

February 14, 2014

March 20, 2014 - Revised

Maureen Bedek, Executive Officer, Human Resources Services
London District Catholic School Board

Dear Maureen:

**Re: London District Catholic School Board and London District OECTA Grievance –
Continuation of Harassment and Discrimination due to Disability and Medical
Accommodation [12515 – LD – BM]**

Please be advised that I am filing a Teacher Grievance in accordance with Article 6.04 of the Collective Agreement.

The circumstances giving rise to this grievance is the Board's continued failure to do the following: provide me with a workplace free from harassment and discrimination on the basis of my disability; properly accommodate me in my workplace; provide direction to my supervisors (the principal, and vice-principals) to ensure effective management so that my accommodations would not be disregarded and so that I would not be subjected to further harassment and discrimination due to my medical condition and accommodation.

The incidences giving rise to this grievance include, but are not necessarily limited to, the following:

1. Ongoing inappropriate verbal communication and humiliation in my departmental office and workplace in general, commencing August 30th, 2013 and continuing to date. Specifically, on August 30, on my first entry into the school, Principal Linda Thomas directed comments to me that were discriminatory, harassing, and the principal ought to have known that these comments were not only unwelcome but illegal as well. These comments are outlined in detail as Appendix A at the end of this grievance letter. Most recently, in or around February 12, 2014, one of the Vice-Principals came into my office and behaved and spoke to me in a degrading fashion. This event was witnessed by two of my colleagues, who were also dismayed that such behaviour had occurred.
2. Being assigned an unsustainable and unequal workload, without the necessary training, and the withholding of information regarding procedures and protocols, further contributing to this onerous workload. Examples of this unsustainable workload include being assigned all US applications, scholarships, head of University, daily announcements (from September to November), reviewing 374 files to obtain information on students, peer tutoring for the entire school, all of which necessitated me remaining at school from 7:00am to 5:00 and 6:00pm daily.
3. Changes and alterations to the work practices, as outlined in a school memo, dated February 3rd, 2014, and workload in my department which have caused unnecessary and dramatic increases in my volume of work with the intent to overwhelm me with unsustainable work load. These "spikes" of

increased work volume have had a negative impact on my health and have exacerbated by medical condition for which I am being accommodated.

4. Not being consulted, advised, or informed of processes and standard procedures, or changes to, scheduled department meetings, student assemblies, and other such events. This lack of inclusion and involvement creates an environment where I continue to be excluded, with such exclusion potentially causing me to unknowingly make an error in my work, appear to be unaware and ill informed, and/or setting me up for failure. In one incident I was the only departmental member to be excluded from a meeting of the entire guidance department (i.e. the counselors, secretaries and Vice-Principal).

5. Not being provided with the necessary support to do my job and fulfill my duties. In one specific situation, I was placed in a precarious situation as I was the only staff member at an assembly of 120 students. My ability to ensure the health, safety and welfare of such a large group was severely hampered, if not impossible. Normally, there are additional staff members to control such a large group of students.

6. Being humiliated, embarrassed and admonished for being accommodated to such an extent that I feel that I must continuously apologize for my medical condition, apologize for my medical accommodations, and apologize for my presence in the school and department.

7. Failure of the Board to create and maintain a safe, non-discriminatory, and harassment-free workplace, and it did not take the necessary steps to curb or prevent such actions or behaviours from arising in my workplace. Specifically, the Board allowed an unsafe and discriminatory workplace environment to develop and evolve with the result that two of my colleagues made false and unsubstantiated complaints, done in retaliation for me having filed a grievance regarding a workplace environment that included bullying, withholding of information, no training, and exclusion. All of these behaviours continued the pattern of harassment and discrimination that I have faced due to my medical condition and a violation of a safe and healthy work environment as guaranteed under the Occupational Health and Safety Act (Bill 168).

8. Being subjected to racial discrimination and harassment in the failure of the principal and vice-principal to refute false allegations made by one parent that the student could not understand my accent and that I gave him wrong information.

I seek the following remedies as redress:

1. That the board immediately rescind the memo, dated February 3, 2014, wherein 61 new students are planned to be transferred to me. This transfer, rather than decreasing my overall caseload by 30 students, actually requires me to review and learn the case files of an additional 61 new students. The knowledge and insight that I gained with 90 students (now transferred to another guidance counsellor) since the beginning of the school year is now lost. Furthermore, this transfer of students has occurred during the beginning of a new semester when the workload in the department is already excessive.

2. That the Board acknowledge to me in writing that it has failed to uphold the Collective Agreement, and the Ontario Human Rights Code.

3. The board acknowledge that they violated paragraph 8.ii of the the Interim Consent Award in "...having regard to the ongoing nature of the accommodation obligation, the Board will take reasonable steps to ensure a healthy work environment for Ms. Michail."
4. That the Board acknowledge to me in writing that for 4 years it has failed to provide me with a true and proper accommodation and that it has failed to provide me with a workplace free of harassment and discrimination due to my medical accommodation.
5. That the Board take all the necessary steps to ensure that my workplace is free from harassment and discrimination. Furthermore, the Board shall present a clear written plan on the affirmative steps they will implement to provide me with a healthy work environment and ensure that harassing and/or discriminatory practices not arise.
6. That the Board take all the necessary steps to ensure that my medical accommodations are implemented in such a way that my health does not suffer due to a lack of effort, collusion and sabotage in an attempt to remove me from the guidance department.
7. The board ensure that all harassing and discriminatory behaviours directed at me, contrary to the Board's harassment and human resources policies, and the Human Rights Code, cease.
8. Damages and any other remedy advanced by the Association and found reasonable by the arbitrator.

Sincerely,


Myriam Michail

- c. Linda Staudt, Director of Education
Karin Kristoferson, Human Resources Services
Sheila Brescia, President, London District OECTA
Bruno Muzzi, OECTA Provincial

Appendix A – Comments directed at me by Principal Linda Thomas

1. "Let me make it clear, I do not wish to be receiving letters from lawyers"
2. "What do you expect when on the last day of school I had to ask one of my counsellors to go back to teach a class after 12 years, Yvonne had to go back to student success and Peter had to go back to the classroom. We had to make changes to 22 teachers' schedules AND I had to surplus one of my teachers on the last day of school."
3. "You have to understand that this has created a negative environment in the school and I have to deal with it and this has always been a positive school."
4. "Did you ever ask yourself why it doesn't work for you in every school you go to including Elementary? You need to think about this, you moved how many schools until now?"

5. "I am telling you right now, there is a lot of resentment, how are you going to deal with this?"
6. "Your presence caused a negative environment in a school that always had a positive environment"
7. "Things didn't work out for you in how many schools until now? Including Elementary schools, you BETTER make it work here" [this statement was made 3 times]
8. "My school has always had a positive environment and now it is negative because of you. You have created this negative environment and you are responsible to change things around. How are you going to do this?" I asked "it depends on me"? The response was; "it depends on you. People are not happy and you have to deal with this and turn things around."
9. "You have to understand because you can only do one job, the board has no vacant positions, wherever you go you will be displacing someone and this will create a negative environment, and people will not be happy and will resent you, you will not be welcomed, you have to understand this!"
10. "The new school's Guidance position has been Siobhan's for 2 years, maybe just officially in February when it was posted, but it was Siobhan's"
11. "What are you going to do to change this negative environment that you have caused? I just talked to you for 5 minutes and you broke down in tears"
12. "You asked to come here. I hope you didn't ask to come here because of me because I am going to be hard on you, there are expectations here, this is the most difficult community I have seen, you understand that."
13. "I already received a complaint from a parent; I don't have time for this."
14. "So NOW, are you done with all your legal issues or do you still have to go to court and lawyers...are you not done with this yet? I don't want this to affect the work here; I don't want you to bring this here."
15. "The board cares about you, they spoke highly of you, I don't know why?"
16. "You are not the Myriam I knew at MTS, you used to be strong, you had a lot of charm and class"
17. "I am going to meet with HR and ask them to provide you with support to face the negative environment, you need EAP, you need weekly visits"
18. "You have had these doctors for how long? All your life?" "When did this condition start?"