

CONFIDENTIAL

REVIEW REPORT

**Legislative Assembly of the Northwest Territories
Office of the Clerk
Yellowknife, Northwest Territories**

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Appendix A: Terms of Reference

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I. INTRODUCTION

The Legislative Assembly of the Northwest Territories (the Legislative Assembly or NTLA) is the seat of elected government in the Northwest Territories. Members are elected every four years from each of 19 ridings to serve in a unique consensus government. It is essentially a parliament led by a permanent minority; members elect seven Cabinet ministers and a Speaker from their own ranks¹.

Unlike a legislative system that is based on party politics, the consensus government system privileges constant communication between regular Members of the Legislative Assembly (MLAs) and Members of Cabinet. One of its main aims is to ensure that the unique sociohistorical and cultural conditions of the Northwest Territories are accurately represented throughout the legislative process.

The Legislative Assembly's Office of the Clerk (OC) has a mandate that includes advising decision makers and serving as Secretary to the Board of Management of the Legislative Assembly (BoM).

The Clerk, who is the highest-ranking official in the OC, is appointed by the Commissioner of the Northwest Territories on the recommendation of the Legislative Assembly. The Clerk has the power, duties and functions of a Deputy Minister managing and administering the Legislative Assembly as described in the *Public Service Act* and the *Financial Administration Act*.

Other divisions within the Office of the Clerk include Corporate Services and Research, Library and Information Services².

In winter 2021, both general and specific concerns were raised about the work environment in the OC, including that the work environment was and has been toxic or poisoned for the duration of the 19th Legislative Assembly (from 1 October 2019 to present). Relatedly, complaints were filed against the Clerk. As a result, the BoM decided to launch a Workplace Review, which consisted of a Review of the concerns that were raised within the OC, as addressed in this Report; and to conduct an Investigation relating to the specific allegations made against the Clerk, as addressed in a separate confidential Report. In order to ensure that the Workplace Review was conducted in an independent and fair manner, the BoM engaged an independent third party, Quintet Consulting Corporation (Quintet).

¹ "About" page and "What is Consensus Government?" page, NTLA website.

² "Office of the Clerk" page, NTLA website.

Quintet approached the task of carrying out the role assigned to it in the Terms of Reference (TOR) (Appendix A)³ in a deliberate fashion, ensuring that the process was fair for all those who participated, including for the Legislative Assembly as an organization, its management including the Clerk, employees and former employees (who have left during the 19th Legislative Assembly).

This Report is organized into the following Parts:

- Part I, Introduction
- Part II, Mandate
- Part III, Process and Chronology of the Review
- Part IV, Methodology
- Part V, Results of the Review
- Part VI, Conclusions
- Part VII, Recommendations for Next Steps and Future Actions
- Part VIII, Closing Comments

II. MANDATE

The TOR formed the basis of Quintet’s mandate and was applied throughout the Review. Quintet was mandated to solicit the interest of current and former employees of the OC (since the beginning of the 19th Legislative Assembly) to participate in the Review on a voluntary basis in order to provide them with a confidential forum to identify their workplace concerns. Pursuant to the TOR, Quintet was also able to identify and invite “knowledgeable individuals” to participate in the Review. “[K]nowledgeable individuals” are described in the TOR as including “individuals with direct knowledge of the work environment within the Office of the Clerk or those having relevant information or documents relating to the work environment during the 19th Legislative Assembly”. These individuals were also able to participate confidentially.

Consistent with the TOR, in summary, Quintet was mandated to:

- Conduct a thorough review of all existing documentation relating to the matter.
- Develop a detailed plan for the Review, as well as all of the required communication materials and information documents to be used throughout the Review.
- Contact potential participants and solicit their voluntary interest in participating in the Review.
- Provide detailed information, including an explanation of the process and an Information document, to individuals who indicated they wanted to participate in the Review.
- Prepare an interview guide, in a manner consistent with the purpose of the Review.

³ The TOR for the Review was first published on 2 March 2021 with an update published on 30 April 2021. In this Report, the TOR refers to the updated version dated 30 April 2021.

- Take detailed notes during the interviews.
- Remind the participants of the confidentiality of the process.
- Provide updates weekly or as needed to the client representative relating to the progress of the Review.
- Produce a Review Report, which:
 - summarizes the information gathered without revealing the identity of any one participant.
 - determines whether or not the evidence establishes that the workplace is poisoned/toxic.
 - summarizes any other topics or themes that emerge from interviews with participants, both positive and negative.
 - makes recommendations for next steps and future actions.
- Conduct the Review with the utmost discretion, in a manner consistent with the applicable legislation, policies and codes, and the principles of procedural fairness.

III. PROCESS AND CHRONOLOGY OF THE REVIEW

A. Launch of the Review

On 10 March 2021, Quintet began work on the Review. The Review Team consisted of experienced consultants in the area of the prevention and management of conflict in the workplace.

Quintet began by reviewing the relevant documents.

Quintet then developed a detailed plan for the Review, all of the required communication materials, including the *Information about the Northwest Territories Legislative Assembly Review of the Office of the Clerk* document (Appendix B), as well as communication and interview protocols. These materials were prepared by the Review Team, for the Review and were followed scrupulously by the Review Team in communicating with and interviewing participants.

B. Scope of Participation in the Review

On 11 March 2021, Quintet was provided with a list of names and contact information of 36 current and former employees who fell within the scope of the Review. Two more names were subsequently added to the list, for a total of 38 current and former employees. Among those invited to participate were members of senior management. In addition to the 38 potential participants, Quintet invited three knowledgeable individuals. Those individuals who took part in the Review are referred to in this Report as participants.

On 16 March 2021, the Review Team sent individual introductory emails to the potential participants, to introduce Quintet, outline the principal purpose of the Review, invite them to participate in the Review on a voluntary basis and provide them with a description of the process, consistent with the TOR.

The Review Team made all reasonable efforts to contact potential participants directly, as required by the TOR, to solicit their interest in participating in the Review on a voluntary basis.

The potential participants were asked to express their interest in participating in the Review by responding to the email on or before 26 March 2021 and were given the opportunity to send their written questions about the document to a dedicated and confidential email address before their interview. Attached to the email was the *Information about the Northwest Territories Legislative Assembly Review of the Office of the Clerk* document. Participants were also provided the opportunity to receive the documentation in any other Official Language of the Northwest Territories.

In total, 30 current and former employees expressed an interest in and were interviewed for the Review. Further, three knowledgeable individuals participated in the Review.

Some participants in the Review were also interviewed in the context of the aforementioned Investigation. With the individual's consent and to the extent possible, these individuals were only interviewed once.

C. Interviews

On 30 April 2021, Quintet began to schedule interviews with participants, with interviews beginning on 6 May 2021. Prior to conducting interviews, the Review Team responded to any specific questions that any potential participant posed.

After participants had confirmed their interest in taking part in the Review, a member of the Review Team sent the participant an MS Outlook invitation for their interview. The Outlook invitation thanked them for confirming their availability for an interview with the Review Team. The invitation also informed them that, by participating in the interview, they were acknowledging that they had received, reviewed and understood the contents of the *Information about the Northwest Territories Legislative Assembly Review of the Office of the Clerk* document and had been provided an opportunity to ask questions concerning their participation in this matter.

From 6 May 2021 to 16 July 2021, the Review Team conducted a total of 33 interviews with participants. Due to the COVID-19 pandemic, all interviews were conducted virtually, primarily using Microsoft Teams with a number also conducted by telephone.

The same interview format was followed with every participant:

- The member of the Review Team thanked the participant for participating in the important Review concerning the work environment within the OC and briefly introduced Quintet.
- The participant again explicitly confirmed that they had received, reviewed and understood the contents of the *Information about the Northwest Territories Legislative Assembly Review of the Office of the Clerk* document sent to them by email by Quintet and that they had been provided an opportunity to ask questions concerning their participation in the Review prior to their interview. The participants also

confirmed that they understood the Review process, and were participating voluntarily in the Review.

- The member of the Review Team told participants that Quintet was not recording the meeting and presumed that they (the participants) were not doing so either, given the sensitive nature of the Review process. None of the participants indicated that they were recording the meeting.

After the introductory matters were covered, the member of the Review Team asked each participant the following:

- To briefly describe their history with the OC, to the extent that it was relevant to the matters they wanted to raise to the Review. This could include relevant contextual information, their role at the OC or the basis upon which they had information to provide to the Review.
- Describe the interactions between staff and the interactions between management and staff.
- If they have ever experienced or witnessed any behaviour or conduct that they would describe as inappropriate or disrespectful at work.
- What aspects of the work environment they found positive.
- What they would feel would most improve the work environment.
- What their hopes were for the Review process.
- If there was anything else that they wished to add.

The member of the Review Team conducting interviews did not attempt to elicit information and asked few follow-up and clarifying questions only when the participant did not provide sufficient details for Quintet to understand the issue they had raised.

In the days following each interview, a member of the Review Team read each participant detailed notes, which summarized the matters they had discussed during their interview, to provide them the opportunity to confirm the accuracy of the notes and to suggest corrections. The member of the Review Team also thanked participants for their contribution to the Review.

D. Participants' Identity and Confidentiality

Consistent with the TOR, in preparing this Report, Quintet took all reasonable efforts to maintain the confidentiality of the process. To achieve this end, the information contained in this Report has been abstracted in such a manner that it would not conclusively identify the source of the information. Some of the examples require sufficient details to capture the essence of the material that was submitted. In such instances, a very knowledgeable reader may still be able to deduce the

identity of a group or individual as the potential source of the information. As such, if the BoM is required to release the Report, in whole or in part, consideration should be given to removing further information that could, in certain circumstances, identify individuals or groups.

IV. METHODOLOGY

A. Procedural Fairness and Nature of the Review

The requirements of procedural fairness depend on context, including the seriousness of the situation for those affected. Procedural fairness includes the principle that a decision-maker, before making a decision that adversely affects an individual, must hear that individual's side of the story.

This Review is not an investigation. Therefore, the mandate did not include investigating any specific allegations or determining whether any alleged conduct or behaviour relating to the concerns is proven to have occurred. As such, the Review was to be conducted at a *prima facie* level.

The non-definitive nature of the *prima facie* conclusions foreseen in the Review conditioned the duty of procedural fairness applicable to the process. Quintet did not investigate the veracity of the concerns raised by participants. For example, Quintet did not test the quality of the evidence gathered or assess participants' credibility. It follows, importantly, that the description of alleged conduct in this Report does not establish that such conduct occurred. Findings of fact, and conclusions of misconduct arising from them, as the case might be, could only follow from a subsequent process, one having full regard for the procedural fairness rights of all involved parties.

B. Key Terminology

The definition of a poisoned or toxic work environment is relevant to the mandate of the Review.

Based on the information available to Quintet, the Government of the Northwest Territories (GNWT) does not have a standard definition of a toxic or poisoned workplace. However, the Treasury Board Secretariat of the Government of Canada defines a poisoned work environment, as follows, in the document, *Is it Harassment? A Tool to Guide Employees* (Guide):

A poisoned work environment refers to a workplace in which comments or behaviours create a hostile or offensive environment for individuals or groups and negatively affects communication and productivity. These activities (e.g., yelling at no one in particular; pounding a desk in frustration) are not necessarily directed at anyone in particular.

All employees are expected to act towards other individuals professionally and respectfully and to speak out against unacceptable behaviours in the workplace in a skillful and sensitive manner. As the improper conduct is not directed at anyone in particular, as per the definition of harassment, a witness may not file a harassment complaint. Witnessing offensive behaviour towards others in the workplace does not constitute harassment for that witness. However, the situation

should be reported to the supervisor or to the manager at the next level and prompt action is expected to be taken. All managers are expected to intervene promptly when they become aware of improper or offensive conduct even when no complaint has been made.

However, please note that a behaviour not directed at any one identifiable person becomes harassment only when it relates to a prohibited ground of discrimination (such as displaying sexually explicit material or telling racist or religious jokes).

In Quintet’s view, there is no meaningful difference between a “poisoned” and “toxic” work environment; therefore, the description in the *Guide* will be used as a reference point for the concept of both a toxic or poisoned workplace, for the purpose of this Review.

As explained in the *Guide*, examples of behaviours leading to a poisoned or toxic work environment could include, but are not limited to, yelling, pounding a desk in frustration, and other comments and behaviour that would create a hostile or offensive work environment for individuals or groups and negatively affect communication or productivity in the workplace.

V. RESULTS OF THE REVIEW

A. Introduction

Following the interviews, approximately 100 pages of interview notes were prepared by the Review Team and validated by individual participants, in the manner described above. The observations described in this section are presented under the themes that emerged from those interviews. The members of the Review Team conducting interviews did not attempt to elicit information with respect to the themes presented below; rather, these categories emerged from the interviews, which, as described previously in this Report, were guided by a limited number of open-ended questions.

To capture a more precise and nuanced picture of the work environment in the OC, the Review Team developed a semi-quantitative scale for assessing the distribution of positive and negative views about the work environment expressed by the participants. The categories on this scale are “some”, “many”, “most”, and “all”. “Some” corresponds to a number between 1 and 6 participants. “Many” corresponds to a number that is between 7 and 19 participants. “Most” corresponds to a number that is between 20 and 25. “All” is only used when there is unanimity amongst participants. These categories ensure that the Report provides a nuanced understanding of the broader picture without compromising the confidentiality of participants.

Broadly speaking, the term positive views about the work environment refers to an understanding of the work environment as productive and respectful. Specifically, this term is used when participants described workplace characteristics such as the following:

- Staff treat each other respectfully and in a friendly manner;
- Managers are communicative, supportive, and open to staff feedback;
- There are opportunities for professional development and career growth;

- Conditions for retention and promotion are clearly and effectively communicated to staff by management;
- Work environment is supportive of a work-life balance; and
- Work environment is inclusive and empowering for all employees.

Negative views of the work environment, by contrast, refer to an understanding of the work environment as counterproductive or disrespectful. Specifically, this term is used when participants described workplace characteristics such as the following:

- Staff do not treat each other respectfully;
- Managers do not treat staff with respect (including communication between managers and staff);
- Opportunities for professional development and career growth are arbitrarily limited;
- There are extended periods of high-stress work; and
- Inappropriate or aggressive conduct is observed or experienced.

Just as the presence of positive views of the work environment does not imply a lack of areas for improvement, the presence of negative views of the work environment does not in and of itself indicate a poisoned or toxic work environment.

B. Overview of the Work Environment

The Review revealed that there seem to be two distinct groups of participants who described entirely different employee experiences. Most participants expressed positive views about the work environment within the OC, while some participants expressed negative views about the work environment. Many participants said they did not witness or experience unacceptable or disrespectful behaviour during their employment. However, there were some exceptions related to specific situations which will be addressed further below. This divergence with respect to employee experiences was consistently observed across a number of different themes and was, in fact, one of the most prominent observations from the Review interviews. This overarching observation is considered pertinent to an understanding of the various themes that emerged from the Review interviews and will be presented in more detail under those themes as applicable.

To expand upon this observation, on the one hand, most participants described feeling included, valued and participating in social activities. They see management in a positive light; they are reportedly more exposed to senior managers, interacting with them to a greater degree both personally/socially and professionally. They described being actively offered training by their managers and encouraged in their career development.

On the other hand, some participants described feeling excluded, and reported a less positive opinion of leadership, including the Clerk – in some cases, their view was entirely negative. In this category are those who reported feeling that they have not been provided with the minimal training required to perform their basic duties. These employees reported having had less interaction with management, most notably on a personal/social basis.

The next section of the Report addresses the central themes that emerged from the interviews with participants.

C. Themes

i) Relating to the working conditions within the Office of the Clerk

All participants generally reported feeling a sense of pride working for the institution of the Legislative Assembly. Most participants reported feeling privileged to be working for the institution, they relate to the mandate of the Legislative Assembly and recognize the importance of the work conducted by MLAs. Most mentioned that this was the best job they ever had. Those who had prior experience with the GNWT reported that the level of professionalism in the OC is unmatched and they described how dedicated staff are to the work of the Legislative Assembly. Many also expressed great pride to be working in the Legislative Assembly Building, both because of its political significance and its physical setting.

While many participants reported that the work during session can be hectic and demanding, they also said that the team generally pulls together to get the job done. Many participants also recognize their colleagues' high level of competency and hard work and reported feeling supported by colleagues and managers.

In addition, many participants reported appreciating the work-life balance provided while the Legislative Assembly is not in session.

Many participants indicated that they have had long careers within the OC. Many described having flourishing careers, while some expressed that they have not had the same level of attention paid to their career development by their managers. Some who joined the organization recently reported that their intent is to remain long-term given their positive views of the work environment.

ii) Relating to interpersonal interactions among staff

When asked about the positive aspects of working for the OC, many participants answered, “the people”.

Most participants referred to the interactions amongst staff as generally very positive. Many participants reported having interactions with one another outside of the work environment; social and work events were reported to have been held in private residences of staff and managers. In fact, some participants referred to the staff as a “small family” or the “Leg bubble”.

Since the interpersonal interactions between staff and management closely relate to matters of leadership, they will be addressed in a separate section, immediately below.

iii) With respect to leadership and management

With respect to the interactions between staff and management, many participants reported some past negative experiences, but most mentioned that the atmosphere has improved in recent years.

The departures/retirements of certain managers combined with the hiring of new managers was reported to have contributed to a more positive atmosphere. Furthermore, the reorganization in 2018, with the addition of a second Deputy Clerk role, is viewed by many as positive and many participants reported positive feedback about the leadership of the two newly appointed Deputy Clerks. Similar positive comments were received about middle managers.

With respect to the Clerk himself, most participants reported positive comments about their interactions with him and concerning his leadership and his style: these participants described him as human, approachable, social and caring. He is seen by many participants as a champion of Indigenous people within the organization and participants described his expressed desire to have more Indigenous employees at the OC as well as in management. It was reported that he regularly walks down the hallway to greet staff, that he knows everyone and their families, that he checks in when he knows an employee is going through difficult personal issues. He was described as being very social, actively participating in social events with staff of every level. Many participants expressed gratitude with respect to their career development and credited the Clerk for their success. Further, some participants expressed frustration with regard to the current situation in which the Clerk was placed on leave. They indicated that they are looking forward to his return to the organization and became somewhat emotional when expressing their sympathy for the Clerk.

Some participants described appreciating the Clerk's temperament during the illness of an employee of the OC, and her recent untimely passing.

In contrast, some participants relayed negative comments about the Clerk. These participants described behaviours on the part of the Clerk such as bullying, yelling at employees, impulsiveness, and an inability to control his temper. They described a feeling of "walking on eggshells" around the Clerk, including during meetings. These participants also described having strained relationships with the Clerk. To the extent that these concerns were formalized and represented specific allegations, they were considered in the context of the aforementioned concurrent Investigation.

iv) Interactions with MLAs

While the interaction of MLAs with the staff of the OC was not the focus of the mandate or of the Review interviews, many participants referred to their interactions with them as having a negative impact on their work environment. As such, it was deemed appropriate to summarize the comments received from participants about this topic.

Some participants described MLAs displaying behaviours that negatively affected their work; they noted that this situation has worsened since the beginning of the 19th Legislative Assembly, given that there were an unusually high number of new MLAs that were elected. It was reported that this has caused some tension between the MLAs, and that this tension reflected on the relationship between MLAs and the OC staff. These participants reported unacceptable or disrespectful behaviours on the part of certain MLAs, ranging from what they described as harassing behaviour in social settings to displays of anger when denied a request and unreasonable expectations about the staff's work. Some participants reported that new MLAs usually do not fully understand their own roles and that of Legislative Assembly staff, which may exacerbate tensions. They explained

that the OC staff have to enforce rules and boundaries, which is sometimes not well-received by MLAs. Some have suggested that new MLAs need to be better informed about their role and limitations when interacting with the staff of the OC.

In addition, and relatedly, some participants reported a perceived proximity of senior management of the OC and MLAs, and these participants reported that certain managers maintain a personal or friendly relationship with certain MLAs. These employees described that this relationship creates a “malaise” within the organization, that it leads them to feel that managers will side with MLAs rather than with employees when there are conflicts. This was described as creating discomfort for some employees as they perceive that the MLAs can do whatever they want, without consequences; therefore, employees rarely speak up about unacceptable behaviours as they do not have confidence that management will address the issue with MLAs, or fear that if they do, the manager will disclose that they are the source of the complaint to the MLA. When reported, these concerns were connected to the issue of Human Resources (HR), which is addressed in the following section.

v) *Management of Human Resources issues*

It was described that the HR function for the Legislative Assembly resides with the Department of Finance of the GNWT as a result of a centralization exercise several years ago. Some participants reported that one of the new Deputy Clerks possesses an extensive background in Labour Relations, and that they have informally consulted her for HR issues in her role as Deputy Clerk.

Some participants reported that certain situations, such as Labour Relations issues and workplace conflict, have not been managed in a timely or effective fashion and therefore have not been resolved and continue to negatively affect the overall workplace climate. It was reported that delays in addressing these matters are related to the added bureaucratic steps, including that of managers having to seek HR advice from the Department of Finance, which increases the time and effort needed to resolve these issues. It was also reported that staff who raised concerns with their manager did not receive any updates after doing so, which indicates that staff may not be always aware of the different steps management may be taking to address their concerns.

Further, some participants perceive management as unwilling or unable to decisively resolve workplace conflict, including their own (management’s) conflicts with others. It was reported by some of these participants that in some situations, the relationships between management and individual employees deteriorated to a point that almost everyone in the organization has been negatively affected, as has the overall work environment. Some participants expressed disbelief that such situations remained unmanaged. Others perceived that as a result of these conflictual situations, certain former and current employees have been systematically ostracized by the organization and by management.

Relatedly, some participants reported the positive impact on the workplace when these matters are resolved: during an ongoing conflict, some individuals held a negative view of the organization as a whole, but once the issue was resolved, their perception was that the atmosphere improved dramatically.

vi) *Perceptions of conflict of interest and preferential treatment related to staffing*

There is a perception by some participants that “appointments without competitions” (direct appointments including Section 37 appointments, by recommendation of the Clerk) are overused and further, are preferentially available to some but not all employees; this has led some participants to feel that their career development has suffered.

The perception of the situation seems to be more negative if appointees have, or are perceived as having, a prior personal relationship to the hiring manager. Furthermore, some employees expressed frustration at seeing their “dream job” being filled with a direct appointment without being given the opportunity to be considered; this has resulted in resentment towards some of the appointees, who have been referred to in some instances as “Tim’s Angels”, with a view that they “can do no wrong”. Some participants reported hearing rumours of inappropriate relationships between the Clerk and subordinates viewed to be part of that group.

One expression the Review Team heard many times during this Review was “Yellowknife is a small city”. Relationships, friendships as well as family connections, exist amongst employees as well as with prospective external candidates. Therefore, some employees view certain appointments as conflicts of interest where relationships are perceived to exist between the appointee and a current OC employee.

These issues seem closely connected to the affirmative action policies in place for staffing, particularly in cases of direct appointments at the NTLA. This is further discussed in the next section and then again in the Recommendations.

vii) *Inclusiveness and Indigenous issues*

The Review Team did not specifically ask any questions about Indigenous status, however, many participants self-identified as Indigenous during their Review interview. These participants mostly hold favourable views of the OC and recognize the efforts management is making for their professional development. Overall, they report being satisfied with their careers and viewed management positively.

More specifically, some participants described the Clerk as a champion of Indigenous people and spoke of his wish to be replaced by an Indigenous Clerk upon his retirement. There was satisfaction expressed with respect to decisions taken by the Clerk and management regarding the staffing of positions with Indigenous people.

Other self-identified members of minority or protected groups either said that the OC was an inclusive employer from their perspective or, without specifically addressing inclusiveness, were generally positive about the work environment. Some have reported that the OC was “doing all the right things” with regards to inclusiveness, particularly for Indigenous people and for the advancement of women in the organization, including in management.

Conversely, some participants who were members of non-protected groups or who did not self-identify as Indigenous reported that they feel excluded from advancement opportunities. While

they did not link these feelings of exclusion to either their own identity or the other employees' identities, the Review Team observed a pattern that those who felt excluded or unfairly overlooked for promotion and career development did not seem to make a connection between their specific concern and the affirmative action policies and priorities for direct appointments in place for the OC and the NTLA.

viii) Internal communications

The issue of the lack of effective communication, in the OC as a whole, was identified as problematic by many participants. Some participants reported having limited or no communication with some of their colleagues even though they may be working in the office next door. Many participants feel the flow of information is not effective within the organization; some participants provided the example that a number of employees could unknowingly be working on the same task. It was reported that employees sometimes need to obtain crucial information required for the performance of their job from the public domain. Some participants reported that the physical layout of their offices did not allow for effective communication as the offices are all lined up along a long hallway.

Some participants reported that the level of communication has improved since the recent organizational changes that created two Deputy Clerk positions, and the weekly stand-up meetings were viewed positively; it was expressed that they would like to see more of these initiatives. While there was some skepticism about the reasons behind these improvements, and some have described the efforts as ineffective and continuing to maintain these silos (described further below), many participants view the efforts as legitimate and a good place to start while noting there is room for ongoing improvement. Some participants indicated that effective communication has been a challenge during the pandemic despite management efforts to sustain communication with and among staff, while others reported that they were satisfied with how management approached remote work during the pandemic.

Many participants used the word “silos” to describe the division amongst groups within the organization. It was reported that the division between Clerks and Research Advisors was a particularly acute example of how these silos can negatively impact employees' perception of the work environment. This is discussed in more detail in the following section.

ix) Perceived adversarial relationships between Clerks and other parts of the organization

Some participants perceive the Clerks as privileged individuals within the organization, having greater access to “perks”, including access to travel, conferences and paid meals. It was described that an especially strained relationship exists between Clerks and Research Advisors; this perception was held by most participants across different divisions within the organization. The information shared by many participants suggests that this issue is well-known within the organization, yet is still unresolved, and participants with more seniority have expressed that these issues did not impact the work environment as negatively in the past. Some participants reported that there were efforts to mend that relationship, including reshuffling offices in the OC hallway. However, many participants' perceptions of the effectiveness of this initiative were not entirely

positive, with some participants reporting this as disrupting the logical composition of certain work units.

x) *Training and development*

As stated earlier in this Report, there is a dichotomy with respect to employee experiences within the OC, which includes issues such as access to training and the attention paid to their career development. Many reported being actively offered interesting training opportunities by their managers such as attendance at conferences, and viewed this as positively affecting their career progression. Some participants, most notably newer employees, reported not having the basic training they need to do their jobs. Paraphrasing some participants, they feel they were “thrown to the wolves, left to figure out what they needed to do by themselves and hope for the best”. Some participants also flagged mentoring as a means to train new employees with limited success; employees reported that the quality of mentoring they received when they first started on the job to be highly dependent on the person acting, or expected to act, as mentor. Relatedly, and as discussed above, many employees described being supported by the OC senior management in matters of professional development, while some did not feel they had the same attention paid to their career development by the OC senior management.

VI. CONCLUSIONS

As indicated previously, this Review is not an investigation. Therefore, the mandate did not include determining whether any alleged conduct or behaviour relating to the concerns is proven to have occurred. Therefore, consistent with its TOR, this Report does not make findings of fact or determine whether reported conduct took place. Rather, having identified the key themes, which described participants’ positive and negative observations relating to the work environment, this section will reach conclusions about the nature of any observations and concerns on a *prima facie* basis.

There were many positive aspects of the work environment within the OC that emerged within the themes identified through this Review. These represent the described reality for many, albeit not all, participants; they should not be understated or overlooked, and are considered strengths upon which to build in moving the organization forward.

These included, but were not limited to:

- Pride in the work of the OC and the NTLA on the part of employees;
- Dedicated and professional employees;
- Strong sense of belonging and connection amongst many of the staff, both personal and professional;
- Employees feeling supported with respect to their career development;
- Appreciation for the leadership within the organization, including the Clerk; and
- Satisfaction with the level of inclusiveness, particularly with respect to opportunities for Indigenous individuals.

However, as noted under the “Overview of the Work Environment”, some employees described having an overall negative experience within the OC, and this sentiment was expressed related to various themes. The connection amongst members of this group was not immediately evident. Some employees have been working at the OC for several years while others have joined more recently. They do not necessarily share similar duties or work in the same unit. One pattern that seemed apparent was that employees who participated actively in social activities and had frequent personal and professional interactions with senior management generally reported having a better overall employee experience.

Even though this Review was not an investigation nor was it focused on the conduct of the Clerk himself, the Review Team is mindful of the circumstances that led to the initiation of this process by the BoM. Further, as part of the information gathered in the Review interviews, the Clerk’s conduct and influence on the work environment, both positive and negative, emerged as a theme. Similarly, while many, a large majority even, of participants described the Clerk in positive terms, some raised what must be considered serious concerns about his conduct. It must be noted that in some cases, these concerns are the subject of a concurrent Investigation; no conclusions on these matters will be presented in this Review Report, however, the fact that there are diametrically opposed views of the Clerk as a leader should be a matter for serious consideration.

As described, these disparate views and experiences are symptomatic of a divided workplace and a lack of unity; while the source of this division is not definitive, these observations suggest a perception of inconsistency in the Clerk’s abilities or approach, which should be taken into account when implementing the recommendations described below.

In addition to the above, which is considered the most significant conclusion related to the workplace concerns, participants reported:

- Unresolved conflicts and unmanaged labour relations issues
 - These continue to negatively affect the work environment, even for those not directly involved.
- Concerns related to communication across the organization
- Difficult interactions with MLAs
 - These are not seen to be resolved or resolvable in part due to perceived proximity of OC senior management and MLAs.
- Clerks being viewed as favoured, leading to feelings of inequity for other staff
- Conflict of interest and preferential treatment related to staffing
 - This creates a perception that negatively affects the credibility of leadership, as well the reputation of those being appointed through these non-competitive processes, and leads to resentment. It is worth noting that many of these appointments were made to benefit Indigenous candidates.

Thus, while the reported concerns vary with respect to the severity of their impact, overall, they point to a divided work environment, one where leadership is not viewed uniformly positively or as effective, and has been unable to bring about unity.

Such variability in the employees' experience, in addition to the reported conflicts and labour-relations issues that have not been resolved, would likely have a negative impact on employees, including those who otherwise reported satisfaction with the work environment. Therefore, we conclude that these matters reviewed at a *prima facie* level, point to a workplace in which important problems exist, which require the attention of the convening authority. If left unaddressed, these problems are likely to continue to negatively affect the health of the workplace for an increasingly large number of employees.

Based on a totality of the information reviewed and considered for the purpose of the Review, we do not conclude that workplace is, in an overall or broad sense, a toxic or poisoned one. However, based on the disparate views and experiences of some staff, these individuals likely perceive it to be a poisoned or toxic workplace.

VII. RECOMMENDATIONS FOR NEXT STEPS AND FUTURE ACTIONS

As part of its mandate, Quintet was tasked with identifying recommendations for next steps and future actions.

Presented below are proposed next steps and future actions designed to conclude the Review process and orient employees and management towards making improvements aimed at supporting their own and the organization's future success. These are followed by more specific recommendations aimed at addressing some of the themes that were identified above.

The specific recommendations are non-binding and are offered for the BoM's consideration in the hope that they will be helpful, while recognizing that many factors will affect the feasibility of implementation and that the BoM is best suited to make a determination in this regard.

A. Next Steps to Conclude the Review and Orient towards Future Success

1. Engage the most senior leadership of the convening authority in the necessary action.
2. Thank employees for their participation.
3. Communicate with current employees, to the extent possible, about the outcome of the Review.
4. Commit to taking action.
5. Reassure employees of the sincerity of this commitment and offer protections if required.
6. Take action.
7. Continue oversight.

Step 1: Engaging the Most Senior Leadership

Central to the success of any restoration of the workplace, is the requirement that the most senior leadership of the Review's convening authority be involved in all these steps, to the extent possible, and be seen to be involved, particularly by OC employees, given the reported breakdown of trust between some current employees and the OC's senior leadership.

Step 2, 3, 4 and 5: Thanking, Communicating, Committing, Reassuring

Given the results of the Review, senior leadership of the Review’s convening authority should communicate formally to participants (including former employees if deemed appropriate), expressing sincere appreciation for their participation in the Review. It is also recommended that the communication express a commitment to address the reported concerns in a meaningful way and to continue to communicate further to employees regarding next steps (to the extent possible, given issues of confidentiality).

Step 6: Take action

Consider the results of the Review, including the specific recommendations presented below, with an eye to appropriately and effectively addressing the reported concerns.

Step 7: Continue oversight

Follow up at pre-determined intervals to assess the progress made in implementing recommendations and to ensure that the workplace environment shows signs of improvement. It is recommended that current employees be engaged in this process and that their input be sought and considered.

B. Specific Recommendations*i) Create a dedicated internal HR position within the organization*

The Review Team is aware that the HR function was centralized with the GNWT’s Department of Finance several years ago. While we understand this decision, we feel that this may have left a gap in the OC.

It is the Review Team’s view that the absence of a dedicated HR resource at the Legislative Assembly has been problematic on many levels. In our experience, an effective HR function acts as a “pressure valve” within an organization. When pressure builds up on either side (employees and management), a competent HR professional, who is trusted by all parties, will generally have access to this information and will ensure that such pressure does not negatively affect the organization.

In the case of employees experiencing issues, the option of speaking to a neutral party with some level of confidentiality may alleviate such pressure; the HR resource can work towards resolving the HR issue before it gets out of control, for instance, by suggesting mediation or other means of conflict resolution. On the management side, when an HR issue arises, a manager who has direct and easy access to a dedicated HR professional will be in a better situation to properly manage the situation before it becomes even more problematic.

In a small organization like the OC, it is not surprising that conflictual situations, particularly when they are not resolved in a timely manner, affect many employees even if they are not part of the conflict themselves. Creating a dedicated HR position may assist in resolving the issues around unresolved conflicts and unmanaged labour relations issues, among other positive benefits.

In recommending the creation of a dedicated HR position, we are not advocating duplicating what is offered by the Department of Finance through their HR staff but rather complementing it. With time, this position would serve as the “pressure valve” described above.

ii) Address the perception of conflicts of interest and preferential treatment related to staffing

While it is the Review Team’s understanding that appointments without competitions are done under a legal framework and that such appointments are not illegitimate, the use of this practice appears to have created, to some degree, a lack of trust with respect to staffing processes. Therefore, it would be important for the OC to create communication material designed to better inform employees of rules, processes, and procedures guiding staffing decisions. By this, we do not necessarily mean that every appointment should be justified with every employee, but rather that efforts should be made to offer clear communication, and to ensure staff know what safeguards are put in place to avoid nepotism or conflicts of interest. In doing so, the goal would be to increase all employees’ confidence in the integrity of the staffing process.

The advancement of Indigenous people is clearly a priority, particularly in the context of the NTLA; the recommendations above may address feelings of exclusion by members of non-protected groups, which may be a result of lack of information about some of these staffing decisions.

iii) Continue to work on eliminating silos and improving communication

The fact that the perception of silos has been reported by many participants, including managers, was surprising in such a small organization, especially given the physical configuration of the offices, i.e. sharing one hallway in a single building.

In any organization, communication is a moving target. We believe this is the case within the OC. Management is aware that communication has been an issue in the past and is actively trying to improve the situation.

The Review Team believes that the crux of this issue may not necessarily be the communication from management down, but rather laterally.

Therefore, every effort should be made to implement and solidify effective and agreed-upon approaches to communicating important information, vertically and laterally, formally and informally. Management would benefit from allowing employees to work together in making recommendations in this regard. Some specific areas where communication could be improved are mentioned under other headings in this section.

iv) Create a Training Program or Policy including an Onboarding Program

While no participants suggested that access to training is limited or that training budgets are insufficient, some employees do not feel that they have the necessary access to training, or that their career development is a priority.

Our view is that there are likely two reasons for this:

Firstly, newer employees reported feeling “being thrown to the wolves” by the organization when assigned duties they are not familiar with, especially in fields of expertise that are somewhat specific to the work of a Legislative Assembly. Some may have received little or no training in this area.

Secondly, the Review Team has observed that management is enthusiastically developing the next generation of leaders. In doing so, they may have overlooked the “regular worker” who may not be leadership material, but may benefit from training and development opportunities.

Consequently, the Review Team recommends that management implement an onboarding program to allow new employees to obtain the necessary training to do their job and to access professional development opportunities. It should be noted that any training or onboarding program needs to take into account the contested nature of who is assumed to be the “regular worker” of the OC. Employees who are members of non-protected groups need to become aware of the affirmative action policies as well as the “priority groups” in place for direct appointments, and why these are in place without creating a hostile, or even less inclusive, environment for employees who are members of protected groups.

In addition, the Review Team recommends that management review its current policies and practices with regards to training in order to ensure that those who may benefit from training and development opportunities have the same access as those who are viewed as leadership material. Clear communication should be made to staff in order for them to know when and how to access training and developmental opportunities.

This would allow every employee to feel they have access to the training they need to do their job.

v) *Continue to address the issues between Clerks and Research Advisors*

The Review Team recognizes that this is another moving target, one that is not easy to resolve, and that attempts have been made to address this in the past. While Clerks are central to the activities of the Legislative Assembly and essential to the organization, this should not leave others feeling pushed aside or unimportant.

The Review Team noted that both teams are now reporting to one of the Deputy Clerks who has been given the mandate to improve the relationship.

The Review Team recommends that emphasis continue to be placed on resolving this ongoing issue; contributing factors include that the lines of responsibilities do not seem clearly defined, in addition to the fact that several employees are new in their roles, particularly on the Clerks’ side. Management may find it effective to provide impacted employees with an opportunity to offer their own views and suggest their own solutions in order to maximize employee engagement and buy-in.

vi) *Address the issues with MLAs with regards to their interactions with OC staff.*

Elected officials enjoy a special status within a Legislative Assembly. This is true in Yellowknife, Ottawa, Edmonton or any other capital. They are not employees of the Assembly and their employment cannot be terminated, at least in the traditional sense of a “regular workplace”. As such, discipline is difficult to enforce, particularly in the context of a consensus government without political parties, or Whips tasked with internal party discipline.

Some elected officials may see themselves as omnipotent, while employees perceive these officials as untouchable. It is important that MLAs, especially newly elected Members, be informed in a timely manner after taking office of the limitations of their role, the need for staff of the OC to enforce established rules, the expectation regarding their interaction with staff and the manner in which unwelcome behaviour will be addressed.

We have heard that there is a possible plan for onboarding newly elected MLAs in the 20th legislature. The Review Team views this initiative positively, and encourages the development of an onboarding program that addresses these topics.

vii) *Address the perception of proximity between managers and MLAs*

The Review Team does not know to what extent the reports of proximity and friendships accurately capture the social relationships that actually exist between and among the OC managers and MLAs. However, the perception is pervasive enough that management should be viewed as taking concrete action to address the matter.

The Review Team acknowledges that “Yellowknife is a small city” and that friendships may exist prior to an MLA being elected or even develop during the MLAs tenure. In these circumstances, management should adopt a *modus operandi* in managing these relationships in collaboration with the affected MLAs. For instance, it should be agreed upon that these friendships be managed with a certain degree of formality under the circumstances for the duration of the MLA’s tenure at the assembly.

This could be accomplished by managers agreeing to:

- Avoid referring to MLAs as friends or as “buddies”;
- Use more formal communication when interacting in front of employees;
- Avoid posting their familiarity with MLAs on social media;
- Address any employee concerns with every MLAs; and
- In cases where personal relationships between a manager and an MLA may constitute a direct conflict of interest, identify alternative points of contact in the OC management, or through an HR advisor, who can address employee concerns.

The fact that employees feel that issues with some MLAs will not be addressed is concerning and it is felt that concrete action combined with the appropriate level of communication with staff and MLAs may serve to resolve the issue.

VIII. CLOSING COMMENTS

In closing, the Review Team would like to acknowledge the impact the untimely passing of Ms. Haylee Carlson has had on the organization. Many Review participants mentioned her name, even though she had passed away over a year before the interviews. Many became emotional and some expressed that this is unresolved due to the pandemic and also a perceived lack of understanding from newer MLAs regarding the impact of these events on OC staff. The Review Team would like to extend to all OC staff our most sincere condolences.

We would like to thank all individuals for participating in this Review, and offer our most sincere hope that this Report will be of assistance to the organization.

APPENDIX A
Terms of Reference

- determines whether or not the evidence establishes that the work environment in the Office is poisoned/toxic;
- summarizes any other topics or themes that emerge from interviews with participants, both positive and negative; and
- makes recommendations for next steps and future actions.

In relation to the Investigation, the independent, third-party will:

- Conduct an investigation of three individual written complaints of harassment and/or misconduct relating to the alleged conduct of an employee of the NTLA.
- Conduct interviews with the relevant parties and witnesses.
- Ensure the parties and witnesses are reminded of the confidentiality of the process.
- Produce an investigation report that:
 - summarizes the evidence gathered; and
 - contains analysis, findings and conclusions relating to the allegations raised in the written complaints.

The independent, third-party will carry out all aspects of the Review and Investigation in a manner consistent with the principles of procedural fairness, and relevant or applicable legislation, policies and codes. The Workplace Review must be conducted in a confidential manner.

The independent, third-party will provide its reports to the Board of Management.

APPENDIX B

The Quintet Document, Information about the Northwest Territories Legislative Assembly
Review of the Office of the Clerk

April 2021

**Quintet Consulting Corporation
Information about the Northwest Territories Legislative Assembly
Review of the Office of the Clerk**

The Board of Management of the Northwest Territories Legislative Assembly (NWTLA) has engaged Quintet Consulting Corporation (Quintet) to conduct a Review of concerns about the work environment of the Office of the Clerk, since the beginning of the 19th Legislative Assembly.

Founded in 1993, Quintet represents a group of experienced subject matter experts in workplace conflict management and prevention. As a private, independent organization, Quintet is able to conduct impartial fact-findings, reviews and investigations and offer recommendations, in a manner that respects the principles of procedural fairness. The Quintet team assigned to this important Review will apply their expertise from diverse professional backgrounds to ensure it is completed in a thorough, fair and sensitive manner.

Quintet's mandate is to conduct an independent and impartial Review of the work environment within the Office of the Clerk during the 19th Legislative Assembly. Reportedly unresolved historical conflicts may be examined to the extent that they continue to have an impact on the current work environment.

Participants will be provided a confidential forum to speak openly and voluntarily about the workplace climate and the general working environment. The Review is not an Investigation, and the scope of the Review does not involve investigating any specific allegations.

As part of the Review, current employees of the Office of the Clerk and former employees who left during the 19th Legislative Assembly are invited to participate in an interview. Knowledgeable individuals who could be expected to have direct knowledge of, or information about, the work environment within the Office of the Clerk during the 19th Legislative Assembly, may also be invited to participate.

During the interview, participants will be provided an opportunity to speak openly and confidentially, and members of the Quintet team will listen attentively to their observations, both positive and negative, about the workplace, as well as any potential concerns they may have about the work environment within the Office of the Clerk. Subsequent to the interview, if appropriate or requested, participants may be asked to validate key aspects of the information they have provided. Participants may also choose to submit a written statement or documents confidentially. In either case, participants' names and information that could identify a specific individual will not be included in the Review Report, which will be submitted to the Board of Management.

In order to maintain the integrity of this important and serious Review, as per the Terms of Reference, participants are required to respect the confidentiality of the process.

If they wish, participants may have one support person (a friend, colleague, manager or union representative) at their Review interview. The support person is to be present only as an observer,

and participants will be expected to speak for themselves. The support person is also responsible for complying with the confidentiality of the process.

If you have questions about the process, or require any accommodation, please inform us in writing no later than 48 hours before your scheduled interview so that we can address these matters appropriately.

Interviews may be conducted in either English or French, according to the preference of the participant.

Should a participant require that any of the documentation provided to them during the Review process be translated into one of the Official Languages of the NWT, they are asked to please make this request in writing to one of the members of the Quintet team as soon as possible.

Once the Review interviews are complete, we will produce a Review Report that will:

- i) summarize the information gathered without revealing the identity of any one participant;
- ii) determine whether or not the evidence establishes that the workplace is poisoned/toxic;
- iii) summarize any other topics or themes that emerge from interviews with participants, both positive and negative; and,
- iv) make recommendations for next steps and future actions.

Statements and information, including the Review Report, may be subject to access to information and privacy laws, through which individuals may obtain certain information, including personal information about themselves.

