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## WITHOUT PREJUDICE

Mr. Mike Labrecque  
Deputy Chief Administrative Officer  
Halifax Regional Municipality  
PO Box 1749  
1841 Argyle Street, 2nd Floor  
Halifax, NS B3J 3A5

Dear Sir:

### Re: Blair Cromwell

I represent former Firefighter Blair Cromwell in defending the civil action brought by Deputy Chiefs Mosher and Thurber for alleged defamation. I take the view that the action is hardly private, in the sense of being brought by Mosher and Thurber as individuals, not city managers, particularly given the manner in which the action was commenced and, at least initially, funded. Certainly, the evidence which Mr. Cromwell will lead in his defence will intimately involve the most senior levels of city administration, beyond Fire Services.

As Deputy Chief Administrative Officer and purportedly the lead investigator with respect to the unjust termination of my client, I trust that you are now aware of the recent Employment Insurance (EI) Appeal Board decision for Mr. Cromwell of December 3, 2010, overturning the initial EI decision that Mr. Cromwell was ineligible for benefits due to his actions having given the city cause for his dismissal. I attach a copy of the decision for your reference, along with other relevant documents which were entered into evidence by Mr. Cromwell at the appeal hearing.

The independent board of EI referees found that there was "credible evidence" presented by Mr. Cromwell that it was, in fact, Fire Services' own managers who "severed" the employer / employee relationship, not my client. It is of importance to note that the EI Appeal Board unanimously agreed that this "severing" of the employer /

employee relationship occurred long before Mr. Cromwell sent anonymous emails and made anonymous postings on the Coast magazine website.

The EI Appeal Board decision makes a direct challenge to HRM's claims, as stated in its letter of termination dated August 24, 2010, that Mr. Cromwell's actions were insolent and insubordinate and undermined the authority of the management. The EI Appeal Board did not find HRM's claims in this regard credible.

It would appear to the dispassionate observer that the termination of Mr. Cromwell's employment was orchestrated by senior HRM staff in an effort to support the two fire chiefs who have been complicit in acts of racism and other acts of human rights abuses against my client and other firefighters, black and white. We are concerned that the dismissal of Mr. Cromwell might also appear to the public and other HRM employees as a thinly veiled attempt to discourage employees from advancing their Human Rights Commission complaints, currently under investigation.

As early as 2001, my client sent an email to Mayor Peter Kelly, then CAO George McClellan, and city council outlining complaints of acts of racism being committed by members of Fire Services, including management. The failure of the city to address these complaints was noted in the Shebib Report.

As Deputy CAO, you are accountable to the Mayor and Council to carry out the policies of HRM including those that relate to ensuring appropriate workplace conduct and the elimination of racism. The first purpose statement of the Halifax Regional Fire and Emergency Service Workplace rights policy states as follows:

"Halifax Regional Municipality underlines its obligation to provide a workplace free of harassment. Diversity is a hallmark of the strength of our community, and maintaining dignity and respect for all people is a responsibility of each member of our corporation."

Mr. Cromwell's workplace rights and Human Rights were violated according to the city's own policies. Rather than address Mr. Cromwell's concerns and those of other firefighters, the city has dismissed Mr. Cromwell from his employment without cause.

The HRM policy also defines Racial Harassment as follows:

"Racial Harassment has many forms. It can be verbal or physical. It can be a onetime event or a series of incidents. Any unwelcome comment or action based on race, color or national, ethnic, or aboriginal origin is racial harassment."

Article 3.01 of the Collective Agreement is also clear on the topic:

“The Employer and Union agree that there shall be no discrimination, interference, restriction or *coercion exercised or practiced* with respect to any member of the Halifax Regional and Fire Emergency by reason of his age, race, creed, color, nationality, political or religious belief, sex, sexual orientation, marital status, family relationship or by reason of his membership or activity in the Union or any other reason contrary to the *Nova Scotia Human Rights Act.*”

Considering the pre-existing race-related problems at HRM Fire and Emergency Services and incidents of racism gone unaddressed, Mr. Cromwell’s anonymous words were hardly inappropriate, but measured and accurate. Given the level of intolerance and managerial dysfunction present for some time in Fire Services, Mr. Cromwell’s efforts to inform the public of the situation which he and other black fireman were forced to deal with could only be described as justified and made in the best interests of the public.

I understand that Deputy Fire Services Chief Thurber received last year’s CAO’s award for excellence in leadership and employee engagement. A recent workplace survey that was commissioned by the Halifax Professional Firefighters, conducted by Corporate Research Associates Inc., has found that, of the 72% of membership who participated in the survey, 97% indicated strong disapproval of the current management team and their method of management, which behaviour includes the mistreatment of employees, intimidation, bullying and other abuses and violations of HRM policies and the workers’ collective agreement.

I understand that a union grievance has or will be filed on Mr. Cromwell’s behalf. A lengthy legal process will be costly for HRM and could have a negative outcome on race relations and overall employee morale. I propose that a meeting be held between me, Mr. Cromwell and the appropriate city officials to discuss terms of a settlement as regards Mr. Cromwell’s dismissal, which would include financial compensation and a return to employment.

Absent negotiated settlement, Mr. Cromwell will be forced to proceed to discovery hearings with respect to the defamation action brought against him by Mosher and Thurber. Mr. Cromwell is confident that he will prevail in that action, but he, of course, questions how the public airing of the treatment which he and other black firefighters have experienced will be of benefit to the long-term interests of Fire Services and HRM.

I look forward to hearing from you within ten (10) days, at least with respect to the city’s desire to sit down in a real effort to reach a resolution. Thank you for your consideration.

Yours truly,

**LANDRY, McGILLIVRAY**

Patrick J. Eagan

PJE/hjb

cc. Client  
Mayor and Council  
CAO