

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

24 January 2022 / 24 janvier 2022

Submitted by / Soumis par:

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**SUBJECT: ADVANCING CULTURE—JOINT STRATEGY- WORKPLACE SEXUAL
VIOLENCE & HARASSMENT : FUTURE STATE PROGRAM**

**OBJET: FAIRE AVANCER LA CULTURE- STRATÉGIE CONJOINTE-
VIOLENCE ET HARCÈLEMENT SEXUELS AU TRAVAIL : ÉTAT
FUTUR DU PROGRAMME**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board receive this report for information.

RECOMMANDATIONS DU RAPPORT

**Que la Commission de services policiers d'Ottawa prenne connaissance du
présent rapport à titre d'information.**

BACKGROUND

The Ottawa Police Service (OPS) and the Ottawa Police Services Board (the Board) recognize that sexual violence and harassment are symptoms of a greater epidemic of gender disparity, as well as other inequities in our society that impact workplace culture. It limits all workplace stakeholders – employees, coworkers, employers – in realizing their fullest potential. The OPS and the Board have taken unprecedented steps to understand, assess and address this issue within the Service. In March 2020, a partnership between the OPS and the Board led to the creation of a Joint Strategy on Workplace Sexual Violence & Harassment (JS-WSVH) project.

The Joint Strategy on Workplace Sexual Violence and Harassment (JS-WSVH) is a long-term commitment from the OPS leadership and the Board to prevent and

understand workplace SV&H, meaningfully support and respond to complainants, respondents, and bystanders, and restore a safe, equitable workplace for all members. It reflects our on-going commitment to member wellness, to eliminating sexual violence and harassment in the workplace, and to addressing intersectional systemic issues such as gender-based discrimination, racism, and homophobia.

This multi-year engagement adopted a structured program management approach that included significant collaboration and co-production with members and leading experts from community agencies in both private and public sectors. OPS leadership understands that addressing sexual violence, discrimination in all forms, and workplace harassment requires a multi-faceted strategic approach that 1) has clear leadership and a commitment to sustained engagement over the span of multiple years; 2) rebuilds a respectful workplace through meaningful responses to complaints and a respectful, confidential reporting process; 3) is cohesively and fully supported by leadership, including Associations, the Board, and members of OPS executive; and 4) is integrated within broader efforts to advance culture by fostering equitable, diverse, and inclusive systems, processes and programs.

This report outlines the priority, along with short, medium and long-term action items for the JS-WSVH in line with the Board's strategic direction and the approved 2022 Budget. A more detailed project report on the Joint Strategy and the future state program, including the full Rubin Thomlinson Report is attached to this report and will be made available to police and community members, internal and external stakeholders, and posted online at ottawapolice.ca.

DISCUSSION

The guiding objective of the JS-WSVH strategy is to eliminate workplace sexual violence and harassment at the OPS by ensuring a safe, supportive and inclusive work environment for all members, and an overall organizational culture of respect, openness, and high standards for professionalism that reflect the Service's core values.

Building upon a substantive understanding of the issue, such as the Gender Audit (2016), Diversity Audit (2019), OPS Member Engagement Surveys (2018; 2020), the OPS Workplace Harassment Audit (2020), and the Rubin Thomlinson (RT) Pilot Project (2021), the OPS aims to create a safe place for disclosure of workplace SV&H. In recognition that there is underreporting and significant fear of reprisal, the OPS aims to remove systemic barriers, respond to incidents of SV&H in a coordinated and

timely way, and improve the supports in place for existing survivors, bystanders and respondents.

Most critically, there is an acknowledged need to prevent future incidents of SV&H by implementing meaningful change to the OPS workplace culture and commitment from all levels of leadership (Board, Associations, and OPS executive). Victims and complainants must be fully supported. Perpetrators must be held to account both as a remedy and a deterrent. This requires overarching capacity building, education, and commitment by each member to this purpose. The OPS also recognizes the importance of ensuring an intersectional approach to SV&H, taking into consideration the overlapping and compounding impacts of gender, race, mental health, and other social locations and identities.

More precisely, the goals of the JS-WSVH are:

1. Foster an environment where OPS members can focus on their duties, be productive, contribute daily without the fear of harassment or reprisal
2. Ensure the health and wellness of all OPS members
3. Safeguard an environment where OPS members trust the service and feel supported
4. Regain public trust and confidence in the Service and its members
5. Prioritize public safety

As noted, the anticipated result of the JS-WSVH strategy is a healthier, safer and more respectful workplace, free of bullying, harassment, and discrimination, where all members feel safe empowered and supported to provide exemplary service to the public. This initiative will also contribute to the ongoing OPS strategy of (re)building public trust and demonstrating greater duty of care (for all community members/OPS members). Financial returns on investment are likely to come through a reduction in resources needed to address workplace complaints, investigations, and litigations. By proactively developing an inclusive workplace culture and establishing an Independent Office of Workplace Investigations, the OPS can offset some costs associated with complaints and allegations.

Current Context

In 2020, the OPS Workplace Harassment Audit found that member experiences of harassment and discrimination far exceed the number actually reported to the Respectful Workplace Program (RWP) process. This suggests a lack of trust in the process and, in some cases, fear of reprisal. Indeed, OPS members have described

facing various forms of reprisal in response to filing complaints, such as being put through intense scrutiny, intimidation by senior officers, not being supported on the road or considered for promotional opportunities, and being alienated and excluded from their team.

Workplace complaints about SV&H are currently decentralized and are received and managed by various departments and individuals, including: Respect, Ethics and Values, PSU, Health, Safety & Wellness and Labour Relations. Employees can also submit complaints outside the organization through their respective Labour Unions/Associations (OPA and SOA), the Ministry of Labour, or the Ontario Human Rights Tribunal. Labour Relations (as respondent for the OPS) become involved in these investigations. Additionally, workplace harassment and / or discrimination issues can be classified as Code of Conduct issues under the Police Services Act (PSA), and therefore can also fall under the PSU process. The Professional Standards Unit (PSU) is the unit within OPS that investigates complaints made against sworn members of the Service, including complaints about sexual harassment and discrimination. This lack of centralization of the filing and investigations process increases risk of delays, confidentiality, and duplication of efforts.

The Workplace Harassment Audit found that in 2019 there were 34 single or group-based complaints. Of these, less than half (47%) were resolved within the 90-day timeline proposed by the Ministry of Labour's Code of Practice for Workplace Harassment Program (2016). Slightly more than 20% took over a year to resolve, and 9% were unresolved at the time of writing the audit report.

Investigation by RT indicated that during the investigative process, complainants receive little to no communication on the status of their case. They may also be required to continue to work with the respondent. The 'chain of command' system results in many members at various ranks and sections becoming involved in a complaint, which delays resolution and undermines the privacy and confidentiality of the complaint and investigation process. On the part of those tasked with managing complaints within the OPS, there is a strong perception that the OPS Executive does not trust or hold confidence in the abilities, knowledge, and experience of the complaint process managers.

Legislative Frameworks and Constraints

Police are mandated under the PSA to be sensitive to the "the pluralistic, multiracial and multicultural character of Ontario society" (s. 1). At the same time, the strict framework of the PSA makes it difficult to hold members accountable for violations of workplace and human rights policies. For example, officers charged with an offence under federal,

provincial or territorial laws can be suspended from duties, but they will still receive pay (s. 89.6).

Whether police chiefs and/or police boards should have the power to suspend officers without pay has been long-standing debate, particularly in cases where officers face criminal charges and in cases where multiple appeals and administrative delays drag cases on for months. Recent surveys with members of the public indicate significant levels of frustration when officers accused of assault, violence, or other misconduct continue to receive pay. Yet as the law currently stands, it is only after officers are convicted of an offence and sentenced to imprisonment that the chief of police or police board can suspend them without pay (s. 89.6). There are also constraints within frameworks governing internal investigations and complaint resolution which complicate efforts to bring in third party investigators.

At the same time, there are laws, human rights codes, and legislated frameworks (such as Occupational Health and Safety Act and the Ontario Human Rights Code) which require the OPS to protect the rights and safety of its members, and which forbid discrimination and harassment. More specifically, OPS direction of workplace SV&H is covered under four different policies: Respectful Workplace Policy (2002), Human Rights – Race Relations (2002), Violence & Harassment in the Workplace (2010), and Equitable Work Environment (2017). However, a Workplace Harassment Audit (2020) found there are gaps and overlaps among governing policies, and a lack of clarity amongst the various roles. As such, there is potential for consistency of workplace investigations to be undermined.

The JS-WSVH must therefore ensure the safety of OPS as a workplace, while also meeting the existing requirements of the various policies and legislation that apply to workplace SV&H.

JS-WSVH Strategic Approach

The guiding objective of the JS-WSVH strategy is to eliminate workplace sexual violence and harassment at the OPS. This will require a long-term commitment (5+ years) due to the amount of change required to truly make an impact. Such long-term changes include advancing workplace culture to adopt new beliefs that will drive action; identifying, assessing, and overcoming systemic barriers; and building binding commitments between OPS, the Board, and the Associations to eliminate SV&H.

The JS-WSVH Strategy is dependent upon four foundational pillars:

- 1) **Leadership commitment.** The Strategy requires clear leadership and a commitment to sustained engagement over the span of multiple years. Joint

strategic plans will improve gender parity in leadership position, address diversity, and support activities related to sexual violence.

- 2) **Strengthening of the existing Respectful Workplace Program (RWP).** The RWP will be rebuilt to ensure meaningful responses to complaints and a respectful, confidential reporting process. The approach is rooted in five aspects: prevention, understanding, support, response, and restoration. Part of the action plan includes hiring two lawyers to establish a modernized Office of Workplace Investigations that will exist within the OPS yet be independent of the current complaint process. While recognizing the acute need to address the safety of female members, SV&H will be addressed with an intersectional approach that considers multiple identity characteristics and workplace factors including race, mental health, position, and rank.
- 3) **Partnership alignment.** Partnership and joint commitments are required in order to see meaningful change and successful implementation, particularly with regard to support from the Board, the Ottawa Police Association (OPA), and the Senior Officer Association (SOA). Education is likely needed to improve the Board and OPA understanding of gender bias and the impact of SV&H on policing and the OPS. Additionally, the oversight role of the Board could be strengthened to include evaluation of core competencies in appointment, promotion, and performance management processes. Work is also needed to strengthen the relationship with the OPA in order to ensure support for activities related to workplace SV&H and so that members trust and use the processes when they need help.
- 4) **Advancing Culture.** The Strategy must be integrated within broader efforts to foster equitable, diverse, and inclusive (EDI) culture within OPS and remove systemic barriers to reporting and resolution of workplace SV&H. As such, the JS-WSVH will integrate with EDI initiatives addressing various aspects of the OPS workplace culture, including gender and racial equity in promotions, training, and recruitment. The Strategy will also prioritize internal training and capacity building to champion change addressing harassment and discrimination.

Future State Program

In 2020, a working committee was established with the purposes of producing a service wide strategy which included identifying elements of the process framework for understanding, supporting, responding to, and preventing workplace SV&H at OPS. The working committee had multiple tasks, including reviewing existing policies, processes and infrastructure in the space of workplace SV&H, engaging relevant subject matter

experts, and coordinating efforts with other ongoing organization wide strategies and business practices and programs (i.e., Conduct Risk Management, Complaint Triage Process, EDI Action Plan).

The development of the future state program has been significantly informed by the JS-WSVH project, a pilot project in 2021 with Rubin Thomlinson (RT), the Gender Audit (2016), Diversity Audit (2019), OPS Member Engagement Surveys (2018; 2020), the OPS Workplace Harassment Audit (2020).

RT, an independent law firm engaged by the OPS, was hired in order to 1) act as an outside third party on the intake and investigation of workplace complaints and 2) conduct an assessment of OPS workplace culture, practices, policies, and procedures relating to workplace harassment and discrimination. Their 18 recommendations for action are grouped under seven core action items:

- 1) Increase accountability through the appointment of a senior person to lead the strategy, enhanced oversight, and improved reporting and assessment measures
- 2) Strengthen leadership by diversifying those at the table and modeling desired behaviour
- 3) Restore the workplace by reviewing all outstanding legal disputes relating to the workplace, and make best efforts to resolve them
- 4) Set clear expectations for workplace behaviour by establishing a Code of Conduct, updating policies, and creating a culture of ongoing professional development
- 5) Encourage reporting and improve the investigation of complaints through the creation of a new 'Office of the Workplace Investigator', education on human rights, and facilitation of group complaints
- 6) Provide better support to employees increasing mental health support and providing support for women returning from pregnancy and parental leave
- 7) Augment programs and resources to address systemic issues and to review and redesign promotion and performance management processes

The recommendations and insights provided within the RT Report further validated the components identified in the overarching JS-WSVH Strategy that was created in 2020 and endorsed by both OPS Executive and the Board.

As previously indicated, the future state of the Workplace Violence & Harassment Program has been formed through cohesively combining the findings and solutions of

the JS-WSVH Project along with the recommendations brought forward through the Rubin Thomlinson (RT) Report.

One of the most significant changes includes how we will be responding to complaints—the investment involves establishing an Independent Office of Workplace Investigations (OWI), this will include the hiring of two lawyers with expertise in employment law, labour law and/or human rights. This Office (OWI), will centralize the complaint intake process, assess the complaint, initiate, and conduct complaint investigations, report findings and monitor / measure progress. This Office will operate as independently as possible—business practices and processes will be introduced to ensure this Office remains free from OPS culture interferences.

The future state program also seeks to align the prevention activities as a means to strengthen and advance OPS' culture.

The Prevent Strategy focuses on the following:

1. Knowledge, Skills, Abilities (KSAs) gap determination
2. Harassment Training learning and development
3. Policies & Introduction of Code of Conduct
4. Internal Structure, Programs and Processes – recommended adjustments
5. Internal Structure, Programs and Processes – additions
6. External Influencers
7. Building Critical Mass—Change Leaders
8. Awareness Campaigns

Over the course of the project, OPS also focused on advancing key activities deemed foundational, this included:

- securing budget to onboard a Curriculum Designer to review current offerings related to respect at work, EDI, harassment, workplace violence, sworn/civilian course offerings and assess alignment opportunities and identify, address current gaps
- responding to the current Policy issue- a Draft Policy that streamlines four policies into one is currently under review
- the development of a draft Code of Conduct
- a review from our Talent Management Section on systemic issues related to the promotional and performance management processes

- the start of building champions in our Service. The Respect, Ethics and Values (REV) Branch initiated an approach to identify and build champions of change from within the membership and across the Service. REV introduced the “Sparks Strategy” to the Service and to date a total of 40 members, both civilian and sworn, have participated in these sessions. Igniting the “spark for change” within the Service, starts with members—building critical mass from the ground up. As part of the Sparks Strategy, these Champions will be leading and developing a communications approach related to building awareness and understanding harassment and sexual violence issues at OPS.

The ability to manage the Program’s effectiveness is critical as we move forward. To help inform OPS’ ongoing understanding of the scope and scale of these issues, OPS’ current state and the progress achieved through change, ongoing evaluation and monitoring is essential. The future state includes the implementation of a Monitoring Plan—enabling the service to report on several leading and lagging indicators to identify early opportunities for improvement and progress achieved. The implementation phase of the future state will include the following:

- An independent review of the Draft Logic Model and Evaluation Plan
- Identification, selection and approval of Key Performance Indicators (Target, timeframe, data source and frequency)
- Automating metrics to monitor progress
- Establishment of Reporting cadence to OPS Executive, Leadership, Service members, the Board and to the public

The ability to support our members will also be strengthened as a result of the recommendations brought forward through the Project and will be led through our Health, Safety and Wellness Branch. The support systems currently in place are significant, however, opportunities for improvement have been identified. One area of improvement identifies the need to simplify how members search for and identify the most appropriate support services available. This will be accomplished through the launch of a consolidated Wellness Portal in Q1. This Wellness Portal will be accessible to members regardless of their location. Current access to information is limited to having network access, which means members from home do not have the ability to search for needed supports on their own. In addition, to providing specific support services related to sexual violence and harassment, the Service will also be securing an in-house Psychologist.

A fully implemented and supported JS-WSVH will be comprised of multiple program components including: RWP policies, RWP processes (intake, reporting, responding), service standards, education (awareness and communication), support services, training, and accountability. It will span multiple directorates, including Respect, Values and Inclusion; Human Resources; Legal Services and the Office of Chief, and will transform the internal culture of the Service, as well as the cultures of management and leadership.

CONSULTATION

The significant consultation, collaboration and co-production activities with various working groups (Core Working Group, Internal Advisory Group, External Advisory Group and Focus Groups) comprised of OPS members, Board members and community experts from the private and public sectors was instrumental in the formation of OPS' future state.

Additional consultation opportunities will continue as OPS embarks on its implementation phase.

FINANCIAL IMPLICATIONS

The Budget associated to the implementation and sustainment of a renewed Workplace Violence & Harassment Program includes projections for the next 5 years. Year 1, representing a total of \$2.2 million, includes resourcing and material /consulting costs associated to establishing the foundational structure of the overall program.

	Year 1	Year 2	Year 3	Year 4	Year 5
	Year 2022	Year 2023	Year 2024	Year 2025	Year 2026
Resource Costs	\$ 925,000	\$ 925,000	\$ 780,000	\$ 780,000	\$ 780,000
Material Costs	\$ 1,295,000	\$ 800,000	\$ 735,000	\$ 665,000	\$ 530,000
Total Costs:	\$ 2,220,000	\$ 1,725,000	\$1,515,000	\$1,445,000	\$1,310,000
% Budget decrease Year over Year		-22%	-12%	-5%	-9%

SUPPORTING DOCUMENTATION

The attached Project Report includes details of the overall project future state components, a 5-year budget breakdown and a full Work Breakdown Structure (WBS) that will support the implementation plan.

The implementation of the future state will be supported through adhering and adopting project management best practices. As such, project artifacts including the development of a full project plan, project schedule, establishment of status reporting cadence, risk and issue monitoring reports, change management and communication plans etc., will be made available throughout the duration of the implementation phase.

Document A: Workplace Violence & Harassment Program
JS-WSVH Project Report

Document B: Rubin Thomlinson—Report to the Ottawa
Police Service, Date November 11, 2021

CONCLUSION

Our future state Program has truly been built by our members, community experts and through recommendations set forth in the Rubin Thomlinson Report. While it is anticipated that improvements to the overall Program and specifically the complaints process, will result in more complaints being filed, this should be interpreted as an indicator of success and increased confidence. Even with an expected increase in complaints, it is anticipated that there will be a reduction in resources needed to resolve complaints as a result of a more stream-lined process with fewer delays and external appeals. As part of our commitment to demonstrate a duty of care, the OPS will establish metrics of success and track data on complaints and resolutions.

Most importantly, the successful implementation of the JS-WSVH will result in improved safety and well-being of OPS members and the broader community. All members will be able to come to work and focus on their job without fear for their safety. This will result in better service to the community and positive, healthy relationships within the workplace.

Both the Board and OPS have invested over two years in this journey and included hearing the many courageous voices of members, from sharing past, current experiences to offering solutions—all for the purpose of building a stronger, safer workplace for all. The OPS is committed in the implementation of our future state—it is now time for action.