

The Toronto Sun

Councillor under fire ; Former assistant tells tribunal he was harassed. Nunziata says he didn't do his job

Tue Nov 2 2010

Page: 3

Section: News

Byline: DON PEAT, TORONTO SUN

Illustrations: 1. photo by MICHAEL PEAKE, TORONTO SUN FILES George Berger told a Human Rights Tribunal that his former boss, Councillor Frances Nunziata, inset, harassed him and failed to accept his disability. 2. photo

A week after she was reelected, Toronto city councillor Frances Nunziata spent Monday at an Ontario Human Rights Tribunal hearing accused of harassing a former staffer.

Her former executive assistant George Berger accuses both Nunziata and the city of discrimination and harassment. He wants \$140,000 from the city for lost wages, \$30,000 for compensation for infringing his rights, apologies from both Nunziata and the city along with mandatory human rights and anti-harassment training for Nunziata.

Monday, Berger told adjudicator Kaye Joachim that Nunziata told him he was "full of f***ing s***" and called him a liar in two separate incidents.

Berger suffers from a hereditary condition called multiple osteochondromatosis, a growth of cartilage on bones and joints that minimizes his mobility.

His left arm is shorter than his right and both are shorter than normal. He can't cross his legs, has trouble walking long distances, has arthritis in the hands and can't sit on hard surfaces or stand for long without suffering back pain.

He testified Nunziata gave him a hard time about buying a wireless mouse to accommodate his disability.

At another meeting, Berger claimed Nunziata yelled at him and humiliated him for standing up when his back hurt.

Berger ultimately left Nunziata's office in October, 2005, for work-related stress but claims he was improperly rejected when he tried to apply for other city jobs.

During her testimony, Nunziata denied the allegations.

Instead, the councillor, who endorsed mayor-elect Rob Ford and is rumoured to be up for a big role in the new city council, testified she felt Berger mistreated her.

"He would always be very intimidating," she said. "He treated me like I didn't know what I was talking about."

LEG UP

Nunziata claimed she didn't yell at Berger during a

meeting for standing up but instead she recalled a meeting where he put his leg up on a desk and scratched his crotch.

She said he didn't reply when asked what he was doing.

Nunziata said she was concerned when she saw people from the IT department installing Berger's new mouse without consulting her about it. "I don't know what a mouse is," she said.

Although she's had a laptop for 20 years, the veteran councillor said she can't use a computer and has staff print all e-mails and letters.

"I've never turned (the laptop) on," she said.

Nunziata told Berger's lawyer **Raj Anand** she decided around January 2005 that Berger wasn't working out after six months in her office.

"And you did nothing about it?" Anand asked.

"I wanted to get a replacement before I did anything," Nunziata said. "I was looking around."

She has no documentation of Berger's performance issues but said she is now keeping records about staff.

Nunziata said she was frustrated with Berger because she was just trying to do her job. "Mr. Berger obviously did not want to do his job," she stated.

Former city councillor Norm Gardner, who employed Berger from 1988 to 2001, testified the man was well-organized, took direction and was "quite satisfactory" as his executive assistant.

"If (Berger's work) was not adequate, I would not have kept him for that length of time," Gardner testified.

Under questioning from the city's lawyer, Gardner confirmed he had never seen Nunziata harass Berger but he did repeat his assertion Nunziata appeared to go through office employees "perhaps a bit more than most of the other councillors did."

The hearing continues Tuesday.

don.peat@sunmedia.ca

© 2010 Sun Media Corporation. All rights reserved.