

Office of the Public Sector  
Integrity Commissioner  
of Canada




Commissariat à l'intégrité  
du secteur public  
du Canada

**Findings of the Public Sector  
Integrity Commissioner in the  
Matter of an Investigation  
into a Disclosure of Wrongdoing**

Canadian Food Inspection Agency

Case Report  
September 2017





The Report is available on our website at: [www.psic-ispcc.gc.ca](http://www.psic-ispcc.gc.ca)

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The Honourable George J. Furey, Q.C.  
Speaker of the Senate  
The Senate  
Ottawa, Ontario K1A 0A4

Dear Mr. Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's Case Report of Findings in the Matter of an Investigation into a Disclosure of Wrongdoing at the Canadian Food Inspection Agency, which is to be laid before the Senate in accordance with the provisions of subsection 38 (3.3) of the *Public Servants Disclosure Protection Act*.

The report contains the findings of wrongdoing; the recommendations made to the chief executive; my opinion as to whether the chief executive's response to the recommendations is satisfactory; and the chief executive's written comments.

Yours sincerely,

A handwritten signature in blue ink that reads "Friday". The signature is written in a cursive, flowing style.

Joe Friday  
Public Sector Integrity Commissioner  
OTTAWA, September 2017



The Honourable Geoff Regan, P.C., M.P.  
Speaker of the House of Commons  
House of Commons  
Ottawa, Ontario K1A 0A6

Dear Mr. Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's Case Report of Findings in the Matter of an Investigation into a Disclosure of Wrongdoing at the Canadian Food Inspection Agency, which is to be laid before the House of Commons in accordance with the provisions of subsection 38 (3.3) of the *Public Servants Disclosure Protection Act*.

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OTTAWA, September 2017







## Table of Contents

Foreword.....	3
Mandate.....	4
The Disclosure.....	5
Results of the Investigation .....	5
Overview of the Investigation.....	5
About the Organization.....	6
Summary of Findings .....	6
Serious Breach of a Code of Conduct.....	6
Gross Mismanagement .....	7
Inappropriate Comments about Employees.....	7
General Conduct and Behaviour.....	8
Targeting Specific Employees .....	10
<i>Termination of Employment – The “Poker-Hand”:</i> .....	11
Conclusion.....	12
Commissioner’s Recommendations and Departmental Response .....	13



## Foreword

This case report of founded wrongdoing, which has been tabled in Parliament as required by the *Public Servants Disclosure Protection Act*, S.C., 2005, c.46 (the Act), presents the results of an investigation into the inappropriate conduct of a Vice-President (VP) at the Canadian Food Inspection Agency (CFIA).

This Case Report is the second concerning the CFIA arising from the same disclosure of wrongdoing: on February 23, 2017, I filed a Case Report on the conduct of the former President and former Vice-President, Human Resources, who failed to take appropriate action to deal with three harassment complaints received from CFIA employees against the VP identified in this Case Report.

The findings contained in this report relate to the VP's abusive behaviour towards her staff, which constitutes wrongdoing as defined under the Act. It is important to note that my Office does not investigate individual harassment complaints but rather systemic instances of behaviour that can have a detrimental effect on employees and the workplace generally. Individual harassment complaints should still continue to be dealt with internally through existing Treasury Board or organizational policies.

Although I do not believe that the type of behaviour by senior management identified in this Case Report is systemic in the federal public sector, it is my hope that these findings of wrongdoing about senior executives' unprofessional and unacceptable behaviours and actions will send a strong message that such behaviour is neither acceptable nor tolerated.

As stated in previous case reports, Canadians expect all employees of the public service, especially senior executives, to be respectful and professional, and that their behaviour reflects the values of the public service.

Joe Friday, Public Sector Integrity Commissioner

## Mandate

The Office of the Public Sector Integrity Commissioner of Canada contributes to strengthening accountability and increases oversight of government operations by providing:

- public servants and members of the public with an independent and confidential process for receiving and investigating disclosures of wrongdoing in, or relating to, the federal public sector, and by reporting founded cases to Parliament and making recommendations to chief executives on corrective measures; and
- public servants and former public servants with a mechanism for handling complaints of reprisal for the purpose of coming to a resolution including referring cases to the Public Servants Disclosure Protection Tribunal.

The Office is an independent organization that was created in 2007 to implement the *Public Servants Disclosure Protection Act* (the Act).

Section 8 of the Act, defines wrongdoing as:

- (a) a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of this Act;
- (b) a misuse of public funds or a public asset;
- (c) a gross mismanagement in the public sector;
- (d) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant;
- (e) a serious breach of a code of conduct established under section 5 or 6; and
- (f) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

The purpose of investigations into disclosures is, according to the Act, to bring the existence of wrongdoing to the attention of the organization's chief executive and to make recommendations for corrective action.

*The Act was created to provide a confidential whistleblowing mechanism in the federal public sector. The disclosure regime established under this Act is meant not only to identify wrongdoing when it occurs, and to take corrective action to ensure the wrongdoing stops, but also to act as a general deterrent throughout the federal public sector. This is why legislation requires that founded cases of wrongdoing be reported to Parliament. This is a powerful tool of transparency and public accountability.*

## The Disclosure

My Office received a disclosure of wrongdoing on October 19, 2015, alleging that Ms. Geneviève Desjardins, Vice-President, Communications and Public Affairs for the Canadian Food Inspection Agency (CFIA), committed wrongdoing as defined under paragraphs 8(c) and 8(e) of the *Public Servants Disclosure Protection Act* (the Act), specifically, gross mismanagement and a serious breach of a code of conduct.

The disclosure concerned events that occurred at the CFIA in 2014 and 2015. However, the investigation also revealed that Ms. Desjardins exhibited similar behaviours at her past employer, another federal public sector organization.

## Results of the Investigation

The information obtained during the investigation demonstrates, on a balance of probabilities, that Ms. Geneviève Desjardins committed gross mismanagement and a serious breach of the Values and Ethics Code for the Public Sector as well as the CFIA Code of Conduct, by:

- making, on an ongoing basis, inappropriate comments to employees;
- soliciting personal information from employees about other employees;
- mistreating and harassing staff;
- abusing her authority; and
- failing to show reasonable due diligence in regard to an employee's termination of employment.

## Overview of the Investigation

The investigation was launched on January 26, 2016, and was led by Christian Santarossa and Alain Joanisse of my Office. The investigators heard from 31 witnesses, and assessed a variety of documentary evidence, including, but not limited to: personnel records; emails; and other documents such as employees' harassment complaints against Ms. Desjardins associated with the allegations.

In keeping with our obligations under the Act, my Office provided CFIA and Ms. Desjardins a copy of a preliminary investigation report (PIR) on August 17, 2016, and gave them a full and ample opportunity to comment on the allegations and preliminary results. Ms. Desjardins denied any form of wrongdoing and described employees' accounts of her actions as being untrue. In making my findings I have given due consideration to all of the information received throughout the course of this investigation, including Ms. Desjardins' response to the PIR.

Due to circumstances beyond the control of my Office, relating to witness availability, the investigation was delayed for a number of months.

## About the Organization

The CFIA is one of Canada's largest science-based regulatory agencies. It has approximately 6,555 employees working across Canada in the National Capital Region and in four operational areas.

The CFIA is dedicated to safeguarding food safety, animal, and plant health, which enhances the health and well-being of Canada's people, environment, and economy.

The CFIA develops and delivers inspection and other services in order to:

- Prevent and manage food safety risks;
- Protect plant resources from pests, diseases and invasive species;
- Prevent and manage animal and zoonotic diseases;
- Contribute to consumer protection; and
- Contribute to market access for Canada's food, plants, and animals.

Ms. Desjardins is the Vice-President, Communications and Public Affairs for the CFIA. She is responsible for approximately 65 employees.

## Summary of Findings

### ***Serious Breach of a Code of Conduct: wrongdoing as defined under paragraph 8(e) of the Act***

In determining whether an action or omission comprises a “serious” breach of a code of conduct under paragraph 8(e) of the Act, the following defining elements are taken into consideration:

- the breach represents a significant departure from generally accepted practices within the federal public sector;
- the impact or potential impact of the breach on the organization's employees, clients and the public trust is significant;
- the alleged wrongdoer occupies a position that is of a high level of seniority or trust within the organization;
- there are serious errors which are not debatable among reasonable people;
- the breach of the applicable code(s) of conduct is systemic or endemic;
- there is a repetitive nature to the breaches of the applicable code(s) of conduct or they have occurred over a significant period of time; and
- there is a significant degree of wilfulness or recklessness related to the breach of the applicable code(s) of conduct.

### ***Gross Mismanagement: wrongdoing as defined under paragraph 8(c) of the Act***

The factors that my Office considers in investigating an allegation of gross mismanagement under paragraph 8(c) of the Act include but are not limited to:

- matters of significant importance;
- serious errors that are not debatable among reasonable people;
- more than minor wrongdoing or negligence;
- management action or inaction that creates a substantial risk of significant adverse impact upon the ability of an organization, office or unit to carry out its mandate;
- the deliberate nature of the wrongdoing; and
- the systemic nature of the wrongdoing.

#### Inappropriate Comments about Employees

The evidence shows that Ms. Desjardins spoke inappropriately about employees and spent an unreasonable amount of time inquiring about their personal situations, including their interpersonal relationships with one another and other private information, such as employees' health.

Several witnesses reported that Ms. Desjardins would speak ill about employees in their absence. The evidence demonstrates that these negative comments about their colleagues were unwelcomed by those who were subjected to them. Hearing personal and prejudicial information about their own colleagues often had a detrimental effect on the employees and their morale. For example, in conversations with employees, Ms. Desjardins described one of her executives as being *"all over the map"* and questioned his capacity to manage. When this executive later announced his departure from CFIA, one employee witnessed Ms. Desjardins doing a *"little jig"* in celebration of his departure. In another instance, Ms. Desjardins also told an employee that another manager was *"bizarre, incompetent, and that she wanted him gone."*

Two witnesses reported that while they worked for Ms. Desjardins, they heard her say the following about an executive in the Branch: *"Not normal"; "Menopausal"; "Not right"; "Moody"; "Incompetent"; "Appointed by (a former VP), probably because he was leaving..."; "Not smart"; "Do you think she screws up on purpose?"; and "How did she manage to get her job?"*

An executive testified that in his last few months working for Ms. Desjardins, he was responsible for more than 50 employees, six managers and two directors and that: *"Not a day went by, not one, where someone wasn't in my (his) office either crying, upset, alarmed,*

*complaining or shocked by the behaviour of our VP... employees were being reduced to what could only be described as employees that were being bullied or harassed. It had become a terrible place to work."*

Despite Ms. Desjardins' denial of wrongdoing and the explanations she provided to our investigators and in response to the PIR, the evidence from several witnesses is consistent and overwhelmingly demonstrates that she regularly and frequently engaged in making disparaging remarks about her subordinates, regardless of level, in front of other employees.

### General Conduct and Behaviour

The evidence demonstrates that Ms. Desjardins took, what could only be described by a reasonable person as, inappropriate interest in her employees' inter-personal relationships at the office. This caused a general sense of malaise among employees in the Branch who were routinely questioned by Ms. Desjardins about this topic.

A witness described how after a social gathering between colleagues at work, Ms. Desjardins called the witness to her office to ask her who went to the gathering and what was discussed by those in attendance. The witness stated that it was very difficult for her to provide this information to Ms. Desjardins, as it concerned personal matters. However, Ms. Desjardins was very insistent that she be provided with this personal information.

Another witness recounted how Ms. Desjardins thought that an employee took too much time off work to care for her children, stating that this employee should no longer work for her. Ms. Desjardins stated that *"she (the employee) never shows up, she takes off all the time for her kids, she's a single mom..."*. Ms. Desjardins further commented that the employee did not have adequate *"support"* (meaning family support) and therefore had to take time off work for her children. There was no evidence that the employee was ever inappropriately absent from work. Ms. Desjardins denied making any discriminatory comment about the employee, explaining that she was merely making the observation that the employee was often off work.

The evidence shows that Ms. Desjardins was preoccupied with different people at different times, from employees at the AS-02 level up to the EX levels, and she would say things such as *"Who are they talking to?", "How can we get them out of the Branch?", "Why are they sick again?",* and *"I want to see all their PeopleSoft requests"*. This behaviour was corroborated by a witness who described Ms. Desjardins as being very emotional, often crying, and spending an inordinate amount of time discussing other employees' personal matters. This witness said:

*"...in a way that was unusual... when I say a lot... when it got to dealing with what are the issues that started happening in the Branch, and there are too many to even name... I literally dissociated myself from*



*her because I couldn't even get my work done... There was almost a 3 or 4 month period where I would be coming to her office 4 to 6 times a day to talk about people's personal issues or who they were friends with or who they were talking to and why they were talking to them. She was very preoccupied as to how people were related to each other in the Branch and she wanted to know personal details about their encounter..."*

This same witness testified that Ms. Desjardins would target certain individuals and that she "would work her way around the Branch to find out different information about different people". The witness described how she often saw employees crying as a result of Ms. Desjardins' behaviour towards staff, describing the workplace as "insane" and "disruptive" and "making reality TV look like a walk in the park".

There is evidence that Ms. Desjardins regularly bypassed her executive and management teams, choosing instead to deal directly with their employees. One executive reported to us that Ms. Desjardins did "not know how to manage her team of executives and instead, managed their staff directly with such 'minutiae' that it resulted in the 'sidelining' of the executives of the Branch". The witness explained that Ms. Desjardins struggled in her role with respect to the amount of work to be done, while "obsessing" about employees many levels below her.

Ms. Desjardins was also described by many as obsessing over unimportant issues, often tasking her subordinates to look into such matters when it was not necessary. For example, one executive described how she would worry about what furniture employees would take with them when they left the Branch for another position within the CFIA.

In another example, one executive recounted how Ms. Desjardins personally retrieved an employee's chair from her new cubicle after that employee changed positions within the Branch, a chair that had been purchased specifically for the employee as a result of an ergonomic assessment. Ms. Desjardins actually went to the cubicle, removed the chair, and then pushed it through a long row of cubicles, causing dismay among employees who witnessed this.

It was also learned that Ms. Desjardins had a subordinate employee regularly do her hair in the morning. The employee in question confirmed that she agreed to do Ms. Desjardins' hair as and when requested by Ms. Desjardins. Two witnesses who work in close proximity to Ms. Desjardins' office stated that this type of activity happened on a daily basis. Regardless of the frequency, this is clear evidence of an abuse of authority that left a very unfavourable impression on employees who were regular witnesses to this.

## Targeting Specific Employees

The testimony of witnesses also clearly established that Ms. Desjardins targeted certain employees more directly, particularly those who either challenged or questioned her authority.

Ms. Desjardins was found to have demonstrated abusive behaviour towards an administrative assistant. This employee recounted how she was subjected to outbursts of anger and insulting questions from Ms. Desjardins. On one occasion, Ms. Desjardins asked her if: *"it was your (her) time of the month"*.

The Administrative Assistant also testified that on one occasion, Ms. Desjardins had an *"outburst"* during which, and in front of an employee who reported to the Administrative Assistant, she raised her voice from about 20 feet from her, yelling and questioning her on the whereabouts of her office keys. During her interview, the Administrative Assistant explained that there was no emergency or particular urgent issue on that morning to explain Ms. Desjardins' outburst. An hour after this event, she approached Ms. Desjardins to inquire about the incident and to tell Ms. Desjardins that she embarrassed her in front of her employee, essentially affecting her credibility as her supervisor. Ms. Desjardins' response was that the Administrative Assistant was *"hypersensitive"*. The Administrative Assistant rated the yelling strength a 6 or 7 on a rating scale from 1 to 10, (10 being the strongest) and added that people down the hall would have heard her.

As another example, on the last day of her employment with Ms. Desjardins, the Administrative Assistant, who had packed up her assigned office equipment, as authorized by those in charge of accommodations at CFIA, and personal items, was subjected to another outburst by Ms. Desjardins: *"Nothing is to go with you, everything belongs to the Branch, so everything is to stay"*. The Administrative Assistant described the yelling: *"...this time I'll tell you it was probably an 8 or a 9 screaming level, (10 being the strongest) spit was coming out everywhere, just upset. And then she just stormed off and that was it. She didn't want to talk to me – nothing."*

In another instance, the Administrative Assistant testified that Ms. Desjardins directed her to lie to staff about the reason why an executive was leaving the Branch, as Ms. Desjardins did not want this departure to reflect poorly on her.

Another employee targeted by Ms. Desjardins occupied the position of senior advisor to her. In November 2014, this employee informed Ms. Desjardins that she no longer wanted to work for her even though she had only occupied the position of senior advisor for four-and-a-half months. The employee stated that the decision to approach Ms. Desjardins was extremely difficult because she had heard of Ms. Desjardins' negative reaction to people wishing to leave

the Branch. She had heard that when people express a desire to leave or do something else, Ms. Desjardins *“kicks people out”*.

During their conversation, Ms. Desjardins reacted as the Senior Advisor anticipated, saying that she would not qualify for an equivalent position anywhere else in government. Ms. Desjardins said that the employee should find a position somewhere else in government and then began listing various departments and organizations where she thought the employee should go, although the employee insisted that she enjoyed working at the CFIA. Ms. Desjardins then told the employee: *“...you know, I won’t tell any new director to hire you as a manager. They can bring whoever they want”*.

#### *Termination of Employment – The “Poker-Hand”:*

The third employee targeted by Ms. Desjardins was a Manager in the Branch. Examples of the abusive behaviour include Ms. Desjardins instructing the Manager’s director to request from the Manager a sick-note for three consecutive sick days when others had not been subjected to the same request. Ms. Desjardins’ request was particularly odd since there were two levels between the Manager and her. Ms. Desjardins stated that she did not recall this incident, nor would she have ever made such a request.

In another example, when the Manager sought to fill a vacant position for a six-month period, Ms. Desjardins rejected it stating that it was on the basis of budgetary constraints. However, a witness reported that in rejecting the proposed staffing action, Ms. Desjardins said, *“Well (Manager’s name redacted) does not necessarily get what he wants”* and dropped the resumé of the candidate in the waste bin.

This Manager was invited to attend a meeting with his Executive Director on November 2, 2015, on the pretense to discuss his performance following a favourable assessment ten weeks earlier. Prior to this meeting, the Manager had raised concerns with management about various issues within the Branch such as the high employee turnover rate and its impact.

The Executive Director, who reported directly to Ms. Desjardins, presented him with a termination letter effective immediately. A senior human resources official, also present at the meeting, informed him that the CFIA had *“a dossier on (him) you that is rather thick”*.

The Manager was offered a settlement which included a final date of termination, a full and final release and a confidentiality order. He was told that if he chose not to sign the settlement, that the *“dossier”* would be used to terminate him with cause. The CFIA called this the *“poker-hand”* approach.

The investigation demonstrated that the CFIA had not compiled or documented a “*dossier*” on the Manager as claimed.

Ms. Desjardins, as well as the Executive Director, had approved the manner by which the Manager’s employment would be terminated - using the “poker-hand” approach. The Manager was never given an opportunity to correct any alleged performance issues prior to termination.

Of note, the Manager never received prior warning that his employment was at risk. In addition, there was no union representation made available to the Manager at the meeting.

As Vice-President, Ms. Desjardins had a specific duty and responsibility to ensure that the termination of an employee in her Branch be conducted with due process, which it was not.

## Conclusion

Throughout the investigation, my Office met with several witnesses who spoke in detail about their personal interactions with Ms. Desjardins. Their evidence was corroborative of each other’s and consistent. It is evident that Ms. Desjardins’ behaviour was significantly outside the realm of acceptable practices within the public sector as well as the expected behaviours identified in the Values and Ethics Code for the Public Sector (the Code). Under the value of Respect for People, the Code states that public servants must treat every person with respect and fairness and help to create and maintain safe and healthy workplaces that are free from harassment and discrimination. Also, the CFIA promotes a zero-tolerance level of harassment in the work environment. According to the CFIA Code of Conduct, all employees are responsible for contributing to a harassment-free workplace and, as such, are expected to be “respectful and civil” in their dealings with others. The evidence overwhelmingly established that Ms. Desjardins failed to uphold these values. This brings me to find that Ms. Desjardins committed a serious breach of these Codes.

The breadth and severity of incidents involving Ms. Desjardins also lead me to conclude that her actions toward employees correspond to a situation of gross mismanagement in the public sector.

Ms. Desjardins’ behaviour, as described in this Case Report, in her capacity as Vice-President, is indeed a matter of significant importance, particularly in today’s public service, where a healthy workplace and mental health are clear priorities of the Government of Canada. The incidents described by witnesses cannot be considered minor or isolated. Her overall unacceptable dealings with employees, intrusions into their personal matters and her rude and disrespectful comments about others were deliberate and frequent, and they had an impact on the wellness of many employees at various levels.

It should be noted that the Investigators also met with six witnesses from Ms. Desjardins' previous employer, who had no connection with the CFIA employees in question, who described striking similarities regarding the conduct of Ms. Desjardins. This is in contrast to Ms. Desjardins' claim that CFIA Branch employees conspired against her in the making of the disclosures and testimonies provided during the course of this investigation.

In addition, the turnover rate of employees in Ms. Desjardins' Branch is an indication of the negative impact her behaviour had on employees. The investigation demonstrated that of approximately 65 employees in 2013, more than half left the Branch following Ms. Desjardins' arrival in March 2014, ten of whom directly reported to Ms. Desjardins. The high turnover rate of employees at the Branch aligns with several witnesses' views that Ms. Desjardins' management style had such a detrimental effect on them that many chose to leave.

### **Commissioner's Recommendations and Departmental Response**

In my Case Report of February 23, 2017, I recommended that the CFIA take appropriate actions to ensure that the three original harassment complaints filed against Ms. Desjardins be fully and fairly considered and responded to. The President accepted this recommendation, launched an independent third party investigation into this matter and provided the following update:

*The independent third party investigator has concluded the preliminary investigation and the Parties are currently reviewing the draft reports. As soon as the final report is made available to me, I will fully review the findings and take any necessary action, while ensuring procedural fairness for all Parties involved.*

In accordance with paragraph 22(h) of the Act, I have made the following recommendations to the President of the CFIA concerning the measures to be taken to correct the wrongdoing in the matter related to this Case Report. I am satisfied with the President's responses to my recommendations and the measures taken to date to address the wrongdoing identified in this report. My recommendations and the responses follow.

**Taking into account section 9 of the Act, which states that a "public servant is subject to appropriate disciplinary action, including termination of employment, if he or she commits a wrongdoing", I recommend that the CFIA consider the need for disciplinary action against Ms. Desjardins.**

*I agree with your first recommendation. Appropriate action is being taken, bearing in mind the findings of your report, and CFIA and Government of Canada policies.*

**I recommend that CFIA, in consultation with employees and the relevant bargaining agents, assess the need for a workplace wellness initiative of the Communications and Public Affairs Branch to ensure a healthy workplace and to address the needs of those affected by the actions of Ms. Desjardins.**

*As President of the CFIA, I am committed to workplace wellness and promoting an environment where all employees are respected. This is evidenced in my commitment to move forward with implementing the recommendations in the National Standard of Canada for Psychological Health and Safety in the Workplace (the Standard), as developed by the Mental Health Commission of Canada. Additionally, the recent Public Service Annual Survey and our Guardian Minds at Work mental health survey will provide us with evidence regarding any current issues across the organization. In accepting your recommendation, I am committed to involving the bargaining agents and employees in the design of a wellbeing strategy for the CFIA. I have asked the Vice President of Human Resources at CFIA to work with the bargaining agents to identify recommendations on the best way forward before the end of December 2017.*

**I also recommend that the CFIA continue with the efforts to address harassment identified in the February 2017 Case Report.**

*Ensuring a healthy work environment where employees are respected and harassment is not tolerated is a priority for the CFIA. I accept your recommendation and want to share with you the work that has been done within the CFIA. In addition to the efforts that were described to you in our response to the February 2017 case, we have been collaborating with our bargaining agents on these important issues and progress continues. For example, at our recent National Occupational Health and Safety Committee meeting on July 20, 2017, the new Harassment Awareness training that was developed jointly with the Public Service Alliance of Canada (PSAC) was approved and will be rolled out this fall, delivered jointly by management and union representatives. We have also increased our internal communications around the importance of a harassment-free workplace.*

*In closing, I would once again reassure you that I am committed to the well-being of all CFIA employees and that I intend to take the steps necessary to continue to promote and foster a healthy, positive and productive work environment for all staff.*