

	HUMAN RIGHTS CORE POLICY	
	Policy Section: Human Resources	
	Policy No 3.38	Effective Date: 20 December 2023
<p>Policy Description: The Ottawa Police Service (OPS) recognizes that respect for human rights is fundamental to our business activities and operations. As both a public service organization and an employer OPS is committed to upholding the fundamental rights of all persons as enshrined in various legislation by which the Service is governed, including the <i>Canadian Charter of Rights and Freedoms</i> and the <i>Ontario Human Rights Code</i>.</p>		
<p>This Policy replaces: Human Rights/Race Relations Policy no.3.07 approved July 2002 and amended February 14, 2006.</p>		

Table of Contents

Purpose	2
Scope.....	2
Application	3
Policy	3
Monitoring and Reporting Requirements.....	4
Reviews and Revisions	4
Exceptions	5
Governing Authorities.....	6
Related Policies	6
Complain Channels and Remediation.....	7
Enquiries	7
Relevant Subject Matter Definitions.....	7

Purpose

The Human Rights Core Policy outlines the commitments that will guide OPS's approach to respecting human rights throughout the implementation of its obligations as both a public service provider and employer and encompasses the responsibilities of all OPS employees to ensure service delivery and workplace practices that model the highest regard for human rights in all aspects of business.

The Core Policy is predominantly guided by the [Canadian Charter of Rights and Freedoms](#) and the [Ontario Human Rights Code](#) (the "Code"). Under the Code, employers, unions, and service providers must make sure that they provide equitable and non-discriminatory environments. Furthermore, Canadian courts recognize that human rights legislation, including the Code, has unique importance in that it is "quasi-constitutional" (meaning, as an example, that the Code supersedes the [Police Services Act](#) and individuals must comply with it before other laws unless there is a specific exception).

In alignment, OPS is committed to providing accessible and equitable service and work environments that are free of individual and systemic discrimination, harassment and bias based on the legally protected grounds of:

- | | |
|------------------|---|
| 1. Age | 9. Gender expression |
| 2. Ancestry | 10. Gender identity |
| 3. Citizenship | 11. Marital status (<i>includes single status</i>) |
| 4. Colour | 12. Place of origin |
| 5. Creed | 13. Race |
| 6. Disability | 14. Record of offences (<i>in employment only</i>) |
| 7. Ethnic origin | 15. Sex (<i>includes pregnancy and breastfeeding</i>) |
| 8. Family Status | 16. Sexual orientation |

Scope

The Human Rights Core Policy applies to all Ottawa Police Service (OPS) employees, including permanent, full-time, part-time, temporary, casual, probationary, contract, auxiliary, and seconded employees as well as non-OPS employees who work for the OPS to gain experience or for benefits, such as volunteers, students, interns, and apprentices.

Application

Unless otherwise stated, this policy applies to all OPS business, activities, and operations (refer to the Exceptions section for circumstances which may be out of scope).

Policy

The OPS will implement its commitment to human rights through implementation of, and adherence to, a human rights core policy, methods to assess and mitigate associated risks, and mechanisms to report and address concerns or violations where they occur.

AS A SERVICE PROVIDER, OPS is committed to:

- respecting the rights of all individuals as protected through human rights legislation, and to recognizing that various population groups may experience increased adversity or inequitable treatment/opportunity based on historical or current context.
- engaging with various community groups to better understand and address concerns of potential human rights violations, as well as to strengthen relationships and build public trust.
- continuously striving to provide responsive, culturally sensitive, adaptive, non-discriminatory, and bias-mitigated service to the communities we serve.

AS AN EMPLOYER, OPS is committed to:

- providing an inclusive and equitable work environment where every employee is respected and valued for their unique knowledge, skills, abilities, and experiences.
- diversifying its workforce to be reflective of the communities served and to ensuring that all employees have equitable access to employment opportunities and benefits.
- addressing barriers within the workplace and providing employees with the supports necessary to foster and maintain a professional, respectful, and inclusive work environment.

The OPS will collaborate with stakeholders to assist in strengthening human rights related practices and processes as well as to better understand related concerns.

The Service will identify bona fide occupational requirements and will accommodate employee needs related to Code protected grounds up to the point of undue hardship.

The OPS will exercise due diligence in tracking, monitoring, reporting on, and mitigating human rights infractions and/or violations through annual reporting on adherence to this Core Policy. Where competing human rights issues arise, the OPS will be guided by the [Ontario Human Rights Commission's Policy on Competing Human Rights](#).

OPS will investigate breaches of this policy and attempt to come to a resolution. Those investigations will be triaged into the appropriate streams at the discretion of the Employer (Refer to Workplace Harassment, Violence and Discrimination Policy). Violations of human rights within service delivery to the community and also with respect to employment opportunities, benefits and the work environment will not be tolerated. Discrimination, harassment, and violence based on grounds protected by the Code are against the law, negatively impact the safety and well-being of community and Service employees, and erode both public and employee trust in the Service.

Accountabilities

The Superintendent of the Respect, Values, and Inclusion (RVI) Directorate shall be the Policy Administrator of this Human Rights Core Policy and, as such, shall be responsible for its development, implementation, and maintenance.

The Equity, Diversity, and Inclusion (EDI) Unit shall be the Policy Monitor. The Policy Monitor will be responsible for reporting to the Board and may delegate their responsibilities as Policy Monitor to an alternative and credible person.

Internal stakeholders with responsibility for related policies identified below (refer to Related Policies section) will be responsible for providing input into annual reporting on the Human Rights Core Policy as needed.

All OPS employees are expected to adhere to the *Ontario Human Rights Code* as it relates to their respective role/duties (refer to the Exceptions section for circumstances which may be out of scope).

Employees in supervisory/management roles are responsible for supporting employer obligations under the *Ontario Human Rights Code* and other relevant legislation (refer to Governing Authorities section).

Monitoring and Reporting Requirements

The table below sets out the minimum reporting requirements for the Human Rights Core Policy.

Table 1: Reporting Requirements

REPORT	FREQUENCY	DESCRIPTION	DISTRIBUTION
Report on OPS's performance related to the Human Rights Core Policy	Annually	The report will provide an overview of performance with respect to the Human Rights Core Policy, and will include performance summaries and relevant key statistics where applicable with respect to related policies.	Distributed by: Superintendent RVI or designate Distributed to: Ottawa Police Services Board

Reviews and Revisions

The Human Rights Core Policy shall be reviewed and approved every three years, or more frequently should circumstances require. Any revisions to this Core Policy shall be accompanied by supporting detail on the material changes and associated rationale.

Roles and responsibilities regarding approval, revision and/or rescinding of the Human Rights Core Policy shall be as described in the table below.

Table 2: Reviews and Revisions

DOCUMENT	APPROVAL, REVISION, OR RESCINDING OF CHANGES	APPROVER	APPROVAL CYCLE
Human Rights Core Policy	The Superintendent RVI	The Chief of Police	Every three years, unless deemed otherwise

Exceptions

All exceptions or instances of non-compliance to this Human Rights Core Policy shall be assessed by the Chief of Police or designate for resolution or approval.

Requests for Policy exceptions or instances of non-compliance must:

- Identify the applicable section(s) of the Policy to which the exception applies
- Assess the risk(s) that arises from the proposed exception(s)
- If applicable, outline the appropriate controls to mitigate these risks, and
- Specify the review or effective period of the Policy exception

A process shall be established by the Policy Administrator to identify, record and report on instances of non-compliance with this Policy or exceptions (where feasible).

Governing Authorities

- [Canadian Charter of Rights and Freedoms](#)
- [Ontario Human Rights Code](#)
- [Police Services Act](#)
- [Accessibility for Ontarians with Disabilities Act](#)
- [Employment Standards Act](#)
- [Occupational Health & Safety Act](#)
- [Ontario Anti-Racism Act](#)
- [Pay Equity Act](#)

Related Policies

The Human Rights Core Policy commitments are to be applied at all times during the execution of OPS business, including interactions with the public and with colleagues, and in particular during implementation of responsibilities outlined in the Police Services Act and in the following related OPS policies:

SERVICE DELIVERY-FOCUSED	EMPLOYMENT-FOCUSED
<ul style="list-style-type: none"> • Accessibility Policy • Hate Bias Crime – Hate Propaganda Policy • Racial Profiling Policy • Traffic Stops and Vehicle Searches Policy • Use of Force Policy 	<ul style="list-style-type: none"> • Equitable Work Environment Policy • Workplace Harassment, Violence, and Discrimination Policy

Complaint Channels and Remediation

PUBLIC:	EMPLOYEES:
Ottawa Police Service - Compliments and Complaints Office of the Independent Police Review Director	Safe Workplace Program Manager (safeworkplaceprogram@ottawapolice.ca) Ontario Human Rights Tribunal

The OPS will take all reasonable and feasible steps to cooperate in investigation, resolution, and remediation processes.

Enquiries

Please direct enquiries about this policy to: Superintendent RVI

Definitions

Abuse of authority: occurs when a worker improperly or unreasonably uses the power and authority inherent in his or her position to interfere with another's performance, threaten or influence that individual's career or job, or threaten the livelihood of the worker. It includes, but is not limited to, intimidation, blackmail, coercion, and favouritism.

Examples of abuse of authority include, but are not limited to when a:

- worker uses their position of authority to create a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, libel, stonewalling, ignoring, or coercion
- supervisor hand-picks specific workers under their command for a special assignment or course, without following standard operating procedures or policy to ensure fairness to others
- worker uses their position of authority to humiliate workers in front of others
- supervisor condones performance issues of a worker under their command because of a personal relationship
- supervisor repeatedly asks workers under their command to perform personal errands
- supervisor provides specialized equipment to a worker under their command without following standard operating procedure or policy because of a personal relationship, or a
- supervisor demonstrates preferential treatment by repeatedly sending specific workers under their command home early

Accommodation: making adjustments to policies, rules, requirements and/or the built environment to ensure that people with *Ontario Human Rights Code* ("Code")-related needs have equal opportunities, access and benefits. The Code prohibits discrimination that results

from requirements, qualifications or factors that may appear neutral but that have an adverse effect on people identified by Code grounds. The Code provides for an organization to show that a requirement, qualification, or factor that results in discrimination is nevertheless reasonable and *bona fide* (legitimate).

Barrier: anything that prevents a person from fully taking part in all aspects of society, including physical, architectural, information or communications, attitudinal, economic and technological barriers, as well as policies or practices.

Bias: a predisposition, prejudice, or generalization about a group of persons based on personal characteristics or stereotypes.

Bona Fide Occupational Requirement: a requirement that:

- the employer has adopted for a purpose or goal that is rationally connected to the functions of the position,
- the employer has adopted in good faith in the belief that the requirement(s) is necessary to fulfill the purpose or goal, and
- is reasonably necessary to accomplish the purpose or goal in the sense that the employer cannot accommodate persons with the characteristics of a particular group without incurring undue hardship.

Bullying (also referred to as mobbing): Bullying is a form of harassment within the meaning of the Code. Mobbing is the ongoing, systematic bullying of an individual by his or her colleagues. Mobbing in the workplace arises from peer pressure and typically involves many co-workers, similar to bullying among children in schools. It has been said to be more prevalent than other destructive behaviours, such as sexual harassment and racial discrimination.

Mobbing could be overt behaviours such as rudeness and physical intimidation. More often, it takes subtle forms such as ignoring someone or excluding them from social situations and meetings. Mobbing could be intentional or unintentional. Either way, the cumulative impact of such incidents on an employee can be significant. Research shows that victims of mobbing spend up to 50% of their time at work defending themselves and trying to deal with the mobbing.

Such behaviour clearly affects a person's ability to take part with dignity in the workplace, and should be addressed by the employer even where no Code ground appears to be at play. There is clearly a business incentive to do this, as mobbing and bullying behaviours prevent employees from achieving their maximal productivity. Also, mobbing and bullying create a workplace culture where human dignity is not respected and discrimination under the Code may thrive – leaving an employer vulnerable to claims of human rights violations. Employees protected by the Code may be particularly vulnerable to bullying and mobbing by people in the dominant culture because they may not share the same creed, sexual orientation, gender or level of ability. In many cases, the mobbing behaviour or bullying itself may amount to harassment or create a poisoned environment under the Code that an employer will be liable for if it does not recognize and address it.

Caste-based discrimination: The Ontario Human Rights Commission (OHRC) takes the position that caste-based discrimination is an intersectional system of discrimination that can be covered under any combination of ancestry, creed, colour, race, ethnic origin, place of origin, family status, or possibly other grounds, under Ontario's Code. Organizations have a legal obligation under the Code to make sure their environments are free from discrimination and harassment, bullying or a poisoned environment based on caste and the related grounds.

Competing human rights: situations where parties to a dispute claim that the enjoyment of an individual or group's human rights and freedoms, as protected by law, would interfere with another's rights and freedoms.

Complainant: refers to any worker who makes an allegation of a breach of this Policy.

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.

Examples of forms of discrimination include, but are not limited to:

- being excluded from formal or informal networks, such as after-hours get-togethers or office parties on the basis of stereotypical assumptions
- being denied, based on perceived membership in a group of persons, mentoring or developmental opportunities such as secondments and training that are available to others
- being assigned less desirable jobs or duties based on the basis of stereotypical assumption
- differences in management practices, such as excessive monitoring and documentation or deviating from written policies or standard practice, based on a prohibited ground of discrimination in the *Ontario Human Rights Code*
- treating normal differences of opinion as confrontational or insubordinate when racialized persons are involved
- characterizing normal communication from racialized or other marginalized persons as rude or aggressive
- penalizing a racialized or other marginalized persons for failing to get along with someone else (such as a co-worker or manager), when one of the reasons for the tension is the co-worker or manager's biased or discriminatory attitudes or behaviour, and
- Gender-based discrimination.

Duty to accommodate: Under the *Ontario Human Rights Code*, people identified by Code grounds are entitled to the same opportunities and benefits as everybody else. In some cases, they may need special arrangements or "accommodations" to take part equally in the social areas the Code covers, such as employment and education. Employers, housing providers, education providers and other parties responsible under the Code have a legal obligation to accommodate Code-identified needs, unless they can prove it would cause them undue hardship. Undue hardship is based on cost, outside sources of funding and health and safety factors.

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.

Employment opportunities and benefits: Employment opportunities include but are not limited to opportunities in relation to hires, transfers, promotions, and training. Employment benefits include all benefits provided or made available to employees including but not limited to education, health care, insurance, leave, and retirement benefits.

Equity: fairness and impartiality; a distinct process of recognizing differences within groups of individuals and using this understanding to achieve substantive equality in all aspects of a person's life.

Gender-based discrimination: occurs when someone is mistreated or denied opportunities because of their sex, gender identity, or gender expression.

Harassment: engaging in a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome. Harassment under the *Ontario Human Rights Code* is based on the prohibited/protected grounds.

Historical disadvantage: disadvantage resulting from historic patterns of institutionalized and other forms of systemic discrimination, sometimes legalized social, political, cultural, ethnic, religious and economic discrimination, as well as discrimination in employment. This also includes under-representation experienced by disadvantaged groups such as women, Indigenous peoples, persons with disabilities, LGBT persons and racialized people.

Historically marginalized persons: Marginalization is a long-term, structural process of systemic discrimination that creates disadvantage individuals from non-dominant groups. Historically marginalized persons include individuals who are identified by protected grounds under human rights legislation, such as: Indigenous peoples; persons with disabilities; individuals from racialized groups; people of diverse faiths and creeds; women, and members of 2SLGBTQQA+ communities.

Indigenous Peoples: a collective name for the original peoples of North America and their descendants. The Canadian Constitution recognizes three groups of Indigenous Peoples: First Nations, Inuit and Métis.

Intersectionality: The concept of 'intersectionality' has been defined as "intersectional oppression [that] arises out of the combination of various oppressions which, together, produce something unique and distinct from any one form of discrimination standing alone....". An intersectional approach takes into account the historical, social and political context and recognizes the unique experience of the individual based on the intersection of all relevant grounds.

This approach allows the particular experience of discrimination, based on the confluence of grounds involved, to be acknowledged and remedied.

Persons with Disabilities: individuals who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who:

- consider themselves disadvantaged in employment by reason of that impairment, or
- believe that an employer or potential employer likely would consider them disadvantaged in employment by reason of that impairment.

These would include persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace.

Poisoned work environment: a negative, hostile or unpleasant workplace due to comments or conduct that tend to demean a group identified by one or more prohibited grounds under the Code, even if not directed at a specific individual. A poisoned work environment may result from a serious single event, remark or action.

A poisoned environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory and/or toxic work environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned work environment.

Preferential under-policing: Given limited law enforcement resources, racial profiling, as a manifestation of over-policing directed toward Indigenous and racialized populations, can entail the under-policing of White people who are engaged in criminal activity. The OHRC describes these race-specific patterns of law enforcement as preferential under-policing.

This is perhaps most often illustrated in the area of drug enforcement, where arrests and charges for possession are disproportionately directed toward racialized groups despite their drug use levels being equal to or lower than those of White people as measured by self-report drug use surveys, police hit rate data, and race-specific figures on drug overdose deaths.

Protected/prohibited grounds: The *Ontario Human Rights Code* prohibits actions that discriminate against people based on one or more of the following protected/prohibited grounds:

- | | |
|------------------|---|
| 1. Age | 9. Gender expression |
| 2. Ancestry | 10. Gender identity |
| 3. Citizenship | 11. Marital status (including single status) |
| 4. Colour | 12. Place of origin |
| 5. Creed | 13. Race |
| 6. Disability | 14. Record of offences (in employment only) |
| 7. Ethnic origin | 15. Sex (including pregnancy and breastfeeding) |
| 8. Family status | 16. Sexual orientation. |

The protected/prohibited grounds are further defined as follows:

1. **Age:** The Code defines age as 18 years or older.
2. **Ancestry:** family descent - not defined in the Code. Complainants usually identify themselves as having a particular ancestry or ethnic origin in a complaint. The terms “ethnic origin” and “ancestry” are sometimes used interchangeably. However, ancestry is closely related to “whom” you are descended from. An

ancestor is someone a person is descended from and is usually more distant than a grandparent. One's ancestry may originate from more than one cultural group. Statistics Canada states that "ethnic origin" refers to the cultural origins of a person's ancestors.

3. **Citizenship:** Membership in a state or nation. People can either be Canadian citizens "by birth" or "by naturalization." "By birth" means that a person was either born in Canada or born outside Canada if, at the time of his or her birth, one or both parents were Canadian citizens and had retained Canadian citizenship. "Naturalization" means that a person was born in another country and immigrated to Canada, has become a Canadian citizen, and has been issued a Canadian citizenship certificate. Human rights law does not distinguish between the two categories.
4. **Colour:** associated with race.
5. **Creed:** Creed is interpreted to mean "religious creed" or "religion." It is defined as a professed system and confession of faith, including both beliefs and observances or worship. A belief in a God or gods, or a single supreme being or deity is not a requisite.
6. **Disability:** Creed is interpreted to mean "religious creed" or "religion." It is defined as a professed system and confession of faith, including both beliefs and observances or worship. A belief in a God or gods, or a single supreme being or deity is not a requisite.
7. **Ethnic origin:** social, cultural or religious practices drawn from a common past - not defined in the Code. Complainants usually identify themselves as having a particular ancestry or ethnic origin in a complaint. The terms "ethnic origin" and "ancestry" are sometimes used interchangeably. However, ancestry is closely related to "whom" you are descended from. An ancestor is someone a person is descended from and is usually more distant than a grandparent. One's ancestry may originate from more than one cultural group. Statistics Canada states that "ethnic origin" refers to the cultural origins of a person's ancestors.^[16]

Ethnic origin encompasses a wider range of characteristics than ancestry and also includes ancestry. Webster's Dictionary defines "ethnic" as "of or relating to large groups of people classed according to common racial, national, tribal, religious, linguistic or cultural origin or background." Ancestry and ethnic origin should not be confused with citizenship, nationality or language spoken. In the Code, the ground of ethnic origin overlaps with a more commonly used term, "ethnicity," which refers to a shared cultural heritage or nationality.

8. **Family status:** "Family status" is defined as "the status of being in a parent and child relationship." This can also mean a parent and child "type" of relationship, embracing a range of circumstances without blood or adoptive ties but with similar relationships of care, responsibility and commitment.
9. **Gender expression:** the external attributes, behaviour, appearance, dress, etc. by which people express themselves and through which others perceive that person's gender.

10. **Gender identity:** a person's conscious sense of maleness and/or femaleness. This sense of self is separate and distinct from one's biological sex. A person's felt identity or core identity may differ in part or in whole from the sex they were assigned at birth.
11. **Marital status:** the status of being married, single, widowed, divorced, or separated and includes the status of living with a person in a conjugal relationship outside marriage, including both same-sex and opposite sex relationships.
12. **Place of origin:** country or region. "Place of origin" may cover situations where the characteristics of a person are, to the respondent, strongly associated with a particular region, that trigger discrimination. Discrimination against a regional accent may also constitute an infringement of the Code on the basis of "place of origin." A person's place of origin is often related to other grounds in the Code, such as ethnic origin or race.
13. **Race:** There is no such thing as race – instead, it is a “social construct.” This means that society forms ideas of race based on geographic, historical, political, economic, social and cultural factors, as well as physical traits, such as skin colour, hair texture, facial characteristics, even though none of these can legitimately be used to classify groups of people. See Racialization.
14. **Record of offences:** provincial offences or pardoned federal offences. A person cannot be discriminated against in employment because of a “record of offences.” Record of offences is narrowly defined in subsection 10(1) of the Code to mean a conviction for:
 - an offence in respect of which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or
 - an offence in respect of any provincial enactment.
15. **Sex:** The ground of “sex” is not specifically defined in the Code, although it is generally considered to be related to a person's biological sex, male or female. Men and women receive equal protection under this ground. The ground of “sex” also includes a broader notion of “gender,” which can be described as the social characteristics attributed to each sex. The right to equal treatment without discrimination because of sex also applies to gender identity and pregnancy, both of which are the subjects of specific Commission policies.
16. **Sexual orientation:** the direction of one's sexual interest or attraction. It is a personal characteristic that forms part of who you are. It covers the range of human sexuality from lesbian and gay, to bisexual and heterosexual.
[The Code covers all types of unequal treatment, including differential treatment, the loss of employment, and comments, displays and jokes that may make a person uncomfortable because of sexual orientation. As with the other grounds, discrimination based on sexual orientation may be direct, indirect, subtle and/or systemic.]

Racialization: the process by which societies construct races as real, different, and unequal in ways that matter and affect economic, political and social life.

Racial harassment: means harassment on the ground of race. It may also be harassment associated with the grounds of colour, ancestry, place of origin, creed, ethnic origin, citizenship, language, or accent. Racial harassment includes, but is not limited to:

- racial slurs or jokes
- ridicule, insults, or different treatment because of racial identity
- posting/e-mailing cartoons or pictures that degrade persons of a particular racial group; and
- name-calling because of a person's race, colour, language, accent, citizenship, place of origin, ancestry, ethnicity, or creed

Racial profiling: any action that relies on stereotypes about race, colour, ethnicity, ancestry, religion or place of origin, or a combination of these, rather than on a reasonable suspicion to single out a person for greater scrutiny or different treatment.

Racial profiling by an **individual** may be established where:

- A racialized or Indigenous person is singled out
- A racialized or Indigenous person is subject to unprofessional or degrading treatment
- There are deviations from normal practices
- There is a failure to assess the totality of circumstances before reaching a conclusion
- There is no sufficient, credible, non-discriminatory reason that explains the treatment experienced by the racialized or Indigenous person.

Racial profiling can also be **systemic** - driven by discretionary or inappropriate policies, practices or decision-making processes, as well as organizational culture. Activities that may contribute to racial profiling include:

- Deployment that selectively targets particular neighbourhoods or groups
- Proactive or pretext pedestrian or vehicle stops to question or detain people without reasonable suspicion
- Enforcement incentives and performance targets that reward stereotyping
- Setting priorities based on stereotypes rather than objective information about risk
- Certain techniques related to national security or anti-terrorism
- Use of artificial intelligence including risk assessment tools such as "predictive policing" algorithms that rely on racially biased data
- Failure to take appropriate action to protect the safety and security of Indigenous or racialized persons and communities.

Racial profiling may be based on racialized characteristics in combination with race and related grounds. It may also be based on stand-alone racialized characteristics that could be treated as proxies or "stand-ins" for race, some of which are more closely race-linked than others. Examples are:

- Clothing and grooming
- Accent or use of a language other than English
- Having a name not usually associated with the dominant population
- Neighbourhood characteristics: e.g., living in an area that is highly populated by Indigenous or racialized people or appearing to be "out of place" in an affluent neighbourhood
- Associations: e.g., alleged gang affiliations, being labelled as "known to police"
- Activities: e.g., travelling to places suspected of drug production or to places where there are suspected terrorist activities, engaging in activism around the rights of marginalized people

- Vehicle characteristics: e.g. age, condition or make of vehicle, customized appearance (such as tinted windows).

Racism: a belief that one group is superior or inferior to others. Racism can be openly displayed in racial jokes, slurs or hate crimes. It can also be more deeply rooted in attitudes, values and stereotypical beliefs. In some cases, people don't even realize they have these beliefs. Instead, they are assumptions that have evolved over time and have become part of systems and institutions.

Racialized persons: Racialization is the process by which societies construct races as real, different, and unequal in ways that matter and affect economic, political, and social life. It's important to note that the term "racialized" relates to the social process of "racialization", which is a social construct (usually by a dominant group). "Racialization" groups people by physical characteristics, ethnicity, religion, and culture (among other characteristics). Racialization impacts a non-dominant group's relationship with systems and institutions.

Reprisal: means an action or threat that is intended as retaliation for a worker initiating a complaint or otherwise participating in an investigation under this Policy. For example, reprisal includes, but is not limited to, a:

- supervisor withholding an opportunity at work, such as a course, conference, or breakfast invite, because that worker made a complaint against a colleague alleging harassment
- worker threatening a 'whistleblower' to remain quiet or otherwise refrain from participating in an investigation under this Policy
- supervisor isolating workers under their command because they are uncomfortable being around them due to them making a complaint under this Policy, and
- supervisor or other workers gossiping and spreading lies about another worker because they are not in agreement with them filing a complaint or they do not agree with the resolution of an issue.

Respondent: refers to any worker to have allegedly committed a breach of this Policy.

Stereotype: incorrect assumption based on things like race, colour, ethnic origin, place of origin, religion, etc. Stereotyping typically involves attributing the same characteristics to all members of a group regardless of their individual differences. It is often based on misconceptions, incomplete information and/or false generalizations.

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

Systemic Discrimination: patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization, and which create or perpetuate a position of relative disadvantage for groups identified under the *Human Rights Code*.

Undue hardship: Organizations covered by the Code have a duty to accommodate to the point of undue hardship. The Code sets out only three considerations when assessing whether an accommodation would cause undue hardship: (1) cost, (2) outside sources of funding, if any, and (3) health and safety requirements, if any.

The onus is on the organization to prove that the accommodation would cause undue hardship through evidence that is objective, real, direct, and, in the case of cost, quantifiable. A mere

statement, without supporting evidence, that the cost or risk is “too high” based on speculation or stereotypes will not be enough.

Workplace: means any land, premise, or location at, upon, in, or near any location of employment, including but not limited to vehicles, lunchrooms, washrooms, locker rooms, training facilities (including Ontario Police College), or secondment locations whether organized by the Ottawa Police Service or not. The workplace may also extend beyond the physical workplace to interactions with a worker, including but not limited to social functions or parties, during business travel, telephone calls or visits from one worker to the home of another worker, and may also include electronic communications (such as voice or e-mail messages).

Workplace harassment means:

- engaging, in a workplace, a course of vexatious comment or conduct against a worker that is known or ought reasonably to be known to be unwelcomed
- Workplace sexual harassment; or
- Racial harassment

Workplace sexual harassment means:

- engaging in a course of vexatious comment or conduct against a worker 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
- 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.

Forms of workplace harassment and workplace sexual harassment include, but are not limited to:

- gender-related comments about a person’s physical characteristics or mannerisms
- suggestive, offensive, sexual, or demeaning remarks, jokes, gestures, or abuse directed at an individual or group
- suggestive, graphic, or sexual comments about an individual’s dress or body
- the display of pornographic, racist, sexist, or otherwise offensive objects or pictures in the workplace
- unnecessary or unwelcome physical contact including patting, touching, pinching, or hitting
- inappropriate and unwelcome staring
- unwelcome sexual remarks, invitations, or requests
- bragging about sexual prowess, or questions or discussions about sexual activities
- vandalism of personal property
- sexual assault
- abuse of authority
- reprisal
- bullying; and
- a course of unwanted contact or attention either during or after the end of a consensual romantic relationship

Discrimination and Workplace Harassment do not include:

- a reasonable action taken by the Service or a supervisor relating to the management and direction of work or the workplace, including but not limited to work assignments, changes in work assignments, scheduling, job assessment and evaluation,

workplace inspections, implementation of health and safety measures, and disciplinary action

- appropriately discharged supervisory responsibilities including direction, evaluation, feedback, or counselling on performance or discipline
- differences of opinion or disagreements between workers; and
- stress resulting from the performance of legitimate job duties

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.

For workplace violence to occur, a person must apply, attempt to apply, or threaten to apply physical force against a worker. However, the person does not need to have the capacity to understand that these actions could cause physical harm.

Forms of workplace violence include, but are not limited to:

- verbally threatening to attack a worker
- sending e-mails to a worker that threaten physical force
- shaking a fist in a worker's face
- hitting or trying to hit a worker
- throwing an object at a worker
- sexual violence against a worker
- violence in the workplace between workers in a personal relationship; and
- trying to run down a worker using a vehicle.

Witness: means any person who witnesses another person being subjected to discrimination, workplace harassment, or workplace violence.