

## Nunziata unaware worker depressed, tribunal told

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Page: GT3

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Illustrations: George Berger, right, claims Councillor Frances Nunziata berated him while he worked for her. He's seeking \$170,000. George Berger, right, claims Councillor Frances Nunziata berated him while he worked for her. He's seeking \$170,000.

Councillor Frances Nunziata defended her treatment of a former assistant at an Ontario Human Rights Tribunal hearing into accusations she harassed him.

He is seeking \$140,000 from the city for other wages, and \$30,000 for compensation for violating his rights.

Nunziata said Tuesday she gave George Berger "numerous opportunities" to express concern with how he was being treated, but it wasn't until he was away on stress leave that she learned he was depressed.

The hearing continues on Jan. 28.

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Berger's lawyer, **Raj Anand**, has outlined incidents of harassment directed at his client by Nunziata beginning in May 2005.

Berger has a hereditary condition called multiple osteochondromatosis - cartilage growth on bones and joints that minimizes mobility. His arms are shorter than normal and he is not able to cross his legs. Berger has arthritis in his hands and suffers from back pain.

Anand said Nunziata had yelled at and berated his client for standing up when his back hurt. She also questioned his purchase of a wireless mouse to accommodate his disability.

In one incident, Anand said, Nunziata told Berger he was "full of f---ing s---."

Nunziata denies the allegations.

On Tuesday, Nunziata was asked why Berger's access pass was revoked during his stress leave, which began with a fall at home in late October 2005.

Nunziata said she requested it be returned for a new employee to use. She did not know it would take away Berger's access to the parking facility, where he had disabled parking.

"It's true that I did not want him back, yes," Nunziata said, adding she was not targeting his disability. She said Berger had performance issues on the job.

While on leave, Berger received doctors' notes requesting he be moved to another councillor's office. Working for Nunziata, the doctors said, made him depressed and eroded his self-confidence.

Sandra Hughes, a human resources manager at the time, said councillors are responsible for hiring their own assistants, so the city could not meet the request.

Berger signed an agreement with the city honouring his pay from the time of his leave in late October 2005 to the end of his contract in November 2006.