

FEDERAL COURT

PROPOSED CLASS PROCEEDING

BETWEEN:

GEOFFREY GREENWOOD and TODD GRAY

Plaintiffs

- and -

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

STATEMENT OF CLAIM

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules, serve it on the plaintiffs' solicitor or, where the plaintiffs do not have a solicitor, serve it on the plaintiffs, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.


If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the *Federal Courts Rules* information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: JUN 22 2018

Issued by: _____

 BEATRIZ WINTER
REGISTRY OFFICER
AGENT DU GREFFE

(Registry Officer)

Address of local office:

180 Queen Street West

Suite 200

Toronto, ON M5V 3L6

TO: Her Majesty The Queen
Office of the Deputy Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

Defendant

Table of Contents

RELIEF SOUGHT	1
THE NATURE OF THIS ACTION.....	2
THE PARTIES.....	4
The plaintiffs.....	4
The defendant	5
THE CLASS	6
THE FACTS	6
The RCMP's History of Harassment and Institutional Barriers to Obtaining Redress.....	6
RCMP Culture of Bullying, Intimidation, Harassment, and Toxic Workplace.....	7
Bullying, Intimidation and Harassment in Mr. Greenwood's RCMP career	12
Damages	16
Bullying, Intimidation and Harassment in Mr. Gray's RCMP career	19
Damages	27
Particulars of Bullying, Intimidation, and Harassment in the RCMP	28
Discoverability	30
NEGLIGENCE	31
BREACH OF CONTRACT	35
DAMAGES.....	37
PUNITIVE DAMAGES.....	39
LEGISLATION	39
THE PLACE OF TRIAL.....	40

RELIEF SOUGHT

1. The plaintiffs, Geoffrey Greenwood and Todd Gray, claim on their own behalf and on behalf of the Class Members (as defined below):

- a) an order certifying this action as a class proceeding and appointing Geoffrey Greenwood and Todd Gray as the representative plaintiffs under the *Federal Courts Rules*, SOR/98-106;
- b) a declaration that the defendant was negligent in failing to provide the plaintiffs and other Class Members with a workplace free from bullying, intimidation, and harassment;
- c) a declaration that the defendant failed to fulfil and/or breached its common law, contractual and statutory duties to provide the plaintiffs and other Class Members with a workplace free from bullying, intimidation, and harassment;
- d) general damages in the amount of \$1,000,000,000 plus damages equal to the costs of administering the plan of distribution of the recovery in this action;
- e) damages for loss of income including for loss of promotional opportunities, early retirements, and losses to pension;
- f) special damages in an amount to be determined, including but not limited to past and future medical expenses, on behalf of the plaintiffs and the other Class Members, and out-of-pocket expenses, including as may be incurred from the date hereof until the trial of the common issues, or final disposition of this action, particulars of which will be provided to the defendant;
- g) exemplary and punitive damages in the amount of \$100,000,000;

- h) damages pursuant to the *Family Law Act*, R.S.O. 1990 c. F-3 and comparable legislation in the other provinces or territories, in the amount of \$30,000,000;
- i) an order directing a reference or giving such other directions as may be necessary to determine issues not determined at the trial of the common issues;
- j) pre-judgment and post-judgment interest;
- k) costs of this action on a substantial indemnity basis, together with applicable harmonized sales tax thereon in accordance with the *Excise Tax Act*, R.S.C. 1985, c. E-15, as amended; and,
- l) such further and other relief as this Honourable Court deems just.

THE NATURE OF THIS ACTION

2. This action concerns the systemic bullying, intimidation and harassment of individuals who worked for the Royal Canadian Mounted Police (“RCMP”) and/or with the RCMP.

3. For decades, the RCMP leadership fostered and condoned a culture of bullying and intimidation and general harassment within the Force, creating a toxic workplace. The harassment of the RCMP Members was bolstered by statutory and institutional barriers that prevented RCMP Members from engaging in collective bargaining and/or obtaining other meaningful redress for their grievances.

4. These barriers, codified in the *Royal Canadian Mounted Police Regulations*, amplified a stark power imbalance which was exacerbated by the paramilitary structure of the RCMP, and had the effect of silencing RCMP Members who fell victim to bullying and intimidation and harassment, as their sole recourse was through the chain of command who

were often protective of the very individuals who had inflicted and perpetuated the bullying, intimidation, and harassment.

5. This cultivated the existence of a toxic work environment characterized by abuse of power and fear of reprisal. In this environment, the plaintiffs allege that they and the other Class Members (as defined below) experienced pervasive bullying, intimidation and harassment which was either inflicted, condoned, or tolerated by the RCMP, through its agents, servants and employees. Any efforts by the plaintiffs and other Class Members to report, speak out, complain or pursue internal grievances respecting harassment were diminished, ignored, dismissed, and/or mischaracterized, including as interpersonal conflict.

6. Complaints of any kind were treated as an affront to the chain of command in the paramilitary structure of the RCMP, leading to direct and indirect retaliatory conduct against the plaintiffs and other Class Members, including but not limited to unjustifiable and improper use of the following: loss of promotional opportunities, negative performance evaluations, involuntary transfers, denial of leave, social isolation, and assignment of menial tasks below the Class Member's capabilities in order to demean the Class Member.

7. In allowing this culture to manifest and permeate the organization from its highest levels, the RCMP, through its agents, servants and employees, failed to fulfill its statutory, contractual, and common law duties to provide the plaintiffs and the other Class Members with a work environment free of bullying, intimidation and harassment.

8. As a result of the bullying, intimidation and harassment in the RCMP, the plaintiffs and other Class Members have suffered significant career limitations, as well as serious

physical and psychological damages, along with out-of-pocket expenses and loss of income.

9. While the RCMP has admitted a toxic “culture of harassment” and provided redress to members who experienced gender-based harassment (*Merlo and Davidson v. Her Majesty the Queen*, Federal Court Action No. T-1685-16 (“*Merlo Davidson*”) and LGBT members (*Ross, Roy and Satalic v. Her Majesty the Queen*, Federal Court Action No. T-370-17 [*Ross, Roy and Satalic*]), it has not provided redress to the majority of the members of the Force who are not part of these actions. The scope of this claim excludes gender-based harassment and discrimination matters covered under *Merlo Davidson* and *Ross, Roy and Satalic*.

THE PARTIES

The plaintiffs

10. The plaintiff, Geoffrey Greenwood, is a 52 year old RCMP Regular Member residing in Red Deer, Alberta. Mr. Greenwood currently serves as a Staff Sergeant at the Red Deer detachment in Alberta. At all material times, Mr. Greenwood was a peace officer, servant and employee of the RCMP pursuant to s. 7(1) of the *RCMP Act* (as defined below).

11. The plaintiff, Todd Gray, is a 53 year old RCMP Regular Member residing in Hinton, Alberta. Mr. Gray currently serves as a Sergeant at the Airdrie detachment in Alberta. At all material times, Mr. Gray was a peace officer, servant and employee of the RCMP pursuant to s. 7(1) of the *RCMP Act* (as defined below).

12. Mr. Greenwood and Mr. Gray have each been subject to bullying, intimidation and harassment while serving in the RCMP.

The defendant

13. The defendant, Her Majesty the Queen, represents the Crown. Pursuant to the *Crown Liability and Proceedings Act*, R.S.C. 1995, c. C-50, the Crown's liability arises from the conduct, negligence, malfeasance and vicarious liability of the RCMP Employees (as defined below) who were at all material times Crown employees, agents and servants.

14. The RCMP is the Canadian national police force and an agency of the Ministry of Public Safety Canada, established and governed by the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10 (the "*RCMP Act*"), the *Royal Canadian Mounted Police Regulations*, 2014 SOR/2014-281 (the "*RCMP Regulations*"), and the Commissioner's Standing Orders.

15. The RCMP serves as a national, federal, provincial (in every province save Ontario and Quebec) and municipal policing body. The RCMP also polices over 600 Aboriginal communities, three international airports, and has a small international presence. The RCMP force is divided into 15 Divisions: thirteen geographically-based divisions, comprised of local detachments, a National Division located in Ottawa, Ontario, and the training division, Depot, in Regina, Saskatchewan.

16. There are currently over 28,000 people employed by the RCMP in Canada generally in three broad categories: Regular Members, as defined in the *RCMP Regulations*; Civilian Members, as defined in the *RCMP Regulations*; and Public Service Employees who are civilian employees necessary for carrying out the functions and duties of the RCMP pursuant to s. 10 of the *RCMP Act* ("PSEs"). Regular Members are sworn police officers, Civilian Members provide specialized scientific, technical or analytical skills, and PSEs provide administrative and technical support. Of these 28,000 people,

approximately 22,000 of them are Regular or Civilian Members (jointly “RCMP Members”). All RCMP Members are deemed to be servants of the Crown and therefore the Crown is vicariously liable for the actions of RCMP Members. The Crown is also vicariously liable for the actions of PSEs who were at all material times Crown employees, agents and servants. (RCMP Members and PSEs are jointly “RCMP Employees”)

THE CLASS

17. The plaintiffs bring this action on behalf of all persons who reside in Canada who were or are RCMP Employees and Auxilliary Constables, Municipal Employees, Regional District Employees, Non-Profit Employees, Volunteers, Students and others who work or worked with the RCMP (collectively “Other Employees”) (jointly the RCMP Employees and the Other Employees are the “Class Members” or “Class”).

18. Additionally, the plaintiffs seek to maintain this action on behalf of all individuals who are entitled to assert a claim pursuant to the *FLA* and equivalent or comparable legislation in other provinces and territories (the “Family Class Members”).

THE FACTS

RCMP’s History of Harassment and Institutional Barriers To Obtaining Redress

19. The Crown, through its agents, servants and employees, has known for many years that bullying, intimidation, harassment, and toxic workplace culture was, and continues to be, an endemic concern within the RCMP. Successive groups of RCMP leadership have acknowledged but failed to take the necessary steps to provide Class Members with a safe and supportive work environment free of mistreatment.

20. Until at least January 2015, when the Supreme Court of Canada released its decision in *Mounted Police Association of Canada v Canada*, 2015 SCC 1, RCMP Members were precluded from forming a union or otherwise engaging in collective

bargaining, through which they might advance grievances including complaints relating to bullying, intimidation, and harassment apart from the current procedure.

21. Instead, RCMP Members could only voice complaints to the Staff Relations Representative Program (“SRRP”), an internal human relations scheme imposed on RCMP Members by management. Rather than being independent of RCMP management, the SRRP is itself a part of management. RCMP Members have no ability to opt out of participation in the SRRP, nor is there any other means available for them to communicate their workplace concerns to management.

22. As a result of the inability to unionize, and as a result of the imposition of the SRRP under the *Royal Canadian Mounted Police Regulations, 1988*, SOR/88-361 (repealed) and then under the substantially similar *Royal Canadian Mounted Police Regulations, 2014*, SOR/2014-281, RCMP Members’ sole recourse for seeking redress for bullying, intimidation, and harassment was through the chain of command who were often protective of the very individuals who had inflicted and perpetuated the bullying, intimidation, harassment.

RCMP Culture of Bullying, Intimidation, General Harassment and Toxic Workplace

23. The former RCMP Commissioner, Bob Paulson, has acknowledged the problematic culture of bullying, intimidation, and harassment in the RCMP on many occasions. For example, at the Standing Committee on Public Safety and National Security Committee on February 23, 2016, Commissioner Paulson stated that “it [harassment in the RCMP] can’t be understood as a sexual harassment problem. Sexual harassment has no place in the organization – don’t get me wrong – but it’s the culture of bullying, intimidation, and general harassment that I think needs everybody’s focus and attention.”

24. On October 6, 2016, as part of a settlement with female RCMP Members to resolve claims of sexual and gender based discrimination and harassment, then Commissioner Paulson issued an apology at a press conference which acknowledged the lack of effective systems and processes to have prevented and eliminated harassment in the RCMP.

25. Commissioner Paulson's belated apology was delivered almost a decade after the Independent Investigator into Matters Relating to RCMP Pension and Insurance Plans submitted his report in June 2007 to the Minister of Public Safety and President of the Treasury Board, raising serious issues with the RCMP's culture and governance. The concerns raised in the report prompted the establishment of the Task Force on Governance and Cultural Change in the RCMP (the "Task Force").

26. The Task Force delivered its report, "Rebuilding the Trust", on December 14, 2007. The report notes that the Task Force "heard with remarkable consistency about major problems with the [RCMP's] discipline system, recruitment, performance evaluations, promotion and personal development". The Task Force concluded that a radical overhaul of RCMP governance was necessary. Although an independent agency was created for the adjudication of civilian complaints, no independent adjudicative body exists for RCMP Member grievances. The Task Force's recommendations included the establishment of an independent body for the adjudication of civilian complaints and RCMP Member grievances.

27. In February 2013, the Chair of the Commission for Public Complaints against the RCMP published a report ("2013 Commission Report") that examined 718 harassment complaints filed between 2005 and 2011 by RCMP employees. The report found that the vast majority of complaints (approximately 90%) involved varying types of abuse of

authority, such as bullying, psychological abuse, belittling and demeaning behaviour. Almost half, 49%, of these complaints were filed by men.

28. At all material times, the RCMP grievance process has been inadequate to respond to complaints of harassment, intimidation, and bullying. Grievance cases are not investigated properly or at all, there are lengthy delays in adjudicating claims, adjudicators lack the power to award appropriate remedies, and adjudicators are not independent, tainting the legitimacy of the grievance process when endemic RCMP culture is at issue.

29. According to the 2013 Commission Report, investigative steps were only taken for one third of reported harassment cases, some cases took up to four years to investigate, and at least 80% of the harassment files reviewed were dismissed as not constituting harassment. This is not surprising given the barriers to the establishment of a meaningful grievance process arising from the RCMP Members' statutory prohibition on collective bargaining.

30. On June 14, 2013, the Canadian Senate's Standing Committee on National Security and Defence (the "Standing Committee") presented a final report on harassment in the RCMP. The Standing Committee's report stated that there are "serious concerns raised about harassment" in the RCMP. The Standing Committee's report also stated that the RCMP must "undergo a cultural transformation."

31. Similarly, in December 2014, the Honourable Grant Mitchell, Senator and the Honourable Judy Sgro, MP published a report on their findings and recommendations regarding harassment in the RCMP. Senator Mitchell and MP Sgro noted, "[i]t has become increasingly evident that harassment reflects a deep and profound cultural problem in the RCMP." They consulted former and current RCMP Members across the country who had

experienced harassment and how it had affected their lives. In their report, the following issues, among others, were listed as the gravest concerns in the RCMP:

- a) A workplace culture that permits harassment and bullying to occur;
- b) A dysfunctional grievance process system;
- c) Insufficient staffing to meet the operational requirements of the workforce;
and
- d) Concerns about the treatment of injured members.

32. The report also noted concerns from RCMP Members regarding Bill C-42, *Enhancing Royal Canadian Mounted Police Accountability Act*, which, among other things, gave the Commissioner expanded powers to discharge any RCMP Member, other than a Deputy Commissioner “for the promotion of economy and efficiency in the Force.” An unidentified RCMP Member is quoted in the report as stating “This bill will only serve to give more authority to the RCMP bullies and harassers to the extent that if any of their employees ‘get out of line’ and complains or speaks up against harassment and abuse, their bosses can label them as ‘bad apples’ and have them dismissed. The RCMP management is not the group who need more power. That is what got us into this situation in the first place.”

33. The ability of the Commissioner to discharge any member, other than a Deputy Commissioner, for the promotion of economy and efficiency in the RCMP is now codified in s. 20.2(1)(k) of the *RCMP Act*. This permits the Commissioner to discharge a member without cause. The *RCMP Act* also gives the Commissioner the power to establish procedures to investigate and resolve disputes relating to alleged harassment by a member under s. 20.2(1)(l).

34. In February 2016, after media reports surfaced of male RCMP Members experiencing unwanted sexual touching, bullying and nudity at the explosives training unit of the Canadian Police College in Ottawa, Public Safety Minister Ralph Goodale criticized the “unacceptable toxicity in the workplace at the RCMP” and questioned how this could have happened in a facility that is designed to train police officers. More recently, Mr. Goodale characterized the issue of harassment within the RCMP as “obviously a deep-seated problem.”

35. Despite the findings of these investigations and acknowledgement of the issue, the RCMP, through its agents, servants and employees, has failed to embark on the wholesale cultural changes necessary to address systemic harassment and bullying in the RCMP.

36. In the wake of ongoing complaints, Public Safety Minister Ralph Goodale requested the Commission for Public Complaints against the RCMP¹ to undertake a follow-up investigation to comprehensively review the RCMP's policies and procedures on workplace harassment, and to specifically examine and evaluate the implementation of recommendations made in its 2013 Commission Report.

37. In April 2017, the Civilian Review and Complaints Commission released their Report into Workplace Harassment in the RCMP (“2017 Commission Report”). The 2017 Commission Report found that the RCMP has not adequately implemented the recommendations made in the 2013 Commission Report, and that efforts by senior RCMP leaders to prevent harassment have been “limited and ad hoc, and have not received the necessary support from National Headquarters.”

38. The 2017 Commission Report also described a “culture of dysfunction” in which workplace bullying and harassment persist and noted that the vast majority of complaints

¹ Now known as the Civilian Review and Complaints Commission for the RCMP

received by the RCMP under its new harassment policies involve allegations of abuse of authority and intimidation by supervisors or persons in a management position against a subordinate.

39. Reports of reprisal against subordinates was also identified as a concern in the 2017 Commission Report. In particular, the 2017 Commission Report confirmed the “widespread perception by RCMP members that the 2014 reforms to the *Royal Canadian Mounted Police Act* and the introduction of a new disciplinary process... have made them even *more* vulnerable to harassment by supervisors”, and reports that “conduct violations are being used to target and intimidate members, particularly if they raise concerns about harassment.”

Bullying, Intimidation and Harassment in Mr. Greenwood’s RCMP Career

40. Mr. Greenwood joined in the RCMP in January 1990. He worked at the Strathmore, Alberta detachment from 1990 to 1995, the Grand Prairie, Alberta detachment from 1995 to 2000, and the Drug Section, followed by the National Security Intelligence Section, in Calgary, Alberta from 2000 to 2003. In 2003, Mr. Greenwood transferred to the Yellowknife Northwest Territories detachment.

Yellowknife (Headquarters), Northwest Territories (2005-2010)

41. After serving two years as a watch commander in the Yellowknife detachment, Mr. Greenwood was posted to the Yellowknife Headquarters, Drug Section at the beginning of 2005. Mr. Greenwood was promoted to the Corporal rank in 2006, and later to the rank of Sergeant at the end of 2007.

42. During this time period, Mr. Greenwood led a major operation to uncover and dissolve an interprovincial criminal organization. As part of the operation, various individuals involved in the criminal organization were arrested and questioned.

43. In 2007, an individual charged with money laundering for the criminal organization was arrested in Edmonton and began making corruption allegations against certain RCMP Members.

44. Mr. Greenwood was tasked with interviewing this individual (the "Informant") with respect to those allegations and flew down to Edmonton along with another RCMP Member from the Yellowknife Headquarters, Drug Section to meet with the Informant.

45. During the three-hour interview, the Informant advised Mr. Greenwood that she participated in a transaction whereby an active RCMP Member was given \$60,000 in exchange for information about the identity of RCMP undercover agents, surveillances, and upcoming drug raids. A second interview team, this time from Major Crimes, subsequently met with the Informant and advised Mr. Greenwood that they believed the Informant was being truthful.

46. Additional information regarding possible corruption activities of certain RCMP Members in the Drug Section surfaced in audio surveillance tapes of various targets working in the criminal organization. In listening to those tapes, Mr. Greenwood heard discussions concerning the acceptance of money by multiple RCMP Members in exchange for the destruction of evidence or warnings of upcoming drug raids.

47. Mr. Greenwood reported this information to Criminal Operations ("CrOps") Officer Pat McCloskey, but no action was ever taken against the offending RCMP Members.

48. In July 2008, Grant St. Germaine took over as CrOps Officer in "G" Division ("Supt. St. Germaine"). As one of his first acts, Supt. St. Germaine flew an entire crew of former colleagues from his previous detachment in Saskatchewan to conduct a managerial review into Mr. Greenwood's operating unit. Although managerial reviews are routine in the RCMP, they are typically conducted by RCMP Members from different detachments in the same division, not by RCMP Members from an entirely different division.

49. Upon receipt of the recommendations from the managerial review, Supt. St. Germaine ordered Mr. Greenwood to implement the recommendations by early September 2008, even though Mr. Greenwood had a planned vacation scheduled during the month of August. Mr. Greenwood was forced to work through his vacation to comply with the order.

50. In October 2008, Supt. St. Germaine filed seven Code of Conduct complaints against Mr. Greenwood, including dereliction of duty and allowing cocaine into the province. The vast majority of the charges in the Code of Conduct complaints were fabricated, with some allegations of misconduct by Mr. Greenwood purportedly occurring in the detachment when Mr. Greenwood was not even in the country.

51. The complaints were filed shortly after RCMP Inspector Mike Payne, working in collaboration with Supt. St. Germaine, ordered Mr. Greenwood to drop the investigation into possible corruption by certain RCMP Members. Mr. Greenwood agreed to let the matter go but emphasized that he would cooperate with any future requests for information regarding the corruption allegations and would not hesitate to disclose that he was ordered to drop the investigation.

52. The Code of Conduct complaints constituted an egregious form of bullying, intimidation, and harassment intended to punish Mr. Greenwood for his refusal to conceal

knowledge of possible corruption by other RCMP Members and undermine his credibility should the corruption allegations ever come to light in the future.

53. The filing of the Code of Conduct complaints triggered an extensive and intrusive internal investigation into Mr. Greenwood which lasted over a year. During this time, Mr. Greenwood was stripped of his command of the Drug Section, moved into a tiny office, and confined to demeaning administrative desk duties. His computer and work Blackberry were taken away, and he was forced to procure his own equipment to perform his duties.

54. Mr. Greenwood was also subjected to ridicule and ostracized by his superiors. An internal RCMP newsletter article announcing Mr. Greenwood's departure from command of the Drug Section implied that Mr. Greenwood was incompetent, as the unit was "going in a new direction". Any RCMP Members who continued to maintain ties with Mr. Greenwood were threatened with reprisal.

55. To compound the harassment, Mr. Greenwood received the first and only negative performance assessment of his 27 year RCMP career by Supt. St. Germaine during this time. Among other things, Mr. Greenwood was accused of failing to maintain relationships with others and being confrontational. Mr. Greenwood challenged this assessment in a meeting with Supt. St. Germaine during the initial steps of a grievance filed by Mr. Greenwood, and Supt. St. Germaine was ultimately forced to withdraw these allegations from the assessment after he failed to substantiate them.

56. In one incident which occurred in or around December 2008, Staff Sergeant Mark Hicks attempted to physically assault Mr. Greenwood during an altercation he initiated when he learned that Mr. Greenwood offered advice about the Drug Section to another RCMP Member who had approached him with a question. Mr. Greenwood narrowly

avoided being struck after another RCMP Member stepped in to restrain Staff Sergeant Hicks.

57. Mr. Greenwood's harassment complaint against Staff Sergeant Hicks, filed in December 2008, was dismissed by Supt. St. Germaine.

58. Mr. Greenwood also filed a harassment complaint against Supt. St. Germaine in early 2010, which was essentially ignored and never adjudicated upon.

59. In December 2009, all but one of the Code of Conduct complaints against Mr. Greenwood were dismissed. The single upheld complaint concerned Mr. Greenwood's use of the term "Joey", a commonly used term in the RCMP to reflect the inexperience of a new Member. The charge was so minor in nature that Mr. Greenwood did not face any disciplinary action for it.

60. In or around November 2009, just before the Code of Conduct complaints against Mr. Greenwood were dismissed, Supt. St. Germaine ordered another investigation into Mr. Greenwood based on an allegation that he may have stolen money from a drug seizure by the RCMP.

61. The investigation ultimately cleared Mr. Greenwood of any wrongdoing, and Sergeant Larry O'Brien, one of the members also implicated in the previous corruption investigation, was eventually charged with the theft in July 2010, on the very same day that Mr. Greenwood was transferred out of the Division.

Damages

Career limitations

62. Throughout his career, Mr. Greenwood has always been a high performer, and consistently achieved above average performance assessments during yearly reviews. He is

court qualified as an expert witness in drugs, and was hand picked to create a street level drug unit in the Yellowknife Headquarters, which he successfully led through multiple major drug investigations. Prior to his investigation of the corruption allegations, Mr. Greenwood was advised by two consecutive serving CrOps Officers in "G" Division that he had a "bright future" ahead of him in the RCMP.

63. Despite being a skilled and devoted RCMP Member, Mr. Greenwood was subjected to systemic bullying, intimidation, harassment, and a toxic work environment in the RCMP. The harassment experienced by Mr. Greenwood limited his potential to advance his career, as reflected in his efforts to move forward in his career trajectory after transferring out of Yellowknife Headquarters to the Red Deer, Alberta detachment in 2010.

64. For example, Mr. Greenwood's promotion to Staff Sergeant in 2013 was marred by the fact that the Inspector who promoted him advised that he was selected notwithstanding pressure from higher ranked RCMP Members to choose another candidate.

65. In September 2015, Mr. Greenwood applied to the officer candidate program. As part of the program, Mr. Greenwood was required to pass a written competency resume reviewed by a panel of higher ranking RCMP Members. In or around December 2015, Mr. Greenwood was cautioned against using Supt. St. Germaine's mishandling of the Yellowknife corruption investigation as one of the examples in his written competency resume, and one of the reviewers explicitly recommended that he remove it. Mr. Greenwood was ultimately denied acceptance into the officer candidate program.

66. In April 2016, Mr. Greenwood applied for the position of detachment commander in Banff. Despite being the only applicant, Mr. Greenwood was arbitrarily screened out at the preliminary stage before his application could be reviewed through the normal process.

Mr. Greenwood was advised that the decision to block his application came from the highest ranked RCMP Members, above the Superintendent.

67. Despite meeting all of the necessary qualifications for advancement, Mr. Greenwood's career has stagnated, and he has been precluded from joining the officer ranks of the RCMP or obtaining any desired lateral positions.

Psychological suffering

68. Due to the systemic harassment, intimidation, and bullying in the RCMP through its agents, servants and employees, Mr. Greenwood experienced, and in some cases, continues to experience, a range of health effects, including but not limited to: post-traumatic stress disorder; anxiety; paranoia; depression; insomnia; stress headaches; sore jaw from continuous teeth grinding; and anger.

69. Mr. Greenwood began seeking treatment from a psychologist in 2011 after his cumulative psychological injuries from the systemic harassment, intimidation, and bullying in the RCMP reached a tipping point. In particular, the sustained attacks on his integrity and credibility had a dramatic impact on Mr. Greenwood.

70. Mr. Greenwood would yell at himself at home, become disjointed, and stare at the walls for hours. He developed a habit of constantly clenching and grinding his teeth and suffers a sore jaw as a result. Mr. Greenwood also became perpetually agitated, defensive, and suspicious of his colleagues.

FLA Claims

71. Mr. Greenwood's family has also suffered tremendously from the bullying, intimidation, and harassment by the RCMP, through its agents, servants and employees. In 2013, he and his spouse were forced to undergo counselling to save their marriage. Mr.

Greenwood's spouse and his children have suffered the loss of Mr. Greenwood's guidance, care and companionship. His spouse has also endured both financial and emotional hardship from taking on an increased role in the relationship.

Bullying, Intimidation and Harassment in Mr. Gray's RCMP Career

72. Mr. Gray joined the RCMP in 1988. He worked at the Clinton, BC detachment from 1989 to 1990, and the Coquitlam, BC detachment from 1990 to 1995. In 1995 Mr. Gray started working on the RCMP Musical Ride.

RCMP Musical Ride (1995-1998)

73. The RCMP Musical Ride is a formal equestrian event that showcases the equestrian skills of 32 RCMP Members and their horses. The RCMP Musical Ride performs in up to 50 communities across Canada between the months of May and October. RCMP Members travel with the horses to perform the RCMP Musical Ride. The riders act as ambassadors of goodwill who promote the RCMP's image throughout Canada and all over the world. In his first year on the RCMP Musical Ride, Mr. Gray learned to ride in Ottawa and did not travel with the RCMP Musical Ride.

74. When Mr. Gray started travelling to perform the RCMP Musical Ride, he was forced to ride in the trailer with the horses on a number of occasions. Each trailer has 12 horses and contained an elevated bunk at the front of the trailer which held one RCMP Member at a time. All RCMP Members were to be rotated through this position. Some members were given preferential treatment and exempted from this duty while others, including Mr. Gray, who did not wish to sit in the trailer were forced to perform this duty.

75. Riding in the trailer with the horses was dangerous, unsafe and illegal. Sometimes trips were long and they always travelled straight through as no place was booked to board horses en route. The trips often lasted over night. The trailers were not insulated or heated, had no electricity and smelled. No accommodation was provided for bathroom breaks for the RCMP Member who rode in the trailer and they would have to relieve themselves in the back of the trailer, while it was in motion, surrounded by horses.

76. When riding in the trailer, the RCMP Member was responsible for dealing with any issues the horses might have. On one occasion a horse put his foot through a window. On another occasion, when the trip went through the night, Mr. Gray was forced to sleep in the trailer en route to a summit in Vancouver.

77. Mr. Gray objected to and argued against this practice with his NCOs: Sergeant Frank Dugay, Corporal Greg Nixon, and Corporal Chris Windover. At the time, Inspector Earl Peters was in charge of the Musical Ride. Mr. Gray was told that he had to do his time in the trailer.

78. Mr. Gray observed a pattern of favouritism and suffered consequences for speaking out. As a result of speaking out, Mr. Gray received significantly less overtime in 1996 than others who received three to four times what was normal.

79. Throughout the course of his work on the RCMP Musical Ride Mr. Gray was forced to participate in situations where he could have and did suffer physical injury. For example, in 1997, at the Calgary Stampede, Mr. Gray injured his back while pulling on his boots. He could not stand up straight. Despite advising Inspector Gerry Bennett of this he was told he had to ride. Mr. Gray was forced to ride hunched over. In contrast, another

rider who advised that her horse had hit her in the nose, but whose nose was not broken or bleeding, was permitted not to ride.

80. Mr. Gray was also subjected to humiliating and demeaning acts. In 1998, when flying out of Winnipeg, they were to wear their blue blazers. Mr. Gray's was too short, too tight and could not be buttoned up. A previous request to permit Mr. Gray to order a new one before they left had been refused by Sgt. Mike Roblee. Despite being advised that the blazer was too small and a larger one requested but denied, the then officer in charge of the RCMP Musical Ride, Inspector John Gaudet, ordered Mr. Gray to wear the blue blazer instead of carrying it. Mr. Gray was forced to fly in public representing the RCMP looking like he was wearing a jacket belonging to a child. This was humiliating and embarrassing.

81. Mr. Gray and other male members of the Musical Ride were subjected to inappropriate sexual harassment. When showering in the male locker room, Cpl. Oonagh Enright entered the male showers on at least two occasions saying she was looking for someone. Once Mr. Gray was naked in the shower and the other time was waiting to enter the shower. This was inappropriate, an invasion of privacy, embarrassing, humiliating and constituted sexual harassment.

82. Mr. Gray was subjected to suspicion, wrongfully accused of stealing and punished. At the Royal Agricultural Winter Fair, a number of shabraques (a blanket that goes underneath the saddle) had gone missing. One favoured RCMP Member saw a shabraque in Mr. Gray's locker. The shabraque had been given to Mr. Gray at the end of his intermediate course. Mr. Gray was accused of having stolen the shabraque. Next year, at the Pacific National Exhibition, in Vancouver, when a shabraque again went missing, Corporal Jerry Mayo specifically came after Mr. Gray and wanted him to open his locker.

They got into an argument. Mr. Gray showed that there was nothing stolen in his locker but was still advised by Cpl. Mayo that he may not be allowed to ride for the duration of the exhibition.

83. In 1998, the RCMP Musical Ride was being performed in an arena in New Brunswick. At the end Mr. Gray applauded as the show had a difficult start but had been completed successfully. Sgt. Robblee thought Mr. Gray was making fun of the RCMP Musical Ride. Mr. Gray walked down to open the gates so the horses could exit to the cooling area. Sgt. Robblee came up behind Mr. Gray on his left side and struck Mr. Gray under his ribs with the tip of his metal tipped riding crop. Mr. Gray did not see Sgt. Robblee coming.

84. Mr. Gray immediately reported this incident to Insp. Gaudet. After the show, Mr. Gray went to Insp. Gaudet's room to see what was going to be done but when he arrived Sgt. Mike Robblee was present so he did not mention it. Mr. Gray also reported this incident Cpl. Oonagh Enright. Nothing was ever done.

85. As a result of reporting this incident, Mr. Gray was punished and permanently physically injured. It was known that Mr. Gray had a bad back and while he was not the worst rider he was not the best. For his last year on the RCMP Musical Ride he was provided with a horse who was known to buck and kick other horses. It was also known that this horse would not be taken out on tour. The horse bucked every time Mr. Gray got on her. Once when they were practicing the horse reared up and they both fell over on the right side. Mr. Gray's right leg was caught under the horse's right side and his hips spread.

86. As a result of questioning procedures, fairness and certain actions, Mr. Gray was blackballed and excluded from events. He was limited financially in terms of what he could

and could not do. He was told by Insp. Gaudet that there was nothing for him at the end of his posting and that he would have to quit. Mr. Gray objected that that was not an option and requested a transfer. In 1998, Mr. Gray was placed on the Emergency Response Team ("ERT") in Ottawa and remained there until 2000.

Kugluktuk, Nunavut (2000 to 2002)

87. From 2000 to 2002, Mr. Gray was posted to the four member detachment of Kugluktuk, Nunavut. Corporal Andy White was the detachment commander and frequently abused the local First Nations populations. The Senior Constable, Cst. Warren Gauthier was Dene and he and Cpl. White disliked each other and would not work the same shifts. On one arrest Cpl. White ending up kicking Mr. Gray in the face when he tried to kick a 16 year old First Nations 16 boy in the ribs.

88. Mr. Gray and Cst. Gauthier reported two specific incidents and Cpl. White's general treatment of First Nations people. An investigation was launched into Cpl. White's conduct.

89. As a result of reporting Cpl. White's treatment of First Nations people, Mr. Gray suffered retaliation and repercussions in his detachment as follows:

- a) Cpl. White took every one of Mr. Gray's files and wrote negative 10-04s on each of them;
- b) Mr. Gray's Staff Relations Representative, did not assist Mr. Gray, questioned whether Mr. Gray should proceed with a harassment complaint, and deterred Mr. Gray from laying a harassment complaint.

- c) Cpl. White refused to support Mr. Gray's applications for promotion and instead wrote negative one-line comments on Mr. Gray's application package;
- d) Cpl. White wrote that he wanted Mr. Gray fired on a performance assessment;
- e) Mr. Gray was ostracized and isolated. Cpl. White would not speak with Mr. Gray. Constable White, the fourth RCMP Member in the detachment, took Cpl. White's side and also would not talk to Mr. Gray; and
- f) Cst. White would not show up for shifts because Cpl. White told him he did not have to. As a result, there were times when Mr. Gray was left without back-up.

90. The environment in the detachment became so toxic that Mr. Gray did relief work at other posts. While doing this work, Mr. Gray complained to the hub commander, Sergeant Gary Peck in Cambridge Bay. Instead of assisting, Sgt. Peck reopened a previously successfully resolved complaint of a social worker against Mr. Gray.

91. Mr. Gray reported the treatment he was receiving to the Division Commander, Superintendent Vern White. Supt. White came out Kugluktuk and spoke with Mr. Gray, his wife and others in the detachment. After Supt. White's visit Cpl. White was moved to Iqaluit. Before Cpl. White left, he placed the replacement constable who was more junior to Mr. Gray, Cst. Mike Lokken, in charge.

92. After Cpl. White was posted to Iqaluit, a personnel file review of Mr. Gray was conducted by Sergeant Glen Wolfenden, who was located in Iqaluit. Sgt. Wolfenden found no issues. Subsequently, Sergeant Marlene Anderson of Staffing, also located in Iqaluit,

contacted Mr. Gray advised Mr. Gray that there were no opportunities for him in the North, that he could no longer stay, and had to leave the Division. Mr. Gray was sent back to ERT in Ottawa in 2002.

Ottawa ERT (2002-2006):

93. Cpl. White continued to harass Mr. Gray. In 2003, Cpl. White went through the Public Complaints Commission and put in seven Code of Conduct complaints and three Criminal Code allegations against Mr. Gray. The Code of Conduct complaints were all time barred. The Criminal Code allegations were investigated and sent to a lawyer in BC. These Code of Conduct complaints and Criminal Code allegations were an egregious form of retaliation, bullying and harassment intended to intimidate and punish Mr. Gray for reporting Cpl. White.

94. Mr. Gray was never advised what happened to the Criminal Code allegations or of the outcome. At one point an investigator on the ERT seized his notebooks. Mr. Gray eventually had to contact the CO of V Division, Superintendent Steve McVarnock, to find out what happened. It was not until 2010, seven years later, that Mr. Gray found out that the investigation was complete.

Depot Instructor (2006-2010)

95. While Mr. Gray served as an instructor at Depot of police defensive tactics ("PDT") Corporal Sean Wadalius was in charge of the schedule for all PDT instructors. From his first day as a PDT instructor, Cpl. Wadalius treated Mr. Gray in a bullying, intimidating, and harassing manner, yelling at him and over reacting to appropriate questions. On one occasion when Cpl. Wadalius emailed regarding a task to be rescheduled and Mr. Gray asked if there would be an option or if they would just be scheduled, Cpl. Wadalius

complained to Corporal Graham Macrae and Sergeant Ernie Brock. When Mr. Gray asked Cpl. Macrae and Sgt. Brock why Cpl. Wadalius did not like him they did not know. Mr. Gray was placed on the other side of the office with Corporal Comeau, another person Cpl. Wadalius did not like. Mr. Gray's daily contact with Cpl. Wadalius was minimized.

Hinton, Alberta: (2014-2018)

96. In October 2016, while working as a now Sergeant in Hinton, Alberta, a harassment complaint was filed against Mr. Gray by Cpl. Ashley Brown. This complaint was held to be unfounded.

97. After a harassment complaint is filed, generally, both the complainant and respondent are moved out of the detachment. However, the complainant chose to go to a neighbouring detachment. From October 2016 until October 2017, Mr. Gray continued in his role as the Operations NCO of Hinton, Alberta. Cpl. Brown's wife still worked at the detachment as a constable and Cpl. Brown continued to return to the detachment. The complainant and his wife influenced the members of the detachment and Mr. Gray was excluded, ostracized and ignored. A poisoned environment was created. As a result, Mr. Gray felt compelled to agree he would seek a transfer and contemplated applying for an opportunity to promote on his timeline.

98. After the complaint was held to be unfounded, Mr. Gray was made Acting Detachment Commander. When the new Detachment Commander arrived, Mr. Gray was reassigned to the District Office and worked out of his house. Mr. Gray was asked and agreed to serve as Detachment Commander at Fox Creek for three weeks until a valid candidate was found. However, Mr. Gray was transferred to this post for three months. Mr. Gray did not agree to this. Mr. Gray's position was advertised for promotion and he cannot

return. Mr. Gray's transfer was fast tracked. Mr. Gray should not have been removed from his position in this fashion.

Damages

Physical Injuries

99. Mr. Gray has suffered physical injury and damages as a result of the bullying, intimidation and harassment he experienced at the RCMP, through its agents servants and employees. Mr. Gray was bruised and sought medical treatment as a result of being struck with a metal tipped riding crop. As a result of being forced to ride a horse known to buck and being trapped under the right side of that horse, Mr. Gray suffered damage to his hip and leg and now suffers from myositis ossificans. A blood vessel ruptured that bled into his hip, the blood calcified in his muscle over time and now affects the nerves in his legs. Mr. Gray now also has problems with his left hip as a result of having to compensate for injury to his right hip. Mr. Gray's back was aggravated after having to ride with a back injury. This was compounded by the fall and since then Mr. Gray has had recurring occasions where he could not stand up. As a result of the intimidation, bullying, and harassment he experienced in Nunavut, Mr. Gray lost weight and strength. By the time he left Nunavut he could only bench press half what he could when he started.

Career Limitations

100. As a result of being harassed, Mr. Gray's income has been affected. Mr. Gray was denied promotional opportunities in retaliation for filing a harassment complaint and has been transferred and dismissed from postings. After an unfounded harassment complaint was filed against him, Mr. Gray was forced to seek a transfer to another detachment.

Psychological Suffering

101. As a result of his cumulative experiences of harassment, intimidation and bullying in the RCMP, Mr. Gray has lost pleasure in hobbies he used to enjoy. In 2017, Mr. Gray consulted a psychiatrist and was diagnosed with depression as a result of some of his experiences in the RCMP.

FLA Claims

102. Mr. Gray's family has also suffered as a result of the harassment, intimidation and bullying by the RCMP, through its agents, servants and employees. Mr. Gray's spouse and children have suffered the loss of Mr. Gray's guidance, care and companionship. Mr. Gray's spouse's, Samantha Gray, was also affected as both a class members and FLA claimant. In Kugluktuk, Mrs. Gray was employed as a matron to guard cells at the RCMP detachment and to clean the RCMP detachment. Cpl. White would not let Mrs. Gray continue to work as a matron after she was visibly pregnant, despite another matron being permitted to work until they left for maternity leave to give birth. In Hinton, Mrs. Gray was ostracized in planning a local activity by individuals who were friends with the complainant and his wife.

Particulars of Bullying, Intimidation, and Harassment in the RCMP

103. At all material times during their career Mr. Greenwood and Mr. Gray observed that there was a culture of bullying, intimidation and harassment, particulars of which include but are not limited to:

- a) Sexually explicit comments were made to or about Class Members by RCMP Employees;
- b) Implicit and explicit comments dismissing Class Members' abilities to carry out their duties were frequently made by RCMP Employees;

- c) Demeaning comments about sexual orientation and gay relationships were frequently made to or about Class Members by RCMP Employees;
- d) Class Members were often subjected to unwanted physical and/or sexual exposure and/or sexual touching by RCMP Employees;
- e) Demeaning and belittling comments were made to and/or about First Nations peoples, other non-caucasian individuals and/or non native English speakers by RCMP Employees;
- f) Demeaning and belittling comments were made to and/or about Class Members who suffer from mental health illnesses and issues by RCMP Employees;
- g) Class Members who spoke out against, complained or reported bullying, intimidation and/or harassment, suffered retaliation and repercussions from RCMP Employees as they were isolated, ostracized, and/or punished;
- h) Class Members who did not speak out against, complain or report bullying intimidation and/or harassment received:
 - (i) more accommodation with regard to sick leaves, vacation requests, shift changes and transfer requests;
 - (ii) assignments to more complex, high-profile files and tasks;
 - (iii) better career education and training opportunities;
 - (iv) better career counselling and formal mentorship;
 - (v) more positive feedback on their performance reviews;
 - (vi) more successful consideration for promotion; and
 - (vii) more overtime pay.

104. All of this behaviour has had the effect of demeaning, humiliating, and limiting the careers of the Class Members.

Discoverability

105. Mr. Greenwood was unable to bring an action in respect of his injury, damage or loss as a consequence of the symptoms of depression and post-traumatic stress disorder that he suffered as a result of ongoing bullying, intimidation and harassment by RCMP Employees. Further, at all material times, Mr. Greenwood felt that commencing an action was not an option as a result of the culture of the RCMP, and in particular, the bullying, intimidation and harassment by RCMP Employees and the inability to seek redress due to the *RCMP Act*. It was not until 2017 that, after years of counselling and treatment, Mr. Greenwood's psychological state progressed to the point where he finally had the mental fortitude to pursue a claim against the RCMP. Mr. Greenwood could not have brought an action prior to this time.

106. Mr. Gray was unable to bring an action in respect of his injury, damage or loss as a consequence of the culture of the RCMP. At all material times Mr. Gray felt that commencing an action was not an option as a result of the ongoing bullying, intimidation and harassment by RCMP Employees and the inability to seek redress due to the *RCMP Act*. Mr. Gray is still experiencing bullying, intimidation and harassment. Mr. Gray has experienced trauma as a result of some of his experiences in the RCMP. Mr. Gray has recently consulted a psychiatrist and been diagnosed with depression as a result of some of his experiences in the RCMP and suffers from symptoms of Post-Traumatic Stress Disorder. Mr. Gray could not have brought an action prior to this time.

NEGLIGENCE

107. At all material times, the RCMP, through its agents, servants and employees, owed a duty of care to the plaintiffs and to the other Class Members to ensure that they could work in an environment free from bullying, intimidation, and harassment. This duty of care is informed in part by the *RCMP Act*, *RCMP Regulations* and the Code of Conduct.

108. Section 37 of the *RCMP Act* makes it incumbent on every RCMP Member to, among other things:

- a) respect the rights of all persons;
- b) maintain the integrity of the law, law enforcement and the administration of justice;
- c) perform the RCMP Member's duties promptly, impartially and diligently, in accordance with the law and without abusing the RCMP Member's authority;
- d) avoid any actual, apparent or potential conflict of interests;
- e) ensure that any improper or unlawful conduct of any RCMP Member is not concealed or permitted to continue;
- f) be incorruptible, never accepting or seeking special privilege in the performance of the member's duties or otherwise placing the member under any obligation that may prejudice the proper performance of the member's duties;
- g) act at all times in a courteous, respectful and honourable manner; and
- h) maintain the honour of the RCMP and its principles and practices.

109. The Code of Conduct established by regulation under s. 38 of the *RCMP Act* requires RCMP Members to among, other things, not engage in discrimination or

harassment and respect the rights of every person. The Class Members, plead and rely upon the *RCMP Regulations*, s. 18 and the Scheduled Code of Conduct.

110. Specifically, the RCMP, through its agents, servants and employees, had a duty of care to:

- a) use reasonable care to ensure the safety and well-being of the plaintiffs and the other Class Members;
- b) provide safe workplace environments free from bullying, intimidation, and harassment;
- c) provide equal employment training and advancement opportunities to the plaintiffs and the other Class Members;
- d) establish and enforce appropriate policies, codes, guidelines, and procedures to ensure that the plaintiffs and the other Class Members would be free from bullying, intimidation, and harassment;
- e) implement standards of conduct for the RCMP work environment and for RCMP Employees, to safeguard the plaintiffs and the other Class Members from bullying, intimidation, and harassment;
- f) educate and train RCMP Employees to promote a universal understanding amongst all RCMP Employees that bullying, intimidation, and harassment are dangerous and harmful and will not be tolerated;
- g) properly supervise the conduct of RCMP Employees so as to prevent the plaintiffs and the other Class Members from being and/or being exposed to bullying, intimidation, and harassment;

- h) investigate and adjudicate complaints of bullying, intimidation, and harassment fairly and with due diligence and make efforts to prevent retaliation;
- i) act in a timely fashion to resolve situations of bullying, intimidation, and harassment, and to work to prevent re-occurrence; and,
- j) ensure that the plaintiffs and the other Class Members would not suffer from reprisals or retaliation by RCMP Employees for reporting or objecting to incidents of bullying, intimidation, harassment and other misconduct.

111. The RCMP, through its agents, servants and employees, negligently breached its duty of care to the plaintiffs and the other Class Members, the particulars of which negligence include, but are not limited to:

- a) failing to establish, adhere to, and/or enforce adequate legislation, policies, codes, guidelines, and procedures to ensure the safety, health and welfare of the plaintiffs and the other Class Members and to ensure the plaintiffs and other Class Members would be free from bullying, intimidation, and harassment;
- b) permitting practices which denied or tended to deny employment training and advancement opportunities to the plaintiffs and the other Class Members;
- c) failing to provide adequate, or any, training and/or education programs for RCMP Employees regarding the dangerous and harmful nature and/or effects of bullying, intimidation, and harassment;

- d) failing to make sufficient efforts to promote the universal understanding amongst all RCMP Employees that bullying, intimidation, and harassment is dangerous and harmful and will not be tolerated;
- e) permitting a workplace environment and/or culture that normalized the occurrence of bullying, intimidation, and harassment;
- f) failing to properly supervise RCMP Employees so as to prevent and/or minimize the risk of the plaintiffs and the other Class Members being and/or being exposed to bullying, intimidation, and harassment;
- g) failing to implement adequate, or any, standards of conduct for the RCMP work environment and for RCMP Employees with regard to bullying, intimidation, and harassment;
- h) placing RCMP Employees who were known and/or suspected to harass and intimidate and bully Class Members in positions of authority;
- i) failing to properly investigate allegations, complaints and/or reports of bullying, intimidation, and harassment in the RCMP workplace in a thorough timely, and impartial manner, adequately, or at all;
- j) failing to adjudicate complaints of bullying, intimidation, and harassment, fairly, or at all;
- k) failing to act in a timely fashion to stop incidents of bullying, intimidation, and harassment;
- l) failing to ensure that perpetrators of bullying, intimidation, and harassment were appropriately reprimanded/punished;

- m) failing to protect the plaintiffs and the other Class Members from the continuation or re-occurrence of bullying, intimidation, and harassment;
- n) failing to protect the plaintiffs and the other Class Members from reprisals or retaliation by RCMP Employees for reporting, objecting to and/or complaining about incidents of bullying, intimidation, harassment, and other misconduct;
- o) using transfers as a means of dodging harassment, intimidation, and bullying complaints rather than addressing the substance of the complaints; and
- p) limiting career opportunities through baseless negative performance evaluations, assignment of menial tasks, and denial of training to Class Members viewed as challenging or questioning their superiors.

112. The RCMP, through its agents, servants and employees, knew, or ought to have known, that the aforementioned negligence was of a kind reasonably capable of harming and/or traumatizing a normal person and that the plaintiffs and the other Class Members would suffer damages as a result.

BREACH OF CONTRACT

113. The RCMP, through its agents, servants and employees, entered into a contract in writing, partly orally and partly in writing, or orally for the purposes of employing certain PSEs and Other Employees.

114. It was an express or implied term of each employment contract that the RCMP, through each of its agents, servants and employees, would provide these Class Members with a work environment free of bullying, intimidation, and harassment and that any such conduct would be investigated, and that the safety of the workplace for these Class

Members would be provided in accordance with applicable legislation, policies, procedures, codes of conduct and guidelines.

115. The RCMP, through its agents, servants and employees, breached the contract by, among other things:

- a) failing to establish, adhere to, and/or enforce adequate legislation, policies, codes, guidelines, and procedures to ensure the safety, health and welfare of these Class Members and to ensure these Class Members would be free from bullying, intimidation, and harassment;
- b) failing to properly supervise RCMP Employees so as to prevent and/or minimize the risk of these Class Members being and/or being exposed to bullying, intimidation, and harassment;
- c) failing to implement adequate, or any, standards of conduct for the RCMP work environment and for RCMP Employees with regard to bullying, intimidation, and harassment;
- d) failing to properly investigate allegations, complaints and/or reports of bullying, intimidation, and harassment in the RCMP workplace in a thorough timely, and impartial manner, adequately, or at all;
- e) failing to adjudicate complaints of bullying, intimidation, and harassment, fairly, or at all;
- f) failing to act in a timely fashion to stop incidents of bullying, intimidation, and harassment;
- g) failing to ensure that perpetrators of bullying, intimidation, and harassment were appropriately reprimanded/punished;

- h) failing to protect these Class Members from the continuation or re-occurrence of bullying, intimidation, and harassment; and,
- i) failing to protect these Class Members from reprisals or retaliation by RCMP Employees for reporting, objecting to and/or complaining about incidents of bullying, intimidation, harassment, and other misconduct.

DAMAGES

116. The consequences that the plaintiffs and the other Class Members are likely to sustain or have already sustained would not have occurred but for the fault and/or negligence of the RCMP, through its agents, servants and employees.

117. As a result of the breach of duties, fault and negligence of the RCMP, through its agents, servants and employees, the plaintiffs and the other Class Members have sustained serious injuries and consequences and suffered damages and losses, which are continuing, serious and long-term in nature, including, but not limited to:

- a) career limitations;
- b) physical, psychological and emotional harm and/or distress;
- c) depression;
- d) anxiety;
- e) post-traumatic stress disorder;
- f) nervous shock;
- g) mental anguish;
- h) attempted suicide and/or suicidal ideations;
- i) substance abuse;
- j) difficulty coping with emotional stress;
- k) difficulty sleeping, including insomnia and/or frequent nightmares;

- l) diminished ability to and/or difficulty concentrating;
- m) diminished self-worth and/or self-esteem;
- n) feelings of guilt, responsibility and/or self-blame;
- o) an impaired ability to form and maintain connections with other persons, including family, friends and community;
- p) loss of care and companionship;
- q) loss of consortium;
- r) loss of enjoyment of life;
- s) special damages, loss and out-of-pocket expenses incurred by the Class Members or for their benefit;
- t) loss of income;
- u) loss of promotional opportunities;
- v) losses due to early retirement; and
- w) losses due to any impact on pension amount and/or entitlement.

118. These injuries aggravated or exacerbated earlier injuries of the plaintiffs and Class Members such that they are impossible to separate.

119. As a result of the breach of contract and negligence of the RCMP, through its agents, servants and employees, the Family Class Members have sustained and will continue to sustain and suffer injury, loss and damages, including, but not limited to:

- a) actual expenses reasonably incurred for the benefit of the Class Members;
- b) traveling expenses incurred while visiting the Class Members during medical procedures, counselling, and/or recovery; and,

- c) loss of income and/or the value of services provided by Family Class Members for Class Members where services, including nursing and housekeeping, have been provided.

120. The Family Class Members seek compensation for the above-listed costs, as well as compensation for the loss of support, guidance, consortium, care and companionship that they might reasonably have expected to receive from the Class Members.

PUNITIVE DAMAGES

121. A punitive damages award in this case is necessary to express society's condemnation of the conduct engaged in by the RCMP through its agents, servants and employees and to achieve the goals of both specific and general deterrence.

122. The actions of the RCMP, through its agents, servants, and employees, were arrogant, high-handed, outrageous, reckless, wanton, deliberate, callous, wilful, harsh, vindictive, reprehensible, malicious, abusive, and showed a callous disregard for the Class Members' rights and/or safety.

123. The conduct was deliberate, intentional, lasted for many years and represented a marked departure from ordinary standards of decency.

124. Compensatory damages are insufficient in this case. Such conduct is deserving of condemnation, merits punishment, warrants a claim for punitive damages and renders the defendant liable to pay punitive damages.

LEGISLATION

125. The plaintiffs pleads and relies upon, *inter alia*:

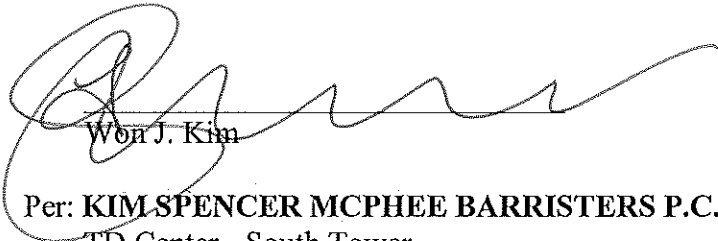
- a) *Canada Labour Code*, R.S.C. 1985, c L-2;
- b) *Crown Liability and Proceedings Act*, R.S.C. 1995, c. C-50;
- c) *Excise Tax Act*, R.S.C. 1985, c. E-15;

- d) *Family Law Act*, R.S.O. 1990, c. F.3;
- e) *Federal Courts Rules*, SOR/98-106;
- f) *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10;
- g) *Royal Canadian Mounted Police Regulations, 2014*, SOR/2014-281;
- h) *Royal Canadian Mounted Police Regulations, 1988*, SOR/88-361 (repealed)
- i) *Trustee Act*, R.S.O. 1990, c. T.23; and
- j) all other comparable and relevant acts and regulations in Canada.

THE PLACE OF TRIAL

126. The plaintiffs propose that this action be tried at the City of Toronto, in the Province of Ontario, or as designated by this Court.

Date: June 22, 2018



Won J. Kim

Per: **KIM SPENCER MCPHEE BARRISTERS P.C.**
TD Center - South Tower
79 Wellington St. W, Suite 2100
P.O. Box 139
Toronto, ON M5K 1H1

Won J. Kim P.C. (LSUC# 32918H)
Megan B. McPhee P.C. (LSUC# 48351G)
Rebecca E. Case (LSUC# 47767R)
Aris Gyamfi (LSUC# 61390P)

Tel: 416.596.1414
Fax: 416.598.0601

Lawyers for the plaintiffs, Geoffrey
Greenwood and Todd Gray

GREENWOOD, et al - and - **HER MAJESTY THE QUEEN**

Plaintiffs

Defendant

FEDERAL COURT

Proceeding commenced at Toronto

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

STATEMENT OF CLAIM

KIM SPENCER MCPHEE BARRISTERS P.C.

79 Wellington Street West
TD Centre – South Tower
Suite 2100, P.O. Box 139
Toronto ON M5K 1H1

Won J. Kim P.C. (LSUC# 32918H)
Megan B. McPhee P.C. (LSUC# 48351G)
Rebecca E. Case (LSUC# 47767R)
Aris Gyamfi (LSUC# 61390P)

Tel: (416) 596-1414
Fax: (416) 598-0601

Lawyers for the Plaintiffs