

AUDIT OF THE PREVENTION OF WORKPLACE VIOLENCE AND HARASSMENT

SEPTEMBER 2023



**Office of the
Auditor General**
City of Ottawa

Table of Contents

Message from the Auditor General 1

Introduction 2

Background and context..... 2

Audit objective and scope 4

Conclusion 5

Audit findings and recommendations..... 6

 1. Governance and Strategy..... 6

 2. Capacity/Structure..... 12

 3. Training and Awareness 16

 4. Compliance 20

Appendix 1 – About the audit..... 22

Message from the Auditor General



The Audit of the Prevention of Workplace Violence and Harassment was included in my first workplan as Auditor General. This audit was selected due to a significant upswing in reports of allegations of violence and harassment across North America over recent years. While various movements have drawn additional attention to what was always a very important issue, many organizations continue to struggle on how best to tackle this delicate subject.

The City of Ottawa, like all other organizations, is not immune to the risks associated with violence and harassment in the workplace. This can have direct impacts on organizations, including litigation costs and awarded damages. There are also indirect costs that may arise such as morale impacts on teams, turnover and absenteeism.

The importance of prevention goes to the core of the health and safety of all employees. Furthermore, it is paramount to ensuring the reputation of an organization. Our report highlights the need for greater prevention of violence and harassment in the workplace. To achieve this, and to implement several recommendations made by my Office, the City will require additional resources to minimize risks and costs today and in the future. Furthermore, leadership, at all levels, must clearly demonstrate its commitment to these very important matters. This is essential in gaining employees' trust in management and the process. While the City continues to take steps to prevent violence and harassment in the workplace, it is important to acknowledge that cultural changes may not be fully realized for years to come.

I would like to thank City staff that participated in our audit for their efforts and candid responses.

Respectfully,



Nathalie Gougeon, CPA, CA, CIA, CRMA, B.Comm
Auditor General

Introduction

The Audit of the Prevention of Workplace Violence and Harassment (WVH) was included in the 2021 Interim Audit Work Plan of the Office of the Auditor (OAG or the Office), approved by City Council on May 12, 2021.

Background and context

Legislative and administrative authorities

Per the *Canada Labour Code* (CLC) Part II, Canada Occupational Health and Safety Regulations, and other legislative and regulatory requirements, employers have an obligation or duty to ensure that the health and safety of every person employed by the employer is protected while they are working. Additionally, both the CLC Part II and the *Ontario Occupational Health and Safety Act* (OHSA) set out the rights and duties for occupational health and safety of all parties in the workplace.

Bill C-65 (42-1), which came into force on January 1, 2021, modified the existing framework under the CLC for the prevention of harassment and violence in federally regulated industries and workplaces. Under Bill C-65, the *Work Place Harassment and Violence Prevention Regulations* (the Regulations) were created which introduced a number of amendments to strengthen the framework, including sexual harassment, sexual violence, and family and domestic violence. The Regulations outline the essential elements of a workplace violence and harassment prevention policy, as well as the procedures that must be in place to respond to incidents of harassment and violence if they do occur.

Workplace Violence and Harassment within the City of Ottawa

The City of Ottawa (the City) has a Workplace Violence and Harassment Policy (the Policy), and related procedures, which outline the City's commitment to a safe, healthy and respectful workplace free from all forms of violence and harassment, and to ensure that all incidents of workplace violence or workplace harassment are addressed appropriately.

The Policy defines workplace harassment and workplace violence as the following:

- Workplace harassment involves engaging in a course of vexatious conduct or comment that is known, or should reasonably be known, to be unwelcome. Workplace harassment is normally a series of incidents but can be one severe incident that has a lasting impact on the individual.

- Workplace violence means any action, conduct, comment, or exercise of physical force, including of a sexual nature, that causes, could cause, or could reasonably be expected to cause injury or illness to an employee. Workplace violence includes sexual assault and domestic violence (when it occurs in the workplace).

While the WVH Policy went into effect January 1, 2021, the City conducted an exercise in May 2022 to update and refresh the Policy and related procedures to provide additional clarity and support continuous improvement.

It is important to note that the majority of City staff are subject to provincial legislation (i.e., OHSA). There are specific groups within the Transit Services Department (e.g., OC Transpo) that are subject to federal regulations (Bill C-65 under the CLC Part II). While each regulation has a different set of requirements, the current WVH Policy has encompassed the requirements of both and applies to all employees within the City.

Roles and Responsibilities

Led by a Program Manager, the Workplace Safety and Compliance (WSC) Unit within Human Resources (HR) is responsible for administering the WVH Policy and procedures, training, tools and WVH complaints. This Unit is also responsible for providing departmental representatives advisory and consultation support as requested. As part of federal legislative requirements, the Program Manager of the WSC Unit is the “designated recipient” within the City for all WVH complaints (i.e., the centralized resource who receives and reviews notices of WVH occurrences).

Departmental leadership (directors, managers and supervisors) are responsible for working with the WSC Unit, ensuring that employees can report incidents or complaints, and supporting employees throughout the complaint and resolution process.

Departmental leadership is also responsible for identifying specific risks in their workplace, implementing corrective actions, addressing conflict early to prevent escalation, ensuring employees are trained and ensuring investigators have access to information needed for the investigation.

Resolution Types

An initial review of each notification of a WVH occurrence is conducted to determine if the circumstances fall within the purview of the WVH Policy (i.e., does the occurrence meet the definition of harassment or violence as defined by the WVH Policy).

If it is determined that the occurrence does fall within the scope of the WVH Policy, there are two (2) main types of resolution processes:

- Informal resolution – when possible and appropriate, this includes informal intervention, negotiated resolution or conciliation. Any resolution of issues between parties through this informal process is purely voluntary by both the complainant and the respondent.
- Formal resolution - a formal investigation is conducted by a designated person to report findings related to the allegations and provide any recommendations (as warranted).

As part of the formal resolution process, investigations can be conducted either by internal or external resources depending on the nature of the complaint. The City has established a roster of internal investigators from across the City, to allow for cost containment and the opportunity for professional development. External investigators are used when specialized/additional expertise is required, when the situation is more complex and/or involves a senior individual.

The following provides a breakdown of investigated cases and information/consultations cases for the current year and two previous years (note: initial investigations refer to the initial review done by the WSC team that were determined to not fall within under the WVH Policy and information/consultations refer to inquiries from employees or departmental representatives related to the Policy, tools, process, etc.).

Q1 2023	2022	2021
<p>55 Investigated Cases:</p> <ul style="list-style-type: none"> 25 internal investigations 6 external investigations 24 initial investigations 0 informal resolution or withdrawn <p>+ 17 cases information/consultations</p>	<p>105 Investigated Cases:</p> <ul style="list-style-type: none"> 45 internal investigations 24 external investigations 19 initial investigations 17 informal resolution or withdrawn <p>+ 51 cases information/consultations</p>	<p>89 Investigated Cases:</p> <ul style="list-style-type: none"> 63 internal investigations 19 external investigations 4 initial investigations 3 informal resolution or withdrawn <p>+ 60 cases information/consultations</p>

Audit objective and scope

The objective of this audit was to assess whether the City has established and implemented procedures and processes to ensure a safe, healthy and respectful workplace free from all forms of violence and harassment and is in compliance with policy and legislative/regulatory requirements.

The audit examined: compliance, governance, training and awareness, capacity, monitoring and reporting related to WVH at the City. The audit focused on the activities related to WVH for the period from January 1, 2021 to December 31, 2022.

The scope of the audit did not include:

- Workplace assessments or culture audits for individual departments or the City as a whole
- Cases related to systemic discrimination (however, cases related to harassment on the grounds of discrimination were included)
- An assessment of decision-making or disciplinary actions taken as a result of a WVH investigation
- Process for complaints investigated after the initial review deemed the complaint as not being under the purview of the WVH Policy

As part of the audit, we developed and administered an employee survey in April 2023 to obtain feedback from staff and management related to the WVH program and the effectiveness of the tools/support available. The survey was sent to over 17,000 City of Ottawa employees; we received 3,697 responses. In addition to the responses to the survey, the audit team had several employees reach out to our Office directly to share their stories related to WVH.

Please see Appendix 1 for detailed audit criteria and information regarding our survey methodology.

Conclusion

Based on the work performed, we found that significant efforts have been made to develop and implement the WVH Policy, including the establishment of the procedures, training and awareness, and the internal investigator roster. We acknowledge that the City has the unique context of being subject to both federal and provincial legislation, and as a result, the development and implementation of the Policy and the associated procedures was a significant undertaking.

Notwithstanding, we found that a comprehensive strategy for WVH and focused attention from senior leadership as a collective body is limited. There is an opportunity to create a more frequent and formalized approach for senior leadership to collaborate and focus on WVH. Furthermore, while the City has developed mechanisms and processes to address and resolve cases of WVH, the focus on *prevention* has been

limited. Industry best practice and research has shown that prevention is one of the key elements in fostering a respectful workplace, free of violence and harassment.

We noted that there is limited capacity within the WSC Unit to support the strategic and increasing needs of the City. As the number of complaints continue to rise, along with the increased support needed by departments, consideration should be given to the resourcing within the WSC Unit and the internal investigator model to ensure there is sufficient resourcing dedicated to WVH to support the sustainability of the program, and that strategic activities can be undertaken. Additionally, we noted there are some departments that have, or are planning for, full-time investigators which does not align with the current centralized approach to internal investigators.

WVH is a complex topic and requires sufficient training and awareness across all levels of the organization to ensure it is understood and front of mind. We noted that there is no dedicated training for managers/supervisors related to WVH despite the fact that managers and supervisors are a key resource in preventing and addressing WVH, and they are required to fulfill several responsibilities per the WVH Policy. Additionally, we found that the frequency of WVH employee training is not sufficient and is not tailored to support employees' understanding of WVH within their operational contexts.

We found that WVH complaints were addressed in accordance with the City's WVH Policy and procedures but there are opportunities to strengthen related practices. Additional opportunities to further strengthen compliance and associated practices were outlined in a management letter which was provided directly to management.

Audit findings and recommendations

1. Governance and Strategy

1.1 There has been limited focus on WVH from leadership as a collective body.

There is no holistic strategy or plan in place for WVH, including objectives and key performance indicators (KPIs) to assess the effectiveness of the program or efforts the City is making. While "Our People" has been a strategic priority for the City, which does include the physical and psychological safety of staff, it has been indicated that there is limited focus on WVH specifically from leadership as a collective body to date.


Currently, WVH is discussed once annually at a Senior Leadership Team (SLT) meeting as part of the Occupational Health and Safety Report presented by the HR Director.

This document reports on activities under the City's corporate safety portfolio, of which

WVH is one element. The discussion regarding WVH is high level and it is focused on macro level trends and the volume of cases within the year. Based on discussions with SLT members and a review of reports/meeting minutes, we noted that ongoing discussions regarding WVH has not, historically, taken place at SLT. We understand that in the past three years, SLT has been heavily focused on addressing the impacts of the COVID-19 pandemic. This included the mental health and wellbeing of employees across the organization.

Our survey results indicated the following regarding what employees felt about the “tone at the top” relative to WVH:

- 39% of participants felt that the City does not, to a great extent, take WVH seriously and is not committed to a safe, healthy and respectful workplace for employees
- 43% of participants believed that senior leadership across the City does not, to a great extent, set the example that WVH is a priority
- 37% of participants felt that management within their department has not, to a great extent, demonstrated a commitment to addressing WVH



“ While I think senior leadership is committed to preventing workplace violence and harassment, I don't always see that commitment translate into action. ”

While leadership within individual departments have made efforts to promote the messaging of a violence and harassment-free workplace, it was indicated that it is primarily ad-hoc, where discussions are had informally and/or when cases come up that require attention. From our survey, only 35% of manager/supervisor-level survey respondents indicated that they have to a great extent engaged staff in WVH discussions.

It is important to note that the City has several different types of workplaces that have their own unique operational, demographic and historic challenges. Survey results indicated that there are cultural issues across the organization that require attention from leadership and remediation to support a respectful workplace, free of violence and harassment. For example:

- 35% of survey respondents indicated they are aware of abusive, disrespectful treatment of employees within their service area
- 33% of survey respondents indicated that they are aware of bullying behaviour in their service area
- 34% of survey respondents indicated that they are less than comfortable in raising instances of workplace violence and harassment to the person they report to.
- Additionally, 49% of survey respondents indicate they are less than comfortable in submitting a formal complaint of workplace violence and harassment through the established process to get resolution. Some of the reasons for not reporting incidents included:
 - the belief that no action will be taken and a lack of trust in management;
 - fear of impact on reputation with leaders and colleagues;
 - fear on impact of career advancement; and,
 - fear of penalties of discipline or reporting (retribution or retaliation).

“ I think senior leadership cares about this issue, but I also think they are sometimes out of touch with what's happening on the ground and the challenges that employees face. ”

Leadership's activities and attention to WVH is a key element in fostering workplace culture. Without demonstrated efforts that are strategic and focused on enforcing a respectful workplace, free of violence and harassment, there is a risk that employees will not trust or have faith in leadership or believe that WVH is a priority for the organization.

RECOMMENDATION 1 – DEVELOP A HOLISTIC STRATEGY FOR WVH

The HR Director should develop a holistic and comprehensive strategy for the WVH program. The strategy should be developed in consultation with key stakeholders across the organization to support buy-in and demonstrate leadership commitment. The strategy should address the following:

- Priorities/objectives of leadership for WVH
- The role and expectations of leadership in reinforcing messaging (setting the tone) and influencing culture

- Approaches to achieving objectives
- KPIs to assess the effectiveness of the program/efforts the City is making
- Ongoing reporting/discussion at SLT against KPIs on progress made, trends identified, and any additional areas of concern
- The role and expectations of Health and Safety Committees (federal and provincial)

Once the corporate strategy is established, given that each department has their own unique environment, the HR Director should work with individual General Managers to develop their own implementation plan, aligned to the corporate strategy, for the prevention and management of WVH.

MANAGEMENT RESPONSE 1

Management agrees with the recommendation. Further to the prioritization of the wellbeing and safety of staff by Senior Leadership as reflected in the 2019-2022 Strategic Plan, the HR Director will ensure that a holistic and comprehensive corporate strategy for the WVH program is developed and will continue to elevate WVH as a corporate wide focus. The development of this strategy will be done in consultation with key stakeholders from across the organization, including the City’s Senior Leadership Team, to support buy-in and demonstrate leadership commitment.

HR Business Services will engage clients to identify annual objectives related to the WVH program. A comprehensive corporate strategy will include the identification of program objectives, approaches, and key performance indicators. The strategy will identify GM accountability for the development of departmental objectives to meet their specific needs. Annual reporting will be provided to SLT through the annual occupational health and safety report highlighting achievement toward objectives. The Workplace Violence and Harassment policy will be revised to identify the role Health and Safety Committees will play to support the achievement of objectives.

This recommendation will be completed by Q4 2024.

1.2 There is limited focus on prevention as part of an overall WVH strategy.

The introduction of Bill C-65 for federally regulated organizations has brought the concept of prevention to the forefront with an expectation that organizations put in place mechanisms to not only detect and address WVH, but also prevent it.

Leading up to the Policy release in 2021, efforts were focused on developing the WVH program (e.g., Policy, procedures, training, awareness). Current activities are focused on administering the program and managing WVH cases (i.e., addressing WVH once identified). We noted that there has been limited focus and capacity to support prevention activities. As a result, no formal strategy has been established for the prevention of WVH. This was supported by the results of our survey whereby 47% of survey participants felt that the City had not been making efforts, to a great extent, to prevent workplace violence and harassment.

Notwithstanding, the audit team did see evidence of specific mechanisms, tools and processes to support prevention efforts within individual departments. Examples included: leadership panels/forums; learning materials and tools for supervisors to encourage meaningful conversation with staff on various subjects such as conflict/violence in the workplace; and assigning departmental staff to wellness related activities. However, there is no overarching direction from corporate leadership and these activities are being undertaken based on individual department's priorities.

Additionally, we noted that the current corporate safety risk identification process is not effective in supporting prevention activities. Applicable legislation requires the identification of internal and external risk factors to design and implement the necessary preventive measures to mitigate the risks. The City currently uses Hazard Identification and Risk Assessments (HIRAs) as part of its risk identification process. This is used to identify hazards and risks related to safety and is a part of the City's emergency management/safety program based on OSHA. This tool, because it was designed to address all safety issues, does not facilitate the identification of WVH risks and preventive measures. Additionally, this risk assessment exercise is not consistently undertaken across the organization.

Without focused and sufficient attention on prevention, there is a risk that the perception by employees is that WVH is not a priority for the organization. Not focusing on prevention can result in the City constantly being in a reactionary state and can create several risks such as: non-compliance with legislation, reputational risks, direct and indirect financial costs (e.g., employees being on investigatory leave, resources to investigate, decreased performance and productivity, increased employee absenteeism, increased litigation risk). All these effects impact the overall culture of the organization.

RECOMMENDATION 2 – DEVELOP A CORPORATE PLAN/STRATEGY FOR PREVENTION

As part of the corporate strategy for the WVH Program (as outlined in recommendation 1), the HR Director should develop a plan/strategy specifically related to prevention. The plan/strategy should include:

- The objectives for prevention within the City
- The role of WSC in prevention activities
- The approach(es) to support prevention across the organization
- The appropriate risk identification process/tool to ensure meaningful preventive measures
- Expectations/responsibilities of departments

MANAGEMENT RESPONSE 2

Management agrees with the recommendation. Further to the development of a corporate WVH strategy, the HR Director will ensure the inclusion of objectives, roles, and approaches specific to the prevention plan. This strategy will include departmental responsibilities and expectations. In addition, the role of the Workplace Safety and Compliance Unit to support prevention activities across the organization will be identified and will include the development of a risk identification process and tool, which will be needed to further refine preventive measures.

Management would like to highlight some important recent work that compliments the goal of prevention. The Office of the City Clerk and Human Resources have implemented a variety of measures to address Workplace Violence and Harassment in the specific context of Councillors' Offices as outlined in the July, 2020 report to Council entitled *Review of Recruitment and Hiring Processes for Councillors' Assistants*. Violence and Harassment prevention has been integrated into the recruitment process for Councillors' assistants and staff developed a guide to inform Councillors' Assistants of the reporting mechanisms should they have concerns about workplace violence or harassment while working in the Office of a Member of Council.

This recommendation will be completed by Q4 2024.

2. Capacity/Structure

2.1 There is limited capacity within the WSC Unit to support the strategic and increasing needs of the City.

The WVH program is centralized within HR whereby the WSC Unit is responsible for administering the WVH Policy, training, tools and WVH complaints. The team also supports departments with activities outside of investigations/informal resolution processes, including workplace assessments, ad-hoc prevention activities, additional training.

At the time this audit was conducted, within the WSC Unit, there were seven employees assigned to support the entire safety portfolio for the City, including WVH. These employees report to one permanent full-time Program Manager who is also the designated recipient for WVH complaints. Of the employees in the WSC Unit, two are assigned to exclusively support WVH: one permanent full-time Specialist and one temporary full-time Admin Assistant. With the Program Manager, these two staff members are responsible for administering and overseeing the WVH program for over 17,000 employees.

The increasing volume of complaints, along with managing the WVH program administratively and supporting departments in their efforts, has put significant pressure on the WSC Unit. It was indicated that there is no capacity for strategic planning or for proactively addressing prevention. Their work is largely reactive, opportunistic, and focused on crises. The limited capacity is also impacting the ability of the team to respond to complaints in a timely manner, specifically related to intake and triaging cases, resulting in a backlog. File testing of 2021 and 2022 cases indicated delays or follow up required by the involved parties/management due to the limited capacity within the WSC Unit.

Availability of resources to support the WVH Policy and program enable staff to access the support they need when facing an issue. The limited resourcing within the WSC Unit could put the sustainability and credibility of the program at risk, including the significant efforts made to date.

RECOMMENDATION 3 – ASSESS RESOURCING WITHIN THE WSC UNIT

The General Manager of Finance and Corporate Services should assess the resourcing within the WSC Unit to ensure there is sufficient resourcing dedicated to WVH to support the sustainability of the program.

MANAGEMENT RESPONSE 3

Management agrees with the recommendation. The General Manager of Finance and Corporate Services will assess the resourcing needs within the WSC Unit to ensure there is sufficient resourcing dedicated to WVH to support the sustainability of the program.

As part of our regular engagement process with the City's senior leaders on the corporate WVH program, this resourcing needs assessment will be shared with the Senior Leadership Team for their awareness as part of the annual occupational health and safety report. This assessment will include an estimate of the investigator needs based on WVH case trends, and a proposal for funding training and resourcing costs.

This recommendation will be completed by Q4 2023.

2.2 There is limited capacity within internal investigators to support the increasing volume of cases.

As noted above, the WVH program is a centrally coordinated program. The WSC Unit is responsible for assigning investigators when a formal investigation is required or has been requested by the parties.

All internal investigators are Management Professional Exempt (MPE) employees who volunteer to conduct WVH investigations over and above their full-time jobs. There are currently no full-time investigators within the WSC Unit.

Interviews with several stakeholders indicated that there is not enough capacity within the internal investigator pool to support the increasing volume of cases. As of our audit fieldwork, there were 33 qualified internal investigators with some managing 2-3 cases simultaneously (over and above their substantive job requirements) because others are not able to take on any cases given their operational workload/priorities.

The use of volunteers to conduct investigations can have quality and consistency impacts. While internal investigators are provided baseline training, it is acknowledged this is not their full-time job. This means that they may not perform these investigations on a regular basis to become skilled at conducting investigations and many do not have previous experience/backgrounds relative to WVH.

RECOMMENDATION 4 – REVISIT THE INTERNAL INVESTIGATOR MODEL

The HR Director, in conjunction with SLT, should revisit the internal investigator model (volunteer resources vs. dedicated, qualified staff) to ensure it supports the needs of the City, including the increasing volume of WVH cases and the need for available, qualified and experienced investigators.

MANAGEMENT RESPONSE 4

Management agrees with the recommendation. The HR Director, in conjunction with SLT, will revisit the internal investigator model (volunteer resources vs. dedicated, qualified staff) to ensure the model supports the needs of the City, including the increasing volume of WVH cases and the need for available, qualified and experienced investigators.

As part of our regular engagement process with the City's senior leaders on the corporate WVH program and further to the resourcing needs assessment that will be shared with the Senior Leadership Team as part of the annual occupational health and safety report regarding the resourcing needs within the WSC Unit, an estimate of the investigator needs based on WVH case trends, and a proposal for funding training and resourcing costs will also be included.

As an interim measure, two temporary full-time investigators have been onboarded to address the increased number of reported incidents.

This recommendation will be completed by Q4 2023.

2.3 The structure for internal investigators varies across the organization.

As noted above, the current model for investigations at the City is centralized. That is, complaints are received by the WSC Unit and triaged. An internal or external investigator is assigned, if applicable, and the WSC Unit oversees the investigation process.

The Ottawa Paramedic Service is the one exception who has their own full-time investigators. These investigators are housed within the Professional Standards Unit, an independent group from operations that are responsible for conducting various types of investigations within Ottawa Paramedic Service (e.g., clinical, professional practices, WVH). The Professional Standards Unit was an existing unit responsible for investigations prior to the release of the WVH Policy updates in 2021. Management

indicated that the decision to continue having this unit investigate complaints within Ottawa Paramedic Service was made to leverage existing resources and bolster capacity.

During the audit, we learned that Transit Services was in the process of hiring full time staff (Safety Officers) in response to an organizational review to advance the safety culture of OC Transpo. This was based the funding approved for four investigators in 2021. These positions would be investigating all safety related incidents within OC Transpo, including incidents of WVH between employee-employee and employee-supervisor relationships; similar to Ottawa Paramedic Service.

There are benefits and risks associated with allowing departments to maintain their own WVH investigators and decentralizing specific roles/responsibilities. Having dedicated staff to support WVH investigations, who understand the operational context can support efficiencies (e.g., with gathering evidence and conducting interviews; although this can also be achieved by housing these staff centrally). However, the purpose of having a centralized WVH function is to support independence, objectivity, and consistency. Having investigators housed within departments may make staff feel less safe in reporting incidents of WVH, especially in areas where there are known cultural issues. Additionally, conducting WVH investigations require a specialised skill set and expertise and incorporating this within different types of safety investigations may not result in the necessary sensitivities and considerations needed for a WVH investigation.

RECOMMENDATION 5 – REVISIT THE INTERNAL INVESTIGATOR STRUCTURE

The HR Director, in conjunction with SLT, should revisit the structure for internal investigators (i.e., centralized vs decentralized) to ensure it is consistent across the organization and best supports independence, objectivity, fairness and trust of employees.

If the decision is made to allow departments to have in-house investigators for WVH complaints (i.e., decentralized), the HR Director should formalize mechanisms for governance and oversight by the WSC Unit within the process to ensure consistency and appropriateness of activities undertaken across the City.

MANAGEMENT RESPONSE 5

Management agrees with the recommendation. The HR Director, in conjunction with SLT, will revisit the structure for internal investigators (i.e., centralized vs

decentralized) to ensure it is consistent across the organization and best supports independence, objectivity, fairness and trust of employees.

As part of our regular engagement process with the City's senior leaders on the corporate WVH program and further to the resourcing needs assessment that will be shared with the Senior Leadership Team as part of the annual occupational health and safety report, a recommendation for an investigator structure will be brought forward to SLT for decision.

This recommendation will be completed by Q4 2023.

3. Training and Awareness

3.1 There is no dedicated training for managers/supervisors related to WVH.

Although the implementation of the WVH program is centralized within the WSC Unit, supervisors and managers play a significant role within the program and are required to fulfill several responsibilities per the WVH Policy. When well-equipped, middle-managers and first-line supervisors can be an organization's most valuable resource in preventing and addressing WVH early on.

Outside of a mandatory safety training regarding OSHA and complimentary courses to support their managerial responsibilities, it was noted that there is no dedicated WVH training for managers and supervisors. Supervisor survey results indicated that there is a need for more frequent training on the Policy, procedures and responsibilities (including refresher training) and practical/hands on training (e.g., in person scenario-based training).

Additionally, employee survey results indicated that there is a need for ongoing training for managers and supervisors on how to:

- identify early warning signs of WVH;
- recognize and respond to incidents;
- create a respectful and safe workplace culture; and
- address risks faced by equity deserving groups (women, people of colour, etc.).

Without sufficient training on WVH, supervisors/managers may not be equipped to fulfill their responsibilities effectively or in a timely manner, which could result in a negative workplace culture and a lack of confidence from staff in the WVH program.

RECOMMENDATION 6 – DEVELOP DEDICATED WVH TRAINING FOR MANAGERS/SUPERVISORS

The HR Director should develop a dedicated training program for managers/supervisors related to WVH. The training should be in person and cover a variety of topics to equip and support managers/supervisors in their roles and fulfill their responsibilities related to WVH (e.g., prevention, early detection, biases, risks/obstacles faced by marginalized or minority groups, conflict management, options for resolution, etc.), including the ability to work through specific scenarios that are unique to their operating context. Input on the training content should be sought from consultation with supervisors and managers based on their experiences.

This could also include establishing a mentoring and/or support network for supervisors and managers.

MANAGEMENT RESPONSE 6

Management agrees with the recommendation. The HR Director will ensure a dedicated workplace violence and harassment training program for managers/supervisors is developed in consultation with subject matter experts.

This training program will incorporate currently available courses for leaders through the Learning Centre. These courses include, but are not limited to, Intervening in Workplace Conflict, Mental Health Awareness for People Leaders, Psychological Safety for You and Your Team, and Bias Awareness for Leaders. Additionally, intact training on WVH also already exists, and will be leveraged to supplement the new training program for managers and supervisors

In consultation with departmental leadership, the training program will include scenarios that are unique to each operational service area and identify a support network for supervisors and managers.

Together, these training offerings will help equip and support managers/supervisors to fulfill their responsibilities related to workplace violence and harassment.

This recommendation will be completed by Q3 2024.

3.2 Frequency of WVH employee training is not sufficient and is not tailored to supporting employees understanding of WVH within their operational contexts.

Per the WVH Policy, all employees are required to complete the City's mandatory virtual training course entitled "*Respectful Workplace, Violence and Harassment*". This training is a one-time, awareness exercise that does not fully support an employee's understanding of what WVH can look like and how it can manifest within their operational environments given their unique risks.

There is no requirement to do the training annually, although federally regulated employees must complete a refresher training at least every three years.

Employee survey results indicated that there is a need for regular and ongoing training/refresher courses to support education and development. Some also indicated the need for training that addresses the unique risks and challenges faced by employees in different roles and departments (role-specific and departmental-specific).

Management interviews further indicated that harassment is not always well understood across the organization, and between levels. For example, employees sometimes perceive performance management, supervision and conflict (because of differences of opinion) as harassment.

During our audit, the training module was being updated. We noted the new training included:

- examples from different parts of the City to provide insights on what harassment could look like in different operational environments.
- the changes made to the WVH Policy and a module on prevention, with practical suggestions with respect to conflict management.

Despite these improvements to the training content, the updated training program is still at the "awareness" level and does not sufficiently address the topic of prevention, the responsibilities of each stakeholder and the resolution processes.

WVH is a complex topic, and one time awareness training is not sufficient to support employee understanding or ensure that it continues to be top of mind. If people do not understand what harassment is, there is the potential that occurrences either go unreported or result in inaccurate/inappropriate complaints made. Frivolous complaints can also have negative effects on workplace culture.

RECOMMENDATION 7 – STRENGTHEN CORPORATE WVH TRAINING

The HR Director should update the corporate training to include the following:

- Prevention (in alignment with the WVH prevention strategy described in recommendation #2)
- Roles and responsibilities
- Resolution processes
- Clarity on what constitutes/does not constitutes harassment

The corporate training should be mandatory every three years (in alignment with the federal employee training requirement).

MANAGEMENT RESPONSE 7

Management agrees with this recommendation. The HR Director will ensure that the existing Workplace Violence and Harassment training is revised to clarify what does and does not constitute harassment and improves the focus on prevention, roles and responsibilities, and the resolution processes. The revised workplace violence and harassment training for employees will be included among the current list of courses available to employees through the Learning Centre.

Courses currently available to employees include, but are not limited to, Conflict Resolution Basics, Critical Conversations, Managing Difficult Clients and Interactions, as well as the Self-Awareness and Emotional Intelligence Workshop Series. This selection of training will help equip and support employees to fulfill their responsibilities related to workplace violence and harassment.

In addition, the HR Director will seek SLT approval to mandate the completion of Workplace Violence and Harassment training by all employees annually. Approval for this change will be sought from SLT as part of the annual occupational health and safety report. This recommendation will be completed by Q4 2023.

RECOMMENDATION 8 – SUPPLEMENT EMPLOYEE TRAINING WITH MATERIALS AND TOOLS

To support employees' understanding of what constitutes WVH within their unique context, the HR Director, in conjunction with departmental leadership, should

develop supplementary materials and tools. These materials/tools should facilitate ongoing discussions across organizations and teams and provide practical scenarios that consider the various ways WVH can manifest within specific operational/business environments.

In addition, expectations should be set with departments to supplement employee training with ongoing discussions and case studies, leveraging the materials and tools developed.

MANAGEMENT RESPONSE 8

Management agrees with the recommendation. To support employees' understanding of what constitutes WVH within their unique context, the HR Director will ensure supplementary materials and tools are developed in conjunction with departmental leadership and subject matter experts. These materials/tools on subjects such as conflict management, inclusion and security, will be based on relevant and practical scenarios to support managers and supervisors in having ongoing discussions with their teams to foster a positive workplace culture so as to prevent incidents of workplace violence and harassment.

The HR Director will engage SLT to establish the expectation for departments to supplement employee training with ongoing discussions as part of departmental and manager objectives.

This recommendation will be completed by Q3 2024.

4. Compliance

4.1 Overall, WVH complaints are addressed in accordance with the City's WVH Policy and procedures but there are opportunities to strengthen practices.

A sample of 20 WVH case files were reviewed (combination of formal and informal resolution across the organization) as part of our audit testing. Overall, file testing confirmed general compliance to the Policy and procedures. It was evident that practices/processes have been evolving since the Policy was introduced to support compliance, to provide better service to the parties involved and to better maintain confidentiality/privacy.

Our testing indicated that there were investigations that took several weeks/months and faced delays. The reasons for delays were clear through the documents on file/case notes, and in most cases, were not in control of the investigator or the WSC Unit.

Management is responsible for sharing the investigation summary report with the complainant(s) and respondent(s) and following up with the WSC Unit to confirm corrective actions have been implemented.

There were several files where it was noted that there were delays with the dissemination of the report, and in some cases, it was not clear based on the case notes or files whether the report was ever shared with the complainant and respondent. There are currently no timelines established for this process. The WSC Unit follows up on an ongoing basis, but at times, management is occupied with other operational priorities. Undergoing an investigation is a stressful process for all parties involved. Delays in receiving the results/report of the investigation can cause additional undue stress and can have impacts on the working culture. There is also the risk that employees may perceive the process as ineffective, and this could potentially deter employees from using the process in the future.

RECOMMENDATION 9 – ESTABLISH TIMELINES FOR SHARING REPORTS

The HR Director should establish formal timelines for management to share reports with complainant(s) and respondent(s) once the investigation is complete.

MANAGEMENT RESPONSE 9

Management agrees with the recommendation. The HR Director has ensured formal timelines have been established for management to share investigation summary reports with complainant(s) and respondent(s) once the investigation is complete. The 12 business day timeline is documented in the Workplace Violence and Harassment Policy (revised August 2023) and shall be communicated through appropriate internal communication channels as well as when investigation reports are provided.

As part of our regular engagement process with the City's senior leaders on the corporate WVH program, the new requirements for issuing WVH Summary Investigation Reports to Complainants and Respondents will be shared with the Senior Leadership Team as part of the annual occupational health and safety report.

This recommendation will be completed by Q3 2023.

Appendix 1 – About the audit

Audit objectives and criteria

The objective of this audit was to assess whether the City has established and implemented procedures and processes to ensure a safe, healthy and respectful workplace free from all forms of violence and harassment and is in compliance with policy and legislative/regulatory requirements.

Criteria listed below were developed based on applicable legislative requirements and the WVH Policy in combination with our research of best practices related to WVH.

Compliance	
1.1	The City’s WVH Policy and procedures comply with all applicable legislative and regulatory requirements.
1.2	Mechanisms, tools and processes have been established to prevent incidents of workplace violence and harassment.
1.3	Mechanisms, tools and processes have been established to identify and respond to incidents of workplace violence and harassment.
1.4	WVH complaints are addressed in accordance with the City’s WVH Policy and procedures.
Governance	
2.1	There is an established governance structure to oversee WVH within the City, with established roles, responsibilities and accountabilities.
2.2	Senior leadership has established a culture whereby workplace violence and harassment is not tolerated, including a focus on prevention.
Training and Awareness	
3.1	Staff at all levels of the organization are aware of the WVH Policy, including what constitutes workplace violence and harassment and the mechanisms to report any concerns.
3.2	Managers and supervisors have been provided sufficient tools and training to equip them to prevent, detect and address incidents of workplace violence and harassment.
3.3	A sufficient training program has been established to train and prepare internal investigators to fulfill their role and responsibilities.

Capacity	
4.1	There is adequate capacity within the WSC Unit to support the City’s objectives regarding WVH.
4.2	Mechanisms exist to ensure that investigators are assigned appropriately considering complexity, capacity, level of experience and consideration of potential conflicts of interest.
Monitoring, Reporting and Continuous Improvement	
5.1	The City has established indicators and mechanisms to monitor for compliance to the WVH policy and progress towards stated objectives.

Scope

The audit examined: compliance, governance, training and awareness, capacity, monitoring and reporting related to WVH at the City. The audit focused on the activities related to WVH for the period from January 1, 2021 to December 31, 2022.

Audit approach and methodology

Audit staff performed the following procedures to complete this audit:

- Review and assess relevant documents related to WVH (e.g., policies, procedures, guides, training materials);
- Interviews and walkthroughs with key personnel;
- Perform detailed reviews and testing of processes;
- Select a sample of complaints/cases and conduct file testing;
- Development and administration of a survey (see below for further details);
- Research and interviews with peer/comparable municipalities and/or federal organizations(benchmarking);
- Comparison of City practices against best practices, leveraging a public sector subject matter expert; and
- Perform other analysis and tests, as deemed necessary.

Survey Administration – Methodology and Limitations

The OAG developed and administered (leveraging an independent third party) an employee survey in April 2023 to obtain feedback from staff and management related to

the WVH program and the effectiveness of the tools/support available. The electronic survey included a combination of questions aimed at assessing:

- the level of awareness of the WVH Policy/program;
- the level of awareness of individual responsibilities under the WVH Policy/program;
- the level of awareness of what constitutes workplace violence and harassment;
- the level of awareness of the tools and support available to staff and management; and,
- the level of comfort with raising issues of workplace violence and harassment.

A sub-set of questions were posed for management (supervisors and above) related to awareness and comfort with their responsibilities, and the tools available to support them in the execution of their responsibilities under the WVH Policy.

The survey was sent to over 17,000 City of Ottawa employees (this excludes employees from Ottawa Police Services, Ottawa Public Health and Ottawa Public Library, but does include Councillor's Assistants as part of City employees); we received a total of 3,697 responses. In conjunction with other audit techniques, the survey data was analyzed to identify areas for improvement to strengthen the City's WVH program.

When interpreting and leveraging the survey results as part of our audit evidence, we considered the following:

- The survey, while distributed to all City employees, was not mandatory and as such, there was no control over who responded to the survey. Therefore, the information and analysis are based on the responses received from those that chose to respond to the survey and cannot be entirely inferred to the overall population of City employees. In no way have we attempted to extrapolate or make assumptions about the entire employee population based on the survey results.
- The motivations or experiences of those that chose to respond to the survey are unknown and therefore the information obtained may contain biases or be skewed due to these unknown experiences and motivations.

Visit us online at www.oagottawa.ca

Follow us on Twitter [@oagottawa](https://twitter.com/oagottawa)

The **Fraud and Waste Hotline** is a confidential and anonymous service that allows City of Ottawa employees and members of the general public to report suspected or witnessed cases of fraud or waste 24 hours a day, seven days a week.

www.ottawa.fraudwaste-fraudeabus.ca / 1-866-959-9309