

November 14, 2014

**VIA E-MAIL**

Linda Staudt, Director of Education  
London District Catholic School Board

Dear Ms. Staudt:

**Re: OECTA Grievance – Just Cause – Termination [13231-LD-BM]**

In accordance with Article 6.06(a) in the Collective Agreement, the Association alleges that the Board has violated Articles 4, Management Rights; Article 5.01, Just Cause; Article 13, Salaries; Article 14, Benefits; Article 28, Evaluation; Article 31, Harassment; Article 32, Assault; the Ontario Human Rights Code, the Memorandum of Understanding, dated July 5, 2012, the Labour Relations Act, the Education Act and any other relevant Article of the Collective Agreement or Regulation of the Province of Ontario.

OECTA hereby grieves that the Board has violated the Collective Agreement and applicable statutes by terminating Ms. Michail's employment on the basis that the "employment relationship has been frustrated." It is the position of OECTA that:

1. The Board has unlawfully, arbitrarily, and in bad faith concluded that the employment relationship has been frustrated and in effect has discharged Ms. Michail without just cause;
2. The Board has violated the Collective Agreement, the Human Rights Code, and the Occupational Health and Safety Act by failing to consider available psychological and medical reports from her health treating team;
3. The Board (directing minds) while recognizing that there were legal "barriers" to the termination of Ms. Michail, including "the Human Rights Code, the arbitrator, the poor management of the situation by the Board, and the investigation report of Ms. Hewitt," in bad faith, took steps to implement a "backwards design termination";
4. The Board has terminated Ms. Michail for vindictive and discriminatory reasons that have nothing to do with her job performance or character;
5. The Board terminated Ms. Michail's employment in an undignified, embarrassing and degrading manner, intentionally inflicting mental suffering, inducing unnecessary stress and stress related illness to her person;

6. The Board in their July 15 letter and the termination letter of October 29, 2014 has made a series of inaccurate statements and false allegations which constitutes harassment, discrimination and reprisal;
7. The Board has violated the Human Rights Code by discriminating against Ms. Michail on the basis of disability, failing to reasonably accommodate Ms. Michail, and by penalizing Ms. Michail for having sought a reasonable accommodation; it has been the board's position since March 2<sup>nd</sup>, 2011 that Ms. Michail should apply for LTD;
8. The Board has violated the Human Rights Code by discriminating against Ms. Michail on the basis of racial and ethnic origin, she has been the target of oppressive, humiliating and unlawful treatment during her career ending by a degrading unfair termination after 24 years of diligent service and numerous breaches of her human rights ;
9. The Board has violated the Collective Agreement by unlawfully and arbitrarily concluding that Ms. Michail was responsible for the destruction of the trust relationship while she was the victim of repeated harassment, discrimination, assault and battery and false accusations for 4½ consecutive years;
10. The Board has violated the Collective Agreement, the Human Rights Code, and the Occupational Health and Safety Act by creating a poisoned work environment for Ms. Michail;
11. The Board has violated the Collective Agreement, the Human Rights Code, and the Occupational Health and Safety Act by blaming Ms. Michail for her reactions to the poisoned work environment, harassment, discrimination, assault and battery, false accusations, retaliation and other discriminatory and unlawful treatment by the Board;
12. The Board has violated the Collective Agreement by erroneously and improperly relying on the alleged refusals of co-workers to work with Ms. Michail without having fairly assessed all of the circumstances and failing to provide particulars;
13. The Board failed to provide particulars regarding employees who refuse to work with the grievor, mentioned in the letter of termination, dated October 29<sup>th</sup>, 2014. On the November 3<sup>rd</sup>, 2014 hearing the Board admitted that in fact they had no such particulars, and their decision to terminate Ms. Michail's 24 years of exemplary service was based on "hearsay" evidence;
14. Similarly the Board has improperly and unreasonably relied on defamatory and unfair comments made in bad faith at a Secondary Principal's Council meeting on May 12, 2014, at the CEC by Principal Mark Priamo whose contact with Ms. Michail occurred a number of years ago in a period where Ms. Michail's outstanding performance was the subject of commendation by numerous school and Senior Board administrators, priests, colleagues, parents and students;
15. The Board represented by Superintendent Ed DeDecker failed to assume his responsibility and take steps at that very same meeting to inform all the Secondary Principals that Mr. Priamo's conduct was unprofessional and his comments were inappropriate, defamatory and made in bad faith. Instead, he allowed the comments to stand uncorrected which would be an endorsement of such unlawful behavior;
16. The Board failed to make a public statement to the principals that Ms. Michail's employment file contains nothing but positive evaluations;
17. The Board through this unlawful dismissal has denied Ms. Michail career advancement opportunities.

By way of remedy, OECTA seeks the following declarations:

1. That the Board has violated the Collective Agreement, the Human Rights Code and the Occupational Health and Safety Act;
2. That the Board has violated the Human Rights Code by discriminating against Ms. Michail on the basis of racial and ethnic origin subjecting her to an unlawful, oppressive and humiliating treatment during her career, depriving her from all advancement opportunities and denying her right for needed medical accommodation;
3. That the Board failed its obligation of good faith and fair dealing in the manner of dismissal by terminating Ms. Michail's employment in an undignified, embarrassing, humiliating and degrading manner causing serious damage to her self-esteem and self-worth;
4. That the Board actively endeavoured to build a case against Ms. Michail by falsely accusing her of insubordination, harassment, poor performance, and unprofessional behaviour; and planning what they call a "backward design termination" with the support of STA administration, engaged in the kind of hard ball tactics the Supreme Court of Canada warned against in Wallace;
5. That the Board and its "directing minds" displayed serious contempt for the legal process by terminating a long-standing employee, notwithstanding their recognition of "the Human Rights Code, the arbitrator, the poor management of the situation by the Board, and the investigation report of Ms. Hewitt," as "barriers" to their "backwards design termination";
6. That the Board's vindictive, discriminatory, unethical and unlawful termination of Ms. Michail's 24 years of successful employment without just cause constitutes reprisal for reporting serious wrong doings and asserting her right to be accommodated and to be treated fairly and with dignity and respect;
7. That the Board's termination of Ms. Michail constitutes reprisal and retaliation for her filing of grievances against principal Vecchio for his unlawful conduct, including the tapping of her temples, insulting and abusive yelling, and against VP Sheardown for his harassing actions, and the STA administration for their improper treatment of Ms. Michail;
8. That the Board improperly relied upon the "demeanour and attitude of Ms. Michail at the arbitration hearing," and "animosity towards management or co-workers", and in so doing violated her free speech and her right to report the "whole truth" in a legal process; discharging Ms. Michail while the grievance is still in adjudication and no decisions have been rendered is a serious act of reprisal and retaliation intended to silence and intimidate;
9. That the Board failed to reasonably accommodate Ms. Michail, and to create a safe work environment;
10. That the Board intentionally created a poisoned work environment for Ms. Michail, negatively impacting her mental and physical health and wellbeing and failed to take appropriate steps to ensure that school administrators and teaching staff treated Ms. Michail with dignity and respect;
11. That the Board's malicious, ill-intentioned, unethical and unlawful actions caused Ms. Michail severe trauma and negative health impact that they knew would occur;

12. That the board had full knowledge that these actions would cause Ms. Michail considerable anguish, illness, pain, suffering and severe trauma;
13. That the board's unethical, unlawful and dishonest tactic to use Ms. Michail's mental health as one of the reasons for her dismissal is defamatory and in bad faith;
14. That the state of Ms. Michail's physical and mental wellbeing today is a direct consequence of the Board's behavior towards her over the last 4½ years leading to the unlawful, vindictive and unfair termination;
15. The board's actions, including their unethical and unlawful dismissal, carry a greater moral reprehensibility considering their full knowledge of Ms. Michail health condition, and the foreseeable damage that their harassing acts and omissions would have on her physical and mental health and wellbeing;
16. That the Board, including Superintendents Ed DeDecker, Sharon Wright-Evans and John Mombourquette, failed to take steps to stop Secondary Principals Mark Priamo, Nick Vecchio, Linda Thomas and VPs Sheardown and Marinelli's unprofessional and discriminatory conduct and comments that were inappropriate, defamatory and made in bad faith;
17. That the Board represented by Labour Relations Officer Karin Kristoferson made an inaccurate, misleading and defamatory report to the Board's Trustees on September 2<sup>nd</sup>, 2014, misrepresenting the truth and omitting serious facts, failed to disclose important documents and emails as per Arbitrator orders and failed to fulfill procedural obligations;
18. That the Board's "directing-minds" have deprived Ms. Michail from her right to a fair and just process by collectively withholding crucial evidence and collectively violating the Arbitrator's order to produce documents, notes, emails and minutes of meetings;
19. That the Board's Superintendent Ed DeDecker has failed to disclose any documentation, emails, notes or minutes to substantiate his decision to terminate Ms. Michail's employment, and calling her for 2 meetings in June 2014 to discuss the viability of her employment;
20. That Director Linda Staudt has failed for 2 consecutive years to intervene to stop the vicious collective discriminatory attacks on Ms. Michail and to withhold and abide by her pledge to end bullying (see Appendix A) despite Ms. Michail's written plea to her to intervene on March 31<sup>st</sup>, 2014 ( see Appendix B) and verbal request on May 15<sup>th</sup>, 2014; instead Ms. Staudt approved an unlawful and unethical termination without hearing Ms. Michail's side;
21. That the Board improperly failed to establish a Disciplinary Manual and Guidelines with respect to violations of the Human Rights Code, contrary to expected labour relations norms;
22. That the Board failed to ensure a reasonable and equitable workload for Ms. Michail for many years subjecting her to an excessive workload in the most onerous and unfair work condition;
23. That the Board's unlawful treatment of Ms. Michail has had a detrimental impact on her career, bringing it unfairly to a humiliating and abrupt end;
24. That the Board failed to recognize that Ms. Michail has been a loyal, trustworthy, dedicated, hardworking employee of the LDCSB with an exemplary clean record for 24 years;



25. That the accumulation of all these unlawful, unethical, discriminatory, harsh and oppressive conduct of the Board's employees for 4½ years have led to an irreparable breach of trust and constitutes a serious and reprehensible management failure.

In addition, OECTA seeks:

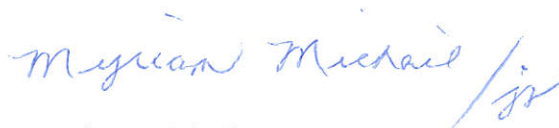
1. Full compensation for lost salary and benefits;
2. Compensation for future economic losses;
3. Reimbursement of all past counselling expenses and future sessions required to recover from this traumatic, oppressive experience;
4. Aggravated damages;
5. Punitive damages;
6. Damages for emotional and mental distress;
7. Damages for intentional infliction of mental suffering;
8. General damages;
9. Damages for defamation of character, slander and loss of reputation;
10. Bad Faith damages for 4½ years of humiliation, discrimination, false accusations and embarrassment;
11. Compensation for failing its obligation of good faith and fair dealing in the manner of dismissal causing damage to self-esteem and sense of self-worth to Ms. Michail;
12. Damages for breaches of the Human Rights Code, the Collective Agreement and the Occupational Health and Safety Act;
13. The Board to immediately develop Human Resources Disciplinary Manual and Guidelines and trains their employees;
14. Any further appropriate relief that may be requested.

OECTA submits that the unlawful, egregious and high-handed manner in which the Board has dealt with Ms. Michail is completely unacceptable and constitutes a dangerous precedent that cannot be tolerated and cannot be allowed to stand. OECTA requests the opportunity to address this matter with the Trustees of the Board at the earliest possible date.

Sincerely,



Joanne Schleen  
First Vice-President  
London District OECTA





Myriam Michail

- c. Maureen Bedek, Executive Officer, Human Resources Services  
Karin Kristoferson, Human Resources Services  
Bruno Muzzi, OECTA Provincial



Community leaders from across London gathered at the Convent Garden Market today for the official launch of 'the Pledge to End Bullying.' LDCSB Director Linda Staudt was one of the community leaders who spoke of the value of the campaign and about what is being done to curb the problem. Students in all of our schools will recite the pledge on November 17th.

Click to view the  2014/2015 The Pledge Video

Click listen to the  2014/2015 The Pledge Radio Ad



*We Believe*

that each and every person is made in the image  
of God and that we all belong to each other as  
members of God's family. All people must be

treated as respected, valued, and responsible  
members of our community.

*I Pledge*  
to uphold the God-given dignity of each person,  
to be a peacemaker, to recognize the gifts of all  
people, and to stand up against and report all  
injustice, including bullying, whenever and  
wherever I see it.