a Member of Council for 90 days;

Complaint #2 – Suspension of the remuneration paid to the Respondent in respect of his service as a Member of Council for 90 days; and

Complaint #3 – Suspension of the remuneration paid to the Respondent in respect of his service as a Member of Council for 90 days.

134 It should be noted that pursuant to s. 5(2.1) of the *Municipal Conflict of Interest Act*, the Respondent will have an opportunity to respond to this report by participating in the debate when Council considers my recommendations:

(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under [subsection 223.4 \(5\) or \(6\) of the Municipal Act, 2001](#) or under [subsection 160 \(5\) or \(6\) of the City of Toronto Act, 2006](#):

1. *Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting*

on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.

135 This report is made pursuant to Part II, Section 11 of the Complaint Protocol.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Marleau". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Robert Marleau, C.M.
Integrity Commissioner

Appendix A

For Immediate Release Oct. 3, 2019

(Ottawa)

Statement by Councillor Chiarelli

In recent days, I have received repeated requests (often seeming more like demands) for some comment in relation to the mainly anonymous allegations against me that have surfaced in multiple media reports over the last number of days.

Unfortunately, my ability to respond to these allegations in a more timely fashion has been affected by ongoing and serious medical challenges. There has been some troubling suggestion that my recent request for approved medical leave is disingenuous and/or opportunistic, and related to some reluctance or inability, on my part, to address these allegations, but I can confirm, in the clearest of terms, that I have been dealing with serious, well-documented and objectively verifiable health issues since the middle of August. Also, I have been restricted in speaking because of the expectation of confidentiality that is part of the complaint process.

Notwithstanding this indisputable reality, this situation has reached a level of seriousness, and has adopted what I can only describe as an apparent “mob-mentality” approach to the inaccurate characterization of past events, where I need to write this to step forward and defend my good name, reputation, and three decades of public service, irrespective of any potential adverse health consequences. I feel that I owe this to my loyal constituents. More importantly, I owe this to my loving wife, and to my three wonderful, accomplished daughters. Their love and support is what keeps me going at this difficult time.

I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate “gender-based” fashion.

People should know that I formally retained legal counsel in July of this year, after learning that I was being targeted over my attempts to bring greater transparency to the LRT procurement process. I had no idea, at the time, of the direction that these political attacks might take. Then, we were made aware of one of my political adversaries attempting to persuade a number of women to join an organized group to speak negatively about me. Those spoken to definitely included some who have made public complaints in the media.

There has been much discussion, in recent media reports, about the multiple

anonymous complaints that have purportedly been filed against me with the City's Integrity Commissioner. Lurid details of these complaints have been openly reported in the media -- with a degree of coordination and timing that is typically seen from seasoned political advisors and/or public relations professionals -- despite clear and formal confidentiality requirements associated with the Integrity Commissioner's formal complaint process. I have respected these confidentiality requirements, the other side (still officially anonymous) has not.

It is important to stress, however, that allegations related to workplace gender discrimination or workplace sexual harassment **are not matters that are properly placed before the City's Integrity Commissioner.**

(See below for relevant portions of the City's Code of Conduct.)

I have been advised, by experienced legal counsel, that the vast majority of the allegations that have been raised against me are properly and thoroughly covered by the protections and processes set out in the Ontario Human Rights Code.

As specifically stated by my lawyer several weeks ago, when these allegations first surfaced, **I am fully prepared to respond to any human rights complaint that any former employee, or candidate for employment, might see fit to file against me.**

Of course, the process associated with any such complaint provides me with basic procedural rights that are in keeping with what any person facing such allegations would reasonably expect in this country:

- I would be entitled to know the identity of my accuser.
- I would be entitled to know the full particulars of the allegations that were being raised against me.
- I would be entitled to an adjudicative process where sworn evidence was required, and where my lawyer could test the veracity of any such evidence through cross-examination.

I suspect that most people in this country would feel strongly about being afforded these basic rights if they were accused.

Given the clear language of the Code of Conduct, it is very difficult to understand the concerted and coordinated push to have these matters determined by a process that is secretive and virtually untested, by an official who, while an expert in many areas,

clearly does not possess the specialized human rights expertise possessed by members of the Human Rights Tribunal of Ontario.

Yet, certain of my Council colleagues continue to actively and publicly promote the Integrity Commissioner as the most appropriate person to rule on these disturbing allegations, through the utilization of a process that clearly restricts and prejudices my ability to defend myself.

It appears that we have reached a point where today all that is needed is a series of copy-cat scandalous allegations to cause a politically-correct rush to judgement, and the decimation of a 30-year political career, without any critical testing of evidence. It appears that many of my colleagues and peers place short-term political popularity ahead of the presumption of innocence.

While this may be Rick Chiarelli's problem today, please don't fool yourselves into believing that my stated issues and concerns don't have much broader application and significance. The same script could be weaponized to attack anyone, at any time, with the same ruthless speed and efficiency. The next time, it might be another member of Council. Or it might be your son, or your brother, or your father, or your husband . . . tomorrow, or next month, or next year . . .

I am a respectful, committed and hard-working member of this community. I am, and have always been, fully prepared to defend myself against each and every one of these disturbing allegations that I said inappropriate things in job interviews or at work.

All I ask is for some accommodation of my current medical condition, and for a fair and appropriate process of adjudication.

Relevant portions of the City's Code of Conduct read as follows:

Complaints Outside Integrity Commissioner Jurisdiction

5. If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct **or the complaint is covered by other legislation** or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

Criminal Matter

(a) If the complaint on its face is an allegation of a criminal nature consistent

with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.

Municipal Freedom of Information and Protection of Privacy Act

- (b) If the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the City Clerk for Access and Privacy review.

Other Policy Applies

- (c) If the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.

Lack of Jurisdiction

- (d) If the complaint is, **for any other reason not within the jurisdiction of the Integrity Commissioner**, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.



labour and employment lawyers

February 11, 2020

By Electronic Mail

Ottawa City Council
c/o David G. White, City Solicitor
City of Ottawa (City Hall)
110 Laurier Ave. West
Ottawa ON K1P 1J1

Robert Marleau, C.M.
Office of the Integrity Commissioner
110 Laurier Avenue West
Ottawa, ON K1P 1J1

Dear City Councillors and Integrity Commissioner:

Re: Councillor Rick Chiarelli

I confirm that we are the solicitors for Councillor Rick Chiarelli, and that we have been providing advice and representation to Councillor Chiarelli since late July, 2019, in connection with various complaints and allegations that are currently being formally investigated by the Integrity Commissioner, and independent workplace investigator Audrey Lizotte.

We are writing, at this time, to raise a preliminary procedural issue with respect to all of current complaints and related allegations, and to the ongoing investigative processes related to those complaints and allegations.

In simple terms, it is our client's position that, over the last four months or thereabouts, there has been an overwhelming demonstration of patent and palpable bias, by Mayor Jim Watson and other members of Ottawa City Council ("Council"), which has completely undermined our client's legal rights, the integrity of the City's policies and procedures, and the confidence of most right-minded members of the public.

With this letter, we are formally requesting that all current proceedings and related investigations be stayed and/or terminated, on the basis of actual bias and/or Councillor Chiarelli's reasonable apprehension of bias.

We have previously confirmed our client's intention to move forward with a Judicial Review Application before the Divisional Court of the Ontario Superior Court of Justice. If necessary, Councillor Chiarelli remains prepared to move forward with such formal legal action.

Before doing so, however, our client wants to exhaust any and all internal mechanisms, related to the City's internal policies and procedures, so that it cannot be later argued that a judicial review application was somehow premature.

Council is the Ultimate Adjudicative Body

Please note that we are directing this motion to both Council and the Integrity Commissioner ("the IC").

While much focus has been placed on the IC's investigative mandate, and his related public profile, it is apparent that both the IC and Council play important roles, as statutory decision makers, in relation to the formal adjudication and/or determination of the complaints that have been filed against Councillor Chiarelli.

In fact, the provisions of *By-law 2018-400 – Code of Conduct for Members of Council* ("the Code of Conduct") clearly demonstrates that Council is the ultimate statutory decision maker in relation to the subject allegations and complaints. While the IC has certain statutory investigative powers, his statutory decision-making power extends only to reporting to Council, with an outline of his investigative findings, and any **recommended** corrective action.

The interplay between the IC's statutory powers, and a municipal council's statutory decision-making authority, was succinctly summarized by the Ontario Divisional Court in *Di Biase v. City of Vaughan; Integrity Commissioner of the City of Vaughan*, 2016 ONSC 5620 (CanLII):

- [18] Following an investigation, the Integrity Commissioner "reports to the municipality... his or her opinion about whether a member of Council has contravened the applicable code of conduct..." (*Municipal Act*, s. 223.6(2)).
- [19] In a report on conduct following an investigation the Commissioner "may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report" (*Municipal Act*, s.223.6 (2)).
- [20] Section 223.4(5) of the *Municipal Act* provides that if the Integrity Commissioner reports to the municipality that in his or her opinion the member has contravened the Code of Conduct, then the council of the municipality, if it accepts the report, may impose either of the following penalties:
- a reprimand; or
 - a suspension of the remuneration paid to the member in respect of his or her services as a member of council ...for a period of up to 90 days.
- [21] The municipality must make public the Integrity Commissioner's reports (*Municipal Act*, s. 223.6(3)).

Again, it is submitted that this passage demonstrates that Council is the ultimate adjudicator, and ultimate statutory decision maker, in relation to the Code of Conduct complaints and allegations that have been raised against Councillor Chiarelli.

Statutory Decision Makers Cannot Be Biased

The common law duty of fairness has been described as follows:¹

“Public confidence in our legal system is rooted in the fundamental belief that those who adjudicate in law must always do so without bias or prejudice and must be perceived to do so. The common law duty of fairness obliges a tribunal hearing a matter to perform its functions free from bias, or reasonable apprehension of bias.

In principle, the standard is objective. The question is not whether there is evidence of actual bias but whether a reasonable person would perceive bias: “the apprehension of bias must be a reasonable one held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information.” (author quotes from the Supreme Court of Canada decision in *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369, at 394-395

Mayor Watson and Council Have Demonstrated Patent and Palpable Bias

It is submitted that there has been a sustained and unsettling demonstration of bias, pre-determination, close-mindedness and/or political opportunism, by Mayor Watson and other members of Council, in relation to the Code of Conduct complaints, and related allegations, raised against Councillor Chiarelli, that would cause most reasonable persons to perceive bias, and conclude, on an objective basis, that Council cannot possibly adjudicate any of these allegations – AND IT IS IMPORTANT TO REMEMBER THAT THEY REMAIN NOTHING MORE THAN UNPROVEN ALLEGATIONS AT THIS POINT – without bias or prejudice.

The demonstrations of patent and palpable bias, by Mayor Watson and members of Council, in relation to the complaints and related allegations raised against Councillor Chiarelli, are clearly a matter of public record across the City of Ottawa over the last four or five months:



Please see @tm_kavanagh's and my statement regarding Councillor Chiarelli.

To say that we are disturbed to hear the latest allegations regarding Councillor Chiarelli would be a gross understatement. There are really no words to describe our disappointment.

Our first thoughts are for the brave women who have come forward to share their experiences. The matter is before the City's Integrity Commissioner; however, we personally hope that these women will also share their experiences with the Integrity Commissioner, so that they can be properly and independently investigated.

Crawley, Alistair. “Notes on Reasonable Apprehension of Bias”.
<https://cmlaw.ca/assets/files/pdf/Reasonable%20of%20Bias%20-%20Crawley.pdf>

Ottawa

3 Ottawa councillors call for Chiarelli to resign



McKenney, Leiper, Menard call women's accounts 'degrading'

Trevor Pritchard · CBC News · Posted: Sep 26, 2019 4:15 PM ET | Last Updated: September 26, 2019

CANADA

Ottawa city council defers Coun. Rick Chiarelli's request for leave



BY CHRISTOPHER WHAN - GLOBAL NEWS

Posted September 25, 2019 8:19 pm

Updated September 25, 2019 9:37 pm

Ottawa

Chiarelli's leave request denied



College ward councillor must attend council by end of November or his seat will be declared vacant

Joanne Chianello · CBC News · Posted: Oct 23, 2019 11:01 AM ET | Last Updated: October 24, 2019

Ottawa · CBC INVESTIGATES

Chiarelli affair has cast 'shadow' over city, mayor says



Council to decide on leave request as 13th woman details new allegations

Joanne Chianello · CBC News · Posted: Oct 23, 2019 4:00 AM ET | Last Updated: October 23, 2019


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Ottawa City Councillors join protest of Rick Chiarelli at City Hall

The College ward representative made his first appearance at City Hall in more than a month, as 2020 budget items were again up for debate.

Dec 11, 2019 12:47 PM By: [Mike Vlasveld](#)

Councillors taking a stand on Chiarelli, the only way they can

 CBC December 13, 2019

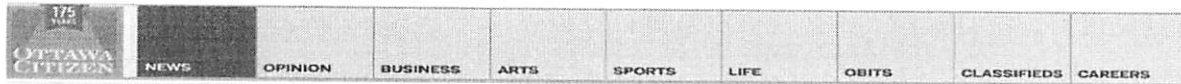


Councillors taking a stand on Chiarelli, the only way they can

It was a protest unprecedented at Ottawa city hall.

It didn't come from activists — they were there in the council chamber, too — but from city councillors who stood leaning over their chair backs, their laptops perched atop overturned recycling bins as they attended to Wednesday's hefty council agenda, which included approving a multi-billion-dollar budget.

They stayed standing, some for hours, because their colleague, Coun. Rick Chiarelli, was at the table, too.



"He sort of snuck in, snuck out, didn't say anything, didn't explain exactly what he's been up to. And we're left with this ... awkward and embarrassing situation that has become such a distraction almost every week around here," Watson said.

"I think you saw by the reaction that most members of council did not want to be seen near him, quite frankly, myself included."

It's not clear whether or not Chiarelli is back at work, the mayor said, and that's frustrating for colleagues, staff and constituents. He urged the councillor to publicly explain himself.

Chiarelli's Wednesday statement said he will continue to address his medical concerns while doing "as much as he can" to fulfill the expectations of his job, with an eye to eventually returning full-time. In the meantime, Chiarelli said his office staff will continue to serve College ward constituents and stay in contact with him.

The mayor was asked Wednesday if he was frustrated he couldn't do more to intervene in the whole situation. Watson explained that it would be "undemocratic" to give a city council the authority to dismiss an elected member.

But, he added, "I think there probably should be some provision within the municipal act that would give the minister the authority to look at a situation and see that it continues to be untenable and something has to be done."

"Because at the end of the day, Mr. Chiarelli's constituents suffer. They had no input, for instance, in the budget process, and there are issues that are bubbling up in his ward."

Menard said that he and fellow councillors Catherine McKenney and Jeff Leiper have been discussing their own letter to the province to request a change to rules that currently provide little recourse for those who want to hold Chiarelli accountable.



Theresa Kavanagh City Councillor Bay Ward

@tm_kavanagh

My statement concerning the protest at Council.

Individual councillors during the council meeting each made a personal decision to stand in what appeared to be a show of solidarity with those women who have made complaints against Councillor Rick Chiarelli.

My decision was consistent with what I have previously stated, namely that, regardless of the seriousness of the allegations, Council must still wait for the outcome of the independent investigation by the City's statutorily appointed Integrity Commissioner and then receive his report with an open mind. Not prejudging the outcome of that very investigation is something that I feel strongly about, and I believe my stance will reinforce the integrity of this mandatory legal process.

Maintaining my commitment to an impartial and independent process does not mean that I do not believe survivors. In fact I believe it is crucial for women to be able to come forward to report any form of sexual harassment. I am very much committed to eliminating sexual and gender harassment in the workplace, in the community and in women's homes and intend to put forward action items to attain these goals. For me, meeting my obligations to be and to be seen to be allowing the Integrity Commissioner's investigation to proceed without pre-judging the outcome in such an emotionally charged situation was frankly more difficult than joining in a last-minute suggestion to stand during a council meeting, particularly when I sit beside the accused Member of Council.

I feel strongly that the report from the Integrity Commissioner is crucial and I do not want to jeopardize this very important process. In the meantime, I and other Members of Council are examining recommendations we can make to improve the work environment for councillor employees and city employees in general to ensure a harassment and discrimination free workplace regardless of the outcome of this investigation. There is much work to do.

4:11 PM · Dec 11, 2019 · Twitter Web App

HOME > LOCAL NEWS

'Do the honourable thing:' Mayor Watson calls on Chiarelli to resign

Speaking on Ottawa Today with Mark Sutcliffe on 1310 NEWS, Thursday morning, Mayor Jim Watson called on Chiarelli to resign.

Dec 12, 2019 10:49 AM By: [Jason White](#)



More Than Reasonable Apprehension of Bias – Clear Indications of Bias

It is respectfully submitted that, at this point, Councillor Chiarelli can have no confidence in Council's ability to objectively decide on any matter that is presently before the IC.

Council members have defiantly stood in protest of Councillor Chiarelli. Mayor Watson has openly called for Councillor Chiarelli's resignation. Other members of Council have done the same. Councillor Kavanagh has publicly confirmed her discomfort with the public protest by her colleagues. Mayor Watson has spoken publicly about his "disgust", and not wanting "to be seen near him". Other councillors have urged the Province to hold Councillor Chiarelli "accountable".

To be clear, these have been the actions and statements of the "statutory decision makers". These have been the actions and statements of the ultimate "adjudicators".

How can these actions and statements possibly be reconciled with the "presumption of innocence"?

How can these actions and statements possibly be reconciled with the obligation to be fair, impartial and objective.

It is submitted that there can be no such reconciliation. It is submitted that the Mayor, and members of Council, have irreparably poisoned this process with their repeated demonstrations of bias.

There are a number of other issues, separate and apart from the “public record” of biased statements and actions, that also support the request that these matters be stayed.

Refusal To Approve Medical Leave

It is submitted that members of Council have clearly allowed considerations related to the IC complaints to taint their consideration of Councillor Chiarelli’s past requests for approved medical leave.

It is submitted that Council has clearly used the “medical leave” request process to try to force Councillor Chiarelli out of office.

It is submitted that Council has attempted to utilize this process to impose the harshest sentence imaginable on Councillor Chiarelli – the involuntary loss of his elected position – without affording him due process, or the opportunity to clear his good name.

It is a matter of public record that Council deferred Councillor Chiarelli’s request for approved medical leave at its meeting of September 25, 2019, and ultimately refused the request at its meeting of October 23, 2020.

It is absolutely unprecedented for Council to second-guess, ignore or reject a councillor’s medical notes in these circumstances.

We confirm, for the record, that Councillor Chiarelli submitted three (3) separate medical notes from his family physician, in support of his request for approved leave (notes dated September 24, October 8 & October 22). As early as September 24th, Councillor Chiarelli’s physician confirmed an August 14th trip to the Emergency Room, the prescribing of medication, and the referral to a cardiology specialist.

It is also unprecedented for Council to not approve this type of leave request, when supported by uncontradicted medical evidence. In fact, two other similar requests were approved by Council, for Councillor Diane Deans and Councillor Keith Egli, without hesitation, objection or scrutiny, on September 25, 2019, **the very same day that Councillor Chiarelli’s similar request was deferred.**

It is submitted that Council’s unjustifiable and unreasonable approach to Councillor Chiarelli’s request for approved medical leave, and Council’s ultimate refusal to grant that request on October 23, 2019, also give rise to a reasonable apprehension of bias.

The fact that Councillor Chiarelli ultimately required open-heart, multiple by-pass surgery on December 13, 2019 is “proof positive” of the completely unjustifiable actions of Council, in refusing approved leave to their clearly sick colleague.

Concurrent Investigative Process

We would also confirm that workplace investigator, Audrey Lizotte, has been formally engaged by the City, on a concurrent basis, to investigate allegations of improper conduct raised against Councillor Chiarelli. Our client was advised of this investigation on August 16, 2019, but he was only provided with meaningful particulars of the allegations on January 21, 2020 -- while he was convalescing from his open-heart surgery.

It is now apparent that there is considerable duplication and overlap between Ms. Lizotte's investigative mandate and the IC's investigative mandate.

It is submitted that this is entirely vexatious and inappropriate, and that it is indicative of a concerted attempt, by Council or certain members of Council, to overwhelm and/or "out-resource" Councillor Chiarelli -- at a time when he is fighting for his life.

Refusal To Reimburse Legal Fees

It seems apparent that Council, or certain members of Council, have also actively interfered with Councillor Chiarelli's attempts to claim legitimate reimbursement of legal expenses related to the IC investigation.

The Code of Conduct specifically provides that Councillor Chiarelli is entitled to charge legal fees, related to the ongoing IC investigation, to his office budget:

2. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.
 - a. The Member who is the subject of the investigation may consult with a lawyer and charge this to their office budget. If the complaint is determined to have merit, the Integrity Commissioner may require the Member to reimburse these expenses to the City. If the subject of the investigation of a citizen member of the Transit Commission, the costs may be expensed to the Council administration budget through the Clerk's office.

We confirm that Councillor Chiarelli submitted a request for legal expense reimbursement **sixteen (16) weeks ago**, on October 22, 2019. To date, the City has completely failed and/or refused to process that request.

On November 21, 2019, City Solicitor, David White, sent the following letter in respect of the request for reimbursement.



November 21, 2019

Mr. Sevigny,

The City Clerk's Office is in receipt of a request for payment of a Statement of Account dated October 22, 2019, rendered by your firm in relation to "Employment Advice", in the amount of \$11,593.80. The request is that the payment be attributed to the Constituency Services Budget for Councillor Chiarelli.

In accordance with the City of Ottawa's Council Expense Policy, the Constituency Services Budget is made available to Members of Council in order to provide them with the funds necessary to carry out their statutory duties as elected officials. It is not available in respect of matters that are personal to councillors, in their private capacities. That said, in accordance with the Complaint Protocol adopted by City Council as part of the *Code of Conduct for Members of Council*, a Member who is the subject of an investigation by the Integrity Commissioner "may consult with a lawyer and charge this to their office budget." I have attached copies of the *Policy*, as well as the *Code of Conduct*, for ease of reference.

In order to help me determine whether this provision might apply to all or part of the legal expenses submitted, can you please confirm – on a confidential basis – that your client is the subject of an investigation under the City's *Code of Conduct for Members of Council* and, if so, the date on which he received notice of same?

Thank you, in advance, for your assistance.

DAVID G. WHITE
City Solicitor | Avocat général
Legal Services | Services juridiques
Innovative Client Services Department | Services novateurs pour la clientèle

<p>City of Ottawa Innovative Client Services Department 3rd Floor 110 Laurier Avenue West Ottawa, ON K1P 1T1 ottawa.ca</p> <p>Direct Line (613) 560-2424 Ext. 21925 Fax (613) 560-1383 E-Mail: David.White@ottawa.ca</p>	<p>Ville d'Ottawa Services novateurs pour la clientèle 3^e étage 110, avenue Laurier Ouest Ottawa (Ontario) K1P 1T1 ottawa.ca</p> <p>Ligne directe (613) 560-2424 poste 21925 Télécopieur (613) 560-1383 E-Mail: David.White@ottawa.ca</p>
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It is very difficult to accept this letter as anything more than a further act of obstruction, that raises serious questions about the direction that City staff is receiving, in relation to the IC investigation involving Councillor Chiarelli.

To be clear, it is respectfully beyond belief that the City Solicitor would require confirmation, in late November, 2019, that Councillor Chiarelli was the subject of an investigation under the City's Code of Conduct. In addition to having been the source of widespread press coverage since early September, it is a matter of record that the City Solicitor had been formally advising Council on matters related to the IC investigation at least a month earlier.

CBC

Thirteen women have now told CBC about inappropriate behaviour and comments by Chiarelli in his office and during job interviews. Chiarelli has denied all allegations.

Before the vote, city solicitor David White warned councillors not to take the allegations against Chiarelli into account when making their decision about the councillor's leave.

But that didn't stop Mayor Jim Watson from speaking his mind after the council meeting.

"There's a lot of important issues we're dealing with and Coun. Chiarelli's ward does not have a voice. We're trying our best to do so through two members of council filling in, but as you saw today, there's precious little support for Coun. Chiarelli," Watson said Wednesday.

In any event, a prompt response was sent to Mr. White:

seigny dupuis 

labour and employment lawyers

November 25, 2019

Strictly Confidential/By Electronic Mail

David G. White
City Solicitor
City of Ottawa (City Hall)
110 Laurier Ave. West
Ottawa ON K1P 1J1

Dear Mr. White:

Re: Councillor Rick Chiarelli

Thank you for your correspondence dated November 21, 2019, related to Councillor Chiarelli's request that this firm's account dated October 22, 2019 be paid out of our client's Constituency Services Budget.

I confirm that Councillor Chiarelli is the subject of an investigation under the City's Code of Conduct for Members of Council.

Councillor Chiarelli was first notified by the City Clerk's office on August 16, 2019 that he was the subject of some type of formal investigation. Our client was advised, at that time, that the jurisdiction/forum issue was still being sorted out.

By letter dated August 20, 2019, we requested full particulars from Tyler Cox, including the details of any City policy that had been triggered by the complaint and/or investigation.

On September 12, 2019, the CBC reported that a formal complaint had been filed against Councillor Chiarelli on July 2, 2019.

This firm was first retained by Councillor Chiarelli on July 22, 2019. All of the advice that we have provided, to date, relates to allegations and/or issues that are related to the current investigation under the City's Code of Conduct for Members of Council.

Yours very truly,


D. Bruce Seigny

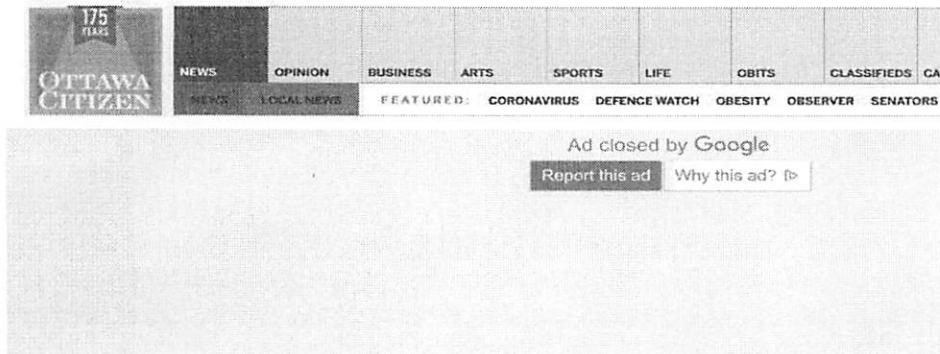
cc: Councillor Chiarelli

220 Hunt Club Rd.
Suite #204
Ottawa, ON K1V 1C1
P 613-751-4450
F 613-751-4471
seigny@dupuis.com

Having regard to the clear wording of the Code of Conduct, the City's obvious and detailed knowledge of the existence of the IC investigation against Councillor Chiarelli, and the clear and express confirmation from counsel, that the expenses were legitimately and properly incurred,

there can be no justification for the fact that the City continues to withhold this requested reimbursement.

Of course, our client's concerns over this issue were only heightened by the recent disclosure that the IC has not faced any similar difficulties or challenges in obtaining appropriate financial resources to pursue his investigation against Councillor Chiarelli:



Ex-RCMP boss billed \$116K for sleuthing as integrity commish looks into Rick Chiarelli allegations

A firm retained by Ottawa's integrity commissioner billed more than \$116,000 for investigative services, as the city looks into allegations against Coun. Rick Chiarelli.

It is our client's recollection that past IC investigations have cost no more than \$20,000.00.

It seems apparent to Councillor Chiarelli that Mayor Watson and other members of Council have pre-determined their preferred outcome for this IC investigation. It seems apparent to Councillor Chiarelli that Council, and/or agents of Council, have provided virtually limitless resources to the IC, to use at his discretion in the pursuit of his investigation, while at the same time deliberately withholding funds that are properly reimbursed to Councillor Chiarelli.

Council has refused to approve a medical leave that was medically justified. Council has refused to reimburse legal expenses that are legitimately and properly reimbursed under the specific provisions of the Code of Conduct. Council has permitted the initiation and/or continuation of a second, formal and duplicative, investigative process against Councillor Chiarelli, involving many of the same allegations, in a fashion that would reasonably be expected to cause additional expense and inconvenience for Councillor Chiarelli, at a time when he continues to recover from life-threatening heart surgery.

It is submitted that these actions reflect further bias, and/or that they give rise to a reasonable apprehension of bias.

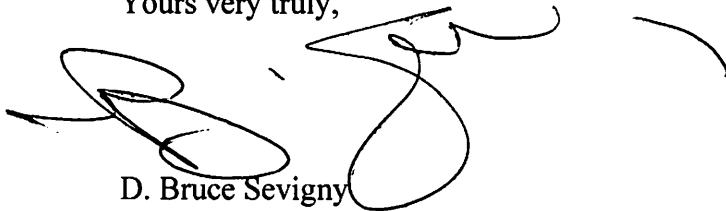
Formal Request for Stay and/or Termination of Investigative Proceedings

Councillor Chiarelli hereby formally requests that the IC and/or Council formally declare that the investigative processes that have been put in motion against our client have been irreparably damaged by the aforementioned actions of the Mayor and/or other members of Council, and that Councillor Chiarelli has been subjected to bias and/or a reasonable apprehension of bias in his attempt to respond to the allegations that have been raised against him.

Councillor Chiarelli also requests that these investigative processes be stayed and/or terminated for the same stated reasons.

Should the IC and/or Council decline to grant this requested relief, we ask that full and detailed reasons be provided in writing, making specific reference to the points raised in this correspondence, and to the various statements and actions of Council, so that there is a full and proper record for any future judicial review proceedings.

Yours very truly,

A handwritten signature in black ink, appearing to be 'D. Bruce Sevigny', written over a horizontal line. The signature is stylized and cursive.

D. Bruce Sevigny

Appendix C

Reddit thread between Complainant 1 and anonymous Reddit user

Jun. 26

██████████ 2:34 p.m.

Hi

!!

You have worked for Chiarelli??

██████████ 2:36 p.m.

Yes. For almost a year

██████████ 2:36 p.m.

How was it??

██████████ 2:36 p.m.

I hope you don't mind, I deleted my post. But I would be happy to answer any questions and provide you with perspective about it.

Honestly, horrible.

I would seriously advise against it if you have any other options

Rick tends to hire very young women with little experience. If that is you, then you fit the bill nicely.

██████████ 2:37 p.m.

Thank you for letting me know.

██████████ 2:37 p.m.

When I worked for him, there were three of us. All under the age of 23. All with no experience. Weirdly hired off Kijiji

██████████ 2:37 p.m.

I look younger than what I am. And I think he thinks I am

██████████ 2:38 p.m.

You will not have a life at all

I worked 144 hours of overtime in 8 months

██████████ 2:38 p.m.

I see.

██████████ 2:38 p.m.

Always at the very last minute

*minute

It is supposed to be banked for use during the election

He is also sort of dramatic, and turned everyone in the office against one girl

██████████ 2:39 p.m.

Oh I see

██████████ 2:39 p.m.

I did not stay for very long, but the other two girls I worked with stayed for around 4-5 years

From what I heard it didn't really improve much

Ironically, I bumped into a woman at a run club who worked for him 10 years before me and she described all of the same chaotic behaviour

██████████ 2:39 p.m.

That's a long time. Thank you for letting me know. I had the interview

██████████ 2:40 p.m.

That was why I quit. I was naive and thought that maybe he would improve, but that was the nail in the coffin for me

It was good "experience" on a resume, I will give it that.

██████████ 2:40 p.m.

Yeah, I imagine. I felt like the interview was more about my body than the job responsibilities

██████████ 2:41 p.m.

Bang on.

2:41 p.m.

And was wondering if that is how it is

2:41 p.m.

You clearly got a strange feeling, and honestly, you were very insightful and smarter than I was

He never sexually harassed anyone

As far as I am aware

2:42 p.m.

That is good to know

2:42 p.m.

I think he likes having young women on his team. More because they tend to be a bit naive and will tolerate things they shouldn't

Like awful work hours and constant drama and BS

2:43 p.m.

Do you remember your interview?

2:43 p.m.

Yep

2:43 p.m.

Did he ask you about how to dress?

2:44 p.m.

I had a 3 hour weird "interview" in a coffee shop

I had my boyfriend come and watch it because I was concerned

He then did a second weird interview in a coffee shop that my boyfriend also attended...because he found me on Kijiji and it was sketchy

He never mentioned how I dressed, but there was other weird stuff

I got a very bad feeling, but was very desperate for a job

I sort of knew what I was getting into but had no other options at the time

2:46 p.m.

That's fair

Thank you for letting me know

2:46 p.m.

Happy to help

I wish I had known more before hand as well

2:47 p.m.

:)

2:47 p.m.

Oh, he will also text you constantly

He will expect you to answer your phone at night

Literally.

Did you actually apply for an official job? Or meet in an official location?

2:48 p.m.

He mostly talk about his I should dress

No. Same as you

How

2:48 p.m.

He found you through some weird method?

And met in a coffee shop?

2:49 p.m.

I did send me resume to the city

But it was at a coffee shop

2:49 p.m.

Oh god some things never change

He did that with us because he was firing all of his staff at the time and didn't want them to know

He told me that during my interview

Which should have tipped me off more than it did. Again, desperate.

I was honestly so stressed under him that I took it out on everyone around me. My boyfriend of 4 years at the time told me he would leave me if I didn't quit because I became such a crazy mess.

I hoped some day I could help prevent someone else from making a similar mistake!

2:53 p.m.

You are helping me

2:54 p.m.

You have no idea how glad I am to hear that.

There are lots of other great Councillors. [REDACTED] is fantastic and very nice. People also loved working for [REDACTED].

Try emailing others your resume

If you want to get into politics

2:55 p.m.

Thanks again

2:56 p.m.

And [REDACTED] - also an excellent person to work for

You're welcome!

Appendix D

Transcript of telephone recordings between Complainant 1 (“C1”) and the Respondent (“R”)

July 6, 2019

R: Hello

C1: Hello

R: Hi, is this [Complainant 1]?

C1: Yes, Rick?

R: Yeah

C1: Hi

R: How are you?

C1: Good thank you, how are you?

R: Good. So I am calling to tell you that you got the job.

C1: Oh, nice!

R: Okay, um, so we'll have to figure out when you start and I'll have to tell you a whole bunch of stuff about politics and introduce you to the other people. What I was hoping, but I got you on the wrong day on Friday, is I was going to introduce you to my wife and my brother [C1: Okay] who play a big role in this. And, uh, anyway I think it's going to be a lot of fun. And, uh, I think you'll really like it and I think you'll be really good at it.

C1: Okay, now, um, as I told you I talked to my manager and they are working on renewing uh, my contract so I can go [R: Right] is like, is that okay?

R: So they are working on renewing it, so what would it be?

C1: So, it will become a one-year contract. So, right now they are working on my secret clearance.

R: Okay

C1: And, but they don't know. Like you know, it can take any time. . . between . . .

R: Okay

C1: Yeah

R: And you would go there if they got that one.

C1: Right

R: Hmmm [C1: Yes] so you don't, you don't know how long that will . . .

C1: Exactly, and I talked to her on Friday because I, I went to the office to give her back a book that I borrowed to read, and then that's when she told me and then they got my finger prints, um, so that they can do, you know, they, well they can continue the process, uh, to check that I, you know, that I'm not a criminal or spy.

R: Right, I've had people do that before.

C1: Yeah, so . . . [R: Um] yeah I don't know if you had like a, because I don't want to, I don't want to, you know, like I don't want to say no, but I also don't want you to not get somebody else and then I leave.

R: Okay, I see. But you don't know how long this would take?

C1: No, they said it could be between one to four months so . . . um, they don't know.

R: It would be what?

C1: Between one to four months.

R: Okay. Hmmm . . . so it could take . . . what's it likely to take?

C1: The truth is that I lived in [location redacted] for two years and so I don't know what is the process when you have lived outside. I know that, that's what they gave me. They gave me one to four months. And they said they didn't know how long. Like, but it takes, it's between that. So, I live in different places because I have moved around depending [R: Right] on the job I get, so [R: Right] I think that might make it take a little bit longer. Just because I have had different addresses and as I said, one is international. Uh, so . . . I don't know.

R: So it could take . . . what's realistic?

C1: That's . . . seriously, that's what I asked them. I told them, like I need to know, I need to know when to, you know, do everything. And they said, they will tell me as soon as they could but it would be between one and four months. That's all they said.

R: Well, that's a big gap.

C1: I know, I know . . . I know. One month - I'm happy with vacations. Four months - not so happy.

R: Yeah . . . um, hmmm. Okay, cause I'll tell you what happened, uh, a local media outlet, uh, basically cancelled the show that they were running and the person who ran that show immediately applied with me. So I now have - that person is hired. And you would be hired, and someone else is on board already and another person is on board. So that's how the team would work.

C1: Oh I see.

R: If it was four months, that would be rough because, um, hmmm.

C1: I know, and that's why, as soon as they told me, because like they were like trying to get it [inaudible] where they should if they could and then when I saw her she told me they were starting the process and that I needed to give my fingers prints and so that's why I was like, okay . . .

R: Okay, and we have, um, for the, uh, getting ready for the New Years Eve, that's sort of what we're doing now too along with everything else. [C1: Right] Um, hmmm, but at least we already know we have at least three things you can wear that don't have any of the, the things you don't want to do in them. So that's good, you wouldn't be asked to wear anything you don't want to wear. But we do have three things that will work. [C1: Okay] Um, superheros. Um, at least we don't have to do that. Um. . .see if we get into September and you still don't know that's rougher.

C1: I know, I know and that's why I wanted to know, because . . .

R: And yeah, 'cause in . . . we would have a newsletter that we're going to do. That's why I was asking about the uh, design software.

C1: Right, yeah. In Design seriously, or actually the one I told you about, Kamba? [R: Yeah, yeah] It's really great and [inaudible] to be a graphic designer to understand it.

R: Okay I would have to see, I haven't actually used that one. [C1: Okay] I've used In Design but I haven't used that one. And also my wife wanted, like my wife and brother wanted to meet you so, um, I don't know.

C1: I know, [R: This is tough] I know - I'm putting you in a tough situation because seriously that's - what am I? That's exactly . . .

R: Mm-hmm

C1: Yeah

R: So . . . yeah usually doesn't come open that often. So, if we just filled it temporarily [C1: Mm-hmm] um, for a month or two months. If it gets to September, things start to get really busy in September because we have the New Years Eve coming up and we have uh a number of legislative things coming up. You know, so hopefully it would be before that. [C1: Right] I don't know. Um, yeah and you would work really well with this, this guy that we hired from the, uh, media outlet. He, um, he does more of the things that you don't do as much of but he doesn't do as much of the things you do more of.

C1: I see okay I see, I understand.

R: Um, so . . . uh. What do you think I should do?

C1: Well what if, let me . . . let me think. Because, because I think that, uh, you know, I think that you need somebody for more than four months for sure. So, did you have like a second person that you would like to hire?

R: Well if we were hiring, okay, if we were hiring somebody, um . . . for a month or two. We'd have her, like she would - we have someone whose worked with me before and would do it for a month of two. [C1: Okay] Um, so that might be possible, um . . . I don't know. [C1: Okay, because . . .] Is that what you're suggesting?

C1: Well what I'm thinking is that, uh, that. . .yeah, I just don't want . . . I just don't want to start learning about it and then leave. [R: Right] And then you have to go, to start again with somebody else. Because if, uh . . . because I would, I would love to like continue with the, with the government. It's a really good opportunity.

R: No, I know. Um, so is this one by the way. You can continue with this one. But it probably pays more right now right?

C1: Oh yeah for sure. Yeah it's, it's definitely . . . it's more than double.

R: Wow [C1: Yeah] Um . . . hmmm. Let me see . . . yeah, I would have to think about that. Unless um . . . uh . . . could you come in for awhile and so you see whether you get hired there?

C1: Okay, what is . . . [R: And then if you, yeah] let me . . . is it okay if I call you back on Monday? And then I will . . . [R: Yeah] Okay.

R: Yeah, no but what, and what I'm thinking here is you maybe could start with us [C1: Uh-huh] and then if it doesn't come through at the federal government, you just continue with us.

C1: Right, that makes sense

R: You see what I'm saying? [C1: Yes] And then, then if uh, if it does come with the federal government then, then you would leave with us and I would get, I would have time to uh, get someone else. [C1: I see, okay] So just think about that.

C1: I will and then, I will call you Monday morning. Is that okay? Or I will, I will. . .

R: Sure

C1: Yeah? Okay

R: Yeah, is there um, yeah. Is there anything, um . . . let's see, any other questions you have about us?

C1: No, no as I said, you know, one thing is to talk and the other one is to start doing it and then realize, you know, then I have more questions. It's . . . [R: Okay] [inaudible] that's how it's worked so far, for me.

R: yeah. Well one thing that like, the reason I wanted you to meet my wife and my brother is that they run the campaign [C1: Okay] and they do an awful lot of work for free for our office. And, they are involved in the strategy and so, at some point that will happen. If you end up here, you'll meet them. [C1: Okay] And uh, I know that's not

normal in most jobs, but it is in politics. [C1: No, yeah] I just make it, I make it formal and do the introduction.

C1: Right, no, and I understand completely because I worked for. . .it depends on how big and small is the community and it makes a lot of sense. Thank you so much.

R: Okay.

C1: Let me call you on Monday morning.

R: Okay, sure.

C1: Alright.

R: Alright.

C1: Thank you, thank you again.

R: Thank you, bye.

C1: Okay, bye.

July 8, 2019

R: Hello

C1: Hello Rick?

R: Yes, hi.

C1: Hi, this is [Complainant 1]. How are you?

R: Good, how are you?

C1: Good, thank you. Okay Rick, I've been thinking about it, but I decided I will stay in [location redacted] to save money until, uh, they call me back.

R: Okay, so that could be . . . that's all uncertain right?

C1: Yes.

R: When that would be?

C1: Yes, but my family is in [location redacted] so, um, I don't have to worry about paying rent and everything else.

R: Hmmm. So, if I have a person that does the next couple of months then would that still be a possibility? Like if it doesn't work out? Would you still consider coming here then?

C1: If the federal government doesn't work out?

R: Right.

C1: Oh, I see. Uh, for the experience, yes. Um . . .

R: So, I would . . . okay so, you'll be back - well keep in touch with me via email.

C1: Okay.

R: And then, if it doesn't work out, then you could come back here.

C1: Thank you very much.

R: Okay. Because this is um - I think you would have a lot of fun at it. I think it's, um, really in line with what you're trained for. And, uh, there are a lot of positions at the City like that, you know.

C1: I see what you mean, yes.

R: So. Okay.

C1: Thank you very much.

R: Alright, thanks a lot. Bye.

C1: Bye.

March 26 (2014): Head Strong Fundraiser Kick off event @ [redacted]



Rick Chiarelli
3/26/14

Rick Chiarelli
You're friends on Facebook
[redacted]

March 29, 2014

Hi. Do you still want to meet on that matter you mentioned?

3/30/14 12:14 PM

Hi Rick. Regarding potential employment? Yes I would like that.

Alright, well we should set something up. Do you have a mobile number I can text you at?
Mine is [redacted] I may be at the [redacted] event tonight (or may not, it's not certain yet, due to schedule) but it's probably best if you tell me when you are generally available and I could send you a bunch of times within that to pick from.

3/30/14 12:18 PM

Ok sounds good. My number is [redacted] I'll take a look at my schedule for the week when I get home tonight and will let you know.

4/1/14 12:57 PM

Hi Rick, would you be able to get together next week at some point? I'm available Tuesday afternoon, or Thursday all day. Let me know what works.
Also, here is the link to purchase tickets to the [redacted] event I'm holding at the [redacted] in case your staff is still interested in going.
Thanks ☺



Thursday late in the afternoon or at night works best (Tuesday is Planning Committee and it could go all day & tip 11pm - or just an hour, we never know)

Text me

Appendix F

**Rick Chiarelli**

Messenger



Our business is PR...but with opponents who constantly try to sabotage us..



I have one more semester left, and then hoping to go onto a Master's program once I'm finished. This summer I'm going to increase my volunteer/work experience.

where/

?



Aa



**Rick Chiarelli**

Messenger



what type

Still in the planning stages, I'm not sure yet.

Hmm

Are getting involved in either of the two upcoming elections? (Provincial in June)

Or have you already done that?



I haven't done any work in politics yet but that sounds interesting!



Aa



**Rick Chiarelli**

Messenger



I am arranging things right now for the lead up to the election and then for the election campaign itself. And I have great respect for the [REDACTED] and [REDACTED] programs. So, because I think ahead, I often scoop up a bunch of names each year when I am out supporting their events, because I know in 2+ years they will graduate and, if I happen to be looking at that time I can



Aa



**Rick Chiarelli**

Messenger



happen to be looking at that time, I can speak to some and see if they would ever want to consider it

I have recruited that way before and it has worked well for everyone involved



What are you looking for specifically?

A couple of spots. It really depends on who is available and and best combinations that flow from that



Aa



**Rick Chiarelli**

Messenger



best combinations
that flow from that

Are you in the west
end of ottawa these
days? downtown?



The east? The south?

I'm living downtown
Ottawa. Are you looking
for a paid position or a
volunteer position?

Two paid and a
number of volunteer.
But it is the paid ones
that have to be the
best combinations.
FYI before my law



Aa



**Rick Chiarelli**

Messenger



best combinations.
FYI, before my Law
degree, my degree
was in media and
communications from
U Ottawa - which
used to include PR



Yes, I would love to hear
some more information
about what you have
available!

Well politics is nasty.
And if you can handle
the nastiness and
succeed at it, your
stock rises



Aa



**Rick Chiarelli**

Messenger



succeed at it, your
stock rises
everywhere else in PR



I'm interested in any
opportunity or challenge
in PR. How would I find
out more?

We could meet at a
Starbucks downtown
- either in Rideau
Centre or across from
City Hall (Elgin at
Lisgar).



Sure, that works. Could
we arrange for a time



Aa



**Rick Chiarelli**

Messenger



Sure, that works. Could we arrange for a time this week?

Yes, I really want to start piecing this together so this week is best.

It could also be in the West end.

Are you in exams now?

I'm in exams now, but I'm available this upcoming Friday. Exams



Aa



**Rick Chiarelli**

Messenger



I'm in exams now, but I'm available this upcoming Friday. Exams are always time consuming, but does that work for you?

Can you go to Starbucks at College Square for 11:00 on Friday?



That sounds great, thank you for reaching out to me!

Ok. See you there. My mobile number is



Aa



**Rick Chiarelli**

Messenger



Starbucks at College Square for 11:00 on Friday?

That sounds great, thank you for reaching out to me!



Ok. See you there. My mobile number is [REDACTED] in case something comes up and you can't make it.



Thank you again for the opportunity!



Aa

