

File No.: 04-1000-20-2017-465

December 13, 2017

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of November 21, 2017 for:

**A list of the number of settlements and the total dollar amount of awards given for all cases of harassment, by year, for each year since January 1, 2010 to November 21, 2017.**

Human Resources has confirmed that there is no existing list or other available process available which aggregates the information sought. There are a number of reasons for this:

- Most staff are unionized: under grievance processes, harassment claims are rarely, if ever, resolved by means of any monetary settlement to the grievor.
- All staff, union or exempt, are able to pursue harassment complaints under the City's code of conduct policies. However, the scope of investigations under such policies does not include determining and/or awarding settlements for breach of policy.
- Any settlements that may have been reached during active litigation, would be covered by litigation privilege as recently clarified in Richmond (City) v. Campbell.
- Any awards rendered by the courts are public and, therefore, pursuant to Article 20 of the Freedom of information and Protection of Privacy Act, are not part of the Access to Information obligations of a public body.

For the City to undertake a comprehensive review of all grievance settlements and other litigation to determine whether there are examples that fall outside the parameters above would unreasonably interfere with the operations of the City.

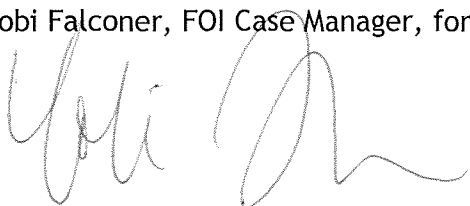
Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, [info@oipc.bc.ca](mailto:info@oipc.bc.ca) or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2017-465); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at [foi@vancouver.ca](mailto:foi@vancouver.ca) if you have any questions.

Yours truly,

Cobi Falconer, FOI Case Manager, for

A handwritten signature in black ink, appearing to read 'Cobi Falconer', written over the typed name of the case manager.

**Barbara J. Van Fraassen, BA**  
**Director, Access to Information & Privacy**

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