

	<b>Safe Workplace Program – Investigative Procedure</b>	
	<b>Related Policy: WORKPLACE HARASSMENT, VIOLENCE, DISCRIMINATION POLICY #</b>	
	<b>Policy Section:</b>	
<b>Procedure No: #.##-#</b>		<b>Effective Date:</b> DDMMYEAR
<p>Procedure Description:</p> <p>Investigations are a necessary and prudent component of the Safe Workplace Program (SWP).</p> <p>Where it is determined that a workplace investigation is required, a resource will be retained for investigation into allegations of harassment, violence, discrimination and reprisal.</p>		
This Procedure replaces: N/A		

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## Definitions

All associated definitions related to this procedure are accessible through the Ottawa Police Service's PolicyNet Glossary.

## Procedures

### Investigation of Complaints

1. Complaints of workplace harassment, discrimination, violence, and reprisal, will be assessed for the appropriateness of an investigation, based on the definitions contained in the *Occupational Health and Safety Act* (OHSA) and the *Ontario Human Rights Code*. Investigative resources will be managed by the Program Manager, Safe Workplace Program to conduct investigations in accordance with best practices. Investigations will be conducted only for complaints that have

been previously assessed by the Triage and Resolution Committee and determined to meet investigative thresholds as legislated in the OHSA.

2. Workplace investigations conducted under this procedure are independent from any Police Services Act (PSA) investigation or hearing. If a Professional Standards Unit (PSU) is required to investigate the same or similar fact incidents under Part V of the PSA, the investigator will share all evidence collected and the results of the investigation, if available, with PSU.
3. Employee participation in workplace investigations is voluntary, however members are encouraged to participate.
4. Investigations will be conducted in a timely manner and should be completed within 90 calendar days unless there are extenuating circumstances warranting a longer investigation.
5. All employees are required to uphold the SWP Confidentiality Agreement throughout all steps of the investigation process.
6. Any employees carrying out specific functions under this procedure and persons conducting investigations will ensure that information about the incident or complaint, including information about the employees involved, will not be disclosed unless for purposes outlined in the SWP Confidentiality Agreement.
7. At any point throughout the investigation process, if the matter rises to the level of a potential Police Services Act violation, the investigation may be referred to the PSU for investigation.
8. Throughout the investigation, opportunities for resolution will be sought based on the interests of the parties, the opinion of the investigator, and in consultation with the Program Manger, SWP.
9. If mediation is attempted before the investigation is concluded, the matter will be referred to a mediator other than the investigator who is conducting the investigation. While mediation is confidential, the investigation may be included in the assessment process.

### **Outcome of the Investigation**

1. Investigative reports will include factual findings and a determination of whether there has been a breach of the related legislation and/or the Workplace Harassment, Violence, Discrimination and reprisal policy.
2. Upon the completion of an investigation, all investigative reports will be provided to the Program Manager- SWP who will be responsible for facilitating a Triage and Resolution Committee meeting to determine recommendations for the appropriate corrective actions.
3. Recommendations for corrective actions will be drafted by the members of Triage and Resolution Committee and provided to the Chief of Police for final approval and Implementation.
4. 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.
5. 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 Ministry of Labour, Immigration, Training and Skills Development Code of Practice.

### **Record Keeping**

The employer (Program Manager, SWP) will keep records of the investigation including:

- a copy of the complaint or details about the incident;
- a copy of the investigation report (if any);
- a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
- a copy of any corrective action taken to address the complaint or incident of workplace harassment.
- All records of the investigation will be kept confidential. The investigation documents should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be maintained pursuant to the OPS file retention schedule.

## **Roles and Responsibilities**

### **Employees**

Shall,

- 1) Adhere to the SWP confidentiality agreement throughout the duration of the investigation.
- 2) Be granted access to timely and fair investigative processes;
- 3) Be encouraged to cooperate fully with the investigative process; and
- 4) Be encouraged to respond to investigators in a timely manner.

### **Safe Workplace Program – Manager**

Shall,

- 1) Coordinate all investigations and serve as the OPS liaison throughout the investigative process.
- 2) Will serve as the secretariat of the Triage and Resolution Committee.
- 3) 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.
- 4) Will provide all impacted parties with finding letters at the completion of the investigation.

## **Governing Authorities**

**Provincial**

- *Ontario Human Rights Code*
- *Occupational Health and Safety Act, R.S.O. 1990, c. O.1*
- Ministry of Labour, Immigration, Training and Skills Development [Code of practice to address workplace harassment](#)
- *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

## Associated Service Governance

Number ###	Name
	Human Rights Core Policy
	Equitable Work Environment Policy
	Workplace Harassment, Violence, Discrimination and Reprisal Policy
	Safe Workplace Program Manual <i>(In Development)</i>
	Safe Workplace Confidentiality Agreement
	Triage and Resolution Committee Charter <i>(In Development)</i>
	Complaint Intake and Triage Procedure
	Safe Workplace Program Steering committee Charter
	Reporting Aid
	<a href="#">Complaint Intake Form</a>
	<a href="#">Code of Professional Ethics</a>

## Revision Summary

Revision Date (DD MON YYYY)	Revision Class (Substantive, Editorial, Rescind, Procedural)	Summary of Change	Approved by:

## Appendix A