

Rubin Thomlinson Recommendations – Original Report and Close-Out Report	Description of Recommendation	Original SWP Model	New SWP Model (Effective Nov.1, 2023)
<p>Recommendation 12: Create a new “Office of the Workplace Investigator”</p>	<p>We recommend that a new “Office of the Workplace Investigator” (the “Office”) be created, and that it be independent of the chain of command. The Office would investigate all complaints made under the Equitable Work Environment Policy, Respectful Workplace Policy, and Violence & Harassment in the Workplace.</p>	<p>The original structure of the WIO was a modification of the RT Recommendation. The WIO reported directly to the Chief of Police and was therefore not outside the Chain of Command. The WIO did have a mandate to investigate all complaints made under the Equitable Work Environment Policy, Respectful Workplace Policy, and Violence & Harassment in the Workplace.</p>	<p>Within the new structure, the Manager – SWP intakes complaints through a standardized intake and screening process. Complaints are then brought to the Triage and Resolution Committee to determine an appropriate path for the complaint.</p> <p>If it is deemed that the complaint requires an investigation, the service will assign the file to an appropriate resource for independent investigation. The investigation will be conducted, in most circumstances by a third party, who will be external to the organization and therefore, outside the Chain of Command.</p> <p><u>Effective December 31, 2023</u> The OPS has implemented the revised Workplace Harassment, Violence, Discrimination and Reprisal Policy. This new policy and its associated procedures outline that:</p> <ul style="list-style-type: none"> • 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.

	<p>The person who leads the Office should be a lawyer or an adjudicator with an employment law, labour law, and/or human rights background.</p>	<p>This recommendation was not implemented as outlined by RT.</p>	<p>All investigations will be completed by competent investigators with significant employment, labour law and/ or human rights backgrounds.</p>
	<p>It is crucial that the Office be independent. The person who leads the Office would report to the Chief of Police. They should be provided with office space separate from other operational offices. Their electronic files should not be accessible by anyone outside of the Office, and they should be able to manage their own budget. In addition, the Office must be sufficiently resourced so that other investigators can be added, and that investigations can be conducted efficiently and on a timely basis.</p>	<p>The Executive Director of the WIO did report to the Chief of Police.</p> <p>The location of the original WIO office was located at 150 Isabella which had no other OPS units within it.</p> <p>All electronic file and case management systems were not accessible by anyone outside of the office and the Executive Director was responsible for managing the unit's budget.</p> <p>There were structural challenges with having the WIO report to the Chief of Police which included gaps in subject matter expertise, adequate oversight, and procedural issues related to the PSA.</p>	<p>The Location of the Safe Workplace Office is located at 19 Fairmont. The Office is located in a low-traffic area of the building and members can make arrangements to meet with the Manager- SWP at a location that is comfortable for them.</p> <p>The location has been deemed to be suitable for members attending confidential meetings with sections such as the Professional Standards Unit and the Wellness Unit.</p> <p>Security and necessary precautions are in place to protect the file integrity and confidentiality of the SWP case files.</p> <p>The WIO budget has been reassigned to the SWP and is being used to retain external investigators and alternative dispute resolution practitioners.</p>
	<p>The person who leads the Office should have no prior employment history with the OPS, and we would recommend that the OPS seek input from both the OPA and the SOA as to who this person might be.</p>	<p>All employees hired to work in the WIO had no previous employment history with OPS.</p>	<p>The Manager – SWP was an external hire as part of the original hiring process for the WIO.</p> <p>As part of the new model, the Program Manger- SWP and the Command Team have been meeting regularly with the associations to foster stronger relationships and partnerships with respect to the SWP initiatives.</p>
	<p>This person would be employed for a specified term – we would suggest five years – and their employment contract would have special protections to enhance their independence.</p>	<p>All WIO Job descriptions were posted as term contracts ranging from 3 to 5 years in duration; however, the employees were ultimately hired as full time permanent employees of the Ottawa Police Service and members of the Senior</p>	<p>The Manager – SWP is a full-time OPS employee and was hired originally as a member of the WIO..</p>

		<p>Officers' Association. As such, this recommendation was not implemented as intended.</p> <p>Upon the completion of the hiring process, the successful candidates were offered full-time positions with the Service.</p>	
<p>Recommendation 13: Heighten knowledge of human rights within the Professional Standards Unit and for hearing officers</p>	<p>We recommend that those conducting investigations in the Professional Standards Unit receive additional training on human rights, harassment and discrimination, equity, diversity, and inclusion, as well as human rights-based workplace investigation models.</p>	<p>An annual training day for the Professional Standards Unit was created to cover the topics of Sexual Harassment, Sexual Assault, and Sexual Misconduct investigations, including Workplace Harassment and Discrimination, and Trauma Informed Approach to Police Investigations.</p> <p>The training specifically addresses Recommendation #13 and RT's conclusions. Presenters include OPS Legal, the Provincial Crown Attorney, and an Independent Workplace Investigator.</p> <p>Topics also cover legislative requirements under OHSA, OHRC, PSA, and CCC. The inaugural session was held in May 2022, with an additional session took place in September 2023.</p>	
<p>Police Services Act: Part V</p>	<p>Part V Part V of the Police Services Act (Act) outlines the legislative requirements for Complaints and Disciplinary Proceedings for Sworn Members.</p> <p>Six-Month Limitation Period: The PSA stipulates that from the day that a complaint is received about the conduct of a police officer by the service, the Service must issue a hearing notification within six months. If six months have elapsed, the Service must notify the police services Board of the delay and seek their approval to proceed with a hearing notification if it is deemed to be reasonable, under the circumstances.</p>	<p>RT recommend that the WIO and the PSU create a Memorandum of Understanding (the "MOU") that clearly sets out how cases will be handled between them, including evidentiary issues, fairness issues to parties, etc. The MOU would be accessible by OPS employees, and would hopefully increase transparency and enhance the perception of fairness.</p> <p>OPS did not fulfill this recommendation as the development of an MOU between the WIO and PSU would not mitigate the requirements outlined in Part V. WIO would meet with PSU on a case by case basis to discuss complaints.</p>	<p>The new SWP model facilitates better adherence to the legislative requirements under Part V of the PSA and ensures procedural fairness for all parties involved.</p> <p>Within the new model, the Inspector of the Professional Standards Unit is a member of the Triage and Resolution Committee. This committee meets weekly or as needed to review all internal complaints. This plays a critical function in ensuring that complaint involving sworn members, that could rise of the level of misconduct under the PSA, are investigated through the appropriate legislative regime from the onset of the complaint submission to reduce infringing on the six-month limitation period and a duplication of the investigative processes.</p> <p>It also ensures that the Chief's designates are consideration all organizational information when assessing a complaint, deconflicting issues that may be in multiple forums, and appropriately managing risk for the organization.</p>

	<p>Misconduct: Officer Misconduct is defined in the Police Services Act within Ontario Regulation 268/10 “Code of Conduct”. Should an investigator find reasonable and probable grounds to conclude that misconduct has occurred, the Chief of Police can refer the case to a hearing officer. Unless the case has been heard at a hearing to determine if misconduct has occurred, a police officer in Ontario cannot have discipline imposed upon them from any other investigative body. This would then require a completely new investigation to be initiated by the Professional Standards Unit.</p> <p>The definitions of misconduct are broad and could encompass most if not all respect in the workplace issues. The Part V process is not the optimal avenue to resolve such complaints.</p> <p>Procedural Fairness: Multiple processes can create challenges in producing potentially conflicting findings, process delays, and increased psychological stress for all members involved.</p> <p>Duties of the Chief: Where a Chief of police or his designates are aware of complaints about the conduct of a police officer employed by his or her police force, the Chief shall cause the complaint to be investigated and the investigation to be reported on in a written report. Upon making a complaint about the conduct of a police officer, the Chief of police shall promptly give notice of the substance of the complaint to the police officer unless, in the Chief of police’s opinion, to</p>	<p>This was also a structural challenge of the WIO as they operating as “independent”; however, they were designates of the Chief of Police as they were not outside the Chain of Command. This cause procedural issues related to the Chief’s obligations pursuant to Part V of the PSA.</p> <p>Under the previous investigative structure, it was difficult for the Chief to manage these obligations and responsibilities without oversight of the investigations.</p> <p>Independent/third party intake and investigation of complaints during the RT Pilot did not provide the Chief with adequate information and oversight into the nature of the complaints and the response to such complaints., thus creating challenges in fulfilling PSA and OHSA obligations.</p>	
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