



April 15, 2024

**INAPPROPRIATE LANGUAGE AND RACIAL COMMENTS
AUDITOR GENERAL COMPLAINT INVESTIGATION**

REPORT

Executive Summary

Background

An allegation was received indicating that the leader of a City Functional Area/Department had:

1. accused the citizen of being illiterate and insulted the citizen.
2. inferred that the citizen was racist by using a racial slur.

Further, the above elements may be tied to centuries-old prejudice between nationalities.

The individual indicated they had approached management and elected officials and had been directed to the Auditor General.

Investigation Approach

1. Review the email trail and make summary notes of the conversation.
2. Determine if the complaint is against the head of a City department.
3. Based on a review of the evidence provided by the citizen, identify if the City department head accused the citizen of being illiterate and insulted the citizen.
4. Based on a review of the evidence provided by the citizen, identify if the City department head inferred that the citizen was racist by using a racial slur.
5. Review what it means to make a racial slur to understand if the use of terms by the City Department head used a racial slur by suggesting one had been made as a result of “not understanding the vocabulary”. *Note that the allegation indicates that a historical circumstance might exacerbate or contribute to the above.*

Scope Limitation

Email evidence was the only material reviewed. No verbal conversations between the parties were considered; however, the email correspondence supports the conclusion that no such verbal conversations occurred.

Summary of Procedures and Findings

Since the exchange occurred over email, tone and context cannot be as readily identified.

The complainant sometimes used precise terminology/ phraseology, which is not necessarily commonly used in conversation. Some phrases were more British than standard Canadian terms. Several terms directed at City personnel were demeaning, and one is noted in several dictionaries as technically insulting or derogatory.

Management may wish to:

1. Create a channel by which personnel/citizens who feel they have been discriminated against, harassed, prejudiced, etc.,
-

Auditor General Complaint Investigation Report

can contact to raise their concerns for analysis/investigation.

2. Consider a process whereby when communication with individuals is limited/restricted in any way, a second management representative reviews the outgoing message before issuance.
3. Management should ensure that the options/methods are straightforward when enforcing one form of communication with a citizen or contact.

Management Comments

From a procedural standpoint, there are many avenues one may use to report a complaint. Most commonly, this is by calling 311, where it gets directed to the appropriate department head to address or the Policy and Procedures Coordinator.

Over and above the Hotline, the Corporation offers the following as it relates to channels for personnel/citizens who feel they may be discriminated against or may otherwise have concerns, these channels include forms of communication that may be provided:

Respectful Workplace Policy which specifies, amongst other items, that The Corporation of the City of Windsor (the "Corporation") is dedicated to providing a workplace and service environment that is conducive to creating a climate of mutual respect that fosters equality and inclusion, reinforces opportunity and allows for each person to contribute fully to the development and well being of the Corporation.

The Corporation maintains a zero-tolerance approach to workplace violence, harassment or discrimination whether between employees, involving an employee, an official (elected or appointed) or a customer of the Corporation in the exercise of workplace responsibilities. All reported incidents of workplace violence, harassment, and discrimination and incidents of workplace harassment that the Corporation becomes aware of, shall be reviewed and appropriate action shall be taken.

It should be noted that this policy is on the City's Website under City Hall and policies. Also this website indicates to call 311 or the Policy and Procedures

Standards of Employee Department notes the Corporation will not tolerate employees engaging in acts or gestures of violence and harassment towards other employees or a member of the public in violation of the Corporate Workplace Violence Policy or any portion of the Respectful Workplace Program. Engaging in acts of discrimination towards other employees or a member of the public in violation of the Corporate Human Rights Policy, the Respectful Workplace Program or the Ontario Human Rights Code is not tolerated.

Auditor General Complaint Investigation Report

	<p>Our Workplace Harassment Procedures provides a process wherein incidents resulting from alleged workplace harassment and/or sexual harassment are reviewed and addressed in accordance with the Occupational Health & Safety Act, Canada Labour Code Part 3, and corporate policy, and that appropriate corrective actions are identified and implemented to prevent reoccurrence</p> <p>Additionally the purpose of the Employee and Volunteer Code of Ethics and Conflict of Interest Policy is to state the values and principles by which employees and volunteers are to govern their actions in the exercise of their duties.</p>
Name:	Vincenza Mihalo
Title:	Executive Director of Human Resources
Date:	June 4, 3024

Summary of Investigation Approach Results

#	Approach	Summary of Findings
1	Review the email trail and make summary notes of the conversation.	Reviewed and summarized 9 messages in total. Met with the complainant to verify understanding and concern.
2	Determine if the complaint is against the head of a City department.	The allegation is related to the specific functional department head.
3	Based on a review of the evidence provided by the citizen, identify if the City department head accused the citizen of being illiterate and insulted the citizen.	No explicit accusation of illiteracy was detected to have been expressed in the materials provided. The written phraseology from the City representative indicates that the complainant should use spell check and that some of the exchanges of communication/accusations are unfounded. While such comments might be made in a more positive manner, they do not mean that an accusation of illiteracy was levelled.
4	Based on a review of the evidence provided by the citizen, identify if the City department head inferred that the citizen was racist by using a racial slur.	No instances that might appear to a general reader to be racial slurs were noted.
5	Review what it means to make a racial slur to understand if the use of terms by the City Department head used a racial slur by suggesting one had been made as a result of “not understanding the vocabulary”. Note that the allegation indicates that a historical circumstance might exacerbate or contribute to the above.	Some readers might construe the inclusion of a cultural identity statement after the City department head’s name as some form of racial slur; however, in today’s context, with the use of clarifying terms after an individual’s name, others might read this as a clarifying statement. Some words stand out evidently as racial slurs, while others may be appropriate in some contexts and then clearly slurs in other contexts. From the actual exchange reviewed, it is not apparent to this office that the writer intended any slur.

Overall Assessment:

Since the exchange occurred over email, tone and context cannot be as readily identified.

The complainant sometimes used specific terminology/phraseology, which is uncommon in municipal email communications. Some phrases were more British than standard Canadian terms, and emphasis was often expressed through the use of capitalization. Several terms directed at City personnel were demeaning, and one is noted in several dictionaries as technically insulting or derogatory. As such, requesting to meet in person and ensuring that such emails are no longer responded to appears to be following City practices as part of protecting city personnel.

In light of the review, the Auditor General identified some considerations which management may wish to consider, such as:

1. Create a channel by which personnel/citizens who feel they have been discriminated against, harassed, prejudiced, etc., can contact to raise their concerns for analysis/investigation.

The hotline has noticed a rise in such concerns over the past 1-2 years, and there is no readily identifiable path for such individuals to submit their concerns. Further, such a channel should be able to access individuals skilled/trained in assessing and addressing such matters. The growing emphasis on diversity, equity inclusion and individual expression without harming others will likely continue to create a need for people to raise their concerns as society learns to adapt and adequately express conscious inclusiveness.

2. Consider a process whereby when communication with individuals is limited/restricted in any way, a second management representative reviews the outgoing message before issuance. Such a review should be with a view to how the recipient will likely view this message and if the message is clear and without accusation.
3. In enforcing one form of communication with a citizen or contact, management should ensure that the options/methods are straightforward. For example, in the exchange above, the City department head indicated that the complainant should contact them for a meeting and that no further emails would be responded to. It might have been more apparent to convey that:
 - a. the City is willing to meet to discuss the concerns,
 - b. that no further emails will be responded to by the department except for a request to meet,
 - c. alternative means to coordinate a meeting should be provided where they exist.

The critical element here is ensuring citizens know how and where to address their concerns while protecting City personnel.