

Schedule “A”

1. My name is Sandra Troulinos and I am an individual who has experienced discrimination on the basis of my sex (gender), as well as sexual harassment in the area of employment. The Individual Respondent, Monique Taylor (“Monique”), the Ontario New Democratic Party (“NDP”) Member of Provincial Parliament (“MPP”) for the Hamilton Mountain Riding, has discriminated against me, harassed me, reprised against me and poisoned my work environment all in violation of Ontario’s *Human Rights Code* (the “Code”).
2. My employer, the NDP has failed to provide me with a work environment free of harassment and discrimination contrary to the *Code* and is vicariously liable for Monique’s actions.
3. I believe a grievance has been filed on my behalf with COPE and on that basis I consent to a deferral of this Application pending the resolution of the grievance process if it moves forward in a timely manner. I reserve my right, pursuant to the Tribunal’s Rules, to re-activate within 60 days of the completion of the grievance procedure.

Employment History

4. I started working for Monique in 2014 as a Constituency Assistant (“CA”). In this position, I earn an annual salary of approximately \$60,413.00 and am entitled to comprehensive benefits, including dental and pension entitlements, and I am a member of a Union.
5. Although I have only been working for Monique since 2014, I have been friends with her for approximately 34 years. I do not bring this application against her lightly.
6. Working with Monique is challenging—she is a very demanding boss and expects her employees to go above and beyond at all times. Throughout my employment with her I have maintained high standards of professionalism and my work product has been excellent. Any feedback regarding my performance has always been positive and I have never received any negative performance evaluations or reviews. Despite the demanding nature of the work, I have enjoyed working as a CA, in large part due to the people I work with.
7. Unfortunately, over approximately the past six months Monique has become increasingly aggressive and hostile towards my colleagues and me. She bullies and demeans us regularly. Most problematic though, is that she has made unfounded allegations against my colleagues and complaints about them with respect to their relationship with me despite my express request that

she refrain from doing so and my denial of an inappropriate relationship or inappropriate treatment.

8. On or about October 6, 2017, at around 1:00 a.m. in the morning, Monique told me that she was unhappy with one of my co-workers, Alissa Watt (“Alissa”) and asked me what I thought of her. Monique told me she wished she had hired someone else. I told Monique that I liked Alissa, that she was quirky, funny and that she was complimentary and occasionally gave me hugs. I laughed about this and was obviously not concerned with Alissa or her conduct—I never, once, told Monique that Alissa made me uncomfortable or gave her any indication that I felt sexually harassed by Alissa’s behaviour.
9. In response, Monique told me that Alissa’s conduct towards me (as I had described to her) was “not right” and that I should tell Penny in Human Resources the next day. Not only did she say I should tell Penny, but she also told me that I “would” file a complaint with Human Resources about Alissa. I told her that I would not because I did not believe I was being harassed or that Alissa’s conduct was inappropriate.
10. Despite my explanation of our relationship—that we were friends and I was comfortable with her—Monique was adamant that I was being sexually harassed by Alissa. Monique especially took issue with the information that Alissa had hugged me in the past and complimented me on my appearance. Again, I explained to Monique when she raised this issue that I was not uncomfortable around Alissa. I was clear, however, that Monique’s unrelenting discussion surrounding what she perceived to be sexual harassment was making me feel uncomfortable, and that to the extent she thought I was being sexually harassed we obviously had different interpretations of what did and did not constitute sexual harassment.
11. Later that morning, on October 6, 2017, I texted Monique and told her that I was not going to say anything to Penny and that I was uncomfortable with doing so and her suggestion that I should. Monique responded by text and asked if I was sure and told me that she had already spoken with Penny about her concerns and that I should file a sexual harassment complaint so that an investigation could occur. I told her I was not going to file a complaint but that I would talk to Penny so that she knew my side of the story (and not just what Monique was telling her).
12. When I got to work I went to speak with another colleague about the situation before speaking to Penny. I was nervous about what to do and felt really uncomfortable around Monique. I was concerned about her requests and conduct. My colleague suggested that I go to my Union.

13. Before I could go to my Union, Monique came into my office that morning and asked me to speak with her in her office. Once I got there she told me that I “had to file this complaint” as she had already gone to Penny with it. When I found out about this I was appalled and humiliated—Monique had imposed her own views as to what I should and should not be comfortable with onto me and completely disregarded my wishes with respect to my views on my relationship with Alissa.
14. Subsequent to making the complaint against Alissa, Monique continued to try to force me to participate in the investigation into Monique’s complaint. Again, I was humiliated and refused to participate. I explained to Monique (again) that I did not feel there was anything wrong with Alissa’s conduct towards me and that I would not be involved in the allegations Monique had made against her. This made Monique extremely angry with me—her behaviour towards me became more demanding and hostile and she did not stop trying to get me involved in the complaint she made against Alissa. She told me that if I did not participate it would make her look bad. I simply could not lie about something which I did not take offense to or feel was wrong—I felt that it violated my own sexual integrity to be forced to conform with someone else’s view of what was and was not sexually appropriate.
15. I refused to participate, and told Monique that there was nothing for us to talk about and nothing for me to report as there was nothing to complain about. I also expressly asked Monique not to take any further steps with respect to me or my friendship with Alissa.
16. On Tuesday October 20, 2017, Monique asked me to attend two Committee Meetings with her at City Hall. On our way to City Hall she repeated that I “have to” go to Human Resources and make a sexual harassment complaint. I repeated that I would not do so, that Alissa did not make me uncomfortable and that she had to “stop” and “let this go”. Monique refused to listen to me and insisted that I follow up on the issue and speak with Alissa about it. I told her that nothing had happened and there was nothing to follow up on and certainly nothing to talk to Alissa about.
17. Despite my explanation that I did not feel sexually harassed Monique continued to demand that I make a complaint regarding the same against Alissa. I continued to refuse and Monique then became increasingly frustrated and hostile towards me on the basis that I would not make a sexual harassment complaint and/or that I did not have the same view of what constituted sexual harassment.

18. For example, on Thursday October 12, 2017, Monique asked me to come into her office again. At that time, she again asked if I had spoken with Alissa and I told her that I had not. I also asked her to stop pressuring me and that I would not file a complaint for her. She then told me that she wanted me to write an email to her about what Alissa “does” to me at work. I said I “absolutely not” and again asked her to leave this alone.
19. As I was about to leave her office on this occasion, after solely talking to me about Alissa and the need for me to file a complaint, Monique told me that she would “be doing Employee Evaluations next week”. I have never received an Employee Evaluation before and I believe that Monique said this as a threat because I would not comply with her demand to make a complaint of sexual harassment against Alissa. I believe that the right to be free from sexual harassment also includes the right to be free from falsely alleging sexual harassment against another and therefore believe that this constitutes reprisal contrary to section 8 of the *Code*.
20. On Friday October 12, 2015, Monique called me into her office and told me that she had written an email to me about our conversation on October 6, 2017 and that she “needed me to respond”. She said she needed it for “future reference”. I told her that I would not respond because nothing had happened. I read her email, which stated *inter alia* the following:

PRIVATE AND CONFIDENTIAL

I am writing to follow up on conversation on Friday October 6, 2017.

You reported to me in confidence that your colleague, Alissa Watt, was making unwanted comments and that you felt you were being harassed.

You expressed a preference to handle the situation informally by speaking to Alissa to ask her to stop the unwanted conduct. I understand that you spoke with her on Friday October 6, and that at this time, you would prefer that this matter not be escalated any further.

Given the steps you have taken and respecting your expressed preference on how you want to handle the situation, I will not take any further steps to investigate the harassment you reported to me on October 6th.

Unless I hear other from you or your colleagues, I do not intend to speak with the Alissa about the issue.

...

21. In response to Monique’s email I wrote:

PRIVATE AND CONFIDENTIAL

...

I am writing in response to your email about our friend/non-work related conversation on Friday October 6, 2017 at 1am.

I clearly did not report to you that in any way shape or form that any of my co-workers were harassing me. Since this conversation you have taken it upon yourself to contact Human Resources even with my disapproval of this accusation.

You have approached me four times after our initial friend/non-work related conversation on October 6, 2017 at 1am, and each time I have stated “There is nothing to talk about.” The fourth time you stated you would be sending me an email about this situation and I told you then “There is nothing to talk about.”

I have been very clear about our conversation and there is no harassment issue going on with any of my co-workers.

...

22. Due to Monique’s conduct I became increasingly stressed at work. The environment was toxic and Monique was relentless in trying to force me to get involved with the complaint—even sending misleading emails about our conversations. As a result of Monique’s conduct and the impact it had on my mental health, on or around November 3, 2017 I commenced a medical leave, which I remain on to date.

Sexual Harassment

23. Monique has denigrated my sexuality by implying that I am wrong not to see Alissa’s conduct towards me as sexual harassment. Monique has criticized and targeted me on the basis of what she perceives to be sexual harassment compared to my own views— she has refused to listen to my own perspective on what does and does not constitute sexual harassment, tried to force me to conform to her conception of the same and become hostile when I have failed to do so.

24. When I refused to give in to Monique’s demands related to what she perceived to be sexual harassment she commenced a vexatious pattern of conduct which was directed at my own conceptions of sexuality and sexual harassment. Monique has used her power as my supervisor to try and control me through what she perceived to be sexually inappropriate behaviour—she has imposed her own views on to me and taken adverse steps against me, including threatening me, when my own views of sexuality did not conform with hers. I believe this constitutes a course of vexatious conduct and comment on the basis of my sex/sexuality and therefore constitutes sexual harassment contrary to the *Code*.
25. Furthermore, I believe that Monique’s conduct has infringed on my sexual integrity by telling me how to act and feel about Alissa’s conduct, which is contrary to the purpose and intent of the *Code*.
26. In addition to her conduct with respect to Alissa, Monique also made me feel uncomfortable due to her own comments which were unwarranted and sexual in nature. For example, Monique would often talk about her sex life in front of Alissa and I. While I was somewhat used to this conduct as I had been Monique’s friend prior to my employment, it did make me uncomfortable that she made the comments around an employee and my co-worker, who she did not have the same relationship with – Alissa. Monique was quite explicit in her conversations as well. (*A sentence containing explicit language is deleted here*). I had previously told Monique that I felt her conduct was wholly inappropriate but she had not stopped. Such comments were at all times unwarranted and obviously so given that I had told Monique she was making me uncomfortable. Notwithstanding that she did not stop.
27. I believe that this conduct also constitutes sexual harassment in contravention of the *Code*. I believe that to be the case specifically because Monique knew the conduct and comments were unwelcome and made me feel uncomfortable and yet continued. She purported to care so much about what she perceived as sexual harassment when it suited her to target Alissa, however when I was clear that her conduct was making me feel uncomfortable, she did not stop.

Discrimination/Harassment on the Basis of Sex (Gender)

28. I also believe that I have experienced discrimination on the basis of my sex (gender) because I failed to conform to Monique’s expectations that as a woman I would be offended by what she perceived to be sexually infused conduct/comments by a co-worker.

29. In a similar manner that men may experience sex (gender)-based harassment for not taking part in sexualized behaviour, I believe that I have experienced gender-based harassment/discrimination for not responding to “sexual harassment” (as Monique saw it) in a manner consistent with sex (gender) norms and society’s (and certainly Monique’s) expectations of women, which include that women are to be offended by sexual behaviour.
30. I believe that being subject to adverse treatment (hostility and threats from Monique) as a result of failing to conform to the gender role constitutes harassment/discrimination on the basis of my gender.

Poisoned Work Environment

31. Monique’s conduct has been extremely distressing to me. I consider myself to be a very strong individual but as a result of her relentless effort to get me to conform to her own perceptions of sexuality and sexual harassment I feel completely broken down. I have questioned my own perceptions of sexuality and my confidence in myself is shaken. I have also become increasingly stressed and anxious and worry about returning to work where I will be subject to Monique’s hostility and criticism.
32. Because Monique is my direct supervisor, enduring her conduct and comments has become a condition of my employment and poisoned my work environment. This poisoned work environment constitutes a breach of my right to be free from discrimination in the workplace as set out in the *Code*.
33. Because of Monique’s conduct I do not feel that I can return to work. I am now struggling with frequent panic attacks, I cannot sleep and my overall wellbeing has deteriorated significantly as a result of Monique’s behaviour. I may not be able to return medically and should be in a better position to advise on that after further assessment with my medical practitioner.

Reprisal

34. Finally, I believe that Monique’s statement that she would be doing “Employee Evaluations next week”, given the circumstances in which it was made, was a threat of discipline against me for refusing to conform with her views of sexual harassment, and therefore that this constitutes reprisal contrary to section 8 of the *Code*.

Remedy

35. As a result of the discrimination and harassment I have experienced I request that the Tribunal Order the following:
- a. If I am unable to return to work, I request the Respondents (jointly and severally) to be ordered to pay lost wages and out of pocket benefit expenses from the time that I commenced my medical leave, which I was forced to take as a result of Monique’s behaviour, until the time that I am able to find reasonable and comparable alternative employment, including future prospective lost wages in the event that I am still unemployed at the date of the Hearing of this matter;
 - b. In the alternative, if I am able to return to work in the future, I request lost wages and out of pocket benefit expenses until the date that I so return;
 - c. Monique and the Provincial NDP shall immediately withdraw the complaint made against Alissa and destroy any and all records related to it;
 - d. Monique shall pay to me \$75,000.00 as general damages for the humiliation as well as injury to my dignity, feelings and self-respect that I have experienced as a result of her sexually harassing conduct;
 - e. Monique and the Provincial NDP shall pay me to \$75,000.00, jointly and severally, as general damages for the pain, suffering and humiliation that I have experienced as a result of Monique’s discrimination and harassment on the basis of my sex and gender;
 - f. Monique and the Provincial NDP shall pay to me \$75,000.00 jointly and severally as general damages for Monique conduct in contravention of section 8 of the *Code*;
 - g. The Provincial NDP shall ensure that all MPPs, and Monique in particular, receive comprehensive human rights training with a particular focus on sexual harassment (preferably by a part-time member of the HRTO) to be updated on an annual basis;
 - h. Monique and the Provincial NDP shall provide me with a positive reference letter; and
 - i. Monique shall provide me with a letter of apology recognizing the harm caused by her actions.

All of which is respectfully submitted.