

# REPORT

## INVESTIGATION INTO ALLEGATIONS OF BULLYING AND HARASSMENT

### AGAINST RICHARD ROSENTHAL CHIEF CIVILIAN DIRECTOR BC INDEPENDENT INVESTIGATIONS OFFICE

November 23, 2015

Submitted to BC Public Service Agency by  
Investigator Christopher Sullivan

I was appointed by the BC Public Service Agency to conduct an investigation into allegations of bullying and harassment against Richard Rosenthal, Chief Civilian Director (CCD) of the Independent Investigations Office (IIO).

The details of my appointment are contained in the following terms of reference:

### **Terms of Reference**

Whereas allegations of bullying and harassment of employees in the Independent Investigations Office (IIO) against the Chief Civilian Director (the respondent) have come to the Deputy Attorney General of the Ministry of Justice's attention; and,

Whereas the Deputy Attorney General has requested that the Deputy Minister of the BC Public Service Agency formally determine whether, or to what extent, bullying or harassment may be occurring at the IIO;

The Deputy Minister of the BC PSA has engaged Chris Sullivan (the investigator), an independent third-party expert in employment and labour law, to conduct an investigation into the allegations.

In conducting the investigation, the investigator will comply with the following terms of reference:

- The investigation will focus on the alleged inappropriate conduct of the respondent. Any issues not specifically related to the personal conduct of the respondent, such as, but not limited to, the policies, procedures or mandate of the IIO, are outside the scope of the investigation;
- The investigation shall be conducted in a fair, objective, open-minded and independent manner;
- Subject to these terms of reference, the investigation process shall be determined by the investigator;
- The investigation will include interviews of any relevant complainant(s) and witnesses that the investigator determines necessary and a review of any documentation/evidence gathered by the investigator during the process;

- The respondent will also be interviewed and will be given the opportunity to respond to any allegation that may form the basis of a finding of the investigation;
- The investigation report will include conclusions based on findings of fact and determinations of credibility and will be submitted to the Deputy Minister of the BC PSA.

Upon the conclusion of the investigation, the Deputy Minister of the BC PSA will assist the Deputy Attorney General in determining the appropriate response to the above-referenced allegations based on the findings and conclusions made by the investigator.

s.22

Page 04 to/à Page 28

Withheld pursuant to/removed as

s.22

January 12, 2015

CLIFF # 5596

Mr. Richard Rosenthal  
Chief Civilian Director  
Independent Investigations Office of BC  
Ministry of Justice  
Suite 1200 - 13450 102nd Avenue  
Surrey BC V3T 5X3

Dear Mr. Rosenthal,


Allegations of bullying and harassment of employees in the Independent Investigations Office (IIO) have come to the attention of Richard Fyfe, Deputy Attorney General of the Ministry of Justice. As I have responsibility under the *Public Service Act* for personnel management and maintaining occupational health and safety programs in the public service, Mr. Fyfe has asked me to formally determine whether, or to what extent, bullying or harassment may be occurring and, if so, what steps may be necessary to ensure the IIO's compliance with the applicable *Workers Compensation Act* rules and regulations.

While there may have been a preliminary review(s) of this matter by the Ministry of Justice, it is my understanding that no determination has been made as to the merits of the allegations.

Mr. Fyfe has indicated to me that you were made aware that he was asking for my assistance and that you had requested to meet with me before the BC Public Service Agency engages in any formal process. I accept this request and will ask my office to get in touch with you to set up a meeting soon.

In the meantime, given the sensitivity of the allegations that have been made, I would ask for your co-operation in ensuring that the management of the IIO refrains from taking any disciplinary or related action against employees covered by the *Public Service Act* until we have the opportunity to meet. If a pressing employment-related issue develops prior to our meeting that you feel requires immediate attention, please contact John Davison, Assistant Deputy Minister, Employee Relations, at 250 356-3090 to discuss what action, if any, needs to be taken.

Sincerely,



Elaine McKnight  
Deputy Minister

pc: John Davison, Assistant Deputy Minister, Employee Relations, BC Public Service Agency

## Chalifour, Adrian MTIC:EX

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**From:** Davison, John C PSA:EX  
**Sent:** Monday, January 12, 2015 12:50 PM  
**To:** Fyfe, Richard J JAG:EX  
**Cc:** Deitch, James JAG:EX  
**Subject:** FW: Independent Investigations Office  
**Attachments:** 5596\_Rosenthal\_Outgoing\_signed.pdf

Fyi...

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**From:** Cole, Linsey PSA:EX **On Behalf Of** McKnight, Elaine L PSA:EX  
**Sent:** Monday, January 12, 2015 11:41 AM  
**To:** Rosenthal, Richard IIO:EX  
**Cc:** Davison, John C PSA:EX  
**Subject:** Independent Investigations Office

Dear Richard,

Please find attached a letter for your review, my office will be in touch to follow up. Please note original to follow by mail.

Sincerely,

Elaine McKnight, Deputy Minister / Head of the Public Service Agency  
BC Public Service Agency  
4<sup>th</sup> Floor -810 Blanshard Street | Victoria BC | V8W 2H2 | Office 250-952-6296



Where ideas work



# Memorandum

Ministry of Justice  
Office of the Deputy Attorney General

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11th Floor – 1001 Douglas Street, PO Box 9290 Stn Prov Govt, Victoria, BC V8W 9J7 Phone: 250 356-0149 Fax: 250 387-6224

February 25, 2015

John Davison  
Assistant Deputy Minister  
BC Public Service Agency  
Labour Relations Branch

**Chief Civilian Director – Independent Investigations Office**

Richard Rosenthal has provided me with a copy of your letter dated February 19, 2015, which he advises was sent to employees in the Independent Investigations Office. He has drawn to my particular attention the second sentence of that letter.

That sentence incorrectly states that the Ministry of Justice has already undertaken a “preliminary review” into allegations of misconduct by Mr. Rosenthal, leading to my request for the BC Public Service Agency’s (PSA) advice and recommendation. That is not exactly correct and may lead to an incorrect inference that the PSA’s review is somehow predicated on information Mr. Belcher provided to me, or that I had reached preliminary conclusions that such allegations were well founded as the basis for my request for PSA involvement.

To be clear for the record, I received allegations of bullying and harassment from two former employees. I then engaged Mr. Belcher to look informally into those complaints on my behalf. As a result of the information he provided me, I concluded that I needed advice and recommendations from the PSA.

As you know, I have not shared any information I received with the PSA, other than copies of my correspondence with the two complainants. Instead, I look forward to receiving your advice following a formal independent review conducted in your usual fair and thorough manner.

Richard J. M. Fyfe, Q.C.  
Deputy Attorney General

## **Chalifour, Adrian MTIC:EX**

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**From:** Richter, Connie JAG:EX  
**Sent:** Wednesday, February 25, 2015 1:18 PM  
**To:** Davison, John C PSA:EX  
**Subject:** Memorandum from Richard Fyfe, Deputy Attorney General  
**Attachments:** Scan\_20150225.pdf

Good afternoon,

Please see the attached memorandum from Richard Fyfe, Deputy Attorney General.

Thank you,

**Connie Richter** | Executive Coordinator  
Deputy Attorney General's Office | Ministry of Justice  
11th Floor, 1001 Douglas Street | Victoria BC V8W 9J7  
☎ 250 387-1578



## Chalifour, Adrian MTIC:EX

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**From:** Fyfe, Richard J JAG:EX  
**Sent:** Monday, January 12, 2015 1:08 PM  
**To:** Davison, John C PSA:EX  
**Cc:** Deitch, James JAG:EX  
**Subject:** Re: Independent Investigations Office

Thanks.

Richard J.M. Fyfe QC  
Deputy Attorney General  
Ministry of Justice and Attorney General  
Tel. (250) 356-0149

This communication (both the message and any attachments) is confidential and may be protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.

On Jan 12, 2015, at 12:49 PM, "Davison, John C PSA:EX" <[John.Davison@gov.bc.ca](mailto:John.Davison@gov.bc.ca)> wrote:

Fyi...

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**From:** Cole, Linsey PSA:EX **On Behalf Of** McKnight, Elaine L PSA:EX  
**Sent:** Monday, January 12, 2015 11:41 AM  
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**Cc:** Davison, John C PSA:EX  
**Subject:** Independent Investigations Office

Dear Richard,

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Sincerely,

Elaine McKnight, Deputy Minister / Head of the Public Service Agency

BC Public Service Agency

4<sup>th</sup> Floor -810 Blanshard Street | Victoria BC | V8W 2H2 | Office 250-952-6296



# Memorandum

Ministry of Justice  
Office of the Deputy Attorney General

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11th Floor 1001 Douglas Street, PO Box 9290 Stn Prov Govt, Victoria, BC V8W 2J7 Phone: 250 356-0149 Fax: 250 387-6224

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Assistant Deputy Minister  
BC Public Service Agency  
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**Chief Civilian Director – Independent Investigations Office**

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As you know, I have not shared any information I received with the PSA, other than copies of my correspondence with the two complainants. Instead, I look forward to receiving your advice following a formal independent review conducted in your usual fair and thorough manner.

Richard J. M. Fyfe, Q.C.  
Deputy Attorney General