



**CONFIDENTIAL**

Report to:

# **THE OTTAWA POLICE SERVICE**

**Per: Chief of the Ottawa Police Service, Chief Peter Sloy, and  
Chair of the Ottawa Police Services Board, Diane Deans**

Date: November 11, 2021

**RE: Assessment**

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## **Executive Summary**

On September 28, 2020, the Ottawa Police Service (the “OPS”) and the Ottawa Police Services Board (the “Board”) retained Rubin Thomlinson LLP (“RT”) to undertake a pilot project (the “Pilot”). The Pilot had two parts: the first was for RT to act as an outside third party for the intake and investigation of complaints under the Equitable Work Environment Policy, the Respectful Workplace Policy, and the Violence & Harassment in the Workplace Policy. The second was for RT to conduct an assessment, which was to review the OPS’s “workplace culture, practices, policies and procedures as they related to workplace harassment and discrimination, to identify any specific systemic issues and gaps that may exist, and to obtain RT recommendations with respect to best practices to address any such issues.”

As part of its assessment, RT conducted 116 interviews, which included both sworn and civilian members of the OPS, leadership of its employee resource groups, leadership of the Ottawa Police Association and the Senior Officers Association, the Executive Team, and the Board. We note that the majority of those interviewed self-selected to participate in this process. RT also reviewed the result of previous OPS workplace audits/surveys (the Gender Audit of 2016, the Diversity Audit of 2019, and the OPS Member Survey 2020), along with various OPS policies and procedures, training material and other internal documents. In addition, in formulating our recommendations, we consulted various cases, reports, and studies regarding workplace human rights issues in the policing context.

This assessment was an opportunity for interviewees to share their subjective experiences of the workplace. We did not “test” the veracity of each story we heard, as we would have in a workplace investigation where

our focus would be on specific findings of fact. Rather, we looked to see if there were overall themes to what we heard, from which we could draw conclusions as to issues that need to be addressed in the workplace, and, to inform our recommendations.

Many interviewees stated that they very much enjoyed the nature of their positions and took great pride in assisting their community and the general public. Other interviewees expressed very positive feelings about the OPS, stating that, in their view, it was an inclusive workplace and/or offered equal opportunities for all members. Given their perception of the OPS as already being diverse and inclusive, a few of these interviewees further stated that EDI-focused hiring and promotions practices were unnecessary.

Still others stated that while the OPS was not “perfect,” there had been an overall improvement of the workplace culture and a shift towards inclusivity.

Additionally, several members stated that their experiences at the OPS have largely depended on the unit(s) in which they have worked. Namely, we were advised that while some units and supervisors are very inclusive and respectful, others are not.

However, these comments stood in stark contrast to what we heard from a large number of interviewees, both female and male, racialized and non-racialized, which was troubling. Female interviewees described a state of affairs that included sexual harassment and violence, general mistreatment, unequal career opportunities, and hostility regarding pregnancy and parental leave. Many racialized interviewees reported negative day-to-day experiences, exclusion from OPS culture and mentorship, difficulties in the promotions process and misconceptions regarding hiring decisions and equity, diversity, and inclusion. Members experiencing mental health

challenges reported negative attitudes from colleagues, a desire for ongoing wellness checks and debriefs, and a dissatisfaction with the lack of communication.

Many interviewees described a workplace rife with gossip, cliques, and disrespectful behaviour.

Regrettably, much of what was described to us has gone “underground” and has not been reported to the OPS. This is because there are profound disincentives for members to come forward to complain.

Assuming what we were told is true, the totality of what was described to us is in breach of the OPS’s commitment, through its various policies, to provide all its members a respectful workplace that is free from harassment and discrimination.

What we heard should not come as a surprise to the OPS or the Board. Indeed, ours is the third process to look at these issues in recent years. Much of what we heard is consistent with how participants in the 2016 Gender Audit and the 2019 Diversity Audit described some of their workplace experiences. Even the OPS’s latest member engagement survey in 2020 indicated that a significant number of members experienced harassment and discrimination in the workplace.

To their credit, the OPS has taken steps to understand and address these issues, including through the Gender and Diversity Audits, the creation of a Respect Values and Inclusion Directorate, an EDI Action Plan, a Sexual Violence and Harassment Project, the establishment of various employee resource groups, removing barriers for diverse candidates to join the service, its “Approach to Change Conversations,” and this Pilot, among other things not listed here. Indeed, it would be unfair to say that the OPS



has been unresponsive to information it has received that has identified issues that need to be solved within its workplace.

In addition, as we have spent nearly a year working with the OPS, we know that there are many skilled and competent people within the organization, who are sincerely committed to furthering a respectful and inclusive workplace. This includes the Chief of Police, who, from what we saw, is sincerely committed to making progressive change.

However, given the issues reported to us, we believe that the OPS's actions have not gone far enough and have not yet been sufficiently effective to solve the workplace issues it confronts. Based on the experiences that interviewees shared with us, more needs to be done. Indeed, the situation requires urgent and immediate attention. The OPS, with the support of its Board must set its course of action, commit to it, and resolutely execute. The time for more audits and reports is over.

We have organized our recommendations around seven “core” action items. They are as follows:

1. Increase accountability

- Recommendation 1: Appoint a senior person to lead the implementation of the recommendations
- Recommendation 2: Report on the state of affairs to OPS members
- Recommendation 3: Enhance oversight by the Ottawa Police Services Board
- Recommendation 4: Measure progress

2. Strengthen leadership

- Recommendation 5: Diversify those at the table
- Recommendation 6: Commit to lead by example – model desired behaviour

3. Restore the workplace

- Recommendation 7: Heal longstanding wounds
- Recommendation 8: Review all outstanding legal disputes relating to the workplace, and make best efforts to resolve them

4. Set clear expectations for workplace behaviour

- Recommendation 9: Establish an OPS Code of Conduct and a call for professionalism
- Recommendation 10: Update policies
- Recommendation 11: Create a culture of ongoing professional development with strategic curriculum development

5. Encourage reporting and improve the investigation of complaints

- Recommendation 12: Create a new “Office of the Workplace Investigator”
- Recommendation 13: Heighten knowledge of human rights within the Professional Standards Unit and for hearing officers
- Recommendation 14: Facilitate making group complaints

6. Provide better support to employees

- Recommendation 15: Increase mental health support for OPS employees
- Recommendation 16: Provide support for women returning from pregnancy and parental leave

7. Augment programs and resources

- Recommendation 17: Engage in additional cultural interventions to address systemic issues
- Recommendation 18: Allocate additional support for the review and redesign of the promotion and performance management processes

We believe that it is important for the OPS to honestly and transparently reckon with the workplace issues it continues to face. Now is the time for the OPS to renew, refocus, and accelerate its efforts to ameliorate its workplace. We hope that these recommendations spark new ideas about how to do this, and we encourage the OPS, in consultation with the Board, the OPS' members and associations, to continue the discussion about how to approach change.

## ***1. Introduction***

On September 28, 2020, the Ottawa Police Service (the “OPS”) and the Ottawa Police Services Board (the “Board”) retained Rubin Thomlinson LLP (“RT”) to undertake a pilot project (the “Pilot”). The Pilot had two parts: first, RT would act as an outside third party for the intake and investigation of complaints under the OPS’s Equitable Work Environment Policy, the Respectful Workplace Policy, and the Violence & Harassment in the Workplace Policy. This was to begin on December 7, 2020, and last a year.<sup>1</sup> Second, RT would conduct an assessment, the purpose of which was to review the OPS’s “workplace culture, practices, policies and procedures as they relate to workplace harassment and discrimination, to identify any systemic issues or gaps that may exist, and to obtain RT recommendations with respect to best practices to address any such issues.”<sup>2</sup>

The first part of the Pilot is ongoing, and RT continues to receive and investigate complaints. The second part, the assessment, is now complete, and this is our report. It contains an overview of how those interviewed described their experiences at work, organized thematically, along with our recommendations.

## ***2. How We Conducted the Assessment and What We Reviewed***

The OPS announced the Pilot to its approximately 2,200 members on December 7, 2020, which included reference to the assessment process.

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<sup>1</sup> This part of the Pilot was initially set for six months. It was extended to a year when we approached the six-month mark.

<sup>2</sup> As set out in the Scope of Work agreement between the OPS and RT, and in a Frequently Asked Questions document sent to OPS members on December 7, 2020.

On February 22, 2021, we did a “call-out” via email to OPS members to announce that we were beginning the assessment. We asked anyone who wished to be interviewed as part of the assessment process to be in touch with us – via a dedicated and confidential RT email address – by March 8, 2021.<sup>3</sup> Members who did not wish to be interviewed could also provide us with comments via the confidential email address.<sup>4</sup>

The Ottawa Police Association (the “OPA”) assisted us in reaching members who were off work by sending out an email, which referenced our “call out” communication. The RT interview team consisted of: Martin Ejidra, Melody Jahanzadeh, Chantel Levy, Andrea Lowes, Tola Olupona, and Janice Rubin, and was supported by Review Counsel Liliane Gingras and workplace investigation assistants Rachel Cardozo and Meredith Wilson-Smith. Interviewees were given a choice as to how they wanted to be interviewed – by video or by phone – and they were welcome to include an OPA or Senior Officer Association (“SOA”) representative if they wished. Interviewees answered a set of questions that we developed for this project and could also tell us anything else that they wished to share. Most of the interviews were conducted between March and May of this year.

We committed to interviewees that we would not disclose that they had been interviewed, or what they had told us. Rather, we undertook to present their experiences thematically, so that their identities could be anonymized.

We also reached out to several people who were key to understanding the dynamics of the OPS workplace. This included the leadership of the OPA and the SOA, the employee resource groups active at the OPS, the OPS

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<sup>3</sup> We had people who reached out to us after March 8. We interviewed them as well.

<sup>4</sup> In processes like this, we often include a survey. We decided against that, as we learned that OPS members had recently been surveyed through an engagement survey that contained data with respect to members’ experiences of harassment and discrimination.

Executive, the Board, as well as various individuals who perform functions within the organization that relate to our recommendations. These interviews began in February and ran until the end of August of this year.

All told, we conducted 116 interviews, the majority of which was of “self-selected” individuals. We also received 25 comments through the confidential email line. The willingness of OPS members to engage in this process, as well as their candour, was invaluable to us. We thank them for their participation.

In addition, as part of our thinking about recommendations, we reviewed a number of internally generated OPS reports, policies, training material and data, as well as a large volume of relevant external material relating to workplace human rights issues in the policing context.

We met with the OPS Executive and the Board on September 16, 2021, to present an initial draft of the report. At that time, both the Executive and the Board requested an opportunity to review the draft in greater detail and asked us to consider their comments with respect to our recommendations. We agreed to do that, and we have used this feedback to clarify a number of our recommendations in the final report.

### ***3. A Summary of What We Heard***

This assessment was an opportunity for interviewees to share their subjective experiences of the workplace. We did not “test” the veracity of each story we heard, as we would have in a workplace investigation, where our focus would be on specific findings of fact. Rather, we looked to see if there were overall themes to what we heard, from which we could draw conclusions as to the state of the workplace, and also, to inform our recommendations.

Many interviewees stated that they very much enjoyed the nature of their positions and took great pride in assisting their community and the general public. Other interviewees expressed very positive feelings about the OPS, stating that, in their view, it was an inclusive workplace and/or offered equal opportunities for all members. Given their perception of the OPS as already being diverse and inclusive, a few of these interviewees added that EDI-focused hiring and promotions practices were unnecessary.

Still others stated that while the OPS was not “perfect,” there has been an overall improvement of the workplace culture and a shift towards inclusivity.

Additionally, several members stated that their experiences at the OPS have largely depended on the unit(s) in which they have worked. Namely, we were advised that while some units and supervisors are very inclusive and respectful, others are not.

However, these comments stood in stark contrast to what we heard from a large number of interviewees, both female and male, racialized and non-racialized, which was troubling. Interviewees described a state of affairs that included sexual violence, harassment, discrimination, and intolerance, as well as a workplace rife with gossip, cliques, and disrespectful behaviour. Assuming what we were told is true, the totality of what was described to us is in breach of the OPS’s commitment, through its various policies, to provide all its members a respectful workplace that is free from harassment and discrimination.

Regrettably, much of the interviewees’ complaints and concerns have gone “underground” and have not been reported to the OPS. This is because there are profound disincentives for members to come forward to complain. This includes what interviewees described as a “toothless” system that often

fails to hold individuals accountable for their misconduct, and supervisors and peers who are prepared to punish individuals for coming forward to complain.

What we heard should not come as a surprise to the OPS and its Board. Indeed, ours is the third process to look at these issues in recent years. Much of what is summarized in this report is consistent with how participants in previous processes have described some of their workplace experiences. This includes the 2016 Gender Audit, which was part of a settlement of a human rights complaint of sex discrimination, and the 2019 Diversity Audit. Even the OPS's latest member engagement survey, conducted in 2020, pointed to problems. While documenting a decreasing level of engagement generally over time, it also reported that 19% of survey respondents had experienced harassment in the previous 12 months, and that 12% had experienced discrimination during that same time.

This situation requires urgent and immediate attention. The OPS must set its course of action, commit to it, and resolutely execute. The time for more reports is over.

Here is a thematic summary of what we heard, presented generally, to protect the identity of interviewees. Again, we note that these are the personal experiences of participants, told from their perspectives. In presenting the information in a general fashion, we have used the following ranges to denote frequency of response: "a few" (less than 5 people), "some" (5 to 10 people), "several" (11 to 20 people), and "many" (over 20 people). We note that during the assessment process, participants were given the opportunity to speak about the topics that were of most concern to them. As a result, not every participant spoke to every theme identified in this report.



### **a) The experience of female members**

The female interviewees with whom we spoke raised many concerns about their experiences at the OPS, which are summarized in this section.

#### **i. Sexual violence/harassment and general mistreatment**

Nearly all of the female interviewees reported being subjected to inappropriate sexualized comments and “banter,” gestures, “pranks,” and assaults. Several of these examples occurred in the presence of other OPS members.

Female interviewees provided us with examples of sexual harassment and sexual violence that were both contemporary and historical. However, even where the behaviour was historical, the impact on the members appeared to be significant and lasting.

We heard of instances within the past five years where female members were groped, and subjected to “creepy” comments, sexualized discussions, and inappropriate messages. We also heard of male members behaving in a physically aggressive and intimidating manner towards female members. Several of these instances were described as occurring in the presence of other OPS members, including supervisors, who either failed to intervene or actively facilitated the behaviour.<sup>5</sup>

For example, we were told of a now-resigned male member who repeatedly made sexualized comments towards, and sexually assaulted, his female colleagues. According to interviewees, he was a well-known “sexual predator” at the OPS, though the OPS failed to take any action until

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<sup>5</sup> The lack of intervention by supervisors will be discussed further in Part E.

members of the public reported being subjected to this same behaviour by him.

We were told that some male members used the OPS to facilitate sexual encounters; for example, by using internal systems to obtain their female colleagues' contact information.

Many women also reported being repeatedly asked on dates, propositioned for affairs, and being subjected to unwanted sexual advances. One member commented, "I would get hit on by colleagues and even sergeants and even higher than that." When describing her experience at the OPS, another woman stated, "I'm an object. They don't care how smart I am. They don't care about my education level. They don't care about any part of anything I can bring to the table, other than being a sexual object."

Many interviewees described what they viewed as an overall lack of respect for women from their male colleagues. We heard of recent examples where male members, including sergeants, downplayed a sexual assault case, shared sexualized photos of women who did not work at the OPS, and, as a normalized practice, looked up new recruits to assess their attractiveness.

Many female interviewees also reported the following forms of general mistreatment:

- Being ignored in the workplace
- Being talked over
- Being belittled and/or spoken to condescendingly
- Being critiqued, mocked, and/or assigned to undesirable tasks if they displayed emotion in the workplace
- Having their decisions questioned by their male counterparts

- Being required to perform administrative tasks

Some interviewees acknowledged that the culture has gradually improved and that women are less frequently subjected to the overt forms of sexual harassment that occurred in the past. Nevertheless, many interviewees told us that sexual harassment and the general mistreatment of women (as outlined above) is a standard and normalized part of women’s experiences at the OPS.

As a result of this normalized culture, some interviewees described a reluctance to being viewed as too “girly.” We were also told that some female members have adopted more “masculine” behaviours in order to adapt to, and indeed, survive at, the OPS. On this point, one member commented that some female members are “always trying to get the approval of the males on the road. You need to be a certain way, you need to fit in, you need to be able to jokey-joke, and you can’t challenge the things that they’re saying if they [men] make off-side comments, off-side jokes, because if you do that, you will not assimilate.”

ii. Unequal career opportunities

Many interviewees reported on the inequality of career opportunities between men and women at the OPS.

Specifically, we were advised by many members of an “old boys club” mentality, in which senior male OPS members mentored junior male members by providing them with more resources and desirable assignments while not doing so for female members.

We were also told that women are excluded from certain specialized policing units such as the tactical, K9, and marine/dive/trails units.

Some interviewees reported hearing supervisors explicitly comment that they did not want women in their units. We were also told that when assessing “high performers,” the OPS tended to look only at those with a high volume of tickets and charges; the corollary to this is that areas in which women tended to excel, such as report-writing, social work, and mental health and youth calls, were discounted. This imbalanced approach has reportedly resulted in women receiving fewer opportunities for career advancement.

We were also provided with many examples of women being scrutinized for minor infractions, whereas male members who behaved in an identical manner received more flexibility. One woman elaborated, “I have made mistakes like everybody else, but we [women] go through hell if we do make a mistake... when it’s a male, it’s never a big deal.”

In light of all of the above, interviewees advised feeling pressured to work harder than their male counterparts to “prove” themselves. One member stated, “You’re constantly going above and beyond, but yet, in the eyes of the male officers, you’re doing about 20% of your job, when in fact, you’re doing 150%.”

Lastly, we were told by many interviewees that women who did receive promotions were subjected to a narrative that they only received the opportunity because of their gender and/or due to providing sexual favours; it was rarely acknowledged that they were the most qualified member for the opportunity.

### iii. Hostility regarding pregnancy and parental leave

Some interviewees told us that when female members became pregnant, they were often transferred to a unit that did not make optimal use of their

skill sets. It was also noted that the OPS was reluctant to use the time that women were pregnant and/or on parental leave to provide meaningful developmental opportunities. Therefore, pregnancies reportedly resulted in nearly two years of stalled career advancement for female members, with additional pregnancies exacerbating this issue.

We were also told that female members' positions were left vacant during their leave, which resulted in their platoons being short-staffed; this shortage reportedly led to other members losing transfer and course/learning opportunities (i.e., they had to stay with their unit to avoid it being further short-staffed). As a result, women on leave were met with hostility and viewed as doing their team a disservice. Interviewees also told us that some units were reluctant to hire women, due to the perception that they will eventually go on leave and, therefore, leave platoons short-staffed.

Lastly, some interviewees indicated that those with primary childcare responsibilities faced additional career obstacles, insofar as they were unable to partake in informal team-building exercises such as "wing nights" and drinking. As a result, these women encountered difficulties building the networks and relationships required for career advancement.

## **b) The experience of racialized members**

The racialized OPS members with whom we spoke also raised many concerns about their experiences in the workplace, which are summarized below.

### **i. Negative day-to-day experiences**

Nearly all racialized interviewees reported negative day-to-day experiences and discriminatory treatment at the OPS, ranging from overt to covert.

Several interviewees shared two notable instances of racially discriminatory behaviour at the OPS. First, a meme that was circulated in April 2020 at the OPS with a picture of several racialized male members, and a caption that read, “Ottawa Police Service — We're always hiring...anyone.” Second, we were advised that a member drove an OPS vehicle with a bumper sticker that read something to the effect of, “Everything I need to know about Muslims, I learned on 9/11.” Several racialized interviewees told us that the OPS failed to address both of these instances in a satisfactory manner.

Many interviewees also reported the following occurrences:

- Being subjected to, or overhearing, race-based comments and stereotypes
- Overhearing colleagues make comments that they would actively prevent racialized OPS recruits from being successful
- Overhearing colleagues mock racialized members with accents, and requesting that such members be transferred from their positions and/or complete additional training
- Receiving more scrutiny when requesting accommodation and modifications to OPS-issued items, including modifications required for religious purposes
- Being asked to perform tasks that fell below their rank, whereas white members were not asked to do the same
- Being spoken to more harshly and aggressively than their white counterparts for minor infractions

Interviewees told us that much of the above-noted examples originated from both peers and senior members of the OPS. Racialized interviewees were unwilling to report such behaviour due to a fear of reprisal, with one

member commenting, “As a minority, if you complain to the wrong person, you’re finished.”<sup>6</sup>

Interviewees told us that to advance in the OPS and avoid conflict, racialized members often accepted, and sometimes partook in, the above behaviours by making self-deprecating racial jokes and comments. One racialized interviewee reported feeling a need to “play along to get along to move along.” Another interviewee commented that in the name of career advancement, “we overlook the slights that happen. We overlook what we see. We know our injustices that are being done, but we overlook them.”

Additionally, while we were told that the atmosphere at the OPS is rife with rumours and gossip,<sup>7</sup> some interviewees told us that racialized members experienced a heightened degree of attacks on their reputations in the workplace and in the public domain. Rumours were reportedly most aggressive and salacious where they related to racialized members.

There was also a perception among some interviewees that the misconduct of racialized members received more scrutiny and discipline when compared with non-racialized members who behaved in a similar, or worse, manner.

Interviewees generally expressed a desire for the OPS to acknowledge their pain and lived experiences, and to apologize for the role that the OPS has played in it.

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<sup>6</sup> The information we received regarding members’ general unwillingness to file complaints at the OPS is outlined further in Part D.

<sup>7</sup> As discussed further in Part F.

ii. Exclusion from OPS culture and mentorship

When asked about the culture at the OPS, one interviewee stated, “The environment is inclusive if you’re a white guy who plays hockey or drinks with the guys.” This description was reiterated by many other racialized members, who described the OPS as a “white culture,” where the dominant activities include hockey, golf, and drinking.

This culture has posed a barrier to advancement for those OPS members not born in Canada and/or racialized members who do not partake in such activities. Specifically, we were told that the friendships formed through these activities often led to white senior officers taking white junior officers “under their wing” by assigning them to favourable projects and units and guiding them through the promotions process. Of note, we heard from many interviewees that this often occurred with members who played hockey together.

iii. Difficulties in the promotions process

Several racialized interviewees reported the unique challenges they faced during the OPS promotions process, particularly when this process involved discretionary decisions. While they acknowledged that there was nothing preventing them from applying for opportunities, they reported a stark inequity in outcomes.

First, interviewees told us that racialized candidates were targeted when it became known that they were engaged in the promotions process. Specifically, racialized candidates reported being subjected to discrediting rumours, receiving new, and critical, notations on their tracking log, being subjected to *ad hoc* application requirements, and having supervisors raise performance issues that had not previously been discussed. One interviewee



believed that the promotions process was intentionally made difficult to “make an example out of the racialized members,” and deter other racialized members from undergoing the process.

Several interviewees also reported not being selected for various positions in favour of a white candidate with less experience, seniority, and/or lower interview scores, or who was friends with a member of the selection committee. One interviewee commented, “They allow us to come in, but they want us at a certain level, and it’s okay to have us at that level. So, diversity, yes, but you need to stay as a constable.”

Several racialized interviewees further reported a lack of transparency in the decision-making process, and a failure to be provided with an explanation regarding why they were not selected for a position. They also advised that, at times, they were given an explanation that did not align with the reality of the situation (i.e., being advised that the successful white candidate had more experience, when that was known to not be the case). We also heard some examples of white candidates receiving confidential information about the interview process, which ultimately assisted them during the promotions process.

The scoring system itself in the promotions process was described as inherently biased, as it favours officers who lay the most tickets and charges; conversely, the unique experiences and skills of racialized officers (i.e., working with diverse communities), are not weighed as heavily.

Racialized interviewees also reported being disadvantaged in the promotions process as they have more difficulties than non-racialized members in receiving approval to take specialized courses. Given the

necessity of these courses for career advancement, racialized members reported longer wait times to obtain senior positions within the OPS.

Lastly, several interviewees believed that equity, diversity, and inclusion (“EDI”) concepts are not incorporated in the OPS’s hiring, recruitment, and promotions processes.

iv. Misconceptions regarding hiring decisions and EDI

Several interviewees described a widespread misconception at the OPS that racialized members only received certain opportunities, such as promotions, due to their race, rather than their qualifications.

Interviewees told us that the OPS does not correct this misconception. Indeed, several interviewees advised that when promotions or other opportunities for racialized members are announced, the OPS does not specify that the racialized member in question was the most qualified or experienced candidate. The OPS’s failure to clarify this bolsters the misconception that opportunities are not merit-based. The information we received from several non-racialized members is corroborative on this point, as those members reported a belief that opportunities were not being given to the most deserving candidates, but rather, were given to individuals who met a certain “quota.”

Interviewees also reported that there is a general lack of understanding at the OPS regarding the ongoing challenges that racialized members face. For example, while reportedly only 10% of OPS sergeants or staff sergeants are racialized, several interviewees reported hearing comments to the effect of white males no longer having any opportunities. Several interviewees, both racialized and non-racialized, also reported that when various EDI

initiatives are announced, there is no accompanying explanation for the rationale of such an initiative.

**c) Mental health at the OPS**

Interviewees raised concerns about the attitudes and responses regarding mental health at the OPS. These are described below.

i. Negative attitudes from colleagues

Some interviewees told us that there is a prevalent, negative attitude at the OPS towards those with mental health conditions. Interviewees who struggled with mental health issues, reported the following:

- Being viewed as unproductive, “crazy,” or “dangerous”
- Being referred to as a “coward”
- Being subjected to negative comments such as, “You don’t look sick,” and, “Paid vacation must be nice”
- Facing animosity from peers who believe that they are “lucky” to be able to work preferred shifts
- Being accused of “faking” their condition

Some interviewees also told us that there is resentment towards those who take mental health leave or call in sick, as doing so often leaves a platoon short-staffed. This platoon shortage reportedly prevents other members from transferring, taking courses, or otherwise accepting other career opportunities. This, in turn, was blamed on those on leave.

Members who take mental health leave are, according to some interviewees, ostracized in the workplace, with their leave colloquially being referred to as “snap leave.” It was reported that because of the stigma regarding mental health at the OPS, some members do not wish to associate with those on

leave for mental health reasons. Some also commented on how supervisors treat those with mental health concerns. They reported, for example:

- Encountering supervisors becoming punitive, rather than supportive, when members' performance became impacted due to known mental health concerns
- Having their mental health conditions used against them during performance reviews

A few interviewees also told us that there is a discrepancy in treatment towards those with physical illnesses versus “invisible” illnesses. Specifically, members who become physically injured while on duty are viewed by their colleagues as a “hero.” However, members who experience mental health conditions because of their job are reportedly looked down upon and viewed as “weak.”

Some interviewees expressed dissatisfaction with the fact that those on modified duties (including for mental health reasons) are frequently, and automatically, assigned to the front desk. Interviewees believed that there are other roles to which they could be assigned to make better use of their skills. Interviewees described a common perception that members who are assigned to the front desk are “crazy.”

ii. A desire for ongoing wellness checks and debriefs

Several interviewees emphasized the inherently stressful and traumatic nature of the work at the OPS, for both sworn and civilian members. One interviewee commented, “We see things that no other human being should see on a daily basis. We’re dealing with people in crises. We’re dealing with people in pain. We’re dealing with life and death situations. And it’s sometimes, you know, five times in one shift that you’re seeing [that].”

Some interviewees expressed a desire for check-ins, or debriefs, after difficult encounters. While it was acknowledged that such debriefs now take place following “crisis calls,” members would also like a check-in following other types of calls, including those which, on the surface, may not appear to be overly traumatizing. One member noted that they found it more difficult to cope with the “smaller or the emotional-level” incidents, rather than those that were more severe. Similarly, a few members reported a desire for a debrief after filing an internal workplace complaint, particularly where the subject matter of the complaint was of a sensitive nature.

Some interviewees stated that the OPS does not always provide timely support following a difficult call, which requires members to cope independently in the interim.

A few interviewees also shared their view that there is a hierarchy regarding which units receive wellness check-ins. Specifically, those who work in high-profile units, and/or are involved in events such as major shootings, tend to receive quicker check-ins, and debriefs. Some interviewees also advised that when they shared experiences they found to be traumatizing, they did not receive appropriate (or, in some instances, any) follow-up or mental health support.

Interviewees generally expressed a desire for the OPS to provide better, ongoing mental health support. We were advised that at times, members were not affected by an event until some time after it occurred. Ongoing mental health support would, therefore, benefit members who experience the delayed after-effects of a traumatizing event. Interviewees also advised that due to the culture at the OPS, many do not request assistance, out of a fear of appearing “weak.”

iii. Dissatisfaction with lack of communication

Some interviewees expressed dissatisfaction with the OPS's lack of communication towards members on leave for mental health reasons. Specifically, these members advised that once on leave, no one from the OPS contacted them at any point to see how they were doing. One interviewee stated, "It felt like they were washing their hands of us and not dealing with us anymore." It was also noted that social media posts from the OPS did not represent an adequate substitute for direct communication.

Interviewees found this lack of communication from the OPS particularly frustrating given that the reason for their leave was primarily due to the stressful nature of the job. Some interviewees expressed a desire for the OPS to contact them while on leave, though acknowledged that such contact should be subject to the individual preferences of those on leave.

**d) Unwillingness to complain and fear of reprisal**

Regardless of how they self-identified, many interviewees told us of their unwillingness to report misbehaviour such as harassment, incivility, and sexual violence at the OPS. The reasons they identified for their unwillingness are described below.

i. "High cost" of complaining

Several interviewees told us that due to the unique and challenging nature of the work, very close personal ties are formed among OPS members. As a result of these close ties, there is a "don't tell" mentality, and an expectation that members not "rock the boat" by reporting the behaviour of other members.

Interviewees also noted that such close ties span the entirety of the organization; this adds an additional layer of complexity to reporting a concern, as there is a possibility that the person receiving a complaint is linked to the person whose behaviour is in question.

As a result, we were told by many interviewees that there is a high social cost to filing a complaint about a colleague. Doing so often resulted in the dissolution of friendships, romantic partnerships, and overall support systems at the OPS.

We also heard of many examples where interviewees who raised concerns about the behaviour of their colleagues, or supervisors, experienced reprisal by being:

- Ostracized in the workplace
- Performance managed or “micromanaged” by supervisors
- Blacklisted by senior management
- Prevented from receiving transfers, promotions, and course approvals
- Assigned to demeaning tasks
- Routinely moved to different sections to prevent a member from developing a support network
- Labelled as “troublemakers”
- Pushed to retire early
- Reprimanded for minor infractions

When recounting such ramifications, one member stated, “That’s why a lot of people don’t want to come forward, because they basically get demonized and treated like crap.”

This professional cost is also reportedly more pronounced among sworn officers, who tend to transfer, and be promoted, within the OPS more often than civilian members. A few interviewees told us that the possibility of losing these opportunities deterred many sworn officers from filing complaints.

Lastly, interviewees described the safety risks that members face when filing a complaint. Namely, there is a risk in reporting a colleague whom a member may later rely on to provide backup for them. We were also told of members experiencing vandalism and threats following the filing of a complaint.

ii. Distrust of the complaints process

Many interviewees reported concerns with several stages of the internal complaints process, and an overall distrust of the process itself. This distrust was heavily emphasized by the racialized members and women with whom we spoke, who outlined high levels of dissatisfaction with the process and concerns that filing a complaint would (or had) negatively impacted their careers.

Interviewees told us that at times, complaints went unaddressed, despite OPS policy requirements. A lack of action was especially common when the person whose behaviour had come into question, outranked the person being advised of the complaint. Several interviewees also reported being told that they were too sensitive, to “man up,” and to not “be a pussy” if they raised concerns.

We also heard that where a complaint did proceed to an internal investigation, the process was lengthy and not victim-centered. Members who participated as complainants in such investigations advised us that



they were not privy to the evidence, nor the outcome of the investigation; conversely, the respondents did receive such information. As a result, interviewees described feeling that they had “lost their power” through the internal complaints process, and that the process revolved around the respondents’ needs. We also heard that the Professional Standards Unit (the “PSU”)<sup>8</sup> does not receive training specific to workplace harassment, sexual harassment, and/or discrimination, and as such, may not be the appropriate forum to investigate such matters.

Lastly, several interviewees advised us of instances where, following the completion of an investigation, complainants were transferred while respondents were not. Alternatively, we heard examples of respondents being transferred to higher-profile and/or higher-paying positions during, or after, an investigation. Some interviewees told us that such transfers occurred despite an investigation concluding that the respondent had engaged in misconduct. One member noted, “There are no standard operating procedures by which individuals are held accountable.”

The combination of the above-noted concerns has led to a perception that the OPS does not appropriately, or transparently, address misconduct. One interviewee commented that they eventually recovered from the misconduct that they experienced, but added, “What I’m not recovering from is the response from an institution that I had faith in, that’s supposed to know how to handle these matters and protect the public.”

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<sup>8</sup> The PSU is the unit in the OPS that investigates complaints made against sworn members of the service. These complaints involve allegations of misconduct under the *Police Services Act*. While these allegations most typically involve things like excessive use of force, there are occasions where the PSU is called upon to investigate issues of sexual harassment and discrimination. In fact, the only way a sworn member can be disciplined for their behaviour is if there is a finding of misconduct after an investigation by the PSU, and a hearing, if one is warranted on the evidence.

Given their distrust of the internal process, several interviewees expressed a desire for an external complaints process.

iii. Workplace discrimination and harassment is not taken seriously

Several interviewees reported a general perception that the OPS does not take workplace discrimination and harassment seriously. This perception stems from two sources: the general attitudes towards respectful workplace training, and the behaviour of supervisors.<sup>9</sup>

First, some interviewees told us that respectful workplace training is mocked at the OPS, and that during the training sessions, participants often “roll their eyes, kind of tune out, play on their phones.” Interviewees also noted that while members are mandated to take annual use of force training, respectful workplace/harassment training is usually provided only once when a member is first hired.

Second, many interviewees provided examples of supervisors failing to take appropriate action when advised of, or witnessing, workplace misbehaviour. In some instances, supervisors explicitly advised complainants that they did not wish to deal with the matter. As a result, interviewees reported feeling deterred from formalizing their complaints, with one member stating, “Stuff is done in front of supervisors and nothing gets said, so why would you even think that coming forward is going to lead you somewhere?”

**e) Concerns regarding supervisors and the leadership team**

We heard several concerns, set out below, about the impact of supervisors and the leadership team on the OPS culture. For the purposes of this report,

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<sup>9</sup> The concerns we heard regarding supervisors are outlined in further detail in Part E.

the term “supervisors” refers to managers, sergeants, and staff sergeants; the “leadership team” refers to inspectors, superintendents, deputy chiefs, and the Chief.

i. Leadership team does not model appropriate workplace conduct

Several interviewees reported concerning behaviour within the leadership team, including infighting, swearing, yelling, and “protecting” those in higher ranks when complaints are filed against them. We were also advised that lower ranks observing such behaviour are led to believe that this is the behaviour they ought to exhibit in order to receive promotions.

Several interviewees noted that good behaviour “starts at the top,” and that the leadership team ought to “walk the walk” and model the behaviour they wished to see across the organization. In the words of one member, “Everyone has a role, but leadership needs to step up first.”

ii. Leadership lack of transparency and implementation

Several interviewees also reported a general distrust of the leadership team with respect to how they receive and communicate the information that is disclosed to them about the workplace. These interviewees believe that the results of various workplace audits and surveys, such as the 2016 Gender Audit, are selectively shared publicly, while other information is censored.

Several interviewees were also skeptical about whether the leadership team would implement tangible steps to improve the workplace. Rather, these members believe that the OPS conducts surveys and assessments in order to appear that they are taking meaningful action, without actually doing so. Interviewees also described feeling “let down” when changes do not occur,

despite the results of audits and reports. A few interviewees shared their perception that senior management only took action on a reactive basis, rather than proactively and with intention.

Interviewees generally expressed a desire for the leadership team to truly listen to what is happening at the OPS, to apologize for the transgressions that its members have experienced, and to be transparent about how they will institute change, including how they will implement consequences for misbehaviour.

iii. Inadequate supervisor response

Interviewees provided us with many examples of supervisors failing to intervene when other members, including their subordinates, engaged in misbehaviour such as harassment, sexual harassment, and bullying.

We were advised of many instances where supervisors witnessed, and failed to intervene, when the following occurred:

- Sexual violence, including in workplace-related social settings, against intoxicated female members
- Sexual comments
- “Pranks” on other members
- Harassing and belittling comments
- Loud and aggressive behaviour during meetings towards select members

Many interviewees told us that this lack of supervisor intervention enables and perpetuates inappropriate behaviour. As one member stated, “People know what’s inappropriate behaviour, but if people know that the person above them is not going to do anything about it, that’s just an opportunity.”

We also heard from many interviewees that when members told their supervisors of problematic behaviour that supervisors did not witness themselves, the member was told to ignore it, adjust their own behaviour, and/or refrain from filing a complaint about it.

A few interviewees also cited instances of supervisors commenting that they were already aware of the misbehaviour in question or were not surprised to hear of it. Such responses caused members to question why supervisors had not already addressed the behaviour if they were aware of it.

Interviewees also told of a few instances where supervisors commented in a public forum that they were surprised to hear of a behaviour, despite having been previously advised about it.

Additionally, we heard of some situations where supervisors told a member that they would look into a particular concern but failed to subsequently follow up with the member who had reported it. This led members to believe that the supervisor did not in fact take any steps to address the concern.

According to many interviewees, the totality of the above forms of inaction has created a perception that OPS supervisors do not take misbehaviour, such as bullying and sexual harassment/assault, seriously.

#### iv. Supervisor misbehaviour

Interviewees provided us with many examples of supervisors actively participating in discrimination, harassment, and/or sexual harassment, including the following:

- Making repeated sexual advances, both on and off duty, towards female members, despite being advised that such advances were unwelcome
  - Making derogatory comments about women, racialized individuals, and those requiring accommodations
  - Laughing when subordinates made sexual comments or played “pranks” of a sexual nature
  - Making dismissive comments regarding sexual assault
  - Organizing “games” whereby members commented on women’s appearances
  - Actively covering up for subordinates who contravened the rules or engaged in misbehaviour
  - Creating a hostile working environment by yelling, visibly blocking individuals from conversations, or preventing them from speaking
  - Providing preferential treatment to white male members
  - Commenting that they did not want women on their teams
- v. Inadequacies in the selection process for promotion and training

We heard an overarching concern from several interviewees that the promotions process for supervisory and leadership team positions does not adequately assess for emotional intelligence or an understanding of EDI. Rather, members are reportedly promoted if they apply the correct “buzzwords” in their interviews.

Interviewees believed that the OPS does not provide appropriate leadership or supervisory training; as a result, many individuals in these positions do

not hold, or understand, the EDI values espoused by the organization. Several interviewees noted that this is particularly concerning with sergeants and staff sergeants, given their influence over junior members. One member elaborated, "You have sergeants on the road who are actually articulating and verbalizing those divisive views. And when you're doing that to an individual who has no power – a recruit or somebody still in training – that is so powerful."

We were also told that there tends to be little turnover in sergeant and staff sergeant positions, making it more imperative to select those who will meaningfully address problematic behaviour.

#### **f) Workplace culture**

Many interviewees raised concerns about the workplace culture as a whole at the OPS. These are outlined in this section.

##### **i. Gossip and rumours**

Many interviewees told us that the OPS environment is rampant with gossip and rumours, with one member describing it as "high school with guns."

Rumours reportedly circulate with respect to members' sexual activities, particularly when the reason(s) for a female member's promotion is discussed. We were also told of historical "bag a rookie" competitions, in which men sought to sleep with new recruits. We did not receive definitive information regarding whether such "competitions" continue to take place, though we did receive general information from interviewees, as mentioned earlier, that male members currently look up new recruits, comment on their attractiveness, and/or ask them out on dates without having first built a rapport with them.

Interviewees further noted that dating and infidelity is very common within the OPS and that historically, “meet and cheat nights” were organized to enable members to cheat on their spouses. We also heard that the high number of romantic relationships within the OPS results in a lack of boundaries between personal and professional behaviour. It was noted that the OPS is one of the only Ontario police services to not have a policy requirement to report workplace relationships.

Lastly, some interviewees told us that when romantic or sexual relationships end acrimoniously, it can, at times, result in an officer safety issue. Specifically, officers fear that as a result of a former relationship, alliances may be formed among members, and that those on the outside of those alliances (usually female members) may not receive the timely backup that they require on a call.

ii. Cliques and the “old boys club”

Many interviewees described the culture at the OPS as one of exclusive cliques and an “old boys club” comprised of white, heterosexual men who golf, play hockey, and drink together.

Several interviewees also believed that there is a culture of nepotism at the OPS, insofar as members tend to promote those in their inner circle, and those to whom they “owed favours.” This has reportedly resulted in members of these cliques hiring and promoting their friends and/or children.

Interviewees noted that the cliquy culture at the OPS has had several ramifications. First, those who are outside of the cliques reportedly receive significantly fewer professional opportunities, despite their qualifications



and experience. In the words of one member, “If you don’t know the right people, you’re not going anywhere.”

Second, we were told that there is no accountability for misbehaviour, as members of the cliques tend to be protective of one another; this results in misbehaviour either being dismissed, concealed, or condoned when reported.

### iii. Disregard of civilian members

Several civilian interviewees described being treated like “second class citizens” by sworn members, as well as by the OPS in general. We were provided with the following examples:

- Sworn members speak disrespectfully about dispatchers with accents
- Civilian members are advised to not speak during meetings, despite having knowledge of the subject matter being discussed
- The advice of subject-matter expert civilians is ignored
- Sworn members behave aggressively and with hostility towards civilian members
- Male sworn members use internal systems to send sexualized messages to female civilian members
- Civilians do not receive pay for training, whereas sworn members do
- Higher levels of education, experience, and qualifications are required when hiring and promoting civilians, in comparison to sworn members
- Civilian members encounter more obstacles in receiving course approvals compared to sworn members

- Civilian members receive harsher discipline than sworn members for the same or similar misbehaviour

As one civilian member commented, “We don't disagree that the work officers do is important and significant. We are simply asking for recognition that the work we do is also important. We have many civilians with college and university degrees, many years of experience, and yet when we bring something to the table, we are told that if you have never carried a gun, you shouldn't be making decisions in any capacity for OPS.”

#### ***4. Recommendations***

As we stated at the beginning of this report, the issues reported to us are troubling. While some members had positive experiences, we heard that, for many, the OPS has been a hostile and unwelcoming environment. We heard that many OPS members come to work not only worried about the police work that they must do, but also about the environment in which they do it, and how they are treated by their superiors and their peers. This must change.

To their credit, the OPS has taken steps to understand and address these issues, including the Gender and Diversity Audits, the creation of a Respect Values and Inclusion Directorate, an EDI Action Plan, a Sexual Violence and Harassment Project, the establishment of various employee resource groups, removing barriers for diverse candidates to join the service, its “Approach to Change” conversations, and this Pilot, among other things not listed here. Indeed, it would be unfair to say that the OPS has been unresponsive to information it has received that identify issues that need to be solved within the workplace.

In addition, as we have spent nearly a year working with them, we know that there are many skilled and competent people within the organization who are sincerely committed to furthering a respectful and inclusive workplace. This includes the Chief of Police, who from what we saw, is sincerely committed to making progressive change. Our discussions with the Board also revealed that they too are interested and engaged in these issues.

However, given the issues reported to us, we believe that the OPS's actions have not gone far enough, and have not yet been sufficiently effective to solve the workplace issues it confronts. We also believe that the Board has a greater role to play in supporting the OPS to solve these issues.

The OPS and the Board asked us to make recommendations to address the issues that we identified in the assessment. We have organized the recommendations around seven core "action items" that the OPS can use to build its plan to address its workplace issues.

These seven core action items are:

1. Increase accountability
2. Strengthen leadership
3. Restore the workplace
4. Set clear expectations for workplace behaviour
5. Encourage reporting and improve the investigation of complaints
6. Provide better support to employees
7. Augment programs and resources

In making the recommendations, we have considered whether what interviewees have described goes beyond individual subjective experience, particularly because, as we noted at the beginning of this report, most of interviewees self-selected to participate in this process. We have asked ourselves whether what we heard are the anecdotal stories of a small group of OPS employees with unhappy experiences, or whether what we heard points to more generalized issues in the workplace. Based on the entirety of what we reviewed in this process, and the consistent themes that emerged, we believe it is the latter, not the former. Indeed, while we would have reached the same conclusion independently, we note that the experiences described by interviewees are largely consistent with what has previously been reported to the OPS through recent audits, and the OPS Member Survey 2020. Moreover, what we have found here is akin to issues identified in other policing and military organizations with similar workplaces, as well as case law from the same sector.<sup>10</sup>

We have also been mindful of the many challenges that the OPS faces in tackling these issues. These include but are not limited to: a dominant culture that appears highly resistant to change, a rigid statutory framework under the *Police Services Act*<sup>11</sup> that makes it difficult to hold members accountable for violations of respect at work and human rights policies, what appears to be a high level of mistrust between leaders and those led, and limited resources and a budget that is not without a ceiling.

Our recommendations do not address every issue that interviewees identified. We have focused on actions we believe the OPS and its Board can take that will have the greatest impact and can augment and/or

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<sup>10</sup> See Appendix A for a list of reports and cases.

<sup>11</sup> *Police Services Act*, R.S.O. 1990, c. P.15

complement the work that the OPS is already doing. In particular, we note that the OPS is currently engaged in a review and redesign of its promotion and performance management systems. If this undertaking is successful, and provides processes that are inclusive, transparent, and fair, while holding individuals who do not live up to the expected behavioural standard accountable, we believe that many of the issues interviewees encountered could be reduced if not resolved.

We also note that in the course of our work on the Pilot, we have observed apparent strain between the OPS and the OPA. We believe that reducing this would make the implementation of these recommendations, and the development of additional measures to address the problems within the workplace, enormously helpful.

Moreover, while it is beyond our mandate to make recommendations to the OPA and the SOA, it is important to acknowledge their influential role in the functioning of the OPS workplace and, through their actions, their own contribution to the workplace culture. Many (although not all) of the issues described in this report have arisen between OPA members themselves, and to a lesser degree, between an OPA member and a SOA one. And, to the extent that there have been investigations and grievances into allegedly problematic conduct by their members, these associations are frequently involved. We also know that these associations play an important resource for many members who are trying to make sense of their workplace experiences, and assist them in determining the options they have to respond to troubling situations.

Therefore, we have deliberately included opportunities for the OPS and the OPA and the SOA to work together in relation to some of these recommendations. We hope that this report, and the discussions between

the parties that will follow, presents an occasion to collaborate, and potential areas of agreement as to how to address the issues canvassed in this report.

We encourage the OPS and the Board to think about the solutions that it implements, either in response to the recommendations or otherwise, in terms of these action items set out below.

**1. Increase accountability**

- **Recommendation 1: Appoint a senior person to lead the implementation of the recommendations**

*We recommend that the OPS appoint a senior person in the organization to lead the implementation of the recommendations in this report.*

In order to make real change, and to be seen to be making change, the OPS should designate someone senior in the organization to be responsible for the implementation of the recommendations in this report. Put simply, someone must be accountable for the project's success.

The designation must be more than symbolic, meaning that the person who is responsible to lead the project needs to be actively engaged and have the skills, time, and resources to dedicate to it.

- **Recommendation 2: Report on the state of affairs to OPS members**

*We recommend that the OPS and the Board make the report (and their response) available to the OPS membership by January 31, 2022. We also recommend that it hosts a “town hall” to discuss with its members the results of this assessment, the recommendations, and the OPS action plan.*



We believe that the OPS and the Board should make the report available to the OPS members by January 31, 2022. This would allow the OPS with sufficient time to review its budgetary needs with the Board, in response to this report.

The released report would include any written response the OPS and the Board might wish to include with it, which would be attached as an appendix. We recommend that this report be made available to members either through the OPS website, and/or through its learning platform. We understand from previous conversations with the OPS that it agrees with this in principle.

We agree with one member who told us, “There needs to be a frank conversation about the way some of our members are being treated and the realization that it cannot and will not be tolerated any longer.” To do so, there must be full disclosure of the challenges some OPS employees face when they come to work. We see hosting a townhall as one such opportunity. Both the OPA and the SOA should be given an opportunity to contribute to this event.

We recommend that this opportunity be as broad as possible, and be designed to include not only active members, but members who are currently on leave from the OPS. Given timing considerations for members, as well as restrictions due to the ongoing COVID-19 pandemic, the event should be in person, streamed, and recorded in a way that members can access it when they are able to.

We also recommend that by January 31, 2022, the OPS with the support of its Board, develop an action plan in response to this report, and that this be presented along with the results of the assessment. This response should

also be widely communicated and reside on the OPS website, and/or on its learning platform.

In developing this plan, we are of the strong view that the OPS executive should consult with the OPA and the SOA, the entirety of its Board, those members who have a leadership role in current initiatives in the OPS pertaining to equity and diversity, leadership of its employee resource groups, and leaders in human resources, labour relations, employee wellness, professional development, and training. We anticipate that not everyone will share the same view as to what should be included in the action plan, or indeed, what is contained in this report. Nevertheless, it is important that all stakeholders be involved in the process to create the plan.

It is critical for the OPS and the Board leadership to be transparent and accountable in the decisions it now makes, and the action plan we hope it will develop. Therefore, we recommend that the OPS and the Board further commit to report back to its membership in a similar fashion one year from the date it received this report. The purpose of this additional reporting would be to outline progress, or the lack of it, on what it has committed to do in the action plan.

- **Recommendation 3: Enhance oversight by the Ottawa Police Services Board**

*We recommend that the OPS Board engage in enhanced oversight of the OPS's actions with respect to the workplace, equity, diversity, inclusion, and overall employee wellbeing.<sup>12</sup>*

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<sup>12</sup> This recommendation mirrors that contained in the *Report of the Ontario Civilian Police Commission: The Windsor Police Service and the Windsor Police Services Board*: <https://tribunalsontario.ca/documents/ocpc/OCPC-Report-Windsor-Police-Service-and->



The Board’s responsibilities *vis-à-vis* the OPS are set out in section 31 of the *Police Services Act*. They include, in consultation with the Chief of Police, determining “the objectives and priorities with respect to police services in the municipality,” and establishing “policies for the effective management of the police force.” Additionally, the Board is charged with the recruitment and appointment of the Chief of Police as well as the Deputy Chief of Police, and it can “direct the Chief of Police and monitor his or her performance.”

The Board cannot direct the Chief of Police with respect to the operations of the OPS. However, we see an opportunity for the Board to use its oversight power to be more probative with respect to the OPS’s actions regarding workplace issues, and in particular, the success, or lack thereof, of its initiatives.

We are aware that the OPS provides the Board with various reports and updates, and answers questions that the Board puts to it. We are also aware that there are reports that are accepted by the Board without discussion. We would encourage Board members to be more probative. In other words, “...the Board must play a critical role in asking the hard questions required to ensure that the Service is not merely ‘checking off the right box’ or responding to issues in a less than effective way.”<sup>13</sup>

At a minimum, in light of the issues discussed in this report, we believe that Board members should carefully review any new human rights applications that are filed, when and if they are settled, the nature and number of internal workplace complaints, and the efficacy of any related programs. Most importantly, the Board needs to continuously satisfy itself that the

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Board\_EN.pdf. This report contains an excellent discussion about the role of a police services board.

<sup>13</sup> *Ibid* at page 56.

OPS is making progress in resolving the issues identified in this report, and as previously identified in the Gender and Diversity Audits.<sup>14</sup>

The Board should also continue to leverage its ability to recruit future Chiefs of Police and Deputy Chiefs of Police, to ensure that those who occupy these positions have sufficient skill and expertise in diversity, equity and inclusion, a proven ability to model respectful leadership, and a commitment to building healthy and respectful workplaces. We recommend that the Board develop a protocol for evaluating future candidates in this respect, so that it is in place for the OPS and the Board for posterity.

The Board also has the ability to assess the Chief of Police's successes and failures with respect to these attributes, and we believe this should be included as part of the Board's annual evaluation of the person in this position.<sup>15</sup>

Lastly, we appreciate that the Chief of Police, the Board, and the OPS as a whole have a number of competing priorities to address. However, we believe that the results of our assessment highlight a need for an increased emphasis on EDI, and building a respectful workplace. As such, we believe that when setting OPS priorities, the Board should exercise its authority to ensure that current and future Chiefs of Police appropriately prioritize these issues.

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<sup>14</sup> The Board will need to consider how it will do this in a meaningful way. One factor might be the number of complaints made, but we do anticipate that this may go up after this report is made available to the OPS membership. More complaints is not necessarily an indication that the organization is headed in the wrong direction. It can often indicate progress in creating a system that is increasingly trusted by employees.

<sup>15</sup> We understand that the Board is currently reviewing the template it uses to evaluate the Chief of Police. Now would be an opportunity to include this criteria for performance evaluation in the future.

The Board may need additional resources to do all of this. We note that members are not subject-matter experts, and they sit on the Board in addition to other full-time professional responsibilities. These resources might take the form of additional staff members to assist the Board, a full-time paid chair as in the case of other police services, or the availability of external subject-matter experts to review material provided to them by the OPS, to highlight areas in which they should focus their attention. Board members may also benefit from additional governance training, as well as subject-matter training regarding harassment, discrimination, and related issues.

- **Recommendation 4: Measure progress**

*We recommend that the OPS develop tools to measure its progress in remediating the issues set out in this report.*

It is important to determine whether certain initiatives are successful or not, and a commitment to measure progress is another way that the OPS will be accountable to its members, its Board, and the public. In our view, a simple “feeling” that progress is being made is insufficient.

The OPS appears to be aligned with this recommendation. In the 2020-2022 EDI Action Plan Update Report it submitted to the Board on February 27, 2021, it stated that:

The 2020-2022 EDI Action Plan is a three-year organizational plan focused on creating, meaningful and *measurable* progress and building a culture that embraces equity, diversity, and inclusion. [Emphasis added]

Nevertheless, we were advised that at present, there is no method to measure progress that is being used. There is no “baseline” established on data as a starting point, nor is there a framework for obtaining and

analyzing additional data at pre-established intervals. We query whether the OPS could consider using data on discrimination and harassment from its most recent engagement survey for the purpose of establishing a baseline. Perhaps there are other methods the OPS could consider that would be designed by an outside party.

Regardless of what method is chosen, the OPS and the Board should commit to make public these key indicators, and when they will be measured, along with their detailed explanation of what they mean and what the OPS's next steps are.

## **2. Strengthen Leadership**

- **Recommendation 5: Diversify those at the table**

*We recommend that the OPS diversify its leadership team. This includes the addition of more women and racialized members (and those who are both female and racialized) and also civilian members.*

We believe that the OPS would benefit by the inclusion of new and diverse people within its leadership ranks to inject fresh ideas and practices in the organization. Our hope is that these new people will challenge old and engrained ways of doing things that no longer serve the OPS well.

Diversity of identity, thought, and experience comes in many forms. Therefore, we recommend that the OPS take steps to include more women and more racialized members (and those who are both female and racialized) at the leadership level. This is particularly crucial, as we understand that there are female and racialized members who will soon retire.

We also recommend that it actively recruit people from outside of the OPS, who will bring experience and insights from other services, and other sectors.

Lastly, we recommend that the OPS critically assess which leadership positions within its organization need to be occupied by sworn officers. From our review, and without in any way commenting negatively on those people who currently occupy leadership roles in these areas, we query why sworn officers are in human resources, professional development, and operational roles, to name but a few. We believe the OPS would benefit by the inclusion of many more highly trained non-policing professionals in these types of areas.

- **Recommendation 6: Commit to lead by example – model desired behaviour**

*We recommend that the OPS leadership commit to consistently model respectful behaviour.*

It is imperative that OPS leaders actively and consistently model the behaviour they aspire for others in the organization to follow. This is true in the most public of settings, but also in situations in which leaders communicate with colleagues in private. We agree with one senior member who told us that OPS leaders must “lead from the front.”

If leaders within the OPS are viewed as acting contrary to the OPS’s stated values and standards, those stated values and standards will be undermined. Moreover, the message will be delivered that this is the “real” type of behaviour that is needed to get ahead in the organization.

Additionally, those OPS leaders who currently engage in hockey, golf, or social events with their colleagues that involve drinking, which we note is

not all leaders, should reflect on the advisability of doing so. When they do, they send the message that this is the way to get ahead in the organization. Leaders need to appreciate that these activities are not perceived to be neutral. Indeed, we repeatedly heard how divisive they were and reinforced the idea that the OPS is “an old boys club.”

### **3. Restore the Workplace**

- **Recommendation 7: Heal longstanding wounds**

*We recommend that the OPS develop and engage in a restorative process that would help heal the longstanding wounds of those members who have been adversely affected because of interactions or events in the workplace.*

We were struck by the ongoing and lingering effects of abusive behaviour some interviewees had experienced. The wounds sustained by them had not healed, despite, for some, the passage of time. In fact, in many cases, they deepened with each successive workplace event that these employees found troubling, or were triggered by other workplace events about which they became aware.

From what we reviewed, it appears that only a small fraction of these cases is known to the OPS leadership. To move forward and make amends, we believe that the OPS should make efforts to acknowledge these wounds, assist in their members’ healing, and apologize for them.

Moving beyond this assessment, we believe that there must be a deepened opportunity for people to be heard, and to be unburdened by what they have experienced at work. Therefore, we recommend that the Chief of Police and the Chair of the Board make themselves available to hear the stories of anyone who believes that they have been subject to harassment,

discrimination, or other behaviours that are in contravention of the related OPS policies.

This can be accomplished in a confidential and anonymous way. We offer three options: first, if a member was interviewed as part of this assessment, they could consent to us providing an anonymized summary of their interview to the Chief of Police and the Chair of the Board. Second, if they have not participated in this assessment thus far, they may contact us now to be interviewed, and we will also provide the Chief of Police and the Chair of the Board anonymized and summarized versions of their experiences. Last, we could facilitate a phone call between the member and the Chief or the Chair, in which the member would not be identified.

- **Recommendation 8: Review all outstanding legal disputes relating to the workplace, and make best efforts to resolve them**

*We recommend that the OPS review all legal disputes relating to the workplace, especially those that deal with human rights, discrimination, and harassment, and make best efforts to resolve them.*

Through the course of our work on the Pilot, we have become aware of existing legal disputes the OPS has with some of its members that relate to the workplace, some of them longstanding. We believe that the OPS should review all of these disputes and make best efforts to resolve them on an accelerated basis. In our view, these disputes go beyond a disagreement between the OPS and a single member. They set up adversarial relationships between the OPS and its employees and produce unnecessary conflict within the workplace. We believe that the OPS should do its utmost to clear this “dispute baggage” away. To the extent that the OPA and the SOA represent individuals involved in these disputes, this is another

opportunity to work jointly with the OPS to determine if resolution is possible.

#### **4. Set clear expectations for workplace behaviour**

- **Recommendation 9: Establish an OPS Code of Conduct and a call for professionalism**

*We recommend that the OPS establish an OPS Code of Conduct tailor-made for its own organization, that clearly sets out the overarching behavioural expectations of each member of the OPS.*

Development of an OPS Code of Conduct would be an aspirational and overarching articulation of what the best conduct of members at the OPS should be, by calling upon, as one interviewee stated, their “higher professional selves.”

We envision the OPS Code of Conduct as affirming the idea of professionalism<sup>16</sup> by setting out the behaviours members of the OPS are expected to engage in at the workplace. We believe that this must be developed organically and based on a continuation of internal discussions among members, which we see as useful in and of itself. But we could foresee elements such as these as examples of what might be included:

- Civility, respect, and professionalism
- Courtesy
- Honesty
- Integrity
- Fairness
- Kindness and empathy

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<sup>16</sup> The idea of professionalism, and the professionalization of police forces in Ontario, is explored in the Tulloch Report: *Report of the Independent Police Oversight Review* by the Honourable Michael H. Tulloch (Queen’s Printer for Ontario, 2017), online: [https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/police\\_oversight\\_review/](https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/police_oversight_review/)



- Protection of vulnerable members
- Commitment to a psychologically safe workplace
- Leading by example
- Embracing equity, diversity, and inclusion
- The responsibility to intervene

Once the OPS Code of Conduct is established, it should be widely communicated and integrated into all operational aspects of the OPS. The OPS could require members to review this Code every year and affirm their commitment by signing off on it.

We understand that the OPS is currently considering a draft Code of Professional Ethics, but it may want to revisit the contents once it has reviewed this report.

▪ **Recommendation 10: Update policies**

*We recommend that the OPS update the Respectful Workplace Policy, the Equitable Work Environment Policy, and the Violence & Harassment in the Workplace Policy.*

Policies, such as the ones that are relevant to this assessment, would be linked to the OPS Code of Conduct as a further expansion of the acceptable behavioural standard at the OPS. However, we believe that they need review and updating. We have not included an expansive analysis of how to do this, as we understand that the OPS has retained a consultant to assist them in doing this work. We will simply say that from our perspective, as people who have used these policies to conduct workplace investigations under the Pilot, the existing policies do not sufficiently explain or include certain concepts relevant to the OPS workplace.

For example, while the OPS commits to provide its employees a “respectful workplace,” the Respectful Workplace Policy does not define what “respectful behaviour” is. This is important since there may be cases in which a member’s behaviour does not rise to the level of “harassment” which is defined but is nevertheless disrespectful. A clearer articulation of the difference would be helpful.

Similarly, and under the same policy, while “abuse of authority” is defined with some examples, it could be made stronger by outlining what abuse of authority looks like at the OPS. Here, we would invite the OPS to include specific behaviours and situations that may not always be recognized as an abuse of authority, and that address the workplace realities which confront their members.

None of the three policies that formed the basis of our work (the Respectful Workplace Policy, the Equitable Work Environment Policy, and the Violence & Harassment Policy) contain an expansive definition of what reprisal looks like at the OPS, with examples. We think this would be most helpful.

As another example, while the Equitable Work Environment Policy references EDI, it does not explain what this concept is, or why it is important. The other two policies do not reference this concept at all. Similarly, while we see that “Discrimination” is defined, it does not include examples of what types of behaviour might be covered.

Lastly, none of these policies clearly state that an OPS member is obliged to participate in a (non-PSU) workplace investigation, nor is there any reference to employer-initiated investigations.

In general, the policies are duplicative in some cases, and are confusing to read. We believe that streamlining and clarifying these policies is in order.

- **Recommendation 11: Review current professional development offerings and engage in strategic curriculum development**

*To support setting and achieving clear expectations of behaviour at work, we recommend that the OPS review its current professional development offerings regarding respect at work, EDI, harassment, workplace violence and other related topics, and engage in strategic curriculum development.*

The OPS offers its members training on respect at work, as well as diversity and inclusion. However, there appears to be some resistance within the organization to taking these courses, particularly after a member is no longer new to the organization.

The OPS also provides its members with related training and professional development opportunities through its Professional Development Centre and its online platform which offers courses and “pushes” information to its members that the members select. We believe that the content, while a good start, should be reviewed, with the objective of strategically aligning it to ensure that members understand what behaviour is expected of them and why. For example, based on what we heard, there is a current need for further development of those in supervisory roles. Specifically, we heard many examples of supervisors displaying inappropriate behaviour, and/or not addressing the inappropriate behaviour of others. Given the role that supervisors play in setting the tone of the workplace, we believe it is particularly important that they receive robust, ongoing professional development.

Given the importance of this initiative, it should be sufficiently resourced, and we believe that the hiring of a civilian professional curriculum developer with experience in adult education would be in order.

**5. Encourage reporting and improve the investigation of complaints**

▪ **Recommendation 12: Create a new “Office of the Workplace Investigator”**

*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.*

In our view, the person who leads the Office should be a lawyer or an adjudicator with an employment law, labour law, and/or human rights background. In making this recommendation, we do not in any way wish to disparage the work of those who have done workplace investigations within the OPS in the past. Rather, we believe that because the work involves fact finding, process fairness, and legal and policy analysis, it is best led by a lawyer.

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.

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. 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. This might include a provision that they could only be terminated for cause, or on a three-quarter majority of the Board. This person, and his or her colleagues, should the Office be expanded, should have no social relationships with anyone within the OPS.<sup>17</sup>

There is a potential overlap between matters within the Office’s jurisdiction and that of the PSU, which considers issues of alleged misconduct by sworn members of the OPS under the *Police Services Act*. From our interviews, we also learned that the decision to send a matter to PSU to investigate, as opposed to a “respect at work investigation,” was not always understood and could be viewed as being arbitrary.

Therefore, we recommend that the Office 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 we hope will increase transparency and enhance the perception of fairness.

As discussed more fully below under recommendation 13, at present, any finding that the Office would make, for example, that a sworn member violated a human rights or respect at work policy, could not result in

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<sup>17</sup> For an excellent review of the independence of internal investigators, see *The Ombudsman Toronto Enquiry Report Review of the TTC’s Investigation of a February 18, 2018 Incident Involving Transit Fare Inspectors*, July 9, 2019: <https://www.ombudsmantoronto.ca/getattachment/288fb5f5-6fe3-464f-b20f-729875470f8f/July-9-2019-Ombudsman-Toronto-Enquiry-Report.pdf.aspx?lang=en-US&ext> at pages 24-25.

discipline. We recommend, therefore, that all findings of this type of policy breach be considered for PSU investigation. This is consistent with the spirit of the recent Ontario Human Rights Commission’s “Framework for Change to Address Systemic Racism in Policing,”<sup>18</sup> which recommended that police services should “[m]ake sure that court or tribunal findings of discrimination or other *Human Rights Code* violations by police officers are appropriately investigated and addressed as potential misconduct,” noting that:

The public’s confidence in police is gravely diminished when public findings of discriminatory or other Code violating conduct by a police officer do not result in any consequences for the officer. The law must make sure that such findings by courts, human rights tribunals and other adjudicative bodies result in appropriate discipline.

Given the risk of reprisal after making a complaint, we also recommend that the Office check in with complainants at regular intervals following the investigation to ensure that they have not experienced any negative repercussions. This should be tracked by the Office.

The Office should provide the Board with regular reports of the work that it does and be available to answer any questions the Board may have. This reporting should come directly from the Office, and not be filtered through the OPS itself.

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<sup>18</sup> <http://www.ohrc.on.ca/en/framework-change-address-systemic-racism-policing>

- **Recommendation 13: Heighten knowledge of human rights within the Professional Standards Unit and for hearing officers**

*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.*

The PSU investigates internally generated complaints initiated by the Chief of Police.<sup>19</sup> These complaints deal with allegations that a sworn member of the OPS has engaged in misconduct under the *Police Services Act*. The term “misconduct” covers a broad list of activities, including those listed in Ontario Regulation 268/10: General under the *Police Services Act*, in what is referred to as a Code of Conduct. If the investigator finds that there are “reasonable and probable” grounds to conclude that misconduct occurred, the Chief of Police, on advice, may refer the matter to a hearing officer, whom the Chief appoints. The hearing officer holds a hearing to determine whether misconduct occurred on a “clear and convincing” standard. It is then, and only then, that discipline can be imposed on a police officer as a result of their conduct. This discipline can be grieved.

The challenge for the OPS, as well as other police services in Ontario, is that unless a sworn member’s behaviour is reviewed through the PSU system, they cannot be disciplined. In other words, the investigations that are undertaken under various human rights and respect at work policies may reach a conclusion that there was a policy breach, but there can be no

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<sup>19</sup> The PSU also investigates certain complaints made by the public, but that is not our focus in this report.

discipline as a result. In our interviews, we repeatedly heard that this rendered the policies “toothless” and allowed people to act with impunity.

The PSU system was not constructed to deal with human rights or respect at work violations. It is more typically focused on issues such as whether an officer used excessive force during an interaction with a member of the public. As one interviewee told us, the current system is like “putting a square peg in a round hole.” We note that the PSU evidentiary standard is different than the “balance of probabilities,” which is the standard used in human rights and respect at work investigations in non-police workplaces. We also understand that intent must be proven to establish misconduct under the Act, which is not a component of typical workplace investigations outside of policing.

This issue was explored in the Tulloch Report, in which Justice Tulloch noted that:

There is wide agreement that the paramilitary disciplinary process that has developed for adjudicating internal complaints is out of step with labour relations, frustrating policing stakeholders. Public confidence in the disciplinary process has been undermined as a result.<sup>20</sup>

At some point, there may be a legislative change that will remedy the situation,<sup>21</sup> but until such time, the OPS will need to manage its investigations within the current framework. To do so, we believe that PSU investigators need to have a higher level of proficiency when dealing with human rights and respect at work matters that come their way. While we

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<sup>20</sup> *Supra*, note 14 at paragraph 62 (Recommendation 8.3).

<sup>21</sup> As of the date of this report, the *Comprehensive Ontario Police Services Act*, 2019, S.O. 2019, c. 1 - Bill 68 has not yet been proclaimed. Once in force, it will provide the Chief of Police more flexibility to investigate cases of misconduct or unsatisfactory work performance outside of the PSU system.



appreciate that many come to their roles with experience and skills that are helpful, we believe that all PSU investigators need to have a level of understanding of workplace investigation concepts such as systemic discrimination, harassment, sexual violence, credibility, bias, and micro-aggressions, to name a few. They will need to incorporate the human rights and respect at work lenses into the work that they do.<sup>22</sup>

We also believe than any person who acts as a hearing officer in a case in which the subject matters relate to harassment, sexual violence, discrimination, and related topics, should also have this training.

Last, it is important for PSU to recognize that if they conclude that a case does not rise to the level of misconduct, it may still be a case where there is a violation of the various human rights and respect at work policies. It may need to be referred back to the Office of the Workplace Investigator – should one be created – or whichever body is conducting workplace investigations, for further investigation and/or consideration.

- **Recommendation 14: Facilitate making group complaints**

*We recommend that the OPS facilitate making group complaints.*

Interviewees repeatedly told us about how difficult it is to make a complaint. They fear reprisal and other negative career repercussions, and judging by what interviewees told us, with very good reason.

This dynamic would change if OPS employees came forward in groups to make complaints. Many of the issues OPS employees face are similar. Some

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<sup>22</sup> As part of the Pilot, several PSU investigators took Workplace Investigation and Sexual Violence and Harassment training offered by our firm. The feedback we received was that the training was useful. We have considered the feedback in making this recommendation.

issues appear to be systemic. We expect that there would be “safety in numbers” and groups of employees would be less vulnerable than individual complainants. Moreover, in a workplace where many complaints go underground, group complaints would help “excavate” and address issues. It would also be a potent means to hold the OPS accountable to the commitments it makes to employees to provide a respectful workplace free from harassment and discrimination.

The concept of group complaints is known at law. In this regard, we note the Ontario Human Rights Tribunal’s ability to consider claims that are made jointly by individuals.

The OPS could facilitate the initiation and investigation of group complaints by doing the following: first, it should affirm that it will investigate these complaints and ensure that in so doing, there is sufficient resources and expertise to do so.<sup>23</sup> Second, the OPS should provide funding to its employee resource groups such that they can obtain external legal assistance to determine the appropriate course of action when group complaints and systemic issues arise. We understand that the employee resource groups do act in an advocacy role, so this would be consistent with what they are already doing. Third, as the OPS reviews its policies (see recommendation 10), it should include a provision that explicitly permits the making of group complaints.

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<sup>23</sup> We note that the RT Pilot will continue to run until the end of December of 2021, and we also note our willingness and ability to investigate these types of complaints.

## ***6. Provide support to employees***

- **Recommendation 15: Increase mental health support for OPS employees**

*We recommend that the OPS increase mental health support for its employees.*

The issue of the mental health of police employees has been the subject of numerous reports.<sup>24</sup>

We are aware that the OPS has committed additional resources to mental health in the last few years. For example, over the course of our interviews, we learned that the OPS provides a peer support program, training on mental health issues for field service officers who train new recruits, an “EFAP”<sup>25</sup> program, counselling benefits, and a supervisors’ tool kit, among other things.

Despite the OPS’s efforts, interviewees told us that they wanted more support and more communication from the OPS. To respond, we recommend that the OPS look for additional ways to increase mental health support for its employees. There are many useful and insightful

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<sup>24</sup> *Ontario Provincial Police Independent Review Panel: Final Report*, December 9, 2019, <http://www.mcscs.jus.gov.on.ca/english/Policing/OntarioProvincialPoliceIndependentReviewPanelFinalReport.html>,

*Staying Visible, Staying Connected For Life*, Report of the Expert Panel on Police Officer Deaths by Suicide, September 2019, <https://www.mcscs.jus.gov.on.ca/english/DeathInvestigations/OfficeChiefCoroner/Publicationsandreports/StayingVisible.html>,

“In the Line of Duty,” André Marin, Ombudsman of Ontario, October 2012, <https://www.ombudsman.on.ca/Media/ombudsman/ombudsman/resources/Reports-on-Investigations/OPP-final-EN-accessible.pdf>

<sup>25</sup> “EFAP” refers to Employee and Family Assistance Program.

recommendations in the reports mentioned above, and we would suggest the OPS review these to determine if there is something they could adopt.

Beyond these reports, we saw four opportunities for the OPS to provide additional support to its members who are experiencing mental health challenges. First, the OPS could hire a full-time psychologist to be on site to provide support to its members. We are aware that this has been done at the Toronto Police Service, so there is precedence for the inclusion of a psychologist in the workplace.

Second, the OPS could create an internal system to reach out to members who are on leave.<sup>26</sup> This system would prompt supervisors to reach out to their subordinates who are on leave at regular intervals. The purpose of these “reach-outs” would be to check in and to retain the connection between the individual and the OPS. Of course, anyone on leave could opt out. We understand that there is a prototype for this type of system that has been operating at the OPS since April of 2021. It prompts supervisors to reach out to employees who have been involved in a certain number of critical incidents. This is meant as a proactive tool to support employees’ mental health.

Third, the OPS should strive to include employees on leave in their all-service communications.

Fourth, we believe that dealing respectfully with mental health issues should be added to the list of supervisors’ management capabilities. This may be something the OPS wishes to consider as it conducts its review of

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<sup>26</sup> We were advised that there are approximately 200 people on leave at the moment.

the performance management process, which is discussed further under recommendation eighteen below.

- **Recommendation 16: Provide support for women returning from pregnancy and parental leave**

*We recommend that the OPS provide support for women returning from pregnancy and parental leave.*

As a further way to support the full integration of women into all areas of the OPS, we believe that they should receive specialized support when they return from pregnancy and parental leave. As interviewees told us, there is currently no formal coaching or mentorship program to assist those who return to work from these leaves (apart from technical assistance about new systems and processes). We recommend that the OPS create this program.

#### **7. Augment programs and resources**

- **Recommendation 17: Engage in additional cultural interventions to address systemic issues**

*We recommend that the OPS engage in additional cultural interventions to address systemic issues.*

As previously noted, this is the third report on issues relating to harassment, discrimination, and respectful conduct at the OPS in five years. There is considerable overlap in the issues identified in each report. We believe that some of the issues, such as the discrimination and harassment of women, racialized members, and those with mental health issues, are systemic.

As we have mentioned, the OPS has in place programs and initiatives focused on improving the culture of the workplace and ensuring that it is

free from harassment and discrimination. Nevertheless, given the persistence, complexity and systemic nature of the workplace issues the OPS continues to face, we believe that the existing programs and initiatives need to be augmented by other programs that will provide the OPS with additional capacity to move forward. We imagine this to take the form of specialized programs that will reach deep within the organization itself, to challenge the existing cultural norms. This type of program would go well beyond simply providing additional training and would assist the OPS with the systemic issues it faces.

In the course of our work on the Pilot, we have become aware of three such programs that the OPS can consider. The first is the Spark program, which is aimed at reducing instances of sexual violence and harassment in the workplace by creating and training internal “influencers” who will interact with their peers and assist in various workplace interventions. We are pleased to learn that the OPS will be initiating this program in the fall of 2021.

The second is the Shift Program to End Domestic Violence.<sup>27</sup> The purpose of the program is, “... to empower others to create the social conditions that will stop violence before it starts.” We understand that the founders of this program, Elizabeth Dozois and Lana Wells, are currently working with the Calgary Police Service.

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<sup>27</sup> Dozois, E., & Wells, L. (2020). Changing Contexts: A Framework for Engaging Male-Oriented Settings in Gender Equality and Violence Prevention – Practitioners’ Guide. Shift, The Project to End Domestic Violence. Faculty of Social Work, University of Calgary, online:  
[https://prism.ucalgary.ca/bitstream/handle/1880/111885/R41\\_Shift\\_2020\\_Practitioners\\_Framework\\_Engaging\\_Male-Oriented\\_Settings.pdf?sequence=3&isAllowed=y](https://prism.ucalgary.ca/bitstream/handle/1880/111885/R41_Shift_2020_Practitioners_Framework_Engaging_Male-Oriented_Settings.pdf?sequence=3&isAllowed=y)

Last, we are aware of a project between the Peel Regional Police and the Human Rights Commission<sup>28</sup> (the “Commission”), the purpose of which is to “develop remedies aimed at eliminating systemic racism, including anti-Black and anti-Indigenous racism, from policing.” This project primarily focuses on the Peel Regional Police’s relationships with the public. However, the OPS might consider a similar agreement with the Commission with specific focus on its workplace.

- **Recommendation 18: Allocate additional support for the review and redesign of the promotion and performance management processes**

*We recommend that additional support be allocated to the review and redesign of the promotion and performance management processes.*

As previously mentioned, we understand that the OPS is currently engaged in a review and redesign of its promotional and performance management processes. This is a large and important undertaking given the challenges the OPS faces. To be successful, it is important that this project be sufficiently resourced. Given the complexity of the task at hand, it appears to us that the existing resources allocated to this review are spread too thin. Therefore, we recommend that the OPS allocate additional resources to this project.

Based on what interviewees told us, we would highlight the need for these factors to be present in a redesigned promotional process:

- Transparency, fairness, and objective criteria for promotion and transfer

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<sup>28</sup> <http://www.ohrc.on.ca/en/memorandum-understanding-between-ontario-human-rights-commission-and-peel-regional-police-and>

- Transparency, fairness, and objective criteria for the allocation of professional development opportunities
- Suitability of candidates for the specific available position
- Suitability of candidates for any type of supervisory position, including the role of training officer
- Increasing the presence of civilian talent for jobs police do not need to perform
- Providing meaningful feedback to unsuccessful candidates
- Professional development opportunities for those who wish to be promoted, and those who are newly promoted, particularly focussed on leadership
- Ensuring those who are promoted have facility with principles of EDI and mental health issues in policing
- Diversity at the upper level of the organization (see recommendation 5 above)

As the OPS continues to review its promotion process, it should include an action item that was not fulfilled following the Gender Audit of 2016: women continue to be absent or dramatically underrepresented in many areas of its operation. We note that women represent 37.67% of the employee population at the OPS, and 23.20% of the sworn membership,<sup>29</sup> yet, they still remain vastly underrepresented in specialized policing units. The tactical unit has had one woman member 25 years ago. The K9 unit has never had a woman, and the marine/dive/trails unit currently has one woman. The covert unit of guns and gangs has only two women out of 20 members.

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<sup>29</sup> This is the most recent data given to us. It is according to the Ottawa Police Service 2019 Member Census. We note this information is dated, and the representation may be somewhat higher given the OPS's recruitment efforts.



We have been told that for more women to work in these units, the standards for entry must be re-assessed to ensure that they do not create unnecessary and discriminatory barriers for women's entry. This is long overdue. We recommend this occurs as soon as possible.

With respect to its performance management process, we would encourage the OPS to keep the following in mind, again with a view to what interviewees told us:

- Accountability for those who do not meet the behavioural standard, and those who manage those people and condone their misbehaviour
- Accountability for those who do not intervene when they witness disrespectful or discriminatory behaviour, or acts of harassment or violence
- Imposing discipline that is proportionate to the infraction
- Consistency in how performance is managed
- Fair and objective application of performance management standards
- Accountability for those who intentionally conceal or provide inaccurate information regarding reported workplace misconduct (including during a workplace investigation), or reprise against those who have brought forward complaints
- Inculcating in supervisors their higher obligation to model appropriate behaviour and behave professionally

## ***5. Conclusion***

We believe that it is important for the OPS to honestly and transparently reckon with the workplace issues it continues to face. Now is the time for



the OPS to renew, refocus, and accelerate its efforts to ameliorate the workplace and to have the active support of its Board, and ideally, its associations, to do so. We hope that these recommendations spark new ideas about how to do this, and we encourage the OPS and its Board, in consultation with its members and associations, to continue the discussion about how to approach change.

Date: November 11, 2021

A handwritten signature in black ink, appearing to read 'Janice Rubin', written over a light blue horizontal line.

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Per: Janice Rubin  
**RUBIN THOMLINSON LLP**

A handwritten signature in black ink, appearing to read 'M. Jahanzadeh', written over a light blue horizontal line.

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Per: Melody Jahanzadeh  
**RUBIN THOMLINSON LLP**

## Appendix A

### List of Reports and Cases

- *Broken Dreams Broken Lives, The Devastating Effects on Sexual Harassment On Women in the RCMP*, Final Report on the Implementation of the Merlo Davidson Settlement Agreement, by the Honourable Michel Bastarache (November 11, 2020), online: <https://www.rcmp-grc.gc.ca/wam/media/4773/original/8032a32ad5dd014db5b135ce3753934d.pdf>
- Canada, Parliament, House of Commons, Standing Committee on the Status of Women, *Eliminating Sexual Misconduct Within the Canadian Armed Forces, Report on the Standing Committee on the Status of Women*, 43<sup>rd</sup> Parl, 2<sup>nd</sup> Sess (June 2021) (Chair Marilyn Gladu), online: [https://publications.gc.ca/collections/collection\\_2021/parl/xc71-1/XC71-1-1-432-10-eng.pdf](https://publications.gc.ca/collections/collection_2021/parl/xc71-1/XC71-1-1-432-10-eng.pdf)
- *External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces* by the Honourable Marie Deschamps (March 27, 2015), online: <https://www.canada.ca/en/departement-national-defence/corporate/reports-publications/sexual-misbehaviour/external-review-2015.html>
- *Ontario Provincial Police Independent Review Panel: Final Report*, (December 9, 2019), online: [http://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/OPP\\_IRP\\_FinalReport\\_Accessible\\_EN.pdf](http://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/OPP_IRP_FinalReport_Accessible_EN.pdf)
- *Report of the Independent Police Oversight Review* by the Honourable Michael H. Tulloch (Queen's Printer for Ontario, 2017), online: [https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/police\\_oversight\\_review/](https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/police_oversight_review/)
- *Staying Visible Staying Connected For Life*, Report of the Expert Panel on Police Officer deaths by Suicide (September 2019), online: <https://www.mcscs.jus.gov.on.ca/english/DeathInvestigations/OfficeChiefCoroner/Publicationsandreports/StayingVisible.html>

- *McWilliam v. Toronto Police Services Board*, 2020 HRTO 574 (CanLII), <https://canlii.ca/t/j8hsx>
- *Oakville (Corporation Of The Town) v. Oakville Professional Firefighters' Association, Local 1582*, 2020 CanLII 70468 (ON LA), <https://canlii.ca/t/j9t8p>