

IN THE MATTER OF AN ARBITRATION

BETWEEN:

GOVERNMENT OF THE NORTHWEST TERRITORIES
as represented by the Minister responsible
for the *Public Service Act*

Employer

- and -

THE UNION OF NORTHERN WORKERS

Union

Grievance re: CSSWIII Rejection on Probation

AWARD

BEFORE:	Thomas Jolliffe, Q.C.
FOR THE EMPLOYER:	Brad Patzer
FOR THE UNION:	Chantal Homier-Nehme
HEARING LOCATION:	Yellowknife, Northwest Territories
HEARING DATES:	April 15, 16, 17 and 18, 2008 June 10, 2008

Date Award Issued:
February 12, 2009

Our File: 52,054 TJ

This matter concerns the grieved rejection on probation of a registered social worker from her Community Social Service Worker III (CSSW III) position with the Yellowknife Health and Social Services Authority (YHSSA), positioned as she was approximately 150 air kilometres distant in an “outlying community”, which for purposes of this award will receive no other identification, and coming within the Authority’s administrative structure and authority. Due to the sensitive and confidential nature of information presented throughout this award, including evidence about certain child clients, the rejected probationary employee will be referred to as “the grievor”. This award will refer to her immediate office co-workers positioned by YHSSA in the outlying communities with whom interpersonal conflicts developed only by the jobs they performed, not by name, which is to say references will be made repeatedly to the “other community social worker”, the “community co-ordinator”, and the “administrative assistant”. It will refer to managers and executives positioned in Yellowknife by name. Outside adult witnesses are referred to by one initial, and child clients as such.

The written notification sent to the grievor by Gregory Cummings, the Chief Executive Officer (CEO) at YHSSA rejecting her while on probation, dated February 22, 2005, includes the following reasons:

After reviewing your submission and the circumstances surrounding your work performance problems, I have decided to accept the recommendation to reject you on probation. Over the past ten months you have been disciplined for negligence and insubordinate behaviour. The latest incident occurred when you yet again placed a youth in our care at risk by not taking appropriate steps to address the situation. Thus you are being rejected on probation for negligence, incompetence, and overall unsuitability for the position.

The grievance was filed during the next week, with the Union claiming that the dismissal

was not justified under Section 21 of the *Public Service Act*. It reads as follows:

21.(1) At any time during the probationary period of an employee, the Minister, on the recommendation of the deputy head, may reject the employee but any such rejection must be made in good faith.

(2) An employee who has been rejected under subsection (1) ceases to be an employee.

The Union further stated its position in the grievance to be:

“... that the dismissal was not in good faith and the Employer deliberately “set up” (the grievor) for failure, and did not even attempt to follow appropriate steps in regards to alerting and guidance as outlined in the FMBS Human Resources Manual. (Section 1601).

Furthermore it is the Union’s opinion that the letter written by Les Harrison, Director Social Programs is borderline malicious, slanderous, and a defamation of (the grievor)’s character and work ethics.

To the best of our knowledge, (the grievor) at no time received any corrective action or direction by the Employer which could have led to improvement in her performance, and carry out her job duties as described in her Job Description.

The above reference to the Human Resource Manual issued by the Financial Management Board Secretariat, Section 1601, reads as follows:

- 1. The purpose of a probationary period is to provide the employing department with a reasonable period of time in which to ascertain whether an employee is suitable and competent in the duties of the position assigned. It also provides an employee with the opportunity to adapt to the work environment.**
- 2. Where a probationary employee fails to maintain the required standard of conduct and corrective action has not resulted in acceptable improvement in performance, rejection on probation may be considered. Rejection on probation may also be considered if during the probationary period it is determined that the employee is not suitable for the position or does not have the competency to perform the duties of the position at an acceptable level. ...**

In its filed grievance document, by way of remedy, the Union has sought the full range of compensation possibilities speaking to the grievor being made whole, in addition to claiming punitive damages for undue hardship, stress and public humiliation, and reinstatement.

There was no issue raised speaking to the arbitrator's jurisdiction to hear and determine this matter on the merits, inasmuch as the collective agreement, unlike some others, does not preclude the Union from grieving the dismissal of a probationary indeterminate employee, and having the matter heard on its merits at arbitration by reference to the *Public Service Act* and applicable case law providing some interpretive guidance.

The voluminous evidence and argument in this matter was heard over five days in Yellowknife, as recorded in 364 pages of the arbitrator's foolscap notes and some 60 exhibited documentary materials addressing many aspects of the grievor's employment tenure lasting from her acceptance of the appointment offer into a full-time indeterminate position, effective April 20, 2004, carrying a one-year probationary period, until she was rejected on probation some 10 months later. Overall, it can be said to have centered on whether the Employer fulfilled its obligation to act in good faith by providing the grievor with a workplace environment in which a new employee could realistically succeed over the course of her probationary period, including her having reasonable assessment and guidance along the way, or were there a variety of ongoing circumstances within the workplace taking the situation sufficiently outside the grievor's control such that she was realistically bound not to succeed despite her best and competent efforts. At the same time the Employer acknowledges its obligation to provide a safe and healthy work environment, for any employee. A consideration of the grievor's efforts at succeeding included one having to review

certain documented incidents and occurrences prior to her release which generated discipline and which were seen by her superiors, certainly, to reflect adversely on her suitability, and her commitment to succeed at the job. In this respect, much of the evidence presented at hearing can be said to be contentious, realistically raising issues speaking to motive, and credibility, and the overall attitude or actions of co-workers, and reactions by superiors.

The job description under which the grievor was hired sets out at some length her expected responsibilities in providing support services within the community in order to identify needs involving both crisis intervention and ongoing child or parent-child relations' management and find appropriate solutions within the community. As pointed out during the course of the hearing, the job description document applicable to the grievor, in addition to suitable education and experience required:

The incumbent must have the ability to work independently with a minimum of supervision. Skills in managing a varied caseload are required. The nature of the caseload requires a high level of skill in problem solving techniques and the ability to reach sound decisions in highly stressful situations.

Exceptional skills in communication and interviewing techniques are required in both written and verbal form; effective listening skills are essential to fulfill the demands of the position.

The incumbent must have the ability to work effectively in a cross-cultural setting, have direct counselling experience, and have an understanding of human behaviour and development as well as a family dynamics.

The grievor's credentials and professional background leading to her accepting the job offer cannot be considered in dispute. Between 1993 and 1999 she held positions in Peace River and Edson, in the province of Alberta, as a child welfare worker, employment counsellor, support services worker, income support worker, and supervisor, working for the Department of Family and

Social Services, running the gamut of usual programme delivery. Her experience included working within the team concept in organizing, liaising, and providing action plans for assigned clientele in a variety of circumstances giving rise to Provincial support or intervention. Between 1999 and 2003 the grievor worked as a regional manager for Native Counselling Services of Alberta, positioned in Edmonton with duties which included co-ordinating and organizing the work of staff under her supervision to ensure effective programme delivery in order to meet the varied needs of the assigned clientele within her region. It included creating and overseeing the delivery of programming and resources at the regional level, relative to eight separate offices, budgeting and monitoring of financial expenditures. She also participated in hiring, and doing performance evaluations of programme staff, and ensuring as the regional manager that they received ongoing training support and development, working in the areas of family support, child welfare issues, employment counselling, and court worker assignments within aboriginal communities. The grievor testified that her past total disciplinary record while working in Alberta amounted to a one-day suspension for having taken part in an illegal strike action. She said that during all those years she never received a below standard work performance rating in any of her formalized annual work appraisals.

By the grievor's description, she left her position in Alberta in 2003 after having decided to relocate to the outlying community where some members of her immediate family had lived for many years, including parents and sisters, and where she considered she had numerous ties and a commitment to the community. Her family was of aboriginal descent, being members of the Metis nation. As a single parent, she made the decision to live in the community and place her son in school there in September 2003. At the time of applying for the available permanent position with

YHSSA in April 2004, she had been working as a community social worker on a casual employment basis for Health and Social Services in that community since the previous November. She said that her on-site training for her period of casual employment was a matter of starting work and being shown the files on which she would be working. By her recollection, she spent about three hours with the other community social worker reviewing a manual with her, and talked to the office supervisor, Robert Hopkins who was positioned in Yellowknife, from time to time. She simply went about her business handling the assigned full caseload. She said that she never met Mr. Hopkins "face-to-face" until the spring of 2004. She also recalled that from time to time she also received advice from another supervisor positioned in Yellowknife, Margo Kennedy.

The grievor testified that she applied for a permanent position as a community social worker in April 2004 at the suggestion of the community co-ordinator, but that immediately upon commencing her duties in the permanent position she was told by the other social worker in the same office that she was disappointed with the choice. She had wanted one of her friends to get the job, who had been out of the Northwest Territories during the time of the interviews. To put it bluntly, serious difficulties in their working relationship, and with other co-workers, by the grievor's observation, surfaced almost immediately on her accepting the position although not with respect to the case load on which she worked. The grievor started seeing various persistent issues developing which she felt plainly impacted the supposed professionalism of the office. This included co-workers showing up late, and upon arrival not starting to immediately deal with client matters, also their "gossiping" in front of clients and talking about other persons' files with co-workers within hearing distance of clients. She saw there to be emotional discord openly displayed

at work, even some suspected ongoing illicit drug use by one co-worker, the administrative assistant. The evidence in many respects centered on the unhappy and deteriorated relationship amongst co-workers, with certain matters and occurrences being recorded on the grievor's file as time passed, including a successful allegation of harassment made by the grievor against the community coordinator, as investigated. The grievor encountered some disciplinary responses with respect to her own actions, and eventually experienced the immediate contentious circumstances leading to the release decision being taken by her superiors.

The first Employer called witness, Margo Kennedy, became an acting supervisor for YHSSA in June 2004, with duties primarily focussing on intake and investigation matters, before accepting the position on a permanent basis in February 2005. To that point she had been an investigator and case manager at the YHSSA for some six years, having previously worked in Alberta doing child protection work in Slave Lake and also in a regional position with Child and Family Services. By Ms. Kennedy's description, from August 2004 onward she was supervising four staff workers in Yellowknife, before taking on the supervisory duties from mid-December onwards, both administrative and clinical, over the two community social workers positioned in the outlying communities, including the grievor who had started working in her indeterminate position eight months earlier, with a one-year probationary period to apply. She described her main responsibilities in her supervisory role as being available to staff on a consultative basis, providing guidance and clinical direction if need be on difficult files as matters developed, and assisting them in team building efforts as might be necessary. She also expected she would play a role in the performance review process, including meeting with individuals and setting objectives within an

office under her supervision including the one in the outlying community. She saw her clinical supervisory role as involving discussions with the social workers respecting their caseloads, reviewing their reports and their dealings with any clients including both the children and the adult services' files within the community. Her administrative supervisory duties included reviewing and approving time sheets, hours and scheduling, and time off requests. She recollected that the previous supervisor in the outlying community, Robert Hopkins, who had only provided clinical supervision from his office in Yellowknife, had mentioned that there had been "difficulties" in that office for several months involving both community social workers and the community co-ordinator. Generally her involvement would be in discussions held by telephone as well as reviewing the written case scenarios and reports submitted to her Yellowknife office. She acknowledged that on moving into the supervisory duties over the outlying community caseworkers, she was not yet familiar with the community workers or any perceived interpersonal difficulties having arisen amongst them. She also acknowledged never having been a part of setting out any specific objectives or expectations with respect to the grievor's work as a social worker, having only come into a direct supervisory role over the outlying community office in mid-December 2004. By Ms. Kennedy's recollection, her first conversation with the grievor had been over the phone in August 2004, about two months after she had taken on acting supervisory duties in Yellowknife, but while Mr. Hopkins was still doing the formal clinical supervision of the caseworkers positioned in the outlying community.

Ms. Kennedy testified that prior to becoming a supervisor she had worked in the Yellowknife office for the previous two years, and had herself received at least one performance evaluation, by

her recollection, in about February 2004. Therein, she said, there was some discussion of goals, observed strengths, and areas to be “worked on” relative to her own performance level as a staff social worker at that point. She also remarked that had there been any concerns with her own performance she would have expected that before receiving the formal performance document, there would have been some discussions with her as to what required some attention. As a supervisor, she said, she was expecting to complete performance appraisals on the caseworkers under her supervision by about the end of February 2009, in preparing to move ahead for the upcoming year. She said she was not sure about the dictates of policy in that respect, but that the performance appraisal forms for anticipated upcoming completion arrived in the Yellowknife office by about the end of January each year. She said she was not sure what the grievor may have received by way of a performance appraisal or feedback prior to her arriving on the scene as her supervisor in mid-December 2004. She was aware from her discussions with her Director, Les Harrison, and Mr. Hopkins that there had been an ongoing, observed, “personality conflict” between the grievor and the other community social worker. By the time she moved into the supervisor’s position they were working in different buildings within the same community. Ms. Kennedy did not indicate having any concerns at that point with the grievor’s casework reports, or the manner in which she served here assigned clients. She acknowledged understanding at the time of taking over the advisory duties of that the outlying community office was considered “really needy” as amongst the YHSSA workers and that Mr. Harrison and indicated that supervisory issues were likely to arise often.

Ms. Kennedy’s first relevant notation on her supervisor’s calendar on which it was her practice to record events, was her taking over supervision of the outlying community’s office from

December 13, 2004 onwards. She next recorded, day by day, that the grievor's co-worker, the other community social worker, was off work on medical leave, ultimately lasting through the end of the month, and also that she had made her first visit to the YHSSA office on December 17. She had e-mailed the grievor on December 15 asking her how things were going, with the response being that she had taken a teenaged female client to Hay River for her therapist's appointment where the grievor was "glad to be going", while pointing out that there was "absolutely no communication between (the administrative assistant) and myself". She said that on reviewing the office case files she found there were three with no adequate case plan yet recorded thereon, two belonging to the other community social worker. However, she had no reason to suspect that appropriate child care protection work was not being carried out on a professional basis, or that their developed expertise in that area was not being adequately applied.

In her testimony, Ms. Kennedy indicated being aware that the grievor had had some contact with a teenaged client she was transporting to Hay River by way of a "voluntary support agreement", with her only role at that point being to drive her to counselling appointments in Hay River related to resolving ongoing family conflict issues. Ms. Kennedy's visit on December 17 followed her having received an e-mail message the administrative assistant the previous day, which she recorded in a memorandum form, that she was to call the girl's mother, L., who wanted to present a complaint over the grievor's conduct concerning her daughter. The grievor had confirmed in a follow-up telephone call that a complaint had been received but that she also thought everything had been worked out. From the grievor's version of the "history" of what had occurred as given to her, and as recounted by Ms. Kennedy in testimony, following the girl's aunt A., having assaulted her during

a verbal altercation while inebriated, the adult person was criminally charged. Thereafter, prior to the girl yet having had the opportunity to attend Court to make a victim's impact statement, or testify, the grievor was driving her into Hay River for a scheduled psychological counselling appointment, when they came upon the aunt standing by the side of the road, just outside town, hitchhiking in very cold weather. In their initial brief follow-up telephone discussion, the grievor indicated to Ms. Kennedy that the girl, on being asked, had said it was "okay" to give her aunt A. a ride into Hay River, which they did. The grievor also indicated to Ms. Kennedy that she had already been contacted by L. who wanted to talk with her supervisor. She also indicated that L. and the administrative assistant, were best friends and that this co-worker had put her up to the complaint. On hearing from the grievor, Ms. Kennedy next placed a call to the girl's mother, L. who indicated that she "wasn't happy" that the grievor had picked up the aunt with her daughter in the car when, by her understanding, there was a no-contact order in place, following the assault charge which had not yet been finalized. By Ms. Kennedy's description, L. indicated to her that she did not want to see it happen again. Ms. Kennedy thought the grievor must have been aware despite her indicating not knowing. She did not explain why she thought the grievor would have been fully aware of the legal situation. She testified that on the girl's file, which she looked at, while there was "no mention" of any no-contact order, also could see that the "incident" would have amounted to an assault, inasmuch as the aunt was reported to have struck the child while inebriated.

By Ms. Kennedy's recollection, the December 17 interview of the grievor in the outlying community office, was her first previously planned and scheduled visit to that location in about two months. Ms. Kennedy's immediate superior, Les Harrison, the Director of Social Programs and

YHSSA, accompanied her. In addition to their discussing various other files with the grievor, by Ms. Kennedy's recollection, the grievor said she had been "set up" by the administrative assistant, with respect to the situation involving the girl's aunt. The grievor told her that she had actually spoken to the aunt earlier on the day of the occurrence, in the office, and had pointed out that she was dealing with a client and was not able to give her a ride to Hay River. However, later that morning as she and the girl were driving away from the community they came upon the aunt hitchhiking in very cold conditions near a restaurant at the edge of town, although only a short walk from the person's home. Having asked her, and then specifically noted that the girl did not object, the grievor had decided to give the aunt a lift. Nothing significant was thought by her to have occurred in the car, with the girl and her aunt interacting with each other in appropriate enough fashion.

On December 18, 2004, the day following their interview, Ms. Kennedy compiled a comprehensive memorandum reviewing the salient facts as she understood them, including the grievor denying that she had known there was a no-contact order in place, and asserting that the administrative assistant, and her friend L., and the aunt had used drugs together. Ms. Kennedy reported that the grievor's actions had shown poor judgment, being not in the best interests of the child. A three day suspension resulted, which was not grieved.

At the same time, while in the outlying community, according to Ms. Kennedy, she "began to get a feel" for the grievor's ability to complete her reporting requirements on various files on which she was working. Ms. Kennedy did not indicate that there were any difficulties disclosed in that regard, nor on her subsequent visit of January 27 and 28, 2005. By her assessment, the grievor

was providing appropriate coverage and properly involving herself in the community at that point.

However, she later observed there to be another "incident" having occurred on February 3 and 4, 2005, starting with her receiving a telephone call at her home in Yellowknife from the grievor at about 11 p.m. on February 3. The grievor indicated to her that she had been talking with an adult person in the community, T, that same morning concerning her eleven year old niece, who had been staying in her home on a "plan of care" arrangement, as recently renewed which originated in Fort Good Hope. By the grievor's description, T. had indicated to her that the child had "accused" T.'s teenage son of "sexually bothering her", or to put it somewhat differently, he had been "bugging her". Ms. Kennedy recalled the grievor relating that the accusation levelled against the son had upset T. to the point of this person telling her niece to "pack her bags", and that she had "kicked her out". Ms. Kennedy understood that the child was from Fort Good Hope and was only staying in the outlying community by reason of her being placed in a relative's home. Coming from another community, with her caseworker file remaining there, the grievor's situation was one of a "courtesy social worker", but nevertheless she was the one on site able to take immediate action. Ms. Kennedy's impression was that the grievor had not been in contact with the girl's case manager, indeed remarking that she understood the grievor had not attempted to contact the child or the caseworker "until the next day". Ms. Kennedy's response at that point was to ask the grievor where the child was presently located to which she recalled the immediate response she gave was, "walking around town with a friend", or as indicated in her file notes, was still "around, walking with friends". She testified that she then asked the grievor where the child would be staying, to which the grievor responded, by her recollection, that she had stayed the previous night with another aunt, but relating

nothing about plans for the future, or even what was happening that night. At the same time, according to Ms. Kennedy, the grievor also indicated that she had “got the impression” that the child’s version was inaccurate and that there had been no sexual harassment or abuse. She also indicated being aware that the girl may have been sexually active in the community since her arrival. By Ms. Kennedy’s description, on listening to the grievor, she was immediately concerned that she had not yet properly interviewed the girl or even spoken to her, who was by then out of the home where she had been staying, possibly out on the street somewhere. At the same time she expected that by then the grievor would have had “face-to-face contact”, and been able to make an informed assessment as to whether the situation required the RCMP to be involved also with the foster parenting aunt who had reported the possible abuse allegation. There was also the issue of whether other children might be living in the home, concerning which a risk assessment was now indicated by reason of the current allegation, albeit the caseworker in Fort Good Hope still had file management. By Ms. Kennedy’s testimony, she was not satisfied that the grievor had made any sufficient effort to understand and clarify what was going on. It was her view that when a child living in a plan of care situation verbally raised sexual concerns with respect to her living arrangements, or had possibly even been kicked out of the house where she was staying, a community social worker becoming aware of such a situation was obligated to take immediate action including appropriate interviews and formulating a report, and an action plan. At the same time, by her assessment from their late evening telephone conversation, it was her view that the situation plainly had been developing for at least a full day with no steps yet taken by the grievor to ensure the child’s safety and immediate security, or understand what was actually occurring. She also

recollected that the grievor was not sure whether the girl had been only staying in her aunt's residence, or had been formally placed there.

By Ms. Kennedy's assessment also, the grievor had wrongly placed some emphasis on whether the girl had already been sexually active, and whether the aunt had believed her son's denial. She said the grievor seemed to have missed the point that it was her duty to take steps and realistically investigate the matter on the basis of what had been alleged, and, if necessary, let the RCMP make a determination speaking to validity of the child's complaint following its own investigation of the matter. Moreover, she seemed not to have recognized that her principal obligation at that juncture was to protect and support the child, make sure that she was safe, meaning securing a proper place for stay that night. Ms. Kennedy also testified that under the circumstances presented she would have expected the grievor to have called her supervisor immediately upon learning of the child's complaint, not hours later at 11 p.m., although she was home sick that day. Her office had received e-mails earlier that same day from the grievor at 10:39 a.m. and again at 5:08 p.m. without any mention of a developing situation. She said she did not see that circumstance at the time to be necessarily concerning, but in her later review of the situation she would have at least expected some contact over the issue during the course of the day, and not waiting until 11 p.m. to call her, or another supervisor, with the child at that point apparently not having anywhere safe to stay, with even her current whereabouts not being established. She said that she also observed in their telephone discussion that the grievor's description of what had occurred was only "coming out in pieces" as distinct from her providing an organized reporting of a concerning event, which Ms. Kennedy would have expected, and which required careful consideration in order to develop an

immediate plan of action. Her notes made that same night describing her telephone discussion with the grievor were entered into evidence, including her direction to the grievor that she call the RCMP "right now". Ms. Kennedy was aware that the Referral and Investigation protocol contained in the Standards and Procedure Manual required of that in any "investigation" being carried out, in the event the child was considered to be at immediate risk, the child should be apprehended, or at least the decision made whether the child was in need of protection. The child protection worker, according to the protocol, should also be notifying the RCMP, "if, at any time, it appears that physical or sexual abuse may have occurred". By Ms. Kennedy's description from their late evening telephone conversation, under the circumstances, she had to characterize the grievor's response on February 3, 2005 to the situation facing the 11 year old girl as "negligent" and further that she had observed the manner in which the grievor had related the developing situation to her as "very unprofessional".

The following morning, February 4, 2005, Ms. Kennedy met with her immediate superior, Les Harrison, accompanied by the grievor's previous supervisor Robert Hopkins. Together with Mr. Hopkins, she placed a conference call to the grievor and the other social worker, with the grievor indicating at the time that the girl had been "acting out" and was wanting to return to Fort Good Hope. Thereafter, by her understanding at some point, the child was located to Yellowknife, with the teenage boy being charged and eventually convicted of a sexual interference offense.

There was no follow-up February 2005 performance appraisal prepared respecting the grievor, which she would have expected to be doing in normal course as her supervisor, inasmuch as she thought they were issued yearly at about the end of that month. The decision was made that month to reject the grievor on probation. Indeed, Ms. Kennedy was not able to indicate that there

was a formal written appraisal done at any time during the grievor's probationary period to the point of her rejection, at least not one involving her input as her last supervisor. She did not indicate any specific awareness of the Performance Planning and Review language from the Human Resource Manual, Section 1406, which under para. 7 requires performance development reports to be completed quarterly during one's probationary period and under para. 19 states that supervisors are to "complete a written probationary performance development plan prior to three, six, nine and 12 months of employment for individuals on 12 months probation." Her level of supervisory involvement, apparently, did not include that aspect of performance planning and reviews, at least not for the grievor.

Ms. Kennedy's immediate superior, the Director of Social Programmes at YHSSA, Les Harrison, testified that he was not directly involved in the grievor's hiring into an indeterminate position in May 2004, carrying a one year's probationary period. Nevertheless, he indicated being aware that the grievor successfully completed that same month the usual eight days' Child Protective Services (CPS) training and a further three days of Child and Family Information System (CFIS) training. She was provided with a copy of the *Child and Family Services Act* and the applicable Standards and Procedure Manual. He also knew that the grievor's main activities in her job involved responding to and investigating requests or complaints concerning the protection of children, and determining what further action might be necessary, concerning she had considerable applicable experience. The grievor, he knew, was initially assigned to work under supervisor Hopkins who was available for consultative purposes from his office in Yellowknife, in addition to making periodic visits to the outlying community, where initially it was thought that a meeting every two

months or so would be appropriate. As matters developed, with difficulties being encountered amongst co-workers working together, his visits, he said, occurred more frequently. At the same time, he said, Mr. Hopkins would have had telephone calls or e-mails with the grievor every two or three weeks involving clinical and other issues as they developed. Mr. Harrison was well aware of the job description document applicable to the grievor, which would have been provided to her at time of hire. He said that in a situation of a developing child protection emergency, a crisis within the home environment possibly affecting a child's well-being, with a further possibility of apprehension, he would expect "immediate contact within the hour" from the worker who has become apprised or otherwise connected with the situation. The "risk" was to be understood and immediately managed in an appropriate fashion. A developing child-at-risk situation, he said, is always the most pressing issue to be handled given the critical dual issue in such a situation of child protection and risk assessment. Suffice to say that by his information, he was not satisfied the grievor's handling of the situation involving a female child being put out on the street by her family caregiver following a complaint to the woman over her son's actions in the home, with possible sexual interference being raised as an issue, was appropriate.

At the same time, Mr. Harrison was aware that from almost the moment of her being hired into the second CSSW III position in the outlying community, a difficult ongoing working relationship had developed between the grievor and the other community social worker. This co-worker had first alleged in May 2004, shortly following the grievor's hiring, that she had conducted herself in a fashion unbecoming to a social worker living and working within the community, and had damaged the relationship between co-workers. The initial situation, as he understood it,