

How Rob Ford Can Not Only Keep His Job, But Weather The Storm And Become A Political Legend



If Toronto Mayor Rob Ford was an employee, what would be his fate?

With his political guillotine increasingly descending since his admission of crack cocaine use, the reverse situation exists legally.

Few executives, let alone CEOs, would have survived his bumbling and consorts with suspected criminals over the last months. Although unrelated to the performance of his job, off-duty misconduct which brings one's employer into, even potential, disrepute is cause for discharge, particularly for CEOs.

Even months ago, his behaviour and the rumours surrounding his drug and alcohol use would have required an employer to inquire whether drugs or alcohol explained his behaviour. Human rights law requires employers to inquire into addiction and mental health issues whenever that is reasonably suspected, even if the employee does not proffer it as an excuse. But Ford, until last week, adamantly denied it. As result, he could have been fired for cause with impunity.

But now he has admitted his crack and alcohol use, the situation changes. Drug and alcohol addictions must be accommodated and employees cannot be fired for their consequences. Indeed, doing so would not only be a wrongful dismissal but a violation of the Human Rights Code.

To date, Ford insists he uses alcohol only periodically and crack only once. That is not the behaviour of an addict and, if he sticks to that story, he can still be fired for cause. But since denial is a symptom of addiction, the questioning must be rigorous. If he ultimately admits to an addiction (and some employees falsely do to save their jobs), the employer cannot fire him with impunity but must "accommodate" his disability, requiring him to attend rehabilitation and then firing him only if he refuses to attend, does not complete the program or does not comply with its terms following release.

If I were acting for Ford, my advice would not be legal, but flow from the other portion of my law practice, "crisis management".

What are the relevant facts which will dictate that narrative? You will note that I

select those same facts accounting for his irrepressible popularity.

1. Ford's supporters feel disenfranchised from municipal government, perceiving themselves as receiving little benefit from City Hall. Unlike central Torontonians, they don't have access to subways, dense public transit or the other city services that their taxes go toward. They perceive Ford's agenda of tax reduction and eliminating public service salaries, in excess of their own but paid for by their tax dollars as in their interest.
2. On the theory of "an enemy of my enemy is my friend", many Torontonians recoil at the prospect of the re-enactment of the tax and spend David Miller regime or its present day embodiments of Adam Vaughan or Olivia Chow.
3. Similarly, they are reflectively suspicious of the left-liberal media or downtown left-wingers like Clay Ruby, the vanguard of those attacking Ford.
4. They see Ford as one of them, an ordinary guy, overweight, unpolished but fighting for what they perceive to be their interests. They see his opponents as an elite whose interests are inimical to their own and who never gave Ford a chance. That is why the more these groups attack him, the more popular he has become. Note his self-description as "350 pounds of fun" as opposed to the sanctimonious tone of Miller, his private school then Harvard educated predecessor.
5. While they don't want a crack smoking Mayor, that seems the lesser of the two evils.

So, based upon those premises, what would I recommend that Ford do to emerge victorious?

The first thing he must do is to define his narrative capturing these themes.

Ford should explain, with humility, the relentless, ruthless and unprecedented (in this country) pressures he has been under since becoming Mayor. He can truthfully portray that his opponents never accepted him as their Mayor or gave him a chance, that their attacks have descended to repeatedly trespassing on his property, frightening his daughter and attacking his family.

He should say that he has never experienced such viciousness before and was not, personally or temperamentally, equipped for this bullying. But he can claim that, rather than succumbing to his detractors, he stuck to his mandate and focused on doing his work. And then remind people of his achievements; Fighting union entrenchment and excessive benefits, holding tough on taxes, privatizing garbage collection, eliminating the ridiculous Jarvis Street bike lane; and the promises to come; expanding the island airport. Keeping the tax base rather than subsidized housing on the waterfront, subways outside of the downtown core.

However, he must acknowledge that these personal attacks upon himself and his family have taken a severe emotional toll. He responded, he should explain, by turning to drink and, a couple of times, something stronger, as an unfortunate escape.

Since the underlying facts are true and the reaction understandable, most will believe and sympathize with him.

He then has to advise that he is seeking treatment and using his accumulated vacation time to obtain that assistance now. He should provide a definite return date. If he does not do that, his opponents will resist his ever returning.

If he does all of these things and returns rehabilitated and refreshed, his resurrection could become a political legend and he, to his opponents' chagrin, an unstoppable force.

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