

	WORKPLACE HARASSMENT, VIOLENCE, DISCRIMINATION AND REPRISAL	
	Policy Section: Human Resources	
	Policy No 3.15	Effective Date: 20 December 2023
Policy Description: In alignment with the Service’s Human Rights Core Policy, this Policy and related procedures establish a framework for the timely and effective response to issues of workplace harassment, violence, discrimination, and reprisal.		
This Policy replaces: <ul style="list-style-type: none"> • Respectful Workplace Policy, 3.15, July 19, 2010 • Violence & Harassment in the Workplace, 3.24, April 5, 2017 		

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Definitions

Employee: means all sworn and civilian members, including all full-time, part-time, temporary, permanent, casual, probationary, and auxiliary members; volunteers; students; contractors and associates; and for greater certainty includes persons occupying an executive position. Employee and worker may be used interchangeably

Supervisor: means a person who has charge of a workplace or authority over a worker.

Workplace: means any land, premises, location or thing at, upon in or near which a worker works.

Workplace Harassment: means,

- a) Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- b) Workplace sexual harassment

Workplace Sexual Harassment: means,

- a) Engaging in a course of vexatious comment of conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Note: Harassment does not include effective, appropriate, and respectful management processes. Supervisors and Managers shall retain their right to carry out their responsibilities as such including their right to manage their areas of responsibility.

Workplace Violence means:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
- A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Discrimination: treating someone unfairly by either imposing a burden on them, or denying them a privilege, benefit, or opportunity enjoyed by others, because of their race, citizenship, family status, disability, sex or any other personal characteristic listed as a protected ground in the Ontario Human Rights Code.

Discrimination includes any act or omission that results in discrimination, regardless of the form of the act or omission, and whether or not the person responsible for the act or omission intended to discriminate. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices, or procedures that appear neutral but disadvantage certain groups of people. Discrimination

may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, there is a violation of human rights legislation.

Related actions, policies, or procedures that do not have a discriminatory effect when considered individually can constitute discrimination if the combined operation of those actions, policies, and procedures results in discrimination.

- All other program definitions are accessible through the Ottawa Police Service's PolicyNet Glossary.

Context

1. This policy applies to employees who are engaged in work, work-related activities, work-related relationships both on and off Ottawa Police Service (OPS) premises. This can include, but is not limited to the following OPS activities:
 - remote work activities controlled by OPS;
 - instruction, training and information sessions;
 - attendance at events, including social events;
 - attendance at meetings and conferences;
 - travel to and from OPS approved activities; and
 - use of communication technology, including social media platforms with a connection to the workplace and the above workplace conditions.
2. This policy and its procedures operate in conjunction with the rights provided to employees and the service under the Collective Agreements and supported by the Service's Code of Professional Ethics.

Purpose

The purpose of this policy is to:

- Ensure that all employees understand their rights and responsibilities in relation to workplace harassment, violence, discrimination and reprisal.
- Foster a culture where employees feel confident reporting incidents and concerns related to workplace harassment, violence, discrimination and reprisal.
- Outline the Services approach to maintaining a safe and respectful workplace which includes:
 - Early identification and resolution of workplace conflicts using informal or alternative resolution methods wherever appropriate.
 - Processes and procedures for reporting and addressing incidents of workplace harassment, violence, discrimination and reprisal; and
 - Proactive measures to educate, train, and engage with employees to promote a safe, respectful and inclusive workplace culture.

Policy

1. The OPS is fully committed to maintaining a safe, respectful, and inclusive workplace for all employees. Employees have the right to work in an environment free from harassment, sexual

harassment, discriminatory harassment, violence, and discrimination. This policy signifies OPS's commitment to responding to all forms of workplace harassment, violence, discrimination and reprisal in accordance with its legal obligations set out under the Occupational Health and Safety Act (OHSA), the Ontario Human Rights Code, and guided by the Ministry of Labour, Immigration, Training and Skills Development (MOL) [Code of Practice to Address workplace harassment](#).

2. All employees shall refrain from workplace harassment, sexual harassment, discriminatory harassment, violence, discrimination and any form of reprisal.
3. The filing of a complaint does not guarantee that an investigation will occur; additionally, an investigation may be required where a formal complaint has not been made.
4. Examples of conduct not typically considered workplace harassment or reprisal include, but are not limited to:
 - Workplace conflict or incivility
 - Single or isolated instances of minor inappropriate behavior.
 - Reasonable supervisory actions taken for legitimate work purposes.
5. The reasonable exercise of management rights (e.g., by a supervisor or Senior Leader) does not constitute workplace harassment and discrimination provided that it is exercised fairly without discrimination and in a manner consistent within the Collective Agreements and Police Services Act (PSA). Examples of management rights can include, but not limited to:
 - Performance management, including performance to meet job standards and expectations, providing constructive feedback, measuring and evaluating performance;
 - Assigning and allocating work;
 - Enforcing workplace policies and procedures;
 - discharge, direct, classify, transfer, promote, demote or suspend, or otherwise discipline any employee.
 - Following up on work absences; and actions taken in alignment under Part V of the PSA.

Confidentiality

6. All employees are required to uphold the Safe Workplace Program (SWP) Confidentiality Agreement throughout all steps of the complaint process, including resolution and restorative activities following an investigation.

Reporting Process

7. Any employee who believes they have experienced or witnessed workplace harassment, violence, discrimination and reprisal can report the incident.
8. Employees can use the **reporting aide** attached to this policy to identify who best to report to based on their circumstances. Regardless of where the complaint is filed, it must be reported utilizing the SWP Complaint Intake Form.
9. Employees are permitted to file group complaints where two or more employees have experienced or witnessed similar issues.
10. If a complaint is made anonymously, it will be reviewed to the extent possible. However, anonymous complaints may affect the Service's ability to investigate and respond effectively.

11. Employees can also report incidents or concerns related to harassment, violence, discrimination and reprisal externally to:
 - Ontario [Human Rights Tribunal](#)
 - Ministry of Labour, Immigration, Training and Skills Development
12. Chain of Command who witness or become aware of alleged workplace harassment, violence, discrimination or reprisal are expected to take immediate action to report the incident in compliance with supervisory responsibilities under the OHS Act and Human Rights legislation.
13. Following intake and initial screening, all complaints will be tabled at the Triage and Resolution Committee where they will be assigned if applicable to the appropriate section for response, investigation, resolution, and/or restoration as outlined in the Triage and Resolution Committee Charter.

Investigative Process

Where it is determined by the Triage and Resolution Committee that a workplace investigation is required, a resource will be retained to conduct an investigation into allegations of harassment, violence, discrimination and reprisal pursuant to OHS Act and Human Rights legislation.

14. All potential workplace investigations will be assigned to an investigator by the Program Manager- SWP in accordance with the Investigative procedures.
15. In cases in which ongoing harassment, discrimination or violence is disclosed, the Program Manager- SWP will contact Labour Relations to determine if interim measures need to be taken to ensure the safety of the party or parties as well as the workplace. Labour Relations will be responsible for the implementation of all interim measures and will ensure the appropriate internal stakeholders are involved.
16. Following a workplace investigation, appropriate action will be taken, which may include disciplinary measures, training, performance management, referral to PSU or other interventions.
17. Complainants and Respondents will be notified in writing of the results of the investigation and any corrective action that is taken or that will be taken by the OPS as a result of the investigation.
18. Identification of corrective actions will be communicated to the complainant to a level of detail that is appropriate for informing OPS' response to the complaint while also having regard for employee privacy of the respondent as legislated in the MOL Code of Practice.

Reprisal from Reporting/ Investigations

19. Under no circumstance should someone face, or be threatened with, penalties or discipline for reporting an incident of workplace violence, harassment, discrimination, reprisal, or for participating in an investigation. Penalizing a worker for exercising their rights under the OHS Act is prohibited.

20. Allegations that an employee has faced a reprisal for reporting an incident or participating in an investigation will be investigated and addressed.
21. If an investigation determines that a complaint was made frivolously, vexatiously or in bad faith, the complainant may be subject to discipline. Such discipline is not considered a reprisal.

Training and Education

22. OPS will provide regular training and education on workplace harassment, violence discrimination and reprisal prevention to all employees. This training will ensure that employees understand their rights and obligations and are equipped to contribute to a safe respectful and inclusive workplace.

Accountabilities

Employees

1. Shall not engage in nor tolerate workplace harassment, discrimination and violence or reprisal.
2. Unless it is unsafe to do so, all employees are encouraged to take prompt action by addressing their concerns (verbally or in writing) directly with the parties involved.
3. Be offered support services when engaging in all processes under SWP, this includes supports for complainants, respondents, bystanders and managers.
4. Be encouraged to cooperate fully with any investigation related to workplace harassment, violence, discrimination and reprisal.
5. All employees are required to uphold the SWP Confidentiality Agreement throughout all steps of the complaint process, including resolution and restorative activities following an investigation.
6. Shall participate in any education and training required by the Service toward maintaining a safe, respectful and inclusive workplace.
7. Shall not make bad faith or vexatious complaints or allegations pertaining to this policy.

Supervisors, Managers, Senior Officers

In addition to the requirements set out above for all employees, supervisors, managers, NCO's, and Senior officers shall:

1. Comply with their supervisory responsibilities under OHSAA and Human Rights legislation by taking immediate action to address and report any incidents of potential workplace harassment, violence, discrimination and reprisal when they witness or become aware of them.
2. Work with the Program Manager- SWP and other key stakeholders as required throughout the complaint process.

Program Manager- Safe Workplace Program

Shall:

- Report to the Chief Human Resources Officer (CHRO);

- Oversee the administration of the complaint process related to workplace complaints involving harassment, violence, discrimination and reprisal.
- Support complaint intake, initial screening, triage, assignment and resolution and serve as a subject matter expert for complaint process information for all OPS employees.
- Manage the complaint case management system and support ongoing monitoring, evaluating and reporting.
- Participate as a key stakeholder on the SWP Steering Committee and report internally and externally on this program.

Monitoring and Reporting Requirements

The CHRO will:

- Keep records on all occurrences assigned to the SWP.
- Will consult with the OPS Joint Health and Safety Committee on the maintenance of the SWP as required in accordance with OHSA requirements.
- Maintain aggregate performance statistics and report the statistics to the Chief of Police and annually to the Ottawa Police Service Board.
- At minimum, on an annual basis, review this policy to ensure its effectiveness and compliance with the OHSA, Human Rights Code, and any other relevant legislation. Any necessary revisions will be made, and employees will be informed of updates as needed.

Consequences

The OPS reserves the right to take action for non-compliance with this Policy and its related procedures.

Governing Authorities

Provincial

- *Ontario Human Rights Code*
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1
- Ministry of Labour's [Code of practice to address workplace harassment \[continue title \]](#)
- *Police Services Act*, R.S.O. 1990, c. P.15
- Board Policy CR-1 Positive Workplace
- Board Policy CR-13 Workplace Violence and Harassment Prevention
- Board Policy AI-003 Equal Opportunity, Discrimination and Workplace Harassment Prevention
- Board Policy AI-016 Workplace Violence Prevention
- Board policy GA-14/CR-14 Accessibility

Related Policies, Procedures, Tools, Templates

Number

Name

Human Rights Core Policy

Equitable Work Environment Policy
OPS Social Media Policy N.2.22
Safe Workplace Program Manual (In Development)
Safe Workplace Confidentiality Agreement
Triage and Resolution Committee Charter(In Development)
Complaint Intake and Triage Procedure
Safe Workplace Program Steering committee Charter
OPS Safe Workplace Investigations Procedure
Reporting Aid
[Complaint Intake Form](#)
[Code of Professional Ethics](#)

Inquires

Questions, comments and concerns related to this policy are to be directed to the CHRO, Human Resources.