

Report to / Rapport au:

**Human Resources Committee  
Comité des ressources humaines**

**16 May 2017 / 16 mai 2017**

**Submitted by / Soumis par:**

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**SUBJECT: OPS GENDER PROJECT PHASE III**

**OBJET: LE PROJET SUR L'ÉGALITÉ DES SEXES – ÉTAPE III**

**REPORT RECOMMENDATIONS**

**That the Human Resources Committee receive this report for information..**

**RECOMMANDATIONS DU RAPPORT**

**Que la Comité des ressources humaines prenne connaissance de cette présentation.**

**BACKGROUND**

On Aug. 16, 2012, a human rights application was filed with the Human Rights Tribunal of Ontario (HRTO) by a female OPS officer against the Ottawa Police Services Board (the "Board") alleging discrimination in employment on the basis of sex and family status. The Ontario Human Rights Commission (the "Commission") intervened as a party under section 37 of the *Human Rights Code*.

As part of the settlement reached through the Commission, the OPS agreed to undertake a series of actions to address problems related to gender within the organization:

Phase I: Analyze the OPS 2012 Workforce Census to determine representation by gender and/or family status, focussing on the sworn membership,

Phase II: Conduct a Gender Audit,

Phase III: Develop new and/or amended policies or procedures that relate to job placement and promotions, including a draft human rights accommodation policy.

Phase IV: Implement policies and undertake training related to Phase 3 results.

The OPS agreed to report the results of the review at each stage to the Commission, the complainant and the Ottawa Police Association.

OPS has now completed three of the four phases of work in accordance with the prescribed deadlines. Phases I and II were completed and presented to the Commission on Nov. 4, 2016, Phase III on May 3, 2017. This report provides a high-level summary of Phase III approach and results.

## **DISCUSSION**

### Phase III Approach

Staff has taken a comprehensive approach to the work it is undertaking to positively change gender equality at OPS. The go-forward approach proposed for Phase III and IV, described below, is broad in scope and goes beyond the policy work required by the Commission. Implementing this approach will be important for policing, as there are few existing models to follow in Canada. A broad approach will also be beneficial for OPS which is concurrently working on several other important initiatives – the Multi-Year Action Plan and the Wellness Strategy. The gender work is being planned so that it can interconnect with these projects, and each can benefit from the progress of the other.

### Values Based

Gender equality is a core Canadian value enshrined in our Charter of Rights and Freedoms. An organization's core values support its vision, shape the culture and reflect what the organization values and defines as important.

OPS has adopted the core values of honour, courage and service. Equality is absent from the list.

Staff are proposing to change this by working jointly with the Board in Phase IV to have Equality established as a core value. This will be a powerful and positive step in the gender work, which will now be anchored in OPS' foundation.

In Phase III staff has signaled the start of the values work by developing a Commitment Statement which will be the lead-in to each policy. It is discussed later in the document.

The values work will advance again in Phase IV, when staff are planning for the creation of a Vision Statement derived from the new value of equality, to serve as a guide for the development of the program.

## Strategy

The strategy staff has developed to positively change gender equality at OPS relies on three primary components:

### 1. Model

- The gender equality work needs to be framed using a model that will guide the policies, programs and evidence based research generated throughout the project .Work was completed to identify gender equality models in policing, both in Canada and other countries. A literature review was undertaken, best practices were reviewed and the work of Status of Women Canada was surveyed. The GBA+ Framework has been selected a starting place for the model.

### 2. Policy

- To support the model and ensure OHRC compliance, new /amended policies and procedures were drafted. A gap analysis was conducted to eliminate shortcomings and barriers. The revised draft policies were then rated using the Equality Framework© test to gauge the improvement.

### 3. Culture

- To better understand the cultural issues influencing sex and family status, evidence based research was undertaken, followed up by stakeholder consultations.

Each component and the work completed for it in Phase III is discussed below.

## Model

The search for a model began with a detailed literature review of relevant sources including International human rights, discrimination and labour standards, Canadian and international best practices, and Ontario legislation and case law . The review revealed there were few models In Canada upon which to base the gender equality work.

Fortunately the Status of Women Canada, and other sectors, have created robust .best practices that OPS can adopt. Staff are recommending that OPS adopt the GBA+ Framework as a starting place for its model.

GBA+ is a framework used to assess the potential impacts of policies, programs, services, and other initiatives on diverse groups of women and men, taking into account gender and other identity factors. The “plus” in the name highlights the fact that GBA+ goes beyond gender to include other factors (such as age, race, education, culture, and income) that together form a person’s identity.

An organization adopting the GBA+ Framework commits to incorporating the following six elements:

1. A responsibility centre to oversee the implementation of GBA+ and provide internal advice
2. An organizational needs assessment to determine the capacity and resources that already exist in the organization, and to inform the creation of a work plan;
3. A policy statement or statement of intent to articulate the commitment to GBA+ and provide a mandate for implementation;
4. GBA+ training and tools to facilitate buy-in, build capacity and inform different parts of the organization about GBA+;
5. A GBA+ pilot project to provide a concrete example of how the tool can be applied; and
6. Ongoing monitoring of progress, to highlight successes, best practices, and to identify gaps and new priorities.<sup>1</sup>

#### Equity, Diversity and Inclusion Office

On April 24, 2017, approval in principle was granted for both the mandate and the establishment of an Equity, Diversity and Inclusion (EDI) Office within the OPS.

The establishment of a dedicated EDI office with this mandate will provide the OPS with guidance on human resources issues, systemic barriers at the strategic level, and will allow the organization to be more proactive in closing the gaps between our goals and our results.

The EDI office will fulfill the requirement for a responsibility centre under the GBA+ Framework. It will provide a means to pilot GBA+ within the OPS, provide oversight, direction and the promotion of equality across the OPS, as well as monitor progress on an ongoing basis.

#### Policy

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<sup>1</sup> <http://www.swc-cfc.gc.ca/gba-ac/sustainable-perennite-en.html>

The OPS completed the policy review, development and amendment work mandated by the Minutes of Settlement as described below.

To anchor this work into the values of the organization, the OPS statement of commitment to an Equitable Work Environment was developed. It is now part of all policies that were developed or revised under the terms of the Minutes of Settlement:

“OPS Commitment to an Equitable Work Environment

The OPS will serve the community and create and maintain an equitable and adaptive work environment that ensures every employee can make a valuable contribution, free from systemic barriers and discrimination, throughout their OPS career. The OPS is committed to fostering a work culture that actively promotes equity, diversity and inclusion.”

Policy Deliverables – Required

The OPS Gender Project Team worked with internal stakeholders (including the key stakeholder) to review and revise the policies and procedures outlined in the Minutes of Settlement.

Transfer Policy

Equity, diversity and inclusion is now a principle of the amended Transfer Policy, which focuses on member development, and also builds in a provision for members on maternity, parental or family-status related leave so they can still participate in the process. The policy also mandates diversity on panels, as well as ethics and suitability screening and training for all those participating in the Transfer process to ensure it is equitable and adaptive, and free of biases and conflicts of interest. Evaluation metrics are also included to ensure the collection and analysis of data related to sex and gender.

Promotions Policy

The amended OPS Promotions Policy mandates diverse panels, bias-free training and also incorporates an ethics statement that speaks to the principles of equity, diversity and inclusion (EDI). Under the new policy, job scenarios and interview questions will be reviewed by a third party, and an impartial observer will be involved in every promotion process. The policy includes metrics to ensure disaggregated data on sex and gender are collected and analyzed and recommends the development of a Sponsor for Recommendation Guide to standardize the endorsement of candidates into the promotions process. Also under the policy, the Chief of Police will have EDI

responsibility, and the reassessment panel for Sergeants and Staff Sergeants will be representative of diversity.

#### Equitable Work Environment Policy

This new policy not only fulfills the requirement for a Human Rights Accommodation Policy under the Minutes of Settlement, but lays the foundation for further work towards the organization's equity, diversity and inclusion goals. It incorporates the OHRC's guidelines for accommodation, expands the formal accommodation process for grounds that were previously not recognized, and embeds the obligations of the Equitable Work Environment policy into the OPS chain of command. The policy also includes evaluation metrics.

To support the Equitable Work Environment Policy, the OPS has also developed supporting procedures related to:

- Sex (including Pregnancy) and Maternity/Parental leave. This procedure adopts OHRC guidelines with respect to sex and pregnancy. It also formalizes the process for accommodation for pregnancy, expands the scope of pregnancy-related needs, reiterates a commitment to a family friendly workplace and positive work-life balance, formalizes and aligns the guidelines for maternity and parental leave, and embeds obligations into the OPS chain of command.
- Family Status. This procedure adopts the OHRC's guidelines and formalizes the procedure for family status accommodations. It also takes into account the reality of contemporary family structures and expands the definition of family status to include the full range of familial relationships, and considers employees' overall care giving responsibilities.

#### Policy Deliverables - Additional

A number of additional deliverables were identified during Phase III that will help support the OPS as it works towards its goals

##### *Gender, Gender Identity and Gender Expression*

The new OPS procedure for the prevention of discrimination and accommodation based on Gender, Gender Identity and Gender Expression represents the first introductory document on gender expression to be adopted by the OPS. It includes an educational piece on the various definitions related to gender and incorporates OHRC guidelines with respect to gender accommodations (including use of preferred pronoun, washroom/change rooms, and transitioning). It also addresses sexual harassment and formally prohibits sexual solicitation.

## Job Share

This document formalizes the procedure for Job Shares within the OPS, while protecting entitlements and seniority under the Collective Agreement. It identifies job sharing as a form of Family Status accommodation.

## Leave of Absence without Pay

This document formalizes the process for Leave of Absence without Pay. It includes supports for employees' family-related needs through a child's first five years of life, and is identified as a form of family status accommodation. There is no minimum duration of employment for staff applying for a Leave of Absence without Pay, and employees on family-status leave will still be able to compete in transfer and promotion processes.

## Gap Analysis

Having worked with Ruth Montgomery during earlier phases of the Gender Project, the OPS re-engaged her during Phase III: 1) to review the new and/or amended draft policies and procedures related to Transfer of Sworn Personnel, Promotion, and Accommodation, and 2) to perform a gap analysis. The purpose of the review was to identify potential barriers that may hinder the OPS in achieving its equality, diversity and inclusion objectives, and to make suggestions for improvements. The OPS draft policies on Transfer of Sworn Personnel, Promotion and Accommodation were reviewed for alignment with Ontario Human Rights Commission (OHCR) and best practice guidelines identified by reviewing:

1. International human rights, discrimination and labour norms and standards;
2. Canadian human rights and labour legislation, and related guides;
3. The Status of Women Canada gender equality strategy;
4. Government of Ontario and OHRC guidelines and checklists; and
5. Leading gender responsive policies, practices and guidelines developed by governments, researchers, and internationally recognized organizations, including, but not limited to: the Geneva Centre for the Democratic Control of the Armed Forces (DCAF) guidelines on conducting gender assessments in police organizations and integrating gender in internal governance and The International Association of Chiefs of Police (IACP) model policies.

To perform the gap analysis, Ms. Montgomery developed a series of questions related to organizational gender responsiveness and inclusion following her extensive literature review. These were integrated with the questions developed for the OHRC-approved Phase II Gender Audit by ePsy Consultancy to create a checklist, which Ms. Montgomery used in her assessment.

Ms. Montgomery's analysis provided helpful feedback that was taken into consideration when the OPS revised its draft policies on Transfer of Sworn Personnel and Promotion and created its new Equitable Work Environment Policy, described below.

Ms. Montgomery's report also recommends further training and education to 1) increase awareness and educate staff on gender awareness, gender sensitivity, and the benefits of increased work flexibility; 2) reduce discriminatory attitudes against people being accommodated or on maternity or parental leave; and 3) build awareness and sensitivity to demystify transgenderism in a way that instills trust and respect in all OPS employees.

#### Equality Framework© Test

The OPS then engaged Dr. Carina Fiedeldey-Van Dijk and her team at ePsy Consultancy to perform another gender audit on the revised documents, again using the Equality Framework© tool described above.

The Phase III Equality Framework© review was conducted on a smaller scale than the review done during Phase II: Seven documents (totalling 51 pages) were submitted, all of them of a policy, process-oriented or procedural nature, and all in draft format. Five of these were revised versions of documents submitted during Phase II, and two were new documents.

As stated earlier, for an organization to be considered compliant with gender equality standards based on the Equality Framework©, it must score 61% or higher on average. However, while the OPS fared far better than it did during Phase II, overall scores in Phase III narrowly missed the set point for minimal acceptance.

The overall audited outcome of gender equality for the seven Phase III documents was 56.14%, compared to 36.71% for the seven corresponding Phase II documents.

A comparison of specific Phase II and Phase III review scores across the four key elements that comprise the Equality Framework© is included in the table below:

#### Overall Scores

<b>Criteria</b>	<b>Phase II Score</b>	<b>Phase III Score</b>	<b>Difference</b>
<b>Strategic Command</b>	31.84	56.92	+25.08
<b>Practical Capacity</b>	23.34	58.08	+34.74
<b>Liabile Compliance</b>	20.14	46.50	+26.36
<b>Work Culture</b>	35.97	62.17	+26.20



## Culture and Other Barriers

The OPS understands that new policies and procedures are only the first step towards creating real change as it works towards its gender equality objectives. Changing the culture within the OPS is a long-term goal that represents our greatest challenge but also has the potential to make the biggest impact.

As a first step OPS is actively working on a research project to understand the unintended consequences and unseen barriers that are a part of our workplace culture - barriers that cannot be addressed through policy work alone.

In order to understand these unwritten barriers, the OPS engaged Dr. Linda Duxbury of Carleton University's Sprott School of Business to undertake a survey of sworn members to assess whether or not gender and/or family status affects:

- The likelihood an officer will seek a promotion/transfer; and/or
- The likelihood applicants receive a promotion/transfer.

Dr. Duxbury sought, and received, approval from the Carleton University Research Ethics Board (CUREB) for this project.

The survey data revealed noteworthy gender differences in some areas, specifically:

- Female sworn officers are more likely than their male counterparts to be single, to have no children, to hold the rank of constable, and to have spent 20 or more years in their current rank.
- Male sworn officers are more likely than their female counterparts to be married or living with a partner, to have children at home, to hold the rank of Sergeant, and to apply for a promotion.

These differences suggest it is more difficult for female officers to combine marriage and parenthood with their duties as a police officer. They also support the idea that gender plays a role in deciding whether or not to apply for a promotion within the OPS.

The survey data also indicate men and women make different career planning decisions at work depending on their family status. It appears that men get married, have children and apply for promotion in order to get their name on the eligibility list when their children are very young. This strategy is likely to lead to a faster rate of promotion than that taken by women, who seem to either wait until their children are older to apply or to reduce their family commitments (i.e., not getting married, not having children) to allow for greater career flexibility.

It is clear from the data that the OPS must look more closely at: 1) the decision to apply for a promotion and 2) the decision to apply for a transfer. It appears from the survey

results that it is in the individual decision-making process that inequalities may arise, rather than in the promotion and transfer policies themselves.

Dr. Duxbury and her research team will delve more deeply into this issue with 218 officers (of the 654 whose results were analyzed) who volunteered to participate in follow-up interviews.

### Education and Training

Education and training are key deliverables for Phase IV in November. OPS has engaged the Centre for Intercultural Learning at Global Affairs Canada to assist with the development of a program designed to:

- Educate employees on human rights, GBA+, bias,
- Train employees on the new policies and procedures,
- Educate key directorates on how to integrate this new approach into planning, policy, training and everyday operations.

### **CONSULTATION**

Not Applicable

### **FINANCIAL IMPLICATIONS**

The cost of Phase III of this project totalled approximately \$82,000 and related primarily to professional services. Funds within the Resourcing and Development Directorate are being used to cover project costs.

### **SUPPORTING DOCUMENTATION**

**Document 1:** Gender Project: Phase III Report

### **CONCLUSION**

The OPS Gender Project is laying the groundwork for a long-term, organization-wide effort to “create and maintain an equitable and adaptive work environment that ensures every employee can make a valuable contribution, free from systemic barriers and discrimination, throughout their OPS career.”

The requirements for Phase III under the Minutes of Settlement have been met. The results indicate that the OPS is making progress, but there is still much work to do. To this end, work has already begun on Phase IV of the OPS Gender Project, which will be delivered on Nov. 4, 2017.